

# ARCHULETA COUNTY COLORADO



## Personnel Policy and Procedures Handbook

Revised May 2022

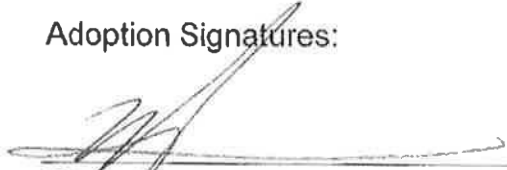
**This employee Handbook is not a contract of employment or an offer for a contract of employment. Nothing in this handbook modifies your at will status. It is not a promise of employment for any length of time or under any particular conditions. The Handbook may be modified or withdrawn at any time, with or without prior notice. No employee or agent of the County other than the County Administrator and/or Board of County Commissioner's has the authority to promise employment for any length of time or under any particular conditions, and any such offer or promise must be in writing and signed by the County Administrator pursuant to Board of County Commissioner's authorization.**

# ARCHULETA COUNTY

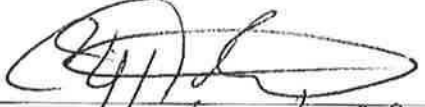
## PERSONNEL POLICY and PROCEDURES HANDBOOK ADOPTION

Adoption Date: 3-1-2016 Resolution Number 2016-22

Adoption Signatures:



Chair, Board of County Commissioners



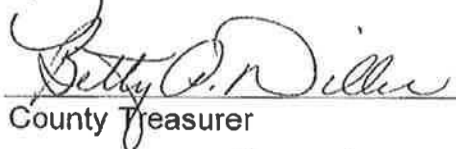
Commissioner



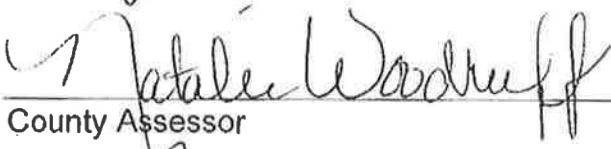
Commissioner



County Clerk and Recorder



County Treasurer



County Assessor



County Sheriff



Chair, Archuleta County Combined Dispatch

Archuleta County, Colorado  
Personnel Policies and Procedures Handbook  
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## **Definitions**

Administrative Leave.: An employee who has been relieved of all work duties for non disciplinary administrative action.

Applicant: Some who as has submitted an employment application for a posted position.

Compensation Plan. A compilation of job titles grouped according to similar value and with each job title assigned to a salary grade. In each salary grade there is a range from a minimum to a maximum rate.

Complaint. A non-appealable complaint to management involving work conditions, work relationships, or the interpretation of rules or policies concerning personnel policies and employment.

Candidate: An Applicant who has been selected to interview for a posted position.

Demotion. When a regular, full-time employee is moved from a position in one salary grade to a position in a lower salary grade.

Department Head. A supervisor in charge of a department.

Disciplinary Action. Action that may include a verbal warning, written warning, suspension, demotion or dismissal. This term does not include a transfer, change in assignment, change in working hours, layoff, or changes in other terms and conditions of employment.

Elected Official (as defined): Sheriff, County Clerk, County Assessor, County Treasurer.

Layoff. Separation due to a budget cut, curtailment of work, change in operations or organizational structure, or reclassification of a position.

Promoted Employee. An employee who accepts a promotion to a new position in a higher salary grade.

Reclassification. The assignment of a position to a different class involving a change in duties and responsibilities and a change in salary grade designation.

Suspension. A temporary separation from County service for disciplinary purposes, without pay.

Transfer. The movement of an employee from one position to another position of the same grade classification, in most cases across departmental lines.

Vacancy. A duly created position which is not occupied and for which funds have been budgeted.

## Welcome

Welcome to employment with Archuleta County. As employees of the County, our primary purpose is to provide services to the citizens of Archuleta County. To this end, the County recognizes the need for qualified and motivated employees who will serve the public and work for Archuleta County with maximum dedication, productivity, and harmony.

The Archuleta County Personnel Policy Handbook represents the County's policies and procedures that support and reinforce providing quality and timely services for the citizens of the County and human resources management for all County operations.

The policies and procedures apply to all employees, except as otherwise provided herein or by statute. If a conflict exists between the terms of the Personnel Policy and any State or Federal statute, the rule of law shall prevail.

The purpose of the Personnel Policy Handbook is to provide a framework for legal, efficient and cost-effective human resources management for all County operations. The Board of County Commissioners may, at any time, amend this Handbook, and will notify employees of changes as they occur.

**ARCHULETA COUNTY IS AN "AT-WILL" EMPLOYER. THEREFORE, THE CONTENTS OF THIS HANDBOOK AND STATEMENTS MADE BY COUNTY OFFICIALS AND OTHER EMPLOYEES SHALL NOT CREATE A PROPERTY RIGHT OR EMPLOYMENT CONTRACT BETWEEN THE COUNTY AND EMPLOYEES. NEITHER THIS HANDBOOK NOR ANY OTHER COUNTY DOCUMENT, CONFERS ANY CONTRACTUAL RIGHT, EITHER EXPRESSED OR IMPLIED, TO REMAIN IN THE COUNTY'S EMPLOY. NOR DOES IT GUARANTEE ANY FIXED TERMS AND CONDITIONS OF EMPLOYMENT.**

Employment with the County is not for any specific time and may be terminated at will, with or without cause and without prior notice by the County, and employees with the County may resign for any reason at any time. No representative of the County, except for the Elected Official's, has the authority to bind the County to any provision contrary to the terms of "at will employment" as described throughout this Handbook.

An employee's role in the overall goals and objectives of the County's organization will be explained in greater detail by immediate supervisors. Employees will also be given more detailed information that will enumerate the specific duties and responsibilities. Detailed information of various benefits can be given to you by the Human Resources Department including enrollment and/or claim forms for insurance benefits. From time to time the existing benefits may be changed and/or modified. Employees will receive notification when changes occur.

We want to make your employment experience with Archuleta County as rewarding as possible. It is your individual contributions and success along with the total team effort that make our County a pleasant place to establish a home and prosper. Together, our commitment to excellence will help ensure our involvement in the future of the County.

The Personnel Policies of Archuleta County are designed as a guide in the management and administration of compensation, benefits, and other employment practices and employee-related matters.

Good judgment, knowledge of and adherence to the policies and practices, and cooperation are an employee's professional responsibility.

Questions regarding interpretation or implementation of a policy or procedure should be directed to your Department Head, Elected Official, or the Human Resources Department.

**EMPLOYMENT WITH THE COUNTY OFFERS MANY OPPORTUNITIES AND BENEFITS. HOWEVER, THE COUNTY AND ITS MANAGEMENT MAKE NO COMMITMENT FOR EMPLOYMENT OF ANY SPECIFIC DURATION. YOUR EMPLOYMENT WITH THE COUNTY IS "AT-WILL." AS AN EMPLOYEE OF THE COUNTY YOU HAVE NO CONTRACTUAL, PROPERTY, OR OTHER LEGAL RIGHTS IN ANY TERM, CONDITION, OR ASPECT OF THE EMPLOYMENT RELATIONSHIP, INCLUDING BUT NOT LIMITED TO, TERMINATION. EMPLOYEES ARE FREE TO VOLUNTARILY TERMINATE EMPLOYMENT AT ANY TIME, AND THE COUNTY RETAINS THE RIGHT TO TERMINATE EMPLOYMENT OF ANY EMPLOYEE AT ANY TIME. THE TERMINATION PROCEDURES ARE OUTLINED LATER IN THIS DOCUMENT.**

The County retains the right to, and may change the policies and procedures set forth in this document from time to time and at any time, for any reason, or no reason. Further, it retains the right to make changes on a case-by-case basis in keeping with the circumstances and sound business practices. Proposed changes shall be reviewed in the manner outlined in the Policy Development, Announcement, and Authorization section of this Handbook. All changes adopted by the Board of County Commissioners shall become effective on the date of adoption or such date as the Board designates.

The policies and procedures set forth herein become effective upon initial publication of this duly signed document. Subsequent changes will supersede that which appears in this document and will become effective upon the date of authorization by the Elected Official and Board of County Commissioners.



**Organization and Administration:** The Board of County Commissioners, after receiving the counsel and recommendation of affected Elected Official, Department Heads, and the County Administrator and County Attorney may modify, revoke, suspend, terminate, and/or change all plans, policies, or procedures, in whole or in part, at any time, with or without prior notice to County employees.

The policies contained in this handbook apply to all County departments, offices, and employees, unless otherwise indicated. Any Department Head, Elected Official, or board may establish additional human resources guidelines, and the employees of such departments are expected to comply with departmental policies. In general, where a County department or office, except as otherwise provided by state or federal law, has adopted or adopts a personnel policy guideline, the policies contained in this handbook will govern in all cases where there is a discrepancy between the provisions of this handbook and the provisions of the departmental policy. If there is a contradiction between departmental policy and this County Personnel policy, employees are expected to bring such discrepancy to the attention of the Department Head or Elected Official and seek clarification as to which policy governs, prior to relying on either policy as the governing policy.

All policies in this handbook will be administered in accordance with Federal and State laws, and any changes in those laws will determine appropriate changes to the policies and procedures contained herein.

**Administration of Human Resources:** Human Resources Department in consultation with the County Administrator, supervises personnel services including, but not limited to:

- Recruitment,
- Development and maintenance of a job classification system,
- Salary administration,
- Benefit administration,
- Human Resources management training and related activities, and - Resolution of disputed employee matters.

In addition to the above, the Archuleta County Human Resources Department provides the following administrative services:

- Workers' compensation insurance, and - Unemployment Insurance.

The payroll function is managed by the Finance Department under the direction of the Finance Director.

**Covered Employees:** Archuleta County Personnel Policies apply to all employees, including appointed Department Heads, employees of County Assessor, County Clerk & Recorder, County Coroner, the County Sheriff, County Treasurer, County Surveyor, Archuleta County Combined Dispatch, and County Administrator, and other participating agencies, except as otherwise provided by law.

Elected Official and the Board have documented their agreement via affixing their signatures on the designated page in the front of this Handbook. Should the Sheriff's Office adopt any policy or policies in conflict with the Personnel Policy handbook that policy or policies shall govern the Sheriff's Office's personnel only.

**Participating Agencies:** Certain other County-wide agencies may voluntarily participate in the Archuleta County Personnel Policies in whole or in part. Such participation must be approved by the Board of County Commissioners, the County Administrator and the governing board of the respective agency. Participation will subject the agency's employees to County Personnel Policy as may be recommended by the Human Resources Department under the direction of the County Administrator and adopted and amended from time to time by the Board of County Commissioners.

**Policy Development and Review:** Development of changes to existing policies and development of new policies shall be the responsibility of the Department Heads and Elected Official or their designee, with the assistance and guidance of the Human Resources Department and the County Attorney. Under the leadership of the Human Resources Department, a review of the policies shall be conducted annually via a committee of Elected Official. The committee will develop recommendations and present their recommendations to the Board of County Commissioners. The Human Resources Department shall present the revisions to the Board of County Commissioners for final approval. Upon final approval by the Board of County Commissioners, announcement of a policy change or addition will be made in accordance with the Policy Announcement process.

**Policy Authorization:** No policy after initial publication of this duly signed document will be official unless it displays dated authorization in the form of signatures by the Elected Official and Board of County Commissioners.

**Policy Announcement Process:** Employees shall be given copies of changed sections or the entire handbook as appropriate.

## Section 100 Employment With The County

**101 - Equal Employment Opportunity:** Archuleta County fully supports the Equal Employment Opportunity regulations and intent. The County provides equal employment opportunity to all employees, applicants, and candidates for employment without regard to race, creed, color, sex, age, disability, religion, Vietnam era or veteran status, or national origin. Equal Employment Opportunity includes, but is not limited to, hiring, training, promotion, transfer, demotion, and termination.

It is the County's intent that all employees enjoy a safe work environment free from all forms of discrimination including harassment. Discrimination or harassment based on race, creed, color, sex, age, disability, religion, Vietnam era or veteran status, or national origin is considered a violation of these policies and practices.

The County believes that it is all employees' singular and collective responsibility to deal fairly and honestly with their peers, subordinates, and superiors, as well as applicants, to ensure a work environment free of discrimination of any kind.

Any employee, applicant, or candidate who feels that he/she has been discriminated against based on race, creed, color, sex, age, disability, religion, Vietnam era or veteran status, or national origin, shall report such action to the County without fear of reprisal. Employees should contact the: 1) immediate supervisor or 2) Department Head or Elected Official or 3) Human Resources Department in the respective order shown, unless the situation warrants skipping a level of supervision [i.e., where the perpetrator of alleged discriminatory action(s) is the supervisor or the person is on extended leave]. Applicants or candidates should contact the Human Resources Department.

The County will, upon receipt of information that may not reflect support of its Equal Employment Opportunity practices, investigate the circumstances and, if needed, take appropriate actions to eliminate the persistence of such circumstances. The employee, applicant, or candidate may be asked to provide additional information for the investigation. The County will take all steps necessary to maintain confidentiality of the situations and parties involved, but it makes no guarantee of absolute anonymity. Employees and external parties may be provided with information on a "need to know" basis as a part of the investigative process. Proof of either discrimination or a knowing false accusation may result in disciplinary action up to and including termination of employment for employees and/or legal action for employees, applicants, and/or candidates.

**102 - Outside Employment:** The County requires full-time employee compliance with the guidelines and procedures outlined below prior to accepting additional employment with another employer.

The County cautions an employee who is considering outside employment to carefully weigh the demands that additional employment responsibilities will create.

- An employee is free to pursue outside employment provided the activities and conduct away from his/her job with the County do not compete with, conflict with, or compromise the County's interests, or adversely affect job performance or one's ability to fulfill his/her responsibilities to the County including responding when in on-call status. Any outside employment is clearly subordinate to the position held and employment with the County and requires approval from the Department Head or Elected Official.
- For employees who also have outside paid or unpaid emergency medical response or firefighting commitments that benefit the County or surrounding communities may be occasionally excluded from this requirement with previous written approval of the Department Head or Elected Official. Those employees should request exclusion in writing with a statement of the reason, and attach proof of licensure, certifications, and/or EMS or Fire Fighter designation. Upon receipt of the request, the Department Head or Elected Official will make a determination based on the requirements of the department and respond with written approval or denial. A copy of the request and response shall be maintained by the employee and the Department Head or Elected Official.
- Should the Department Head or Elected Official of an employee holding outside employment, for any of the reasons cited in the first paragraph, determine that the employee should not continue outside employment, the Department Head or Elected Official may require that either employment be discontinued.
- Should an outside engagement involve being paid by honorarium, the County will handle the situation on a case-by-case basis, taking into account that this type of engagement frequently involves time outside of the standard work schedule.
- Outside employment will not be considered grounds for an employee to justify unsatisfactory performance, absenteeism, tardiness, early departure from his/her County job, refusal to travel, refusal to work overtime, or a different work schedule.

**103 - Work Breaks:** All employees will be allowed work breaks during each standard work schedule with the understanding that each department head or Elected Official is free to schedule those breaks as it best fits their individual operation.

Lunch break: Is non-compensated time away from work, it must be a minimum of thirty (30) minutes; the employee must be relieved of all work responsibilities.

Short rest break: Is compensated time away from work, it must be between five (5) and twenty (20) minutes; the employee must be relieved of all work responsibilities.

**104 - Breastfeeding Policy:** Employees who are nursing are provided with reasonable unpaid break time to express breast milk after the birth of a child for up to one year, as long as providing such break time does not unduly disrupt operations. Archuleta County will make reasonable efforts to provide a private location. Employees will not be retaliated against for exercising their rights under this policy.

**105 - Employee Recruitment and Selection:** The County is an equal opportunity employer. In support of its practices, the County utilizes recruitment and selection practices that are designed to employ the most qualified person for the specific position without regard to race, creed, color, gender, disability, veteran's status, or religion and in a timely and cost effective method. While the following procedures are provided as recommendations, it should be recognized that each recruitment may be conducted in a manner and time frame appropriate to the specific position and needs of the County at that given point in time and may not necessarily be conducted in a manner similar to any past or future recruitment processes.

Announcements of vacant position job openings will be posted on the bulletin board outside of the Commissioners' Meeting Room on the County website, and distributed to the Department Heads and Elected Official. Any employee wishing to be considered an applicant shall apply via the process outlined in the Employee Recruitment and Selection section of this handbook.

**Vacancies:** The Department Head or Elected Official is responsible for completing and submitting a Request For Vacancy Recruitment to the Human Resources Department and for co-designing a workable and legal recruitment and selection process and action plan. A position vacancy may be filled through internal promotion or transfer of current department employees without the creation of a job opening.

**Announcements:** A job opening shall be advertised under the direction of the Human Resources Department and in such a manner as to notify all County employees and the general public who may be interested and qualified.

**Application Forms:** The County uses application forms that meet the standards set forth by Federal and State laws. All persons interested in being considered for a position must submit a completed County application form. A resume may be submitted with, but not in lieu of, the application form. False or misleading statements during the interview and on this form are grounds for terminating the application process, or, if discovered after employment, terminating employment.

Applications will be screened by the Department Head or Elected Official to whom the position would report and screened on the basis of merit. Once applications have been reviewed, applicants identified to proceed to the selection and interview process become candidates for the position. All other applicants remain in applicant status.

**Screening and Testing** –the selection process may include:

- Job related, standardized tests or screening tools, which are given to each candidate. Examples include: job related written tests or performance qualifying tests to determine job qualification. Only valid job-related tests will be administered.
- The signing of a waiver of liability releasing the County from responsibility for injury or damage that could occur as a result of any required physical ability tests.

**Interviews:** Candidates for all positions must be interviewed prior to recommendation for hiring. This process may include the following components:

- The interviews may be conducted by one person or a panel of individuals, as Department Heads or Elected Official deem appropriate.
- All interviewees will be asked the same general questions, with allowances for follow-up questions to answers.

**Background Checks:** All candidates considered for employment are subject to a background investigation that include but not limited to - criminal history, driver's license status, and other security types of investigation.

**References:** Applicants are asked to provide references as part of the pre-employment process. Former employers, supervisors, and personal references may be contacted and qualifying credentials may be authenticated.

**Appointments:** Once the selection processes are completed, the Department Head or Elected Official shall provide the Human Resources Department with all the necessary information and documentation for retention as required by law. The Human Resources Department shall make the Conditional Job Offer in accordance with applicable laws, rules, regulations and county policies.

**Required Professional Licenses:** Archuleta County may pay for the cost of maintaining professional licenses required for certain positions by the job description. Actual approval to pay for the cost of the licensing must be approved by the respective Elected Official or Department Head. If you fail to retain your professional license you may be subject to termination.

**Relocation Expenses:** Archuleta County may provide relocation assistance to employees when a newly hired Department Head or other essential personnel as determined by the County Administrator must relocate his/her residence.

The following expenses are eligible for reimbursement:

The cost of moving household items, including the cost of packing and transporting standard furniture and personal effects of the employee and members of the employee's immediate family.

The cost of transporting one vehicle. More than one vehicle, and boats, trailers, snowmobiles, motorcycles, and all-terrain vehicles will not be covered.

Travel costs for the employee and members of his/her household from the current location to the new location via the most direct and cost effective route.

Moving and travel costs for relocation shall not exceed 5% of the employee's annual salary.

Documentation of eligible relocation expenses must be submitted to the Finance Director within thirty (30) days of the relocation.

The employee will be responsible for reimbursing the costs of the relocation to the County if he/she voluntarily terminates employment prior to his/her first anniversary date.

**Fitness to Work Examinations:** Upon receipt of a conditional offer of employment, some full time and part-time positions may require that the candidate be examined by the County's chosen provider for pre-employment physical, drug test (a positive drug test is a justified reason for rejecting the candidate), medical/fitness examination, psychological evaluation and/or physical agility test. These examinations are job related in accordance with the work requirements outlined in job description and conducted in the interest of the candidate's health and safety in order to ensure that candidate is compatible with the duties and responsibilities of the position being sought or to ensure that the County can make reasonable accommodations. Those positions include, but are not limited to positions in: the Sheriff's Office, Combined Dispatch the Public Works Department, Transportation Department, Fleet Department, and the County Airport Department.

All pre-employment test results related to drug or alcohol screening will remain confidential, available only to the hiring supervisor or Elected Official, Human Resources Department, the County Administrator, and affected potential employee.

With prior authorization of examination charges, the County will pay the costs for required examinations for all full-time and part-time positions.



**Applicant Falsification of Information:** Applicants will be immediately disqualified from the recruitment process at any time should it become apparent that application information, whether on the application form, resume or other written documents, or verbally, is inaccurate, misleading, false, or untrue.

Should a candidate accept an offer of employment and the County subsequently discovers that employment was gained using false information the County retains the right to proceed with disciplinary action up to and including immediate termination of employment.

**I-9 Requirements:** The Immigration Reform and Control Act of 1986 (IRCA) legally mandates that U.S. employers verify the employment eligibility status of newly-hired employees. IRCA made it unlawful for employers to knowingly hire or continue to employ unauthorized workers. In response to the law, the Immigration and Naturalization Service (INS), now an integrated component of the Department of Homeland Security (DHS), created Form I-9 and mandated its accurate and timely completion by all U.S. employers and their employees. Employees shall provide proof of US citizenship and identification.

**Orientation:** In order to ensure new employees are placed on payroll, make their benefits choices, understand their rights and responsibilities as employees, and sign the legally required documents, all new employees must meet with the Human Resources Department for a new hire orientation prior to starting their jobs. This session usually takes one to two hours of time, and the employee will be paid his/her regular rate of pay during this time. Department Heads and Elected Officials are responsible for job orientation and department specific procedures.

**Hire Date:** The first day you report to work is your “official” hire date. Your hire date is used to compute various conditions and benefits described in this Handbook.

**Personnel Records:** – The official central depository of personnel records on all employees shall be maintained by the County Human Resources Department during an employee’s employment with the County. Internal access to personnel records will be restricted to persons with a “need to know” basis; employees who wish to see their own file, Human Resources Department personnel, County Attorney, County Administrator, appropriate Elected Official and Finance Department personnel in the performance of their payroll and benefits management duties. External access to portions of personnel files will be restricted to those portions and procedures identified in the State of Colorado Open Records Act as public documents.

The County regards and treats an employee's personnel records as highly confidential. However, as a public entity, the County must comply with a valid court order, subpoena and the Open Records Act relative to selected information.

In response to requests to release information not requested through the Open Records Act, the County will not release any information from an employee’s personnel records without a signed written request from the employee/former employee requesting a copy of the complete record, including the address where the records are to be mailed. The time period to retrieve and copy the file will in most cases be three to five working days.

The central file of records on all employees is maintained by the County Human Resources Department. Retention of all files maintained by the County due to the employee – employer relationship shall be kept in accordance with Archuleta County’s Records Retention Policy and Schedules.

An employee may, upon request, review his/her own personnel file during normal business hours at the County's Human Resources Department's office. An employee who is terminating his/her employment with the County may request a complete copy of his/her file upon termination. In either situation, information in the file may be photocopied; but original documents may not be removed.

Employee file duplication, in part or in whole, shall be done by no other persons than the Human Resources Department designee, supervising Department Head, or Elected Official.

Annually employees are encouraged to update the Human Resources Department of any of the following changes:

- Address and/or telephone number and any changes
- Emergency notification(s)
- The number of dependents to be claimed for State and Federal income tax purposes
- Benefit program beneficiary elections
- Benefit program dependent coverage status - Beneficiary changes
- Driver's license number or expiration date

**Employment Verifications/References:** Calls and/or forms requesting information or references on active or previous employees will be processed through the Human Resources Department in their absence the County Administrator or Elected Official . Only the following information may be give out.

- Phone verification will give dates of employment, wage rate and job title.
- Written verifications will be completed only if the employee has signed the form requesting release of information.

A Department Head or Supervisor may provide a personal letter of reference for a current or former County employee. The Supervisor may not write a reference letter in his/her capacity as a Supervisor for the County which suggests that opinions in the letter are those of the County. Requests for letters of reference involving a current employee or former employee's employment with the County shall be directed to the Human Resources Administrator.

**Driver's License and Driving Record;** Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to our insurer. Motor Vehicle Records are checked during pre-employment and then usually on an annual basis. Any changes in your driving record must be reported to the Human Resources Department immediately. Failure to do so may result in disciplinary action, up to and including possible dismissal. Personal Property. The County cannot assume liability for an employee's personal property. Employees are encouraged to carry sufficient auto and/or homeowner's insurance and to leave valuable sentimental jewelry and other personal items at home.

**Nepotism:** In the interests of maintaining impartial employment practices, Archuleta County has established a policy regarding the employment of relatives in regular full-time, regular part-time, temporary, seasonal and contract employment positions. A relative is defined as any two people related by blood, adoption, or marriage or civil union as spouse, parent, child, grandparent, grandchild, brother or sister, in-laws, step-relations, common-law partners, or significant others.

Relatives may be employed by Archuleta County accept under the following conditions:

One directly or indirectly would exercise supervisory, appointment, or dismissal authority or disciplinary action over the other. This includes actions such as hiring, promoting, determining pay rates or in any other way influence the employment status of a related person. Relatives may not work for the same immediate supervisor nor may they supervise each other; or

One would audit, verify, receive, or be entrusted with monies received or handled by the other; or

Relatives of full-time employees who are applicants for a vacant position must meet the same requirements as others applying for the position.

Any situation which may fall under this policy shall be treated within the guidelines of the Equal Employment Opportunity commitment that the County has made to employees, applicants, candidates, and the community.

The County recognizes that current employees may hold County positions in violation of these rules. As such, these rules shall apply only to those positions filled after the effective date of the Handbook. Such positions include regular full & part-time employee, promotions, lateral transfers, and all other methods used to fill vacancies.

## Section 200 Employee Compensation

The County recognizes the provisions of the Fair Labor Standards Act (FLSA) and subscribes to the guidelines therein to determine whether a position is eligible for compensatory time or payment of overtime.

**201 - Exempt Employment:** Employees who are exempt from the overtime provisions of the Fair Labor Standards Act are generally management, supervisory, outside sales, professional, senior-level administrative, and highly compensated personnel who work at least 40 hours per workweek as defined in their respective job descriptions. Exempt employees receive an annual salary distributed in equal amounts per pay period. Exempt employees will not receive overtime pay nor compensatory time off for hours worked in excess of 40 per workweek, and are paid at levels that recognize the scope of responsibility which identifies them as exempt and take into account that it may be necessary for them to work significant numbers of hours beyond the standard workweek to ensure service is available and provided, as well as to represent the County. Exempt employees must use the Report of Leave Time form to document any leave time.

**202 - Non-Exempt Employment:** Employees who are covered by the provisions of the Fair Labor Standards Act generally perform skilled and/or semi-skilled tasks in technical, clerical, maintenance, and/or attendant positions, as defined in their respective job descriptions. Time cards or sheets for recording hours worked will be provided each pay period for this employment classification. All time sheets shall have the non-exempt employee's signature and the supervisor's signature.

**203 - Employment Classification:** All employees will be assigned an employment classification at time of hire.

**Regular Full-time Employment:** Employees who work 30-40 hours per work week on a regular basis, eligible for benefits.

**Regular Part-time Employment:** Part-time employees are those who work less than 30 hours per work week. A part-time employee may occasionally work over 30 hours per week based on the County's needs. The part-time classification shall be maintained until the employee averages 30 hours or more per workweek for a continuous period of six months or more, at which time the County may review his/her work schedule for reclassification to fulltime employment.

**Temporary Employment:** Temporary full-time employees are those who work 30-40 hours per workweek for a defined period of time not to exceed six months of continuous service. Temporary Employees are not eligible for County benefits.

Temporary part-time employees are those who work less than 30 hours per workweek for a defined period of time not to exceed six months of continuous service. Temporary Employees are not eligible for County benefits.

**Seasonal Employment:** Seasonal employees are those who work for a defined period of time, completion of a project, or work of a seasonal nature typically not to exceed six months or 26 weeks of continuous service. Seasonal Employees are not eligible for County benefits

**Contract Employment:** Contract employees are those whose employment relationship, compensation, benefits, and terms of employment are defined by a written employment agreement.

**204 - Pay Dates:** Employees of the County are paid on a bi-weekly schedule, pay periods follow the standard twenty-six (26) pay period payroll schedule. Paychecks are distributed on the last working weekday of a given pay period unless the date falls on an observed holiday. Should the pay date scheduled for distribution fall on an observed holiday, paychecks are distributed on the last workday prior to the holiday.

**205 - Payroll Questions:** Questions concerning pay or related matters should be brought to the immediate attention of your supervisor or the Finance Department. Should adjustments be necessary, they will be reflected in the following pay period's paycheck after notice of the adjustment to the Finance Department.

**206 - Time Reporting:** Non-exempt employees will log hours works in the computerized time entry program or on time sheets or time cards and will be responsible for recording time on a daily basis. Each employee is responsible for his/her time sheet or time card and recording time in and out whenever an interval of time away from work is taken.

Overtime must be authorized and/or approved **prior to** working the schedule, including determination of overtime and/or compensatory time status. An employee's supervisor, Department Head or Elected Official will demonstrate authorization/approval by notations on and signing of the time sheet or time card. Failure to obtain approval prior to working overtime may result in disciplinary action up to and including termination of employment.

**207 - Recordkeeping:** Any employee who knowingly and willingly reports false information on time sheets or time cards will be subject to disciplinary action up to and including termination of employment.

**208 - Work Hours:** The varied nature of services performed by the County makes it impossible for all departments to operate on the same schedule of working hours.

The County recognizes a Standard consecutive seven day work period for County employees, except shift personnel, which begins at 12:01 a.m. on Sunday and ends at 12:00 Midnight on Saturday. Full-time employees have a work period consisting of a minimum of thirty (30) hours within the seven-day period described above. Work hours for County employees shall be determined by the Department Head or Elected Official.

Further, the County and its employees recognize that at any time and from time to time, circumstances may necessitate working hours that are outside of the regularly scheduled work hours for a given day. Employees may be required to work overtime and/or be required to use compensatory time or flexible scheduling.

The normal working hours for Road and Bridge employees is dependent upon the hours of daylight available to perform many of the tasks and upon weather conditions. Their schedules will be altered by their supervisor accordingly.

**Sheriff's Office and Fire Protection Employees Work Hours:** In accordance with the Fair Labor Standards Act 29 U.S.C. § 207(k), the Sheriff's Office establishes a consecutive fourteen (14) day work period that begins at 12.01 a.m. on Sunday and ends at 12:00 Midnight with minimum of eighty (80) work hours, for positions in the following units, patrol, investigations, detentions and firefighters.

Shift assignments and work periods shall be established by the Sheriff for the Sheriff's Office. Meal periods will be considered as time worked only if employees are available for assignments during meal periods, and the meal periods are over 30 minutes in duration.

### **209-Additional Duty Pay, Acting Appointment (amended 09/07/2021 Resolution 2021-71)**

At the recommendation of the Department Head, and final approval of the County Administrator or Elected Official an employee may receive:

**Additional Duty Pay/Temporary Assignments** – Employees given additional duties of another position for a period of time in excess of 30 days may be compensated at 10% premium of their current rate of pay. The additional pay shall last no longer than six (6) months. Employees shall maintain their current anniversary dates, benefits package, and vacation and leave status.

**Acting Appointment** - Employees asked to serve in a job classification higher than their own will be compensated at the minimum of the salary range for the position that they are temporarily assigned to. Employees shall maintain their current anniversary dates, benefits package, and vacation and leave status.

### **Extra Duty Sheriff's Office Employees**

Sheriff's Office personnel will occasionally have the opportunity to work Extra Duty. Extra Duty employment is defined as outside employment wherein the actual or potential use of law enforcement power is anticipated. Extra Duty employment shall not compromise the employee's law enforcement status, or interfere in any way with their primary responsibilities.

Extra Duty shall always be funded from an outside funding source (i.e. grants, contracts or agreements for reimbursement, etc.) and shall be paid at a flat rate per hour, regardless of employees regular hours worked. The rate shall be reviewed and set by the Sheriff on an annual basis. The rate calculated for Extra Duty shall be a minimum of one and a half time the employee's normal rate of pay.

### **Extra-Duty Employment**

It is the policy of this Office that no member will engage in extra-duty employment that will either compromise their law enforcement status, or interfere in any way with their primary responsibilities.

Extra-duty employment is defined as outside employment wherein the actual or potential use of law enforcement powers is anticipated. All such requests for extra-duty employment must be pre-authorized in writing by the member's immediate supervisor, division Commander, Undersheriff or Sheriff.

Extra-duty assignments involving a contract for law enforcement services through the Sheriff's Office will not cause a participating member to be penalized in any form, nor shall it threaten their employment rights, promotional opportunities, training opportunities or fringe benefits.

Member activities and behavior during extra-duty employment will be within their scope as a law enforcement officer. If required, office issued weapons and uniforms may be worn.

The member's supervisor shall document the significant aspects of each officer's extra-duty employment. This shall include date, time and place of employment; incidents that involve use of law enforcement powers, injury to the officer or others, complaints received, and court appearances (scheduled and actually attended resulting from extra-duty employment; and liability and indemnification concerns stemming from actions during extra-duty employment.)

### **Restrictions**

No extra duty employment will be performed contrary to the office's rules and regulations and code of conduct.

Incidents will be reported in the same manner as if the officer was on-duty status.

No member will be allowed to work office sanctioned extra-duty employment assignments during the period for which they are suspended from duty, sick leave, modified duty and FMLA status.

No member will engage in any extra employment, the result of which could be detrimental to the best interests of, or in conflict with, the goals, objectives and procedures of the Archuleta County Sheriff's Office.

Members may be permitted to participate in extra-duty employment for minimum of two hours and up to a total of 24-hours in a calendar week (Sunday through Saturday), when such member is on active duty.

Extra duty employment may be performed while a member is on Holiday and/or vacation status.

No member will work an extra-duty or off-duty employment in excess of a four-hour shift prior to reporting for regular duties unless approved by the Sheriff or designee.

Extra-duty or off-duty employment privileges may be suspended or revoked at any time if the extra-duty or off-duty employment interferes with, or adversely affects the performance of the member's primary employment.

### **Filling Extra-Duty shifts and Responsibilities of Staff**

When an office sponsored extra duty / overtime employment assignment has been approved by this office, it will be posted via e-mail from the respective Commander or designee with the available shifts, dates and time for the extra duty. When a shift has been accepted by the member desiring and committing to the extra duty, it will be the responsibility of that member to

fill that position if there is a change in circumstances and the member can no longer work the extra duty.

The same requirements for the replacement member that was originally posted shall apply. Any and all personnel changes resulting from this will be communicated back to the Commander or designee as soon as possible so updated shift rosters are in place. In the event the member is unable to fill the particular shift they will be expected to work the assignment. Failure to follow this procedure or to work an accepted assignment, may result in the member's ability to participate in any extra duty employment assignments in the future.

**209 - Transfers and Promotions** – If a position becomes available in which an employee would be changing positions, but still maintaining his/her current job classification and rate of pay, that change would be deemed a lateral transfer. If a position becomes available in which an employee would be changing positions to a position with a higher job classification and rate of pay, that change would be deemed a promotion.

The County encourages employees to apply for vacant position job openings for which they are qualified.

To be eligible for transfers or promotions to vacant position openings, employees must possess a good performance, attendance, and punctuality record.

Application for vacant position job openings should be made as indicated in the Employee Recruitment and Selection section of this Handbook.

Employees who receive a transfer or promotion shall retain their original anniversary date and will receive the pay rate, benefits, vacation, and other leave offerings appropriate to the new position.

**210 - Flextime:** Flextime is a way to redesign or restructure traditional work schedules that permits variations in an employee's starting and departure times, but does not change the total number of hours in their workweek or work period. Flex time may be applied to full-time and part-time positions.

Supervisors can use this option to accommodate the changing workforce and business needs. Employee can use this option to fulfill a variety of personal needs. Flextime is not a right but a business arrangement.

Department Heads or Elected Officials may approve flextime on a case-by-case basis.

The employee must first discuss possible flextime arrangements with his/her Department Head or Elected Official and then submit a written request for a flextime arrangement. Approval or denial will be at the sole discretion of the Department Head or Elected Official and maybe based on staffing needs, job duties, and the employee's ability to temporarily or permanently return to a standard work schedule when needed.



A flextime arrangement may be suspended or cancelled at any time for any reason by the County. Non-exempt employees may be asked to work overtime regardless of a flextime schedule.

Consistent with the Fair Labor Standards Act, non-exempt employees receive time and a half hour for working more hours than established for their position, see "Work Hours". Therefore, the County prohibits flexible work schedules that alter a non-exempt schedule such that overtime occurs. Although it is permissible, with the supervisors' approval, for non-exempt employees to alter their work schedule, employees may not "bank" overtime hours worked in one workweek or work period for use as time off in a future workweek or work period.

Any flextime schedule for non-exempt employees must comply with the Fair Labor Standards Act (FLSA).

**212 - Compensation During Training** - All full-time and part-time employees will receive their regular rate of pay during the normal schedule of work hours while participating in approved training programs. For the purposes of staff development, the normal workday is defined as beginning when employees leave their lodging and go directly to the training session and ending when employees return to their lodging directly after daily training session completion. For the purposes of this policy, lodging is defined as at an approved destination and location other than the employee's home or normal, regular and routine housing. Travel time before and after participation in training programs will be paid if it is outside the normal schedule of work hours described in the prior sentence.

**213 - Overtime & Compensatory Time:** Employees may be asked to work overtime to meet service schedules from time to time, as management deems necessary. Whenever possible, prior notice will be given; however, management retains the right to request overtime whenever the need occurs.

All overtime must be approved by an employee's Department Head or Elected Official or an appropriate member of management prior to working overtime hours, including determination of overtime and/or compensatory time status, except in the case of an emergency or public safety situation.

**All Non-Exempt Employees: (except Sheriff's Patrol Deputies, Detention Officers, and Emergency Operations Employees.)**

**Approved overtime** at a rate of one and one-half times the regular hourly rate will be paid for all hours worked in excess of forty [40] hours in a workweek. For purposes of determining whether an employee is eligible for overtime, paid time off such as holidays, vacation, sick time, and other

forms of time off with pay that is not worked will not be considered as time used to compute overtime eligibility.

**Compensatory Time (comp time)** All non-exempt employees may be granted compensatory time off in lieu of payment of overtime. Compensatory time off must be scheduled with the Department Head or Elected Official.

Compensatory time shall be calculated at a rate of time and one-half the regular hours worked, (one [1] hour worked equals one [1] and one-half hours compensatory time) up to a maximum of one hundred and eighty (180) hours compensatory time at any given point during a given year.

Accrued compensatory time shall not be paid out in lieu of providing compensatory time off. However, at the Sheriff's discretion, compensatory time may be paid in lieu of time off for Emergency Service employees who must maintain a presence around the clock, three hundred sixty-five days (365) per year.

No overtime/compensatory time shall be worked unless approved by a supervisor or department head in advance. Any employee who works unauthorized time may be subject to disciplinary action up to and including termination.

Compensatory time of up to one hundred and eighty (180) hours may be accumulated and carried over from year to year in accordance with the provisions of the Fair Labor Standards Act.

### **Non-Exempt Sheriff's Patrol Deputy, Detention Officer and Emergency Operations positions.**

**Approved overtime** at a rate of one and one-half times the regular hourly rate will be paid for all overtime hours worked beyond the regular schedule of eighty (80) hours in a fourteen (14) day schedule. Should compensatory time be granted, it may be paid in lieu of time off in the case of those employees who must maintain an around-the-clock presence three hundred sixtyfive (365) days per year.

Sheriff's personnel requested to testify in court on a scheduled day off as a result of a workrelated activity will receive overtime pay as follows. A copy of a subpoena, traffic ticket, or letter shall accompany the time sheet indicating in court time. A minimum of one and one-half (1 1/2) hours overtime for "appearing" in court will be paid. All time beyond the original one and onehalf (1 1/2) hours will be compensated at the overtime rate for actual time worked.

In the event of a civil subpoena that is the result of a work-related activity, Sheriff's personnel may be compensated through the County, provided all applicable fees and/or other expenses are

collected by the employee and turned into the County and a copy of the subpoena accompanies the applicable time sheet.

**Sheriff Office, Non-exempt Employee:** Method of Overtime pay, or compensatory time granted shall be based on the employee's request up to a maximum of one hundred and twenty (120) hours of compensatory time accrual. Once the maximum accrual level of one hundred and eighty (180) hours is reached, all overtime will be paid until compensatory time is used below the maximum.

## **214 - On-Call/Standby Policy (amended 3-19-19 Resolution Number 2019-29 )**

**Road & Bridge Department:** Occasionally, the Public Works Director may designate department personnel to be in an on-call/standby status as needed. In such cases the following procedures will be in effect.

### For rotational weekend & holidays on-call

The Public Works Director and his/her designee will designate a pre-determined number of personnel to be available for immediate work on weekends & holidays. The designation of which employees to be on-call/standby will be determined on a rotating basis.

Rotational weekend on-call/standby status begins after completion of the regular work day (oncall/standby pay is not paid while not working) and continues until 7 a.m. the next day. Normally a weekend will consist of three 24 hour periods (minus any hours worked), Saturday & Sunday from 7 a.m. until 7 a.m. Any Monday holidays would be added on to the weekend.

### For event on-call

The Public Works Director and his/her designee can department personnel to be on-call for specific weather or emergency events(s). These on-call/standby events general run 24 hours from 7 a.m. until 7:00 a.m. and are on a day to day basis depending on the event and how it develops.

### Compensation

- Employees placed on-call/standby \$3.00/hour for on-call/standby pay. Equipment Operators who are required to work on a County fire will be compensated \$1.00 extra per hour. Exempt employees do not receive on-call/standby pay.

When an employee is called in to work from the on-call/standby status, the actual time worked will be paid at the employee's regular rate of pay or overtime rate if applicable. On-call/standby pay is not paid on-top of regular pay.

If an employee is instructed to come to work at a specific time on a specific day before quitting time the day before or earlier on-call pay will not apply.

On-call/standby pay cannot be taken when an employee is on vacation or leave, or not able or available for work.

In order to receive on-call/standby pay, an employee must be constantly available and reachable at all times during the on-call/standby time period; must be able to arrive at the

work site within sixty (60) minutes or less after receiving the call; and must arrive to work in "fit" condition.

The County reserves the right to validate the availability of an employee receiving oncall/standby pay. Two attempts will be made to contact the employee during validation. If the employee cannot be contacted or is not available for work, the employee will not receive on-call/standby pay. Disciplinary action may also be taken.

If an employee does not meet this criteria, he/she will forfeit the on-call/standby pay for the entire on-call /standby period.

**Department of Human Services, Child Protection Services:**

All "certified" child protection workers are required to participate in the on-call rotation.

The on-call rotation is from Tuesday at 4:30 p.m. through the following Tuesday at 7:30 a.m. On-call status begins after the completion of the regular workday and continues until the start of the next work day. If a holiday falls on a Tuesday it is the responsibility of the impacted on-call worker to transition the on-call responsibility (e.g., exchanging information, exchanging the oncall resource material, etc.)

The on-call worker may be assigned to any reports requiring an immediate response that are received in the office after 4 p.m. on work days. Assignment decisions will be made by a supervisor.

The on-call worker is required to provide emergency child protection services during non-office hours (24 hours a day on holidays and weekends) in addition to assignments as indicated above (e.g., immediate calls that are made after 4 p.m. during work days the require response).

The on-call worker must be immediately available by telephone and must respond by phone to any calls within 15 minutes of receiving the call. The on-call worker must be able to respond in person if needed within an hour of receiving the call (depending on location and weather conditions at the time of the call). When possible the on-call worker should remain in Archuleta County throughout the period of being on-call.

The on-call worker cannot use alcohol or performance-altering medications while on-call.

After-hours calls / reports may be received by the child welfare hotline call center or local dispatch and then referred to the on-call worker for review and response evaluation. Per rule, response evaluation must occur and be completed by 2 certified case managers. Typically, this will involve the on-call case manager consulting with the supervisor. The consultation must be documented in the statewide automated child welfare information system.

Workers are allowed to trade their on-calls if scheduling conflicts arise. The supervisor should be made aware of such changes and the hotline contacted related to the change.

If the on-call worker needs assistance, he/she is to first contact their supervisor. If no supervisor is available, the on-call worker can call any co-worker for assistance.

Many on-call situations can be handled over the phone, and workers are encouraged to handle calls over the phone when appropriate to do so. If law enforcement requests an in-person

response, that request is respected when feasible and when the call meets criteria for intervention per state guidelines.

The County reserves the right to validate the availability of an on-call worker. If the on-call worker cannot be contacted or is unavailable, the worker will not receive on-call pay. Disciplinary action may also be taken up to and including termination.

#### Non-exempt Caseworker

All non-exempt caseworkers must record time spent working while they are on-call. This includes any time on the phone, responding in person, and documentation. It is the caseworker's responsibility to inform his/her supervisor of time worked while on-call and make arrangements to take flex time during the same week, if possible. The non-exempt on-call caseworker must note the actual hours worked on his/her timesheet.

All on-call hours will be compensated at \$3.00 per hour

#### Exempt Caseworkers

If an exempt employee works excessive hours while on-call, he/she is encouraged to communicate with his/her supervisor or the director to schedule time off within the same pay period to balance on-call hours worked if possible. "Excessive" time worked while on-call is considered to be field work in excess of four hours. Time off must be pre-approved by each worker's supervisor or the director and is dependent on the individual's workload and needs of the agency. Exempt employees are not eligible for on-call pay.

**Sheriff's Office:** In order to receive on-call pay, an employee must be available and reachable at all times during the on-call period and must be in-route within 30 minutes after receiving the call to report, and must arrive to work in a condition able to fulfill all the requirements of their position. If an employee does not meet these criteria, he/she will forfeit the on-call pay.

On-call pay cannot be taken when an employee is on vacation or leave, or not able or available for work.

Employees may not consume alcohol/drugs while on call.

The County reserves the right to validate the availability of an employee receiving on-call pay. Two attempts will be made to contact the employee during validation. If the employee cannot be contacted or is not available for work, the employee will not receive on-call pay. Disciplinary action may also be taken.

On-call status begins after the completion of the regular workday and continues until the start of the next regular workday and is compensated at \$3.00 per hour.

**Combined Dispatch:** Occasionally, the Emergency Communications Director may designate department personnel to be in an on-call/standby status as needed. Such circumstances could include: staffing shortages, special events, emergency coverage, ECD absence, etc. Due to the

nature of the 911 center, on-call/standby status can cover any combination of hours or days of the week.

In order to receive on-call pay for staffing coverage, an employee must be available and reachable at all times during the on-call period, must be within a 15-minute response time to the center, and must be en route within 10 minutes after receiving the call to report.

In order to receive on-call pay for ECD coverage, an employee must be available and reachable at all times during the on-call period and must be within an hour response time to the center. The on-call employee must have the center's on-call cell phone with them at all times and must be within cellular range.

Employees may not consume alcohol or drugs while on call and must arrive to work in a condition able to fulfill all the requirements of their position. On-call pay cannot be taken when an employee is on vacation or leave, or not able or available for work.

The County reserves the right to validate the availability of an employee receiving on-call pay. Two attempts will be made to contact the employee during validation. If the employee cannot be contacted or is not available for work, the employee will not receive on-call pay and disciplinary action may be taken.

### Compensation

- Employees placed on-call/standby receive \$3.00/hr for on-call/standby pay
- When an employee is called in to work from the on-call/standby status, the actual time worked will be paid at the employee's regular rate of pay or overtime (if applicable). On-call/standby pay is not paid on top of regular pay.

## **215 – Salary Administration**

**Purpose:** To provide a consistent basis for compensating Archuleta County employees and providing guidelines for hiring, promoting, transferring and demoting employees.

**Position Classification Plan:** The Position Classification Plan is a system by which the duties and responsibilities of a position, as outlined in the job description, are assigned to a particular job family and given a position title that is reflective of the position within the organization and in relation to similar positions in comparable entities.

The Position Classification Plan was developed and is maintained as a guide for compensating positions within the County organization. There shall be no new classifications during a budget year unless first approved by the Board of County Commissioners.

## **Guidelines:**

### **Performance Appraisals**

All regular full time and regular part time employees will be reviewed no less than annually utilizing the Performance and Development form.

Normally, probationary employees will receive both an end of probation (typically three months) and six-month Performance appraisal.

Seasonal Part-Time, Temporary/Per Diem or Occasional employees will normally be reviewed every 2 years following their date of hire. At Department Director discretion, these employees may also be reviewed on their 6-month end of probationary period date.

Seasonal Full-time employees are eligible for review when/if they complete 6 months of continuous service, then annually thereafter. If a seasonal employee does not meet the 6-month requirement, they will be eligible for review following their second season of employment with Archuleta County.

The Performance and Development form should be completed with the employee within 1 month of their placement within Archuleta County. This will ensure that both the employee and supervisor are aware of the requirements of the position.

The appraisal is a written evaluation of the employee's job performance. It should review performance against the criteria provided within the Performance and Development form. Supervisor comments should include, but are not limited to, areas of exceptional performance, areas that require improvement and goals for the following appraisal period.

Supervisors should maintain documentation throughout the year that can be easily compiled when the employee is due for an appraisal.

A rating scale of 1 – 5 will be used with three indicating that performance meets the standard expectations of performance.

A score of one indicates regular or consistent inability to meet the standard expectations of performance.

A score of two indicates infrequent or occasional inability to meet the standard expectations of performance.

A score of three indicates that the standard of performance is met.

A score of four indicates that the standard of performance is always met and occasionally exceeded.

A score of five indicates that the standard is always met and regularly exceeded.

Appraisal dates may be extended twice and for a total duration of 9 months when performance is sub-standard. Any extensions beyond this maximum frequency or length may only be initiated upon review and approval of the County Manager. The supervisor should document these concerns and the employee be notified which areas are of concern and what the new appraisal date will be.

The completion of a performance appraisal does not require that a merit increase be requested. Completed Performance Development forms and a completed Personnel Action form should be signed and forwarded to the supervisor of the person completing the appraisal for approval and signature. Following that approval, the Performance Development form and the completed Personnel Action form should be forwarded to the Human Resources Office for review and processing.

### **Merit Increases**

Employees hired, promoted or demoted within 10% of the entry level of their salary grade are eligible for an annual appraisal and possible merit increase based on the Performance Development scale based on the 12-month review date.

Employees hired, promoted or demoted above 10% of the entry level of their salary grade will receive their appraisal using the Performance Development form. Any merit increase based on the Performance Development scale will be decided by the department official and County Manager.

The Performance Development form includes an increase scale that determines the increase available based on the points scored within the appraisal. This scale may fluctuate based on budgetary changes.

The department official may request accelerated merit increases when an employee's performance is clearly exceptional and special projects or accomplishments can be cited that were not anticipated at the prior appraisal.

### **Promotional Increases**

When promoting an employee, the employee should be placed at no less than the entry level of their new position salary grade. If the entry level represents less than a 7.5% salary increase, the employee should be given a minimum pay increase of 7.5% up to a maximum of 10% over their current pay rate.

Promotions are defined as the movement of an employee into a position whose salary grade is higher than their current position.

### **Reclassifications**

Reclassification is the review of an existing position salary grade due to changes in position responsibilities. Salary surveys and analysis by the Human Resources Office will determine where the new position will fall within the Archuleta County Position Classification Plan.



Pay increases based on reclassifications will be determined on a case-by-case review taking into account the amount of time the employee has been performing the additional duties and the significance of the salary grade change. In no case will an employee be paid below the entry level of the position. If the increase is determined to be greater than 7.5%, the employee's review date will be adjusted to 12 months following the reclassification.

## **Transfers**

Employees moving into new positions with the same salary grade as their current position will be considered to be lateral transfers, and will retain their existing pay and review and merit increase schedules.

## **Demotions**

Demotions are defined as a move into a salary grade that is below the employee's existing position.

Demotions may be the result of disciplinary action or as the result of an employee's choice to pursue a different position.

When an employee is demoted, they will receive a reduction in pay equal to the percentage difference between their new position's salary grade and their existing position's salary grade. Alternatively, if the employee was promoted from one position and proved unsuccessful within 12 months, and the employee is placed back into their previous position (if vacant and agreed to by the department official), their pay will be reduced by the amount of their promotional increase, factoring in any potential merit increase that was missed where appropriate.

## **Lump Sum Payments**

Lump Sum Payments are available to employees as part of their normal merit increase/appraisal cycle.

*Example: Employee receives a bonus or merit increase on 1/23/21. Their next review is due 1/23/22.*

Employees must be at the top of their pay range to be eligible for a Lump Sum Payment.

Employees must display exemplary performance within their position.

The maximum payment may fluctuate as the merit increase scale is adjusted. Please contact Human Resources for the current maximum. No payment will be added to a merit increase that exceeds the bonus maximum. The examples below reflect a sample increase scale of 0 – 6 %, with a maximum 4% bonus.

*Example 1: Employee is recommended for a 6% increase; the employee only has 5% available in the range; therefore, the employee receives 5% in the form of a merit increase and no additional payment because the combination would exceed 4%.*

*Example 2: Employee is recommended for a 6% increase; the employee only has 3% available in the range; therefore, the employee receives 3% in the form of a merit increase and only 1% in the form of a lump sum payment because this combination does not exceed 4%*

**Across the Board/Market Adjustments (C.O.L.A.)**

The BOCC may, at its discretion, implement Across the Board (ATB)/ Market Adjustments for all Archuleta County employees.

When these adjustments are made, it is expected that the gap in pay between higher and lower earners will decrease. This is normally accomplished with some form of flat dollar amount increase rather than a percentage increase alone.

## Section 300 Employment Policies

**301 - Workers Compensation Insurance:** County employees are covered by Worker's Compensation Insurance for job-related injuries or illnesses in accordance with the guidelines of the Workers' Compensation Act and Archuleta County's policies. The employee is responsible for reporting to his/her immediate supervisor or Department Head or Elected Official any injury or accident incurred on the job, regardless of severity, by the end of the shift of the incident. Failure to do so may result in delayed, reduced or denied participation in benefits provided by the Worker's Compensation insurance carrier.

Workers' compensation insurance provides necessary medical coverage and hospital services as well as lost-time benefits for any employee sustaining a work-related injury. A regular full or part-time employee statutorily does not receive compensation for the first three (3) scheduled work days they are unable to work, however, the injured employee will be paid his/her full salary by the County.

Beginning on the fourth scheduled workday the employee is unable to work the employee will stop receiving compensation from the County, and receive temporary total disability compensation from workers compensation insurance provider. All such payments to the employee are equal to  $66 \frac{2}{3}$  of the employee's pre-disability wage, with no taxes withheld, up to a maximum provided by statute. Until released by the attending physician.

Beginning the fifteenth (15) day an employee is on injury leave, Workers Compensation insurance will re-pay the first three (3) days directly to the employee. In such cases, when the employee returns to work the County will do a negative pay adjustment to the employees pay equal to the first three days paid to the employee.

The worker's compensation insurance is administered by the Human Resources Department and is responsible for handling all workers' compensation claims.

If an injury requires immediate emergency treatment, the nearest hospital emergency room or urgent care facility shall be utilized. Upon release from emergency treatment or with injuries not requiring immediate emergency treatment, the employee must seek follow-up medical care from one of the County's designated medical service providers. The employee is required to use the designated medical provider for all medical care associated by or with such work-related injury. This designated medical provider will manage the case and provide care as necessary for the injury, although he/she may obtain a second opinion or refer the patient to a specialist. It is the employee's responsibility to know the name, location, and contact information for the designated medical provider. Any changes in the designated medical providers will be announced by the Human Resources Department.

Injured employees and their supervisors are to complete the injury reports designated by the laws of Colorado and the insurance provider, including the First Notice of Injury and the Supervisor's Accident Report and all other required reports within twenty-four (24) hours of the injury and must then be provided to the Human Resources Department the next working day. Failure to comply may result in disciplinary action up to and including termination of employment.

An injured employee may not return to work without a written release from the attending or the County's designated physician stating that the employee may resume essential duties and responsibilities of his/her position either under modified duty instructions or full responsibility instructions. The written release must be forwarded to the Human Resources Department.

Any employee off work as a result of a work-related injury shall update his/her Department Head, Elected Official, or his/her designee on a bi-weekly basis concerning the current status of his/her injury, treatment, and progress toward wellness. This requirement may be fulfilled by any mutual arrangement with his/her Department Head or Elected Official or the designee.

**302 – Harassment Policy:** In support of the Equal Employment Opportunity regulations, the County has a **ZERO TOLERANCE** Harassment policy. A zero tolerance Harassment policy means it is the County's intent that all employees enjoy a safe work environment free from all forms of discrimination including harassment. Discrimination, inappropriate behavior or harassment based on age, race, color, religion, disability, Vietnam era or veteran status, sex, or national origin is considered a violation of these policies and practices, and may result in immediate termination of employment.

The County believes it is all employees', singular and collective, responsibility to deal fairly and honestly with their peers, subordinates, and superiors as well as applicants to ensure a work environment free of discrimination and harassment. Disrespect for or abuse of an employee or applicant's dignity through verbal, physical, or visual slurs of a sexual or intimidating nature, through derogatory or other inappropriate conduct, is unacceptable and may be the subject of disciplinary action up to and including immediate termination.

Sexual harassment is a specific form of discrimination/harassment that undermines the integrity of the employment relationship. Archuleta County will not tolerate harassment by County employees or by those who work with the County including suppliers, the general public, consultants, or any other vendors. Unwelcome sexual advances, requests of sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when one or more of the following may exist:

- Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of the conduct is the basis for an employment decision affecting the employee.
- The conduct substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work situation or atmosphere.

Harassment and/or discrimination based on age, race, color, religion, disability, veteran status, sex, national origin, or any other factors as protected by law undermines the employment relationship. Harassment may take the form of verbal or physical conduct that degrades, threatens, or shows aversion to an individual because of the aforementioned factors. This form of harassment may exist if one or all of the following exist:

- The conduct substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work situation or atmosphere.
- The conduct adversely affects an employee's employment or work opportunities.

Any employee or applicant, who feels that he/she may have encountered harassing circumstances, should, without fear of reprisal, contact County management immediately as outlined below.

Employees should contact: 1) immediate supervisor or 2) Department Head or Elected Official 3) Human Resources Department, County Administrator or County Attorney.

The County will, upon receipt of information that indicates a possible violation of this sexual Harassment policy, investigate the circumstances as soon as reasonably possible, and, if needed, take appropriate actions to eliminate the persistence of such circumstances. The employee, applicant, or candidate may be asked to provide additional information for the investigation. The County will take all steps necessary to maintain confidentiality of the situations and parties involved, but it makes no guarantee of absolute anonymity. Employees and external parties may be provided with information on a "need to know" basis as a part of the investigative process. Proof of sexual harassment, or a knowing false accusation may result in disciplinary action up to and including termination of employment for employees and/or legal action for employees, applicants, and/or candidates.

**303 - Americans With Disabilities Act:** The County is committed to complying with all applicable provisions of the Americans With Disabilities Act ("ADA"). It is the County's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the County will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the County aware of his/her disability, provided that such accommodation does not constitute an undue hardship on the County.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department and make a request for accommodation. The accommodation request should detail what job responsibilities the employee can and cannot do, and what accommodation the employee is requesting.

On receipt of an accommodation request and a report from a physician describing the extent of the disability, the Human Resources Department and the employee's supervisor, Elected Official or County Administrator will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodations the County might make to help overcome those limitations.

The County will determine the feasibility of the requested accommodations considering various factors, including, but not limited to the nature and cost of the accommodation, the County's overall financial resources and organization, and the accommodation's impact on the operation of the County, including its impact on the ability of other employees to perform their duties and on the County's ability to conduct business.

The County will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, the employee will be informed of the right to appeal the decision by submitting to the Human Resources Department a written statement explaining the reasons for the request. The Human Resources Department, supervisor, and Elected Official or County Administrator will review the appealed request and

determine whether to comply or deny the request. If the request on appeal is denied, that decision is final.

The ADA does not require the County to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (eyeglasses, wheelchairs, hearing aids, etc.)

An employee or job applicant who has questions regarding this policy or believes that he/she has been discriminated against based on a disability should notify the Human Resources Department immediately. All such inquiries or complaints will be treated as confidential to the extent permissible by law or circumstances.

### **304 - Drug-Free Workplace Policy:**

All employees are required to acknowledge that they have read and agree to abide by the following policy by signing a copy of the policy, provided to the employee during initial employment orientation.

The County strives to provide a safe and productive workplace for all employees, and an atmosphere that allows for the protection of organizational assets. Consistent with the Drug-Free Workplace Act of 1988, Archuleta County will maintain a workplace free from the influence of controlled substances.

This policy applies to all Archuleta County employees, independent contractors, and vendors. The County expects all employees, contractors, and vendors to be in a physical condition free of controlled substances while at work and during work-related functions, allowing for safe and effective job performance.

#### County Action:

In situations in which substance use in the workplace has been proven or in which there have been policy violations, disciplinary measures up to and including termination may result.

Employees in positions regulated by 49 CFR Part 40 of the Federal Transit Administration (FTA) and 49 CFR PART 382 FMCSA having a:

- Positive drug or alcohol (above 0.04) test result or test refusal shall be referred to a Substance Abuse Professional (SAP).
- Breath Alcohol Content (BAC) in the of 0.02 to 0.039 shall be removed from the safety sensitive position and referred to a Substance Abuse Professional is prohibited.
- Dilute Negative test results must be retested.

#### Prohibited Substances Include

- Alcohol
- Marijuana
- Cocaine
- Amphetamines
- Phencyclidine

- Opioids
- Hydrocodone
- Oxycodone
- Hydromorphone
- Oxymorphone

This policy is not altered by the legalization of medical or recreational marijuana.

Any County employee working under the influence of alcohol, drugs or narcotics and/or involved in the manufacture, possession, sale, or use of such illegal substances while on County property or conducting County business will be subject to disciplinary action up to and including termination of employment.

The unlawful manufacture, distribution, dispensation, possession, or use of prohibited substances is prohibited on any County site or any site where work is being performed on behalf of the County.

All FTA required testing shall be conducted in accordance with 49 CFR Part 40 - requires testing for misuse of covered employees in the:

- Operation of a revenue service vehicle, in or out of service
- Maintaining a revenue service vehicle or equipment used in revenue service
- Controlling dispatch/movement of a revenue service vehicle
- Operation of a non-revenue vehicle requiring a CDL

All FMCSA required testing shall be conducted in accordance with 49 CFR PART 382- requires testing for misuse of alcohol or controlled substances for every person who operates a commercial motor vehicle in commerce in any State and is subject to the commercial driver's license requirements.

All Employees:

For the purpose of this policy, Archuleta County adopts, as its own, the drug and alcohol limits established within the 49 Part 40 Code of and Federal Transit Administration (FTA) and 49 CFR PART 382- Federal Highway Administration (FHWA).

Archuleta County prohibits the use of alcohol, prohibited substances, or prescription drugs without a valid prescription, and on-the-job impairment by employees.

Archuleta County prohibits all employees from using or being under the influence of alcohol to include four (4) hours prior to performing safety-sensitive functions, while on call and while performing safety-sensitive functions and eight (8) hours after an accident or until a Post-Accident test is performed; illegal drugs, or prescription drugs without a valid prescription, and/or having measurable quantities of these substances in their system during regular and/or designated working hours or upon County owned or leased property.

Archuleta County prohibits the illegal purchase, transfer, or possession of alcohol, prohibited substances, or prescription drugs without a valid prescription, unless such purchase, transfer, or possession is a bona fide part of law enforcement employees work duties.

It is the employee's responsibility to remain unimpaired and free of alcohol, prohibited substances, and prescription drugs without a valid prescription. In addition, the employee must be unimpaired by any drug or alcohol side effects that would impair job performance. An employee must report any prescription or over-the-counter drug side effects to his/her immediate supervisor and be deemed fit for duty.

Any employee taking medication should consult a medical professional to determine whether the drug may affect his/her personal safety or ability to perform the essential functions of the job. If an employee is taking a prescription drug, which may affect performance, it is the responsibility of the employee to notify his/her supervisor and the responsibility of the supervisor, then, to make any reasonable adjustments or accommodations to provide a safe work environment for employees and the public. The employee may be required to use sick leave or other form of leave of absence as part of the adjustments or accommodations.

At no time will a County vehicle or any mobile equipment be operated, including safety-sensitive functions while a driver or operator is under the influence of prohibited substances, prescription drugs affecting performance or alcohol.

The following requirements shall be a condition of operating a County vehicle at any time and may be a condition of continuing specific job duties for the County, and may be a condition of continued employment with the County.

- Providing your supervisor with timely information regarding prescription or nonprescription drug side effects which may affect your ability to operate a vehicle or to perform your duties.
- Your submission to any applicable portion of the test procedure within the time limits specified by a County supervisor.
- The completion of a drug or alcohol test showing full compliance with the policy.
- The successful completion of a substance abuse treatment program monitored by a Substance Abuse Professional (SAP) or any other conditions imposed by the County after a positive test.
- Failure to promptly follow any reasonable directive of a supervisor relating to the implementation of the policy and procedures.

Failure to comply with the items above will result in disciplinary action up to and including termination of employment.

Employees shall notify the County of any criminal drug statute conviction no later than five (5) days after such conviction. The employee shall also notify his/her Department Head or Elected Official who will report the incident to the Human Resources Department. Failure to report such a conviction will subject the employee to termination of employment. The County retains the right to require employees convicted of a violation of a criminal drug statute to participate in an approved rehabilitation or drug assistance program. Participation in such a program is the financial responsibility of the employee. If such a program is mandated, the employee must satisfactorily participate in and complete the approved program as a condition of return or employment and continued employment.



Any employee concerned about his/her own personal alcohol and/or drug abuse is strongly encouraged to seek assistance through his/her own health care provider or other professional treatment organization certified to assist individuals with alcohol and/or drug abuse.

All test results related to drug or alcohol screening will remain confidential, available only to the Human Resources Department, Department Head or Elected Official, County Administrator, the County Attorney and the affected employee.

Testing Procedures: Archuleta County uses the following types of testing to accomplish the above objectives.

1. Pre-Employment
2. Post-Accident
3. Random (for commercial drivers licensed employees and emergency services personnel only)
4. Reasonable Suspicion
5. Return To Duty and Follow-up testing pursuant to the recommendations of a Substance Abuse Professional (SAP).

Breathalyzer and/or urinalysis are used to determine the presence of drugs or alcohol in the system. The testing clinic's medical review officer will designate the collection site for specimens.

The County will pay all costs of testing, including the cost of transportation, and shall deem the time required away from regular duties to provide specimens as work time for purposes of compensation and benefits.

No drug or alcohol testing shall be conducted without an employee's consent unless mandated by law following a motor vehicle accident or arrest by law enforcement, but refusal to provide a sample within the required time frames, if requested by a supervisor for the County or as required by law, will be considered a positive drug test, and the employee shall be placed on paid leave until a final employment decision is made.

A positive test is any drug or alcohol test result, which meets the stated regulatory requirements and is verified by a medical review officer to show the probable presence of drugs or alcohol in the individual tested.

At, or shortly after the time for the test, an employee shall be given an opportunity to present documentation for prescription drugs or to identify any non-prescription drugs or substances which the employee may have been taking. Prescriptions must have been obtained on or before the date of the drug test.

Adulterated and/or tampered samples will be considered a positive drug test and treated as such.

Pre-Employment Testing For Potential Employees: The County will not knowingly hire, any individual who uses illegal drugs, or who are abusing prescription or non-prescription drugs or alcohol.

All prospective employees who have been presented a conditional offer of employment may be tested at the County's expense to determine the presence of drugs and/or alcohol in the system and in accordance with the provisions of this policy and the laws and regulations referenced.

A positive drug test indicating illegal drug use or prescription drugs affecting performance is a justified reason for rejecting the candidate. All test results related to drug or alcohol screening will remain confidential, available only to the Human Resources Department, County Administrator, the County Attorney, Elected Official, the Department Head and the affected potential employee.

Pre-employment testing for any prospective Safety Sensitive & CDL licensed employee Testing is done in accordance with 49 CFR Part 40 of the Federal Transit Administration (FTA) and 49 CFR PART 382.

An applicant who previously failed/refused a DOT test must show evidence of treatment in compliance with a Substance Abuse Professional (SAP).

A test with a "negative" result for prohibited substances and/or a breath alcohol content of less than 0.02 must be received before any safety-sensitive duty can be done.

Employee Testing: Archuleta County may test any County employee for the presence of drugs or alcohol in accordance with the provisions of this policy, including but not limited to:

- Any employee of the Sheriff's Office who is a deputized officer, or who has on-duty access to contraband property or illegal drugs confiscated by a law enforcement official post-accident, reasonable suspicion, random testing, or follow-up under the recommendations of a SAP;
- Any employee who operates or may operate a County vehicle or any mobile equipment post-accident, reasonable suspicion testing, or follow-up testing under the recommendations of a SAP; any employee who is responsible for the care of minors or persons who are incapacitated post-accident, reasonable suspicion testing, or follow-up testing under the recommendations of a SAP;

Employees in DOT regulated positions under 49 CFR Part 40 of the Federal Transit Administration (FTA) and 49 CFR PART 382 FMCSA

1. DOT follow-up testing under the recommendations of a SAP only;
2. any employee who is required by law to maintain a Commercial Driver's License post-accident, reasonable suspicion, random testing, or follow-up testing under the recommendations of a SAP;

3. any employee who seeks to transfer into or be promoted into a job, which includes any of the above job duties.
4. Any employee out of safety-sensitive duty for 90+ days, and out of the random testing pool, the employee must complete a DOT pre-employment test with a negative result prior to returning to covered duty.

Post-Accident Testing: Any employee who has been involved in an accident while driving a County vehicle, or his/her own vehicle while conducting County business, may be required to submit to a post-accident drug test.

The employee will readily be available and submit to drug and/or alcohol testing within two (2) hours of the accident refusal to do so shall be considered a refusal to test. However testing may be stayed while the employee assists in resolution of the accident or receives medical attention following the accident. Testing shall be at the County's expense,

Employees involved in such accidents shall not to drive a County vehicle or their own vehicle for County business for the remainder of the work day.

Employees in DOT regulated positions under 49 CFR Part 40 of the Federal Transit Administration (FTA) will be required submit to a post-accident test when accidents involve:

- A fatality
- Any individual involved in the accident immediately receive medical treatment away from the scene
- A vehicle is disabled to the extent that it cannot be driven from the scene,
- All other employees whose performance could have contributed to the accident

Employees in DOT regulated positions under 49 CFR Part 382. FMCSA will be required submit to a post-accident test when accidents involve:

- A fatality
- Any individual involved in the accident immediately receives medical treatment away from the scene
- A vehicle is disabled to the extent that it cannot be driven from the scene,
- The actions of any other safety-sensitive employee could contribute to the accident (e.g., mechanic, dispatcher)

All County employees

- A fatality
- The County employee receives a citation for a moving violation
- There is bodily injury that immediately results in medical treatment away from the scene.  
 There is disabling damage to any vehicles involved.

- It is reasonably believed that the employee's performance could have contributed to the accident.

Any employee who was involved in an accident and who tests positive for a prescribed medication affecting the employee's ability to safely perform job duties, illegal drug or its metabolite, or for alcohol, or for a controlled drug or its metabolite that has not been prescribed for that employee will be subject to County action as stated in this policy.

Any employee who leaves the scene of an accident for any reason other than to comply with the instructions of a law enforcement officer or this post accident testing policy will be subject to County action as stated in this policy.

No drug or alcohol testing shall be conducted without an employee's consent unless mandated by law following a motor vehicle accident or arrest by law enforcement, but refusal or failure to provide a sample within the required time frames shall be considered a positive drug test and the employee shall be placed on paid leave until a final employment decision is made.

#### Random Testing:

All testing shall be conducted in compliance with a scientifically valid selection method where all applicable employees have an equal chance of selection on each draw, with no discretion on the part of management/supervisor providing a statistically valid neutral selection process.

Testing conducted under 49 CFR Part 40 of the Federal Transit Administration (FTA) shall be conducted on all days and hours throughout the year.

Additionally, Certified Sheriff's Office employees, detention officers, patrol officers, dispatch employees and search and rescue employees, are subject to random testing and must be done in accordance with federal law, as amended from time to time.

No drug or alcohol testing shall be conducted without an employee's consent unless mandated by law following a motor vehicle accident or arrest by law enforcement, but refusal or failure to provide a sample within the required time frames shall be considered a positive drug test and the employee shall be placed on paid leave until a final employment decision is made.

#### Reasonable Suspicion Testing:

Testing is done in accordance with 49 CFR Part 40 of the Federal Transit Administration (FTA) and 49 CFR PART 382 FMCSA.

If a supervisor has a reasonable suspicion that an employee is in violation of the policy, the supervisor should immediately consult with the Human Resources Department or County Administrator to determine further action and/or need for the services of a trained observer as defined in the Reasonable Suspicion Testing section of this document. However, it is recognized that if the employee appears to be under the influence of drugs or alcohol, or alcohol or drugs are in his/her possession, immediate action may be required by the supervisor without prior consultation with the Human Resources Department or County Administrator, or the use of any trained observer.

In the event of a situation requiring immediate action when a supervisor has reasonable cause or suspicion that any on-duty employee is using, or is under the influence of, or is impaired by alcohol or drugs, the supervisor will confront the employee with the suspicion and order the employee to the appropriate medical facility or law enforcement agency for an alcohol or drug use or abuse evaluation, which can include blood, urine, or other drug screening. The employee will be transported for such testing by the supervisor or his/her designee.

Non-compliance by the employee of the supervisor's order that he/she be evaluated and screened for alcohol or drug use or impairment will be viewed as a refusal to obey the order of a supervisor. Such action will be considered insubordination, and subject to disciplinary action up to and including immediate termination of employment.

Those procedures require that reasonable suspicion testing is done only after a "trained observer" makes the determination that the on-duty behaviors and conditions of the employee under all the circumstances present reasonable grounds to believe that the employee is currently impaired by possible substance abuse on the job and is reporting for duty unfit for the performance of his/her job duties. If the "trained observer" makes the recommendation to the employee's supervisor, then that supervisor has the authority to require that the employee submit to the reasonable suspicion testing in a timely manner. If the "trained observer" is actually that employee's supervisor, then that "trained observer" may require that the employee submit to the reasonable suspicion testing.

For the purposes of this policy and procedure, a "trained observer" is one who has received training at the "Supervisor Level" under the CDL requirements of 49 CFR PART 382. Only such a "trained observer" may conduct reasonable suspicion observations and make a recommendation for reasonable suspicion testing on behalf of the County. This training requirement in the standards of reasonableness for detection of alcohol or substance abuse by observation of an individual's symptoms or behavior ensures that the persons conducting a reasonable suspicion review are knowledgeable regarding the legal requirements for "reasonable suspicion" and for requiring testing only on that basis.

The "trained observer" will identify and document, using a standard reasonable suspicion form, physical, behavioral, and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech or body odor of the employee under suspicion.

The Human Resources Department is the repository of the standard reasonable suspicion form, and employees may receive a copy by requesting such from the Human Resources Administrator.

Employees identified by a "trained observer" to need reasonable suspicion testing will be immediately escorted by the supervisor or Human Resources Office personnel to a collection site.

No drug or alcohol testing shall be conducted without an employee's consent unless mandated by law following a motor vehicle accident or arrest by law enforcement, but refusal or failure to provide a sample within the required time frames shall be considered a positive drug test and the employee shall be placed on paid leave until a final employment decision is made.

### Refusing to Take the Drug/Alcohol Test

Behaviors that constitute a Fatal Flaw are as follows:

- Verbal or written refusal to take the test.
- Failure to sign required documents and forms.
- Failure to provide sufficient quantities of breath or urine to be tested without a valid medical explanation from a licensed physician.
- Failure to undergo a medical evaluation as required by the MRO or DER.
- Failure to cooperate with any part of the testing process.
- Failure to allow a directly observed or monitored collection when required.
- Failure to follow an observer's instructions to raise and lower clothing and turn around (observed)
- Processing or wearing a prosthetic or other device used to tamper with the testing process.

Failure to take a second test when required

- Failure to remain at the testing site until the testing process is complete.
- Failure to attempt to provide a breath or urine specimen.
- Attempting the adulteration or substitution of a specimen to the collector or MRO.
- MRO verified adulterated/substituted sample.
- Failure to arrive at the collection site or in a timely manner (within prescribed time).
- Conduct that prevents the completion of a required drug or alcohol test.
- Tampering with or attempting to adulterate the specimen or collection procedure.
- Leaving the scene of an accident without a valid reason before the tests have been conducted.
- No CCF received by the laboratory with urine specimen
- In cases where a specimen has been collected, there was no specimen submitted with the CCF to the laboratory.
- Two separate collections are performed using one CCF.

### Return to Duty and Follow-up Testing:

Testing is done in accordance with 49 CFR Part 40, subpart O of the Federal Transit Administration (FTA) and 49 CFR PART 382 FMCSA.

Follow-up testing is done in accordance with the recommendations of a SAP for any employee who is required to seek substance abuse treatment as a condition of continued employment. This testing and all treatment shall be monitored and certified by the medical review officer. The recommendations of a SAP in a substance abuse treatment plan shall be required to be followed by an employee who has had a positive test under this policy and only permissible just before/during/just after actual performance of the safety-sensitive function.

The County may also immediately require an evaluation by the County approved SAP and comply with SAP recommendations. If the SAP recommends that the employee seek treatment and the County accepts that recommendation in lieu of immediate termination, the employee shall be required to enter a SAP approved program at his/her own expense. If the SAP finds that the employee does not need treatment, the employee may be returned to their normal work duties following a negative drug test result and with or without additional conditions of continued employment.

Employee and prospective employees shall be given the opportunity to explain positive results.

Designated Contact Person –

The Human Resources Administrator is the designated person to answer employee questions about anti-drug and alcohol misuse prevention program.

**305 - Violence-Free Workplace:** The County is committed to preventing workplace violence and to maintaining a safe work environment, and therefore has a **ZERO TOLERANCE** policy against all forms of workplace violence. Engaging in any workplace violence or threats of violence may result in disciplinary action up to and including immediate termination of employment.

Conduct that threatens, intimidates, bullies or coerces another employee or a member of the public at any time will not be tolerated.

All threats of, or actual, violence, both direct and indirect, shall be reported as soon as possible to your immediate supervisor, Department Head, or Elected Official. This includes threats by employees as well as threats by citizens, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to your supervisor, Department Head, or Elected Official. The employee should not place him/herself in peril. If the employee sees or hears a commotion or disturbance near his/her workstation, intercession should not be attempted. Rather, the supervisor, Department Head, or Elected Official should be sought, and, if appropriate, 911 should be called.

The Human Resources Department or designee will promptly and thoroughly investigate all reports of threats or actual acts of violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the County may suspend alleged violent employees, with or without pay, pending investigation. Perceived employee victims may also be put on temporary administrative leave until any potential danger is reasonably abated.

Any employee determined, after investigation, to be responsible for threats of, or actual, violence or other conduct in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The County encourages employees to bring their disputes or differences with other employees to the attention of their supervisor, Department Head, or Elected Official before the situation escalates into potential violence. The County is eager and willing to assist in the resolution of employee disputes and will not discipline employees for raising concerns prior to violating this policy.

**306 - Confidentiality:** Although many of the records maintained by Archuleta County are considered public records under state law, certain classes of documents and/or information are considered confidential and private. Dissemination of confidential or private information may be a violation of State law.

Before providing any information or documents to the public, Archuleta County employees must be certain that such information/documents are handled according to the established departmental guidelines.

In addition, employees should not discuss in inappropriate settings such as hallways and break rooms or among friends or co-workers those matters in which employees or clients would have an expectation of privacy. Any release or inappropriate discussion of confidential or private



information or records in violation of this policy is grounds for disciplinary action, including immediate termination.

Only Department Heads and Elected Official, or their designated representative(s), shall release County information to any members of the news media. Those departments having a reason to issue a press release shall have it pre-approved by the County Administrator, appropriate Elected Official, or Board of County Commissioners, unless the information is regarded as normal day-to-day operational releases, such as meeting notices.

**COUNTY EMPLOYEES SHALL HAVE NO EXPECTATION OF PRIVACY REGARDING ANY COUNTY OWNED OR PROVIDED DESKS AND LOCKERS.**

All offices, desks, lockers and other storage areas are to be kept clean and used only for workrelated reasons. Management reserves the right to inspect all offices, desks, lockers, etc., at any time with or without advance notice. A copy of any key or combination to all locks must be retained by the County at all times.

Desks, telephones, and computers are the property of the County. The County reserves the right to enter and inspect any employee's work area, including, but not limited to, file cabinets, desks, lockers and computer storage disks with or without notice to the employee.

## Section 400 Attendance and Leave Provisions

**401 - Punctuality and Absenteeism:** Employees are expected to report to work as scheduled and on time. Being absent or tardy causes scheduling problems and places an undue burden on fellow employees who must perform their jobs as well as the duties of those absent.

Supervisors shall notify other departments with interfacing responsibility/work duties of absences within the given department to minimize any resulting burden.

Employee records of absenteeism will be kept on a continual basis. All employees are expected to keep absences and tardiness to a minimum. Poor attendance and/or punctuality, regardless of reason, shall be treated in accordance with the Problem Resolution or Performance Counseling policy and may result in disciplinary action.

Any employee who is unable to report to work, or who will be late for work, must notify or make every reasonable attempt to notify his/her immediate supervisor within 15 minutes of the beginning of the day or shift. Should an employee be unable to contact his/her immediate supervisor, a member of the employee's immediate family, or an authorized representative, shall make contact on the employee's behalf.

Absenteeism without notice for one day or one may result in disciplinary action. Absence for three days or three shifts without notice will be considered a voluntary termination. The absence will be documented and inserted in the former employee's file stating reason for termination – "Did Not Return to Work".

**402 - Authorized Leaves and Absences:** All requests for leaves of absence will be made in writing and approved or denied at the discretion of the Department Head or Elected Official in accordance with Federal and State law. The Department Head or Elected Official may establish times when some leaves cannot be taken because of work related circumstances.

**403 - Paid Holidays:** Full-time – Benefits Eligible Employees, as part of their benefit package, receive annual paid holidays. Days observed as official County holidays are designated each year at the beginning of the budget year by the Board of County Commissioners. If specific job requirements deny the designated day, another day will be given as requested by the employee and approved by the Department Head or Elected Official.

- When a holiday falls on a Saturday, the previous Friday will be observed as the holiday. If the holiday falls on a Sunday, the following Monday will be observed as the holiday. A list of days that are designated as County holidays shall be distributed to employees at the beginning of each year.
- All full-time employees will be paid for eight (8) hours at their regular straight-time rate for all observed holidays. In the event that a non-exempt employee works on an officially recognized County holiday, the employee will be paid at the regular rate of pay for that holiday. Compensatory time or overtime at one and one-half times the regular rate will be paid only if

the number of hours worked that workweek, including the worked holiday, exceed forty (40) hours.

- Part-time employees working less than thirty (30) hours per workweek, and contract employees are not eligible for holiday pay.
- Full-time temporary/seasonal employees will not be eligible for Holiday time if it falls during their normal scheduled work week.
- Should a holiday fall during an employee's vacation, the employee will receive holiday pay in lieu of vacation pay for that day. Likewise, should a holiday fall during the time an employee is on health or illness leave, the employee will receive holiday pay and no charge will be made for sick leave.
- The Sheriff's Office, Dispatch and Transportation-staff who are required to work on holidays, shall be given a day off in lieu of the County's approved holiday, hour for hour. The hours may be used as needed throughout the year whether the Holiday has occurred or not. For each designated holiday, the employee will be required to schedule/take an eight (8) hour day when demands of the department allow. Holiday leave must be scheduled in advance. Scheduling shall be arranged by submitting a request to the Department Head, Elected Official, or assigned supervisor. If an employee terminates employment with the County prior to accruing the Holiday, an adjustment will be made in the employee's outstanding leave time or wage amount owed if leave time is exhausted. Holiday hours accrued but not used by the end of the calendar year will be forfeited.

**404 - Vacation Leave:** All full-time employees begin accruing vacation on the first day of employment and are eligible for vacation after completion of one (1) month of continuous service and will be up to the Department Head or Elected Official when you will be allowed to request the time off. For each year of service, full-time employees are eligible, as of their anniversary date of hire, to take vacation in accordance with the following schedule, with hours designated for non-exempt status and days determined for exempt status position classifications:

<b>Years 0 through 5</b>	6.67 hours per month or 80 hours per year or 10 work days of 8 hours per day.
<b>Years 6 through 10</b>	10 Hours per month or 120 hours per year or 15 work days of 8 hours per day.
<b>Years 11+</b>	13.33 hours per month or 160 hours per year or 20 work days of 8 hours per day.

- Vacation leaves may not be taken for more time than has been accrued or has been carried over from the previous year.
- Part-time employees will not accrue vacation time.

- Employees are encouraged to take their earned vacation each year on an annual basis and prior to their anniversary date of hire. The approval must be signed and returned in advance by the Department Head or Elected Official. Any deviation from this policy must be requested in advance by the employee in writing and approved by the Department Head or Elected Official. Earned vacation hours may be carried forward with the approval of the Department Head or Elected Official. The maximum allowable carry over shall be eighty (80) hours above what would be accrued during the year based on years of service and will be capped at a total of 240 hours.
- Accumulated vacation leave in excess of the maximum accrual shall be subject to forfeit except where the employee has been denied the opportunity to take vacation time or special circumstances exist and approval to exceed the maximum accrual has been approved in writing by the Department Head or Elected Official.
- Employees who have over five (5) years of continued employment receive payment of accrued vacation time once a calendar year. Such pay-out is limited to vacation time earned over eighty (80) hours in a given year and shall not exceed a maximum of eighty (80) hours.
- Scheduling shall be arranged by submitting a request to the Department Head or Elected Official or assigned supervisor. An employee may not receive vacation pay unless prior approval, in writing, has been granted.
- Vacation time shall be credited accordingly should a County holiday fall during an employee's scheduled vacation.
- Health care or illness time shall be credited accordingly should an employee become ill or injured during his/her scheduled vacation. Should injury or illness occur during vacation, the employee may be required to demonstrate the condition by providing a written doctor's statement.
- In the event the County requests vacation postponement, the circumstances will be documented along with Department Head or Elected Official authorization for the employee to carry over paid time off which may exceed the allowed accrual. These type of carry over situations will be handled on a case-by-case basis.
- The Sheriff's Office shall have the discretion to schedule vacation leave for employees to assure coverage of shifts and consistent with departmental needs. Sheriff Office policies regarding the accrual and usage of vacation leave supersedes policies outlined in this document.
- The maximum allowable vacation accrual shall be prorated for eligible employees working less than a forty (40) hour workweek. The prorated amount is based on the number of hours the employee works in a workweek and is determined by dividing the number of hours worked per workweek by forty (40).
- All eligible employees shall be paid, at their current hourly rate of pay, for all accumulated vacation at time of separation from the County.

- Employees accrue vacation leave while on any paid leave, including sick and workers compensation leave. Employees do not accrue vacation time while on any unpaid leave and must have time recorded for at least one half of the working days in any given month.
- **Authorization** – All paid time off must be authorized by an employee's Department Head or Elected Official.

**405 - Exempt Employees Leave:** exempt employees will be eligible for forty (40) hours of flextime per fiscal year. It is recognized that exempt employees often work additional hours above the normal forty (40) hour work week. January 1 of each year forty (40) hours will be made available to exempt employees for time off in addition to accrued vacation and sick time. Flextime off must be recorded on bi-weekly time sheets and hours used will be deducted from the forty (40) hours provided annually. Flextime may not be carried from one year to the next. Flextime has no accrual or financial benefit, and employees will not be compensated for unused flextime.

## 406 - Sick Leave Policy

Employees with at least five (5) years of employment with Archuleta County as of December 31, 2022, will maintain a sick leave bank. This bank will not accrue time, nor will the hours be paid out upon termination of employment with Archuleta County.

The sick leave bank will be populated with one-half of the total number of sick hours in the employee's sick bank as of December 31, 2022.

This sick leave bank will be subject to acceptable use as outlined in the Personnel Policy as stated below.

Sick leave is a privilege; employees are expected to exercise good judgment in the use of it. Any employee who abuses this privilege by using sick leave for purposes other than those stated in this policy will be subject to disciplinary action up to and including termination.

Sick leave may be used to accommodate mental health, health care and illness of the employee or an immediate family member. No employee will be paid for sick leave beyond what is in their sick bank.

Immediate family members, for this policy, are defined as two people related by blood, adoption, or marriage or civil union as spouse, parent, child, grandparent, grandchild, brother or sister, in-laws, step-relations, common-law partners, or significant others.

Sick leave may be used for the following purposes:

- Non-job related mental health services, or physical illness, sickness, injury or health condition that prevents the employee from working.
- To obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition.
- Dental, or optical examination, treatment, or preventative care.
- The employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to: seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by the domestic abuse, sexual assault, or harassment; obtain services from a victim services organization; obtain mental health or other counseling; seek legal services, including preparation for or participation in a civil or criminal proceeding related to or resulting from the domestic abuse, sexual assault, or harassment; or seek relocation due to the domestic abuse, sexual assault, or harassment.
- Sick leave may also be used to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury or condition, or needs to obtain preventative medical care.
- Sick leave may also be used for attendance to a funeral up to five (5) days.
- To care for a family member:
  - Who is self-isolating after being diagnosed with or experiencing symptoms of a communicable illness that is the cause of a PHE.
  - Who needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a PHE;
  - Is seeking preventative care concerning a communicable illness that is the cause of a

PHE;

- To care for a family member after the Public Official or employer determines their presence on the job or in the community would jeopardize the health of others because of the family member's exposure to the communicable illness or because the family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness.
- To care for a child or other family member when the individual's child care provider is unavailable due to a PHE, or if the child's or family member's school or place of care has been closed by a Local, State, or Federal Public official or at the discretion of the school or place of care due to a PHE, including if a school or place of care is physically closed but providing instruction remotely.

When taking sick leave, an employee needs to:

- Self-Isolate and care for oneself because the employee has been diagnosed with or is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency (PHE).
- Seek preventive care or treatment concerning communicable illness that is the cause of a PHE.
- Seek or obtain medical diagnosis, care or treatment if experiencing symptoms of a communicable illness that is the cause of a PHE.
- Request leave due to an employee's inability to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of a PHE.

Employees may use sick leave if a Public Official has ordered school or business closures due to a public health emergency (PHE) necessitating the employee's absence from work. In the event of a declared PHE, the employee's accrued sick leave must be supplemented as necessary to ensure that an employee may take the following amounts of leave.

- For employees who normally work forty (40) or more hours in a week, at least eighty (80) hours.
- For employees who normally work fewer than forty (40) hours a week, at least the greater or either the amount of hours that the employee is scheduled to work in a fourteen (14) day period or the amount of time the employee actually works or averages in a fourteen (14) day period.
- An employee's unused accrued sick leave may be counted towards the supplemented leave.
- Under this section, an employee may use leave until four (4) weeks after the official termination or suspension of the PHE.
- Employees must notify and report the reason for their absence to their supervisor, Department Head, or Elected Official within the first hour of their normal work shift on the first day of absence.
- Supervisors may require employees to provide a doctor's statement, fitness for duty statement or summary explanation (not to include any confidential personal health information) regarding the illness or injury, after two (2) consecutive days off or at their own discretion if they feel the employee is abusing their sick time. Excepted from this requirement is sick leave used for the employee or family member that has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work for reasons related to such circumstances of domestic abuse, sexual assault, or harassment. Such circumstances shall be treated as confidential.

- Employees providing a doctor's statement of personal illness during the employee's vacation will be allowed to change the illness time to time against their sick leave.
- Paid sick leave is not granted in excess of the amount available at the time such leave is requested. If an employee uses all of his/her accumulated sick leave, any additional absences from duty are charged as PTO time if such time is available. If PTO time is not available, the employee may be granted leave without pay if the employee satisfies the requirements of the Family and Medical Leave Act. If an employee is not eligible for Family and Medical Leave, the Department Head or Elected Official, in consultation with the Human Resources Administrator, may grant unpaid leave on a case by case basis.
- If a holiday occurs during sick leave time and an employee is eligible for such paid holiday, no sick leave shall be charged for the holiday.

**407 - Sick Leave Donation:** The Archuleta County Leave Donation is intended to assist any regular full time or part time employee who may be faced with a medical condition requiring an absence from work and the employee's paid leave balance is insufficient to cover the period of absence. The following guidelines are intended to further clarify and provide detailed information and instructions for administration of the Leave Donation Policy.

General Guidelines:

Leave Donation is a countywide program with participation by all Elected Offices and departments for any full time employee. Leave Donated hours will be maintained and monitored by the Human Resources department for all donors and donees.

Leave Request Guidelines:

An employee using donated leave hours will not accrue leave benefits during the leave donation utilization period, since the employee would otherwise be on an approved Leave Without Pay (LWOP) and not eligible to earn leave benefits.

All leave donation requests must be submitted to Human Resources and approved in advance of the effective date of the needed absence. No retroactive pay requests from the leave donations will be allowed, unless there is an unforeseen emergency preventing the employee submitting their request in advance.

The maximum hours an employee may request for donation is 12 weeks or 480 hours. Due to privacy and confidentiality laws the name of the employee requesting donated hours cannot be released. Donated hours will be used on a "first in – first out" basis. Used as needed by the employee. Un-needed, donated sick hours will not be deducted from the donating employees accrued balance.

If it is determined that any of the medical information or documentation provided by the employee is false then the donated time used as a result of that medical documentation is subject to repayment. Any abuse or falsification of information regarding a leave donation request may lead to disciplinary action, up to and including termination of employment.

Donee - Eligibility:

The following applies to all employees requesting donations of leave hours:



1. The employee must have exhausted all of their sick and annual leave benefits, including any compensatory time, vacation time, or accrued personal holiday, before any donated-time may be used.
2. The employee must be full-time and have been with the County for at least 1 year.
3. An employee who may be eligible for or receiving any “wage loss benefits” is not eligible to receive any donated leave. Wage loss benefits include, but are not limited to workers’ compensation disability benefits, long-term disability benefits and no fault (automobile insurance) wage loss benefits.
4. The requesting employee shall not solicit donated time from other employees. Employees who ask another employee for donated time may be subject to disciplinary action.

Leave Donation requests may be made for:

The employee’s own serious health condition.

Employees may request to utilize donated sick leave for a serious health condition of an immediate family member. Immediate family members, for this policy, are defined as two people related by blood, adoption, or marriage as spouse, parent, child, grandparent, grandchild, brother or sister, in-laws, step-relations, common-law partners, or significant others.

Approvals of donated leave for other than the employee’s own serious health condition is subject to the approval and recommendation of the employee’s Elected Official and/or Department Head. The employee must provide the Department Head or Elected Official with a note from the doctor stating the medical necessity for the employee to be away from work.

Employees must also comply with all provisions under the federal Family & Medical Leave Act (FMLA) while utilizing donated sick leave. Compliance with the FMLA does not necessarily guarantee approval of donated leave requests.

Procedure for Leave Donation Requests:

All requests must be submitted on a current approved Leave Donation Request Form to the Human Resource office for consideration at least 30 calendar days in advance when possible.

Any leave granted under this Leave Donation provision is discretionary only and is intended to be used as sick leave hours and cannot be paid out as sick leave upon separation.

Donor - Leave Donations:

Employees who choose to donate hours must complete a current approved Leave Donation form.

The employee must have a remaining sick leave balance of one hundred twenty (120) hours available for their own use.

**408 - Bereavement Leave:** employees are eligible for twenty-four (24) hours of bereavement leave in the event of a death of a family member. Family member is defined as spouse or civil union partner, parent, child, grandparent, grandchild, brother, sister, or the same relationship of the employee's spouse. Bereavement leave must be coordinated in advance with the employee's immediate supervisor. Additional forty (40) hours may be taken as funeral leave, from available Sick Leave.

Bereavement leave shall not be granted for settlement of estates nor any other matter except to allow the employee time away from work for the bereavement over the death of a family member.

Pay for bereavement leave will be made for actual time lost from work. If the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of your vacation occurs on any of the days of absence, you may not receive holiday or vacation pay in addition to paid funeral leave.

Requests for paid or unpaid time off in excess of the allotted eligible days will be approved at the discretion of the Supervisor. Vacation, personal time, or compensatory time may be used to take the additional paid time off.

Employees may be required to provide their Supervisor with proof of death (i.e., copy of obituary, funeral notice, remembrance program, etc.) in order to qualify for bereavement leave.

In addition, employees may receive up to four (4) hours to attend services on a scheduled workday for a co-worker. The County Administrator, or Elected Official at his/her discretion may grant bereavement leave for exceptional cases not covered in this policy such as the death of a volunteer, board member, etc.

**409 - Uniformed Service Leave:** The County recognizes that employees may, from time to time, be required or have a situation that legitimately requires their absence from work for an extended period of time to meet Uniformed Services obligations or to respond to a call to active service duty. Absences of this nature will be handled in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994. The employee will be required to provide a copy of official military orders to the Department Head or Elected Official.

All employees, except those whose pre-service positions are held, or to be held, for a brief, nor recurrent period, with no reasonable expectation of continuing for a significant period, who are called into Uniformed Service, Training, or Active Duty, will be granted leave and reemployment in accordance with The Uniformed Services Employment and Reemployment Rights Act of 1994.

The Uniformed Services Employment and Reemployment Rights Act of 1994 recognize the following as Uniformed Service for purposes of this policy.

- The Army, Navy, Marine Corps, Air Force, Coast Guard, and their respective Reserve branches,

- The Army and Air National Guards,
- Commissioned Corps of the Public Health Service, and
- Any other category or persons designated by the President in time of war or emergency.

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

The Uniformed Services Employment and Reemployment Rights Act governs the right of workers regarding employment matters, reemployment rights, and discrimination based on military status or service.

Military leave not exceeding fifteen (15) days per calendar year will be granted with pay for the purpose of fulfilling training or active service obligations. The employee shall submit a request for absence to his/her Supervisor as soon as possible after receiving the military order. Military leave shall be in addition to and shall not be concurrent with authorized vacation leave.

Any employee who is required to continue in military service beyond the fifteen (15) day period shall be granted military leave without pay. During the period of military leave without pay, the employee shall not accrue vacation leave or sick leave. After the employee's military service ends, the employee will be reinstated in accordance with Uniformed Services Employment and Re-employment Rights Act (USERRA) and any other applicable laws. For additional information regarding military leave, please contact Human Resources.

Employees shall be reinstated to a position that is similar in status and pay to the position they held before they went into the Armed Forces, provided they are physically able to perform the duties of the position and that they satisfactorily performed the military service. The time spent in military service will count in computing seniority with the County but no other County benefits will accrue.

**410 - Jury Duty & Court Leave:** It is your civic duty as a citizen to report for jury duty whenever called. All employees shall be granted time off to perform jury duty if such duties conflict with the employee's regularly scheduled work time. If an employee is selected as a juror, the employee must notify his/her supervisor as soon as possible with a copy of the official jury summons. The supervisor may choose to alter the employee's work schedule during the time the employee is a juror so as to cause as little disruption in work as possible. If an employee is excused from court prior to the end of his/her regular or altered work schedule, the employee is expected to return to work.

No benefits are denied to an employee who serves on a jury. The County will pay employees for jury duty performed for the first three (3) days of service which are not paid by the Court. In order to receive jury duty pay, you must present a statement of jury service and pay to your Supervisor. This document is issued by the court. Such hours shall not be counted towards overtime. After three (3) days, the Court begins payment of a stipulated sum per day.

An employee may elect to receive his/her regular pay for up to an additional twelve (12) days by signing over his/her juror pay for this time period to the County. If the employee does not wish to

sign over his/her juror pay to the County, and if the jury duty assignment does not exceed fifteen (15) days, the employee may elect to use accrued vacation or leave without pay for the time absent from work.

However, employees testifying in non-work related litigation to which they are a party or witness will not be granted court leave but may use vacation leave, compensatory time, or be granted leave without pay for such absences.

**411 - Election Day (Voting).** Any employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two hours for the purpose of voting. No such paid leave shall apply to any employee whose work schedule is such that there are three or more hours between the time of opening and the time of closing of the polling site during which the employee is not required to be on the job.

**412 - Extended Leaves of Absence:** Archuleta County recognizes that an employee may from time to time be required to or have a situation that legitimately requires his/her absence from work for an extended period of time. A leave of absence without pay requested in writing may be authorized for an employee encountering the circumstances listed below as well as others that may arise. Absences of this nature will be handled on a case-by-case basis.

To be eligible for a Personal Leave of Absence, an employee must be a full time, regular employee with at least one (1) full year of service to the County.

Eligible employees may request a personal leave of absence for a period of up to thirty (30) work days within a one (1) year period. The request must be in writing, addressed to the Department Head or Elected Official. Approval or denial of the request will be based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence. The Department Head will review and then forward to the County Administrator for final decision. The County Administrator or Elected Official will determine approval or denial and communicate such in writing to the requesting employee.

Eligible employees must use all accumulated vacation leave and sick leave, if any, as part of the leave period. During an unpaid personal leave of absence, an employee shall not accrue sick or vacation leave. Holidays shall not accrue and cannot be taken.

In order to continue medical coverage while on unpaid personal leave of absence, eligible employees must prepay any premiums. Those arrangements are to be made with the Finance Department's payroll personnel.

Any authorized leave of absence shall not constitute a break in service, but employees do not accrue leave hours during time off.

Employees needing a leave of absence must first inform the Department Head or Elected Official of the need for the leave, then meet with the Human Resources Department to discuss leave processes and procedures.

Authorized leave periods must be approved in advance by the Department Head or Elected Official and the County Administrator.

Leave approval or disapproval will be determined based on the employee's, the Department's, and the County's needs, in accordance with Federal and State law.

There is no guarantee of reinstatement at the expiration of the personal leave. Failure to return to work at the end of the leave period shall be considered a resignation. An employee who notifies the County of his/her voluntary resignation during the period of the leave shall be deemed to have terminated employment with the County as of the last day worked.

Personal leaves of absence are unavailable for an employee to obtain other employment or to work elsewhere. If the employee is employed by another employer while on personal leave of absence, the employee's County employment will be terminated.

**413 - Family and Medical Leave (FMLA):** Archuleta County complies with the Family and Medical Leave Act of 1993 and recognizes that under certain circumstances an employee may need to be away from work for an extended period of up to twelve (12) weeks within a given fifty-two (52)-week period as outlined by the law. Absences requested under the provisions of this law will be handled on a case-by-case basis whereby authorization by the County and adherence to the guidelines by the employee will protect service for purposes of maintaining benefits.

The purpose of the Family and Medical Leave Act and these policies and procedures is to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families while increasing employee loyalty, and to promote the involvement and commitment to the operation and business goals of the County.

Under this policy, employees can take a leave for any of the following reasons:

1. The birth of the employee's child or the placement of a child with the employee for adoption or foster care.
2. To care for a spouse (not a domestic partner), child (under 18 years of age, unless disabled) or parent (not parent-in-law or grandparent) with a serious health condition.
3. An employee's serious health condition. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves:
  - A. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential health-care facility; or
  - B. Continuing treatment by (or under the supervision of) a healthcare provider. Continuing treatment requires that an employee be incapacitated for more than three consecutive, full calendar days; treatment must be obtained two (2) or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist and the initial visit with the provider must be in person and occur within the first seven (7) days of incapacity.
4. To care for a family member injured in the line of active military service ("military caregiver leave").

5. A “qualified exigency” arising from a family member’s military active duty or call to active duty (“active duty leave”).

How Much Leave May Be Taken. An eligible employee is entitled to take up to 12 workweeks of unpaid leave during a 12-month period for the birth or placement of a child; to care for a spouse, child, or parent with a serious health condition; or for the employee’s own serious health condition.

Military Caregiver Leave. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member may take 26 workweeks of unpaid leave during the 12-month period to care for the service member. A “covered service member” is defined as a member of the Armed Forces “who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.” Military Caregiver Leave requires that the serious injury or illness must have occurred in the line of duty and render the service member medically unfit to perform the duties of his/her office, grade, rank or rating.

Eligible employees who need to take Military Caregiver Leave can take no more than 26 weeks of leave in a 12-month period for all FMLA-qualifying reasons. In other words, if an employee takes the full 26 weeks of Military Caregiver Leave in the 12-month period year, the employee is not entitled to any additional FMLA leave for another qualifying reason (such as his/her own serious health condition) during the same 12-month period.

Active Duty Leave. An eligible employee may be entitled to 12 weeks of FMLA leave to deal with a “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of an eligible employee is on active duty or has been called to active duty.

Intermittent Leave. Employees may take intermittent leave. Intermittent leave is leave taken in separate blocks of time. A reduced work schedule is a leave schedule that reduces an employee’s usual number of hours per workweek or hours per workday.

Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule unless the County agrees to such an individual leave request.

If an employee takes leave intermittently or on a reduced schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the County’s operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

Employee Eligibility. FMLA leave is available to employees who have been employed by the County for at least twelve (12) months and worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave. The twelve (12) months an employee must have been employed need not be consecutive months. Employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by the County for at least twelve (12) months.

With the exception of time taken by an employee for work-related injuries, the County requires that the employee exhaust his/her compensatory time and all other paid leave as part of the 12/26 weeks of leave. An absence related to an employee's workers' compensation injury will count against FMLA leave entitlement.

A rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave will be used to determine an employee's leave entitlement.

If an employee and the employee's spouse are both employed by the County, the total amount of leave available for both employees is 12/26 weeks. Employees with pregnancy-related disabilities may have the right to take a pregnancy short-term disability leave in conjunction with a family leave.

Notice, Certification and Reporting Requirements. If the need for the leave is foreseeable, an employee must provide thirty (30) days' written notice prior to the requested start of the leave. If thirty (30) days' notice is not provided, the start of the leave may be delayed. If the need for the leave is not foreseeable, an employee must provide notice within five (5) working days of when the need for the leave becomes known to the employee.

If the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision in order to avoid disruptions to the operations of the County.

An employee requesting leave to care for a family member with a serious health condition, or an employee with a serious health condition, or an employee requesting Military Caregiver Leave must provide a health care provider's certification of the health condition. These forms are available in Human Resources. Have your health care provider complete and sign the certification form. This must be returned to Human Resources within fifteen (15) calendar days from the date requested. Failure to return this form may result in your FMLA being denied. You will be required to submit recertification from your health care provider of the existence or continued existence for a serious health care condition every thirty (30) days. In the event that you do not submit appropriate medical certification when requested, your FMLA designation may be withdrawn and your leave will not be protected under FMLA

After your health care provider completes the Medical Certification form, it is encouraged that he/she give the form to you and you personally turn the form in. Doing this will alleviate any concerns with HIPAA privacy rules.

If there is any question about the validity of a certification for an employee's serious health condition, the County may request a second opinion from a health care provider designated by the County. If a dispute remains, the opinion of a third health care provider may be required at the County's expense and the resulting opinion shall be final and binding.

During any leave, an employee must provide periodic reports regarding the status of leave and any change in the employee's plans on returning to work.

Benefits During Leave. An employee taking leave under this policy will continue to receive coverage under the County's health plan for up to a maximum of 12/26 workweeks at the

same level of employment and under the same conditions of coverage as if the employee had continued in employment continuously for the duration of such leave.

The County will continue to make the same premium contribution as if the employee had continued working, and the employee is responsible for making his/her portion of the health insurance premium contribution. If an employee fails to return following the leave, the employee may be required to repay the premiums paid by the County during leave.

Reinstatement. Employees returning from family leave will be reinstated to their previous position (except for certain highly compensated employees) or to an equivalent position with equivalent benefits, pay and terms and conditions of employment. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if employees on family leave would have been laid off had they not gone on leave, or if their jobs are eliminated while they are on leave, then the employees would not be entitled to reinstatement.



## Section 500 Performance Management

The County realizes that, in order to provide optimum service to the public, it must make the fullest possible use of the abilities of its employees. To do this, the County provides for a system of employee development measures including performance evaluations, training programs, promotional opportunities, and employee recognition.

Each employee must take responsibility for contributing to service effectiveness, minimizing liability, and enhancing community relations. Employees may be recognized for work performance or conduct that significantly contributes to the service mission of the County. In contrast, conduct that may detract from the County's mission and reputation shall also be subject to performance management processes.

Archuleta County encourages continuous communication between an employee and his/her supervisor concerning performance. The County Administrator, Department Heads and the Elected Officials view the informal as well as the formal processes as ways of reinforcing consistent quality and effectiveness in the delivery of services.

To facilitate the processes, each employee participates with his/her immediate supervisor in planning and evaluating performance. The preparation and results of these discussions are in written form, are signed by all parties involved, and are placed in the employee's personnel records.

Generally, the outline below serves as a framework to guide the performance management processes.

### 501 Probationary Periods

**Purpose:** To provide supervisors and managers within Archuleta County guidelines to follow when evaluating new and newly transferred employees into their department.

The Probationary Period shall continue for a minimum of three (3) months after an employee's hire or transfer date.

All employees are hired as probationary employees. The purpose of the probationary period is to provide an ongoing evaluation of the employee's ability to perform the duties of the position. At any time during the probationary period, the employee's supervisor may recommend an extension of their probationary period (up to two times, for no more than a total of nine months), immediate termination, or demotion of the probationary employee. Current employees that move into new positions are placed on probationary status.

Probationary employees are eligible for benefits based on the work schedule categories; however, a probationary employee may not use vacation until they have completed their probationary period. Current employees that have moved into a new position within the county are not subject to the vacation provision above.

Probationary employees will receive both an end of probation (typically 3 months) and six month Performance Review. No pay increase is included with these Performance Reviews.

Employees on probationary status are not eligible for paid vacation leave nor are they paid for hours accrued at separation. Current employees that have moved into a new position within the county are not subject to this vacation limitation.

**502 - Employees with Greater than One Year of Service** participate in performance planning and evaluation processes that are conducted annually and due on the employee's anniversary date of hire.

Annually, the County considers pay increases using performance evaluation input as well as market information for comparable positions and general market changes that may include the consumer price index (CPI) or the employment cost index (ECI) and the budgetary feasibility to grant increases.

This annual performance review process uses the goals and measures established during the previous annual or initial employment year process and any updates made during the period as the basis of evaluation to measure the employee's performance; provides options for improvement including a timeline for improvement and notice of potential employment ramifications for failure to improve; and provides a forum for the employee and his/her supervisors to establish the goals and measures for the next period of employment. Merit pay increases may result from these performance evaluations.

**503 - Promotions and Job Transfers:** Employees who promote to a supervisory position or transfer to a job with new duties and responsibilities shall be subject to a minimum 90 day introductory period. Employees could be evaluated after each 30 days during the 90 day period. If by the end of the 90 days the employee is performing at an unsatisfactory level they may be returned to their previous position if it remains open and available. If the employee does not return to his/her previous position, they are subject to termination as a condition of the introductory period.

**504 - Staff Development:** The policy of the County is to encourage and provide for employee training that promotes efficiency, economy, and safety and to assist employees with improving their abilities required for advancement. Department Heads or Elected Officials shall determine departmental employee training requirements, develop and administer internal training programs, and provide active encouragement for employees to participate.

**505 - In-Service Training** - In-service training includes organized training and educational seminars, lectures, institutes, conferences, workshops, and orientation sessions. This training shall be provided to aid employees in gaining efficiency in their present and future work through development of skills, knowledge, and aptitude. The County shall pay all incidental costs of approved in-service training. Travel will be reimbursed in accordance with the County's Travel Policy.

**506 - Supervisory Development Training** - This training is targeted for managers, supervisors, and others with supervisory potential. It will provide standardized training in supervisory and managerial principles, personnel policies and procedures, legal issues associated with personnel management, and other skills in human relations and effective

communication. The County shall pay incidental costs of approved in-service training. Travel will be reimbursed in accordance with the County's Travel Policy.

**507 - Standards of Conduct:** Archuleta County recognizes its responsibility to the community as a whole and expects its employees to conduct themselves at all times at work in a professional manner as representatives of local government. Employees are expected to conduct themselves in a manner that contributes positively to the County's reputation. All employees shall be responsible for demonstrating the characteristics of customer service, public service, quality work, positive attitude, effort, and appropriate appearance in the conduct of the duties and responsibilities of their jobs.

In addition, our sole function and primary purpose is to provide services to the citizens of the County. All positions, therefore, are public service positions and all position holders are expected to provide excellent customer service at all times. Employees are expected to take the commitment to serving the public very seriously and to refrain from any behavior that would show disrespect, retribution, or violence to any citizen or group of citizens.

To clarify what is considered unacceptable conduct, the County offers the examples listed below. While not exhaustive, the list identifies improper conduct that may be the subject of corrective or disciplinary actions including, but not limited to, written advisory, suspension with or without pay, demotion, reassignment, or immediate termination. The County may investigate situations and/or incidents which may be considered unacceptable conduct. Furthermore, the County retains the right to identify conduct that may not be listed below as improper and to treat same as the subject of immediate termination.

1. Theft or unauthorized removal of the County property, another employee's property from the premises, or personal use of the same.
2. Altering or falsifying County records or reports.
3. Using, possessing, or selling alcohol and/or unlawful drugs on County premises including County vehicles or reporting to work under the influence of alcohol or unlawful drugs.
4. Improper use of authority or position within the County for personal profit or advantage.
5. Entering false information on the employment application or other personnel records or failing to answer all questions fully and truthfully.
6. Actions resulting in injury to individuals or willful destruction/damage to the County, customer, or employee property.
7. Acceptance of any gift, fee, money, or other valuable consideration provided with the intent to influence the employee in the performance of official duties.
8. Disregard or violation of safety, fire, or security standards and regulations. Failure to use prescribed safety practices with equipment, chemicals, and tools.

9. Unauthorized disclosure of confidential County information.
10. Insubordination—refusal to follow reasonable supervisory instruction or perform assigned tasks.
11. Failure to report to work or leaving work during the standard work schedule without notifying an immediate supervisor as the case may require.
12. Conviction of a felony or other criminal act, which occurred on the job or that may result in consequences that prevent the employee from performing all essential functions of his/her job.
13. Discrimination, inappropriate behavior, or harassment based on age, race, color, religion, disability, Vietnam era or veteran status, sex, sexual orientation or identity, or national origin.
14. Absenteeism or tardiness which inhibits the efficient operation of the department or work group.
15. Neglect of duties or sleeping during scheduled work hours.
16. Incompetent or unsatisfactory work performance as defined within the given job duties and/or other standard duties and expectations employed while working with customers and suppliers on behalf of the County.
17. Failure to immediately report an accident or injury on the County premises or during the conduct of business on behalf of the County to the nearest supervisor or manager.
18. Failure to follow and abide by County ordinances and regulations as an employee of the County or private citizen.
19. Disregard for customer relations—rude, disrespectful or discourteous conduct toward a customer or citizen.
20. Use of profane, abusive, threatening language, or retributive and/or violent action toward fellow employees, supervisors, customers, or the public.
21. Conduct that would bring serious discredit to the County, its reputation, its employees, customers, and/or its suppliers.
22. Failure to comply with the policies and procedures in this document.
23. Failure to comply with departmental policies and procedures.
24. In possession of weapons at work or on County property except sworn Sheriff Department deputies during their regular assigned duties or supervised by a range master.

**508 - Performance Counseling:** Archuleta County sincerely supports the philosophy that performance counseling must be corrective, positive action. To facilitate and reinforce its standards, it has adopted guidelines (listed below) of correction from the initial verbal advisory to a final advisory that may result in termination. The County views this period as allowing sufficient time for correction of actions which are generally unacceptable but not severe enough to warrant immediate termination. However, it recognizes that some policy infractions by their very nature are serious enough to warrant termination without prior warning.

Performance management actions are viewed as constructive correction processes designed to assist the employee in developing the skills necessary to successfully perform the duties and responsibilities of a given position. With each action taken, the employee will be advised of the next action to be taken should the same or another issue arises. The County may initiate whatever form of corrective action it deems appropriate and necessary, in its judgment, based on the seriousness of the issue. Serious performance management measures may be taken without exhausting less serious measures depending on the circumstances. Disciplinary action taken will be at the discretion of the Department Head or Elected Official.

**Initial Verbal Advisory:** The Department Head or Elected Official and the employee discuss the issue/concern. These discussions will be documented by the Department Head or Elected Official, co-signed by the employee and Department Head or Elected Official, and placed in the employee's personnel file.

**Written Advisory:** The Department Head or Elected Official counsels the employee concerning the issue/concern and recommends a plan for correction/improvement. A written description of the concern/circumstance and the plan for improvement, including the date or dates of follow-up, shall be co-signed by the Department Head or Elected Official and the employee and placed in the employee's personnel file. Generally, the time span in the plan for improvement would be from one (1) to ninety (90) days only, depending on the nature of the improvement to be made and the details of the plan for improvement.

Follow-up discussions shall be documented and co-signed as with the original written advisory and placed in the employee's personnel file as an addition to the original document.

**Suspension:** The employee may be placed on suspension with or without pay. Pay treatment and duration of suspension will be determined in consultation with the Department Head or Elected Official and the County Administrator.

**Demotion:** The Department Head or Elected Official may recommend a demotion in pay and/or job classification of an employee for a continued violation of the any policy or practice.

**Resignation:** Employees are expected to provide at least two weeks' written notice of resignation. Notice shall include anticipated date of departure, employee signature, and any other information the employee deems applicable.

Failure to return to work upon the expiration of a leave of absence, unless medical or other evidence has been submitted to the County along with a request for an extension of the authorized leave, will be regarded and recorded as a voluntary termination without notice.

**509 - Termination:** Employment with the County is “at-will.” Employees of the County have no contractual, property, or other legal rights in any term, condition, or aspect of the employment relationship, including but not limited to, termination. Employees are free to voluntarily terminate employment at any time, and the County retains the right to terminate employment of any employee at any time.

The County Administrator may terminate an employee immediately without performance counseling. A Department Head may terminate an employee in coordination with the Human Resources Administrator, after review by the County Administrator and/or County Attorney.

An Elected Official may terminate an employee immediately, without performance counseling in coordination with the County Attorney and Human Resources Administrator

The procedure for voluntary or involuntary termination of employment is dependent on circumstances and the reason for termination.

**Involuntary Termination:** All individuals who are employed by the County are employed “at-will.” Employees are free to voluntarily terminate employment at any time, and the County retains the right to terminate employment of any employee at any time. The County does not consider involuntary termination as one in good standing; therefore, employees terminated for cause may not be considered for rehire. Involuntary termination, no matter the cause, is viewed as a serious matter that must be accompanied by the appropriate documentation which demonstrates policy steps have been taken in accordance with the reasons for termination.

**Death:** In the event of an employee’s death, the termination of employment date will be recorded as the date of death, as recorded in the official Death Certificate.

**Disability:** Employment may be terminated for disability reasons only when an employee cannot perform the essential duties/responsibilities of the position because of physical or mental impairment, and no reasonable accommodation can be made in accordance with the Americans With Disabilities Act. This action may be initiated by the employee, his/her legal representative, or the County; but in all cases, it must be substantiated by medical evidence that the County deems acceptable. To validate the health condition, the County, at its own expense, may request an examination by its own professionally identifiable, authorized, and qualified health care provider.

**Abandonment:** An employee shall have abandoned his/her job at any time when the employee has failed to call in to directly report the reason for an unauthorized absence from work to his supervisor or a member of management at any time. Job abandonment may be inferred from a single failure to report as ordered or required and need not be an unauthorized absence of more than one work day.

Job abandonment will also occur when an employee fails to return to work or directly notify the supervisor or a member of management of the reason for absence within three consecutive working days after any approved leave of absence, disciplinary suspension.

In cases in which an employee is expected to call in to report an absence in advance, but due to medical emergency is not able to, the call may be made by another person on behalf of the employee.

When an employee has abandoned his/her job, that employee shall be immediately terminated from County employment. Such termination shall be deemed a voluntary resignation.

Calling in does not necessarily excuse the absence if instructed to return to work.

## **510 - Separation Procedures:**

**Notice Requirement:** Voluntary employment terminations, except abandonment shall require written notice of the employee's intention and the effective date. The employee is responsible for submitting a written notice to his/her Elected Official or Department Head in the event of resignation, acknowledgement of a disability initiated by either the employee or his/her legal representative, and retirement. The Department Head or Elected Official shall forward the written notice to the Human Resources Department upon receipt and coordinate the departure with the Human Resources Department.

The Department Head or Elected Official is responsible for submitting a written notice to affected employees in the event the County initiates reduction-in-force, acknowledgement of a disability status that cannot be accommodated, or involuntary termination. This notice and the process for implementation shall be coordinated with the Human Resources Administrator prior to implementation.

**County Property:** At the time of separation and prior to issuance of the final paycheck, all records, assets, keys, and other items of County property in the employee's custody shall be transferred to the Department Head or Elected Official and certification of same shall be executed by the employee and acknowledged in writing by the Department Head or Elected Official. Any amount due the County because of a shortage in any of the areas outlined above, will be collected through appropriate legal action to ensure return County owned property and/or any restitution deemed required.

**Final Compensation:** Employees shall receive all compensation due at separation in accordance with the standard payroll cycle. In cases of involuntary termination a final check shall not be processed until the employees appeal due process has been concluded. Compensation due a deceased employee shall be paid to the estate of the employee, except for sums that, by law, are to be paid to the surviving spouse or other eligible persons.

**Exit Procedure:** Exit interviews are a valuable tool to obtain insight from employees who are leaving the County. Therefore, the County may conduct an exit interview with anyone voluntarily terminating his/her employment. An exit interview questionnaire may be given in lieu of the interview. Typically, the Human Resources Department will conduct these interviews. Departing employees may schedule a meeting with the Human Resources Department as soon as possible upon announcement of the pending departure. Retirement plan disbursements and information regarding continuation or waiver of medical and dental benefits will be provided at these meetings or will be handed to the employee with the questionnaire

**511 - Problem Resolution:** The purpose of the Problem Resolution Policy is to provide a just and equitable method for problem solving and due process for the resolution of conflicts or complaints that may arise out of the scope of employment.

Archuleta County is committed to the prompt and fair resolution of disputes which may arise out of the scope of employment. The Problem Resolution Policy establishes a mechanism for regular employees to be heard when a conflict or complaint arises without discrimination, coercion, restraint or reprisal.

Employees should promptly discuss any work-related conflicts with their immediate supervisor. If the immediate supervisor is the cause of the problem or if the employee feels uncomfortable discussing the matter with the supervisor, he/she should consult with his/her Department Head or Elected Official or the Human Resources Department.

If a problem cannot be resolved at a supervisory level, this policy provides a process for just and equitable problem resolution. It provides for increased levels of review that involve participation of higher levels of management personnel as appeals are advanced. At any level in the process, decisions may be by either party. Time limits are established for completing each level of the process to ensure problems receive prompt attention and resolution. However, time limits may be extended upon agreement by both the employee and the County.

No retaliation shall be taken against employees who pursue their rights under this policy.

Actions eligible to access the Problem Resolution process are:

- Discipline resulting in demotion or suspension with loss of pay;
- Disciplinary reduction in pay;
- Inappropriate application of personnel policies or procedures;
- Complaints of discrimination on the basis of race, color, religion, sex, age, national origin, disability, veteran status or political affiliation; □ Harassment, including sexual harassment.

Actions that do not qualify for the Problem Resolution process are:

- Discipline not resulting in demotion, suspension with loss of pay;
- Content of ordinances, resolutions, statutes or established personnel policies, procedures, rules or regulations;
- Content and structure of the Classification and Compensation Plans, including, but not limited to: establishment and revision of wages or salaries, position classification, or general benefits;
- Non-disciplinary discharge, demotion or layoff made because of lack of work, reduction in workforce, or job elimination;
- Assignment of duties and work schedules;
- Promotions, transfers, temporary assignments; □ Workers' Compensation and Unemployment claims;
- Performance evaluations;
- Involuntary termination;
- Board of County Commissioners actions and decisions on policies.



**Applicability:** The Problem Resolution Policy process is available to all regular employees in all County departments; except as otherwise provided by law, and for regular employees of the Sheriff's Office that are appointed or deputized by the Sheriff and serve at his/her pleasure. Temporary employees, or employees in their first six (6) months of employment, or employees in an introductory period are not eligible to use the Problem Resolution Policy process.

The Human Resources Department, at the request of the department or employee, shall make decisions regarding whether or not an action is eligible to access the Problem Resolution Policy process.

A regular employee who works under the supervision of an appointed Department Head may continue the Problem Resolution Policy process through final review by the County Administrator. For a regular employee who works under the supervision of an Elected Official, the employee may continue the Problem Resolution Policy process review through the Human Resources Department with final authority to review the dispute resting with that Elected Official. The Board of County Commissioners has final authority with a problem with the County Administrator or County Attorney.

**Compliance:** The Human Resources Department is responsible to establish, maintain, and amend from time to time, the Problem Resolution Policy process. The Human Resources Administrator shall make this policy available to any employee who makes an individual request and to all employees whenever a change in the policy occurs.

**General Provisions:** The Human Resources Department shall maintain the confidential files and records relating to problem resolution files. Files related become a part of an employee's personnel file.

- Upon request of either party, for good cause shown, or by stipulation, the Problem Resolution Policy process may be continued from time to time.
- Employees, their witnesses and representatives, may participate in the Problem Resolution process. Employees may do so without charge to any leave or loss of pay if scheduled in advance with the Department Head or Elected Official.
- Nothing in this policy constitutes an agreement of employment for any specific period of time.

**Termination Appeal Procedure:** Terminated County employee has 72 hours to appeal their termination with the County Administrator or Elected Official. The County Administrator or Elected Official than has 48 hours to respond and decision is then final.

**Problem Resolution Procedures:** If the employee and immediate supervisor are unable to resolve a problem or dispute, the employee may request a meeting with his/her Department Head or Elected Official. This request must be made within three (3) working days after the action causing the problem or the informal discussion with the immediate supervisor. In those instances when the action leading to the problem has been administered by a Department Head or Elected Official, the meeting request must be made within three (3) working days of the incident. The employee may request the Human Resources Department attendance at the meeting.

The Department Head or Elected Official must meet with the employee within five (5) working days of the request. At the meeting the employee is given an opportunity to explain his/her position and should present any evidence and names of witnesses who may support his/her position. Following the meeting, the Department Head or Elected Official, or his/her designee, may conduct an investigation including interviewing witnesses.

The Department Head or Elected Official must reply to the employee within five (5) working days after the meeting with a decision regarding the problem. This reply may or may not be in writing.

If the employee is not satisfied with the response of the supervisor and/or Department Head or Elected Official, the employee may continue the process by submitting a written statement within three (3) working days of receiving the response. This statement of continuance must be submitted to the Human Resources Department. It must be specific and contain: the date of the response; the names and address of the complainant; details of the alleged action or decision leading to the problem; the grounds upon which the complaint is based; and a statement of the remedy being sought. After reviewing the statement, the Human Resources Department may or may not request a meeting with the employee. Therefore, the employee should also attach copies of all written evidence, including statements from witnesses.

The Human Resources Department shall issue a written recommendation as to the validity of the problem or dispute and a description of a resolution, if any. This response must be provided within five (5) working days of the meeting with the employee, or if no meeting was arranged, within five (5) working days of receiving the employee's complaint. The Human Resources Department will forward a copy of his/her recommendation to the employee's Department Head or Elected Official. For problems with a Department Head, the Human Resources Department will forward a copy of his/her recommendation to the County Administrator.

Within three (3) working days of the receipt of the Human Resources Department recommendations, the Department Head or Elected Official will make the final resolution decision and provide a written response to the employee. The final decision of the Department Head or Elected Official may or may not follow the recommendations of the Human Resources Department.

If the employee is not satisfied with the Human Resources Department review and response of a Department Head, the problem may be advanced to the County Administrator of employees employed in departments with Department Heads. Employees in departments administered by Elected Officials, the decision of an Elected Official regarding a problem is final.

After receiving the Department Head's final resolution decision, an employee may file a written request for a problem resolution hearing with the County Administrator. This request must be filed with the Human Resources Department within three (3) working days of the receipt of the

Department Head's final resolution decision. The Human Resources Department will forward the problem resolution hearing request to the County Administrator.

Within ten (10) working days from the filing of the hearing request the County Administrator shall schedule a meeting with the employee, supervisor, and Department Head to hear the problem and attempt resolution. The meeting must occur within thirty (30) working days of the request and is a fact finding session at which the parties involved present testimony and evidence. Documents that are to be considered must be shared with all parties present. Individuals who have relevant information about the problem or appeal may be asked to attend. Each side will have a total of thirty (30) minutes to present their case. The employee may be represented at the meeting by an attorney or any person of his/her choosing or may present his/her own case.

Any such representative shall be solely at the employee's expense. The opinion of the County may be presented by the Human Resources Department Head, or, if the employee is represented by counsel, by the county Attorney or his/her designee.

The County Administrator shall provide a written report and finding to the employee within five (5) working days of the hearing. The County Administrator has the power to affirm, modify, or reverse the action(s) of the Department Head. The decision of the County Administrator is final.

**Additional Provisions:** Failure by management to reply to the employee's problem or dispute resolution requests within the time specified shall automatically grant to the employee the right to process his/her problem to the next level of review within three (3) working days of the failure to respond.

If an employee fails to continue the problem resolution process from one level to the next within the time limits and in the manner provided, the problem shall be considered settled on the basis of the last level of decision and the problem shall not be subject to further review.

Any level of review, or any time limits established in the process, may be waived or extended only by mutual agreement confirmed in writing.

A complaint against the County Administrator shall be submitted in writing to the Chair of the Board of County Commissioners for review and final decision for action. The Board shall have ten (10) working days to investigate and review the facts related to the problem and issue a written response to the employee.

**WHATEVER THE RESOLUTION, THE COUNTY AND MANAGEMENT MAKE NO COMMITMENT FOR EMPLOYMENT OF ANY SPECIFIC DURATION AND EMPLOYMENT WITH THE COUNTY REMAINS "AT-WILL." AS AN EMPLOYEE OF THE COUNTY, EMPLOYEES HAVE NO CONTRACTUAL, PROPERTY, OR OTHER LEGAL RIGHTS IN ANY TERM, CONDITION, OR ASPECT OF THE EMPLOYMENT RELATIONSHIP, INCLUDING BUT NOT LIMITED TO, TERMINATION. EMPLOYEES ARE FREE TO VOLUNTARILY TERMINATE EMPLOYMENT AT ANY TIME, AND THE COUNTY RETAINS THE RIGHT TO TERMINATE EMPLOYMENT OF ANY EMPLOYEE AT ANY TIME.**

## Section 600 General Provisions

**601 - Weather Related Conditions - Facility Closure:** On those rare occasions when severely inclement weather or unforeseen emergencies occur, the offices may be closed to all non-essential employees. The County Administrator with approval from the Board of County Commissioners decides when and which facilities should be closed. The closure decision will be disseminated by the Elected Officials (se defined) to their respective offices and departments. Scheduled employees will be paid for the day(s) when their assigned office is closed due to inclement weather or emergencies. Employees who are on personal, medical, emergency or other leave during a closure will not receive additional compensation or additional time off because of the closure. The closure time will be counted as personal, medical or emergency leave as appropriate. Employees who are required to work such as Equipment Operators, and the Sheriff Office Employees are considered essential and will not be given the time off.

When an employee chooses to stay at home or leave work early because of safety concerns due to adverse travel conditions, disciplinary action may be waived by the decision of the direct supervisor, depending on the facts of the situation. However, just because an employee chooses to live in a geographical area that may be subject to more severe weather and road conditions does not relieve that employee of his/her responsibility to be at work on time each scheduled workday. When employees choose to leave work early or not to report to work if they have safety concerns, they have the option of taking the time without pay or using Annual Leave.

**602 - Conflict of Interest:** Employees shall not accept or engage in any activity, business, or employment during or after working hours that would conflict with the interests of the County or interfere with the unbiased ability of the employee to discharge his/her duty to the public in the best interest of the County. The County retains the sole right to determine that which constitutes a conflict of interest in accordance with appropriate Federal, State, and local statutes, regulations, ordinances, and mandates.

- Should a situation arise concerning a possible conflict of interest with any County employee or member of an appointed board and any enterprise or organization doing business with Archuleta County, the details of the situation will be presented to the Department Head, Elected Official and Human Resources Administrator for review, investigation, and final determination.
- Use of the official logo, letterhead, or other items in the conduct of activities that may not be viewed as County business is prohibited.

Violation of this policy may result in disciplinary actions, up to and including immediate termination.

**603 - Continuing Education** – The County encourages continuing education as part of an employee’s personal growth and development. An employee may be eligible for reimbursement of actual expenses for attending or taking college level courses from an accredited college or university (not to exceed \$1,000 in any calendar year). The college course must be job-related and will be determined by the employee’s Department Head or Elected Official, or be required for a job-related degree as determined by the employee’s Department Head or Elected Official. To be considered for reimbursement and prior to registering for any course the employee must have written approval from their Department Head or Elected Official. Employees are encouraged to coordinate with their Department Head or Elected Official during budget preparation process, prior to the start of a new calendar year.

**604 - Vehicles, Equipment, and Facilities:** Archuleta County issues vehicles and equipment for its employees’ use in the delivery of the services provided by the County.

The County classifies employees into three categories according to the driving requirements of their jobs:

Non-driving: These employees never need to drive on County business.

Marginal driving: These employees occasionally or frequently need to drive on County business.

Essential driving: These employees drive on County business as an essential part of their job function. This category includes CDL holders in safety-sensitive jobs such as Equipment Operators, many Departments of Public Safety personnel, Department of Transportation personnel, and many emergency personnel.

The Human Resources Administrator in conjunction with the department head will determine which employees/jobs fall into which category, and review the determination annually. The Human Resources Administrator will manage the Fleet & Risk Management County Vehicle Use Policies and Procedures. All employees who drive for Archuleta County, no matter the frequency of the driving, must adhere to the Fleet & Risk Management County Vehicle Use Policy and Procedures outlined in this document and any additional related documents issued.

Every employee who drives a vehicle on County business will possess a valid Colorado driver’s license appropriate to the vehicle driven at all times. No employee will drive a vehicle on County business if that employee’s driving privileges are under suspension, have been revoked, or their license has expired. Employees classified in the Marginal and Essential driving positions will inform their supervisor within twenty-four (24) hours or the next working day of any such suspension, revocation or license expiration. Failure to do so may subject the employee to disciplinary action up to and including termination.

The Human Resource Department may perform annual driver’s license record checks on all County employees in Marginal and Essential driving positions. Any employee in an Essential driving position who has a driver’s license suspended, revoked, or expired may be immediately terminated as an employee of the County. Any employee in a Marginal driving position who has a driver’s license suspended, revoked, or expired will be prohibited from driving on County related business and may be subject to other disciplinary action.

If that employee can no longer perform the essential functions to his/her position as a result of the prohibition, that employee's employment with the County may be terminated, unless the employee is qualified to transfer into an available non-driving position.

Any employee convicted of an alcohol or illegal drug related offense while driving a County vehicle, or while driving any vehicle on County business, will be immediately terminated as an employee of the County.

For Marginal driving positions, an employee's driving record is unacceptable if it shows the following:

- Twelve (12) points or more of violations within the last three (3) years, or
- One alcohol or drug related driving conviction within the last three (3) years.

For Essential driving positions, an employee's driving record is unacceptable if it shows the following:

- Twelve (12) points or more of violations within the last two (2) years, or One
- alcohol or drug related driving conviction within the last year.

If an employee's motor vehicle records check shows either of the above, the record will be reviewed by the employee's immediate supervisor and the County Administrator. The County Administrator and the employees Department Head or Elected Official will determine what action will be taken, up to and including termination of employment.

Employees agree that while driving on County business, they will operate vehicles in a safe, prudent manner and drive defensively to minimize risk to themselves and those around them. All traffic laws and motor vehicle laws will be obeyed at all times. All vehicle occupants shall wear seat belts at all times, except for the Senior/disabled bus and Mountain Express public transportation passengers for whom seat belt usage is optional.

All accidents involving any County vehicle or County equipment shall be reported immediately and the proper reports will be submitted as soon as possible to the Department Head or Elected Official who will then forward to the Human Resources department. Failure to comply with this requirement may result in disciplinary action up to and including termination of employment.

Drivers and other employees directly involved in any accident involving any County vehicle or County equipment that results in bodily injury to any accident participant, citation issuance to a County employee, or if the vehicle is disabled to the extent that it cannot be driven from the scene, shall report to supervisor and law enforcement within two (2) hours of the accident. The emergency room administrative personnel are to be directed to send the results of the drug and alcohol test as soon as possible to the Human Resources Department for appropriate action.

Employees who fail to comply with this requirement may be subject to disciplinary actions up to and including termination of employment. All test results related to drug or alcohol screening will remain confidential, available on a "need-to-know" basis only, to the Human Resources Administrator, Department Head, Elected Official, County Attorney, and the affected employees. Employees involved in such accidents are not to drive a County vehicle or their own vehicle for County business for the remainder of the work day.

An accident involving a County vehicle or County equipment that is determined to be the fault of the employee through carelessness or neglect may result in disciplinary actions up to and including immediate termination.

Employees shall maintain County vehicles both inside and out in a neat, clean, and orderly manner. County issued gas cards and car wash cards shall only be used for County owned vehicles.

Employees shall report any defects or maintenance problems immediately to their immediate supervisors who shall then notify the Department Head or Elected Official and the Fleet Manager.

Persons who are not employees of the County may be transported in a county vehicle if such transport is for County business when these people are performing a function or providing a service that is considered to be a benefit to Archuleta County.

Other governmental employees may ride in a county vehicle if they are involved in County business, and the vehicle is driven by a County employee.

People who are not County employees, approved volunteers performing County business, County business passengers (such as, public transportation passengers, inmates, etc.), people directly performing County business mentioned above, and the other governmental employees mentioned above, are prohibited from riding in County-owned vehicles at any time unless otherwise approved by the Department Head or Elected Official. This includes relatives and friends of the County employee, unless the relative is accompanying the employee to an out-of-county training or meeting site. In addition, pets and hitchhikers are prohibited from riding in County-owned vehicles. However, pets in proper carriers and service pets are permitted in County transportation buses.

**An annual review of drivers' license reports will be done to update qualifying information. Failure to annually satisfy all qualifications will result in immediate elimination as a volunteer driver for the County.**

Smoking and tobacco use is prohibited in County vehicles at all times.

Vehicle services shall be obtained according to the Fleet Management schedule.

Use of County vehicles is limited to official County business. County vehicles shall not be used for commuting, except in instances of "on-call" employees as approved by the County Administrator. Assigned County vehicles are subject to annual review by the appropriate department head and final determination by the County Administrator.

County vehicles shall not be used for personal business unless specifically pre-approved for such in writing by the County Administrator or Elected Official. The personal use of a County vehicle includes commuting to and from work, except for instances of "on-call" employees mentioned above, and are considered by the IRS to be a non-cash employee benefit and subject to both income and employment/payroll taxes. In those cases in which personal business use is approved, the Finance Director will calculate the tax according to prevailing IRS procedures regarding fair market value of the benefit, and it will be shown on the employee's W-2 at the end of the calendar year.

The user of the vehicle is required to keep a record of all use, business and personal, including the date used, the business or personal reason for the use, and the mileage used. Copies of the

log are to be submitted to the Finance Director on a monthly basis. Failure to comply and/or falsification of records are subject to disciplinary action up to and including termination of employment.

Use of personal vehicles for County business on a regular basis is discouraged. Employees using their own vehicles to perform County business must meet the statutory levels of insurance coverage:

- Auto liability:                   \$50,000 per accident  
  \$25,000 each person
- Property damage:               \$15,000 property damage
- Uninsured motorist:           Basic limit

In the event a County vehicle is not available for use and an employee needs to use their own personal vehicle to conduct County business, the County will reimburse properly documented requests for mileage reimbursement at the current IRS standard mileage allowance.

**605 - Supplies and Equipment:** The County provides supplies, tools and equipment for the employee's use in performing his/her job. Employees are asked to exercise care, safety, and conscientiousness in the use of the County property.

- Personal use of, or allowing others to use County property, unless previously authorized, shall not be allowed.
- Removal of the County's supplies, tools, or equipment from the County premises shall not be allowed unless it is authorized as part of the conduct of County business that is being performed off-site.
- Unsafe or careless use of County supplies, tools, equipment, and chemicals may be viewed as a violation of safety standards and may become the subject of disciplinary action.
- Personal property that is damaged or lost in conjunction with the performance of County assigned duties will be reviewed on a case-by-case basis for repair or replacement.

Archuleta County issues the following equipment to its employees:

- Safety eyewear, hard hats, safety work boots (allowance to be determine by the Public Works Director), uniforms, rain gear, gloves, coats/bibs (once a year) & vests to the Public Works Department.
- Work boots, hats, uniforms, rain gear, gun belts and accessories, weapons, ballistic vests and jackets to the Sheriff Office employees.
- The Assessor's office issues hard hats, gloves, coveralls, snow shoes, jackets and raingear.



**606 - Community Relations /Citizens' Concerns:** Archuleta County recognizes its responsibility to the community as a whole and expects employees to conduct themselves at all times in a professional manner as representatives of the local government. Employees are expected to conduct themselves in a manner that contributes positively to the County's reputation. All employees shall be responsible for demonstrating the characteristics of customer service, public service, quality work, positive attitude, effort, and appropriate appearance in the conduct of the duties and responsibilities of their jobs.

All employees are expected to provide excellent customer service at all times. It is each employee's responsibility to ensure that citizen and other entities' concerns are addressed in a high quality, courteous, timely, service-oriented manner.

If an employee is unable to resolve a Citizen's concern, he/she will immediately report it to his/her supervisor for resolution or appropriate forwarding to the proper department. It is essential that everyone maintains a pleasant, courteous, and businesslike/professional manner in communicating with and responding to each other as well as to the County's various customers. Whether in person or via other means, such as telephone, written correspondence, or electronic/automated transmission, the manner in which the interface is handled can promote goodwill that reinforces the competency of the individual employee's performance and the regard with which the County is viewed for employing competent, capable representatives.

Regardless of the nature of the contact, each employee is responsible for his/her own conduct and behavior toward citizens. All employees are expected to be courteous, professional, and helpful, and to refrain from any behavior that would show disrespect, lack of courtesy, retribution, or violence to any citizen or groups of citizens. This includes but is not limited to: discriminating actions, disregard for customer relations; rudeness; use of profane, abusive, or threatening language; and conduct that would bring serious discredit to the County, its reputation, its employees, customers, and/or its suppliers.

**607 - Media Comments Regarding inquiries or requests for information from the press:**

Requests for information by the press should be deferred to the Elected Officials or County Administrator. If the topic concerns day-to-day activities of the department, the inquiry will normally be deferred to the department head. Employees shall not give interviews or provide information directly to the press without the specific approval of their Department Head or Elected Official.

Please respect this policy, for your protection and to ensure a consistent message from this organization.

**608- Political Activities:** The County encourages its employees in matters of responsible citizenship and does not by these provisions intend to prohibit County employees from engaging in political activity. However, Colorado law requires these activities to be confined to hours when the employee is not on duty. Also these activities shall not impair the employee's efficiency at the employee's particular job in the County government, and so long as the Employee does not utilize any County resources or equipment, an employee is free to engage in or support any candidate or political process free from coercion or interference from any county official or employee.

To ensure compliance with Colorado law and to serve the best interests of the employees, taxpayers, and the County, it is necessary to restrict certain types of political activity without infringing upon the employees' rights to exercise their suffrage as citizens. This procedure is set forth to safeguard the employee from political pressure to support, financially or otherwise, any political party or person and to safeguard the interests of the public whom employees serve without regard for political opinion or affiliation. Nothing in the policy or these procedures shall be construed to restrict an employee's freedom to express opinions or exercise his/her right to vote while off-duty.

No employee, either full-time or part-time, shall campaign for or against or publicly support or oppose any candidate while on duty.

No County employee, either full-time or part-time, while on duty or in a uniform which identifies him/her as an employee of the County shall:

- Canvass on behalf of any candidate, political party, or political issue;
- Display any political media ( i.e.: email, fax, mail, buttons, etc...) whether it is campaign related or supportive of an Elected Official's views;
- Circulate any petition;
- Participate in petitioning activities focused on public service issues presented by the general public (non-County officials); or

No employee shall place, allow to be placed, or allow to remain on County property or vehicles, any political media or campaign materials.

Any active, full-time or part-time employee who is announcing candidacy for an elected office may choose to continue his/her regular work schedule with the County if no interferences or conflicts of interest occur. While the employee-candidate is at work, only County business will be conducted and the office/department atmosphere will be one of courtesy with no form of perceived retaliation. Any related political activity will be restricted to off-duty hours. The employee-candidate may request a leave of absence, using accrued leave time.

Employees whose principal employment is in connection with federally financed activities are subject to the following Federal requirements as a condition of such employment:

- Covered employees may not use their official authority or influence for the purpose of interfering with or affecting the results of elections or nominations for office.
- Covered employees may not coerce, attempt to coerce, command or advise other covered employees to pay, send, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

- Covered employees may not be candidates for public office in any partisan election. A partisan election is one in which at least one of the candidates is to be nominated or elected as representing a party, any of whose candidates for presidential election received votes in the last proceeding election at which presidential electors were selected. This latter restriction does not apply to governors or lieutenant governors of states or individuals authorized by law to act as governor, mayors of cities, duly elected heads of executive departments of state or municipal merit or civil service systems.

In summary, no employee can take any action that is not directly part of their position duties and responsibilities that can be interpreted as campaigning for or against any political candidate or cause:

- while on duty or in uniform,
- while on County property,
- or while in a situation in which they are representing the County.

Failure to comply will result in disciplinary action up to and including immediate termination of employment.

**608 - Gifts and Favors:** No local government official or government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such

person receiving lawful consideration of equal or greater value in return from the local government official or government employee who accepted or received the money, forbearance or forgiveness of indebtedness.

No local government official or government employee either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty dollars (\$50) in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the local government official or government employee who solicited, accepted or received the gift or other thing of value.

The prohibitions in subsections and of this section do not apply if the gift or thing of value is:

- a) A campaign contribution as defined by law;
- b) An unsolicited item of trivial value less than fifty dollars (\$50), such as a pen, calendar, plant, book, note pad or other similar item;
- c) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- d) Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;
- e) Admission to, and the cost of food or beverages consumed at, a reception, meal or meeting by an organization before whom the recipient appears to speak or to answer questions as part of a scheduled program;
- f) Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state or local government, provided that the non-profit organization receives less than five percent (5%) of its funding from non-profit organizations or entities;
- g) Given by an individual who is a relative or personal friend of the recipient on a special occasion;
- h) A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

**609 - Safety:** It is the County's intent that all employees enjoy a safe work environment free from known health and safety hazards.

The County has established safety practices concerning work area organization as well as the use of tools, equipment, and chemicals.

- Each employee is expected to take responsibility for helping ensure the standards are followed by conducting his/her activities in accordance with established practices.
- It is each employee's responsibility to report any accident or injury on the job immediately to his/her immediate supervisor, regardless of severity.
- Failure by an employee to follow safety standards or related practices may result in immediate disciplinary action up to and including immediate termination.

Additionally, departments may establish safety policies and procedures unique to their operational needs.

**610 - Hardware/Software/Internet Use:** The organization-wide information and computer system, as well as all software, computer hardware and peripherals, and Internet/Web access are the property of the County and are provided to employees solely for County business use.

Employees should keep in mind that when they use the County's computer system their actions and communications may be identified as those of the County. As such, employees are to exercise sound professional judgment at all times when using the County's computer system.

The use of the County's computer system and access to the Internet is a privilege, not a right. Users will be held responsible for their actions when using the computer system and the Internet. Unacceptable uses may result in suspension or revocation of user privileges and/or other disciplinary actions. User activity that may indicate a violation of law could be disclosed to law enforcement or other third parties without prior consent of the employee.

Demonstrated intent to violate this policy may be considered the same as an actual policy violation. Demonstrated intent means evidence of actions that if successful or if carried out as intended, would result in a policy violation.

Most users should have no expectation of privacy or confidentiality in the content of any message or document created, archived, stored, received, deleted, viewed, or sent with the County's computer resources. The Elected Official or Department Head reserves the right to monitor, access and/or disclose the content of any of these messages or files without prior notice to the users, including all information and contents of any individual computer, laptop computer, voice mail, information systems, or telecommunications systems. The Elected Official of Department Head also reserves the right to remove any files from County computer resources without prior notification.

The County is using software and operating systems to monitor and record computer usage. The IS Department, at the request of the Department Head or Elected Official, may review computing activity and analyze usage patterns to assure that the County's computing resources are devoted to maintaining the highest standards of public benefit and employee productivity.

Management and Administration: All software loaded on County computers must be properly licensed and documented. Documentation (license information, serial numbers, purchase orders, receipts, etc.) must be maintained and readily available. Any unlicensed or unauthorized software found on the County's computer system will be removed. All software licensing shall be maintained by the IS Department, any department purchasing software shall forward all licensing information to the IS Department.

An employee may be held liable for any damage to the system due to an employee loading personal software onto the system or otherwise causing intentional damage to the system.

Viruses can cause a significant disruption to County computer services. The IT Department will, whenever possible, implement virus-scanning systems and processes to eliminate or significantly limit damage to its computer resources from these programs.

All users must comply with federal, state and local laws governing intellectual property, software licenses and copyrights. Copyrighted material, including text, pictures, video, sound, and other attachments, should not be copied or distributed using the County computer resources without appropriate credit and, where necessary, permission from the author, composer and/or owner.

User Guidelines: All usage of the County computer system, including the Internet, must be consistent with County business purposes. Each user should regulate his/her usage behavior by remaining mindful that the usage shall facilitate the effective operation and delivery of County services. To assist in such judgment, general guidelines include, but are not limited to:

- Users should not share Archuleta County Passwords with anyone. All Passwords are to be treated as sensitive, confidential information.
- If someone demands a Password, refer the person to this document or have the person contact the IT Manager or approved designee.
- Users should not write Passwords down and store them anywhere in their offices.
- If an account or Password is suspected to have been compromised, report the incident to the IT Manager or approved designee and change all Passwords.
- Abide by the generally accepted rules of network etiquette and customer service.
- Do not send or forward abusive messages.
- Use appropriate language.
- All communications and information accessible via the network should be assumed to be copyrighted property, unless specifically identified otherwise.

- Do not access, review, upload, download, store, print, post or distribute pornographic, obscene or sexually explicit material.
- Do not access, review, upload, download, store, print, post or distribute any gambling material from the internet.
- Do not transmit or receive obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language.
- Do not access, review, upload, download, store, print, post or distribute materials that use language or images that advocate violence or discrimination toward other people or that may constitute harassment or discrimination.
- Do not engage in any illegal act or violate any local, state or federal statute or law.
- Do not vandalize, damage, or disable the computer system property or use the computer system to vandalize, damage or disable the property of another person or organization.
- Do not attempt to or actually degrade or disrupt equipment, software or system performance by spreading computer viruses or by any other means.
- Do not tamper with, modify, or change the County's system software, hardware or wiring or take any action to violate system security, and do not use the County system in such a way as to disrupt the use of the system by other users.
- Do not use the County's system to gain unauthorized access to information resources or to access another person's materials, information or files without the permission of that person.
- Do not use the County's system for mass distribution of commercial or unofficial fund-raising messages.
- Do not post an anonymous message, forward to another person, forge or disguise a return address or send a message through a "re-mailer."

Any user may be held personally responsible for the cost of repairing damage to computer resources, including but not limited to the replacement of equipment and/or payment for the time required to repair the damage when such damage is the result of a user's deliberate or negligent misuse of computer resources.

Disciplinary action for violation of this policy may include, but is not limited to, warning or reprimand, performance counseling, changes in work assignments or other measures designed to prevent future misconduct, or termination of employment.

Employees shall not for any reason access sexual explicit material from any personal electronic device on any County property, nor shall any employee display any material with sexual content.

**612 - Electronic Mail (E-Mail):** An electronic mail system that is provided to assist County employees in the conduct of business and services. Both the internal e-mail system and e-mail through the Internet are considered the electronic mail system as set out in this statement. All messages composed, sent, or received on the electronic mail system are and remain the property of the County. These messages are not the private property of an employee.

General Information: The use of e-mail is reserved for County business. All messages and files created, sent, received or stored within the system should be related to County business and will remain the property of the County.

Internal and external e-mail messages are considered business records and may be subject to discovery in the event of litigation.

All messages created, received, or sent over the electronic mail system for any purpose may be reviewed, audited, intercepted, accessed, and disclosed according to State and Federal statute. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed within the organization without the permission of the employee.

The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.

Notwithstanding the right of the County to retrieve and access any electronic mail message, such messages should be treated as confidential by other employees and accessed only by the intended recipient.

Information or correspondence in the form of electronic mail may be considered public record under public records law and may be subject to public inspection under the law.

The electronic mail system is not intended for use to solicit or canvass for commercial venture, religious or political causes, or other non-job related solicitations. Further, it is not to be used to create or disseminate any offensive or disruptive messages.

Any employee who discovers a violation of this policy should notify his/her immediate supervisor, Department Head, or Elected Official.

Any employee who violates this policy or uses e-mail for improper purposes may be subject to elimination of e-mail privileges or disciplinary action, up to and including termination.

Management and Administration: The content of e-mail, voice mail messages for any file may not contain anything that would reasonably be considered offensive or disruptive to any employee. Offensive content would include, but is not limited to, sexual comments or images, racial slurs, gender specific comments or any comments that would offend someone on the basis of age, sex, sexual orientation, religious or political beliefs, national origin, or disability.



Regarding e-mail access and usage, the County prohibits:

- Dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating proprietary data, vendor trade secrets or other confidential information of the County in violation of company policy or proprietary agreements.
- Offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Usurping business opportunities or soliciting money for personal gain, or searching for jobs outside of the County's own job postings.
- Sending chain letters.
- Gambling or engaging in any other activity in violation of local, state, or federal law.
- The circulating of jokes, comics or non-job related computer graphics.

Disciplinary action for violation of this policy may include, but is not limited to, warning or reprimand, performance counseling, changes in work assignments or other measures designed to prevent future misconduct, or termination of employment.

**613 - Cellular Telephones:** It is the County's desire that when practical and feasible, if an employee uses a cell phone for both work and personal calls, the employee provides the cell phone and pays the monthly phone bill. Upon the recommendation of the department director and approval of the County Administrator, employees will be given a cell phone allowance to cover the approximate cost of conducting County business on personal cell phones or other portable communication devices.

As situations warrant, the County will provide the appropriate communications equipment. In those situations, employees are required to reimburse the County for personal use of County cell phones or other portable communication devices.

Advances in technology have changed the way organizations do business. The use of cell phones, Nextel radios, text messaging, etc. have become accepted tools for communication and, in many cases, improve efficiencies and levels of service.

With new technologies often come new problems/issues. In the case of cell phones and other portable communications devices, many employees use these for both personal and business purposes. This creates issues of cost allocation or reimbursement, individual privacy vs. public open records laws, etc. The potential time requirements for internal controls, invoice review, tracking reimbursements, etc. are neither an effective or efficient use of staff time.

Some positions require an employee to be available by phone at any time in order to conduct emergency or on-call County business. In this case, the County shall provide the employee with a cell phone or other portable communication device. This situation shall be determined by the department director and approved by the County Administrator. County-issued cell phones or other portable communication devices are to be used only to conduct County business. In the event that a County-owned cell phone or other portable communication device is used for non-County business, the employee shall reimburse the County for minutes used at the per minute rate of the calling plan.

Approved employees that use their personal cell phone, or other portable communications device, for County business are eligible for a monthly cell phone allowance of \$40 per month. The request for a cell phone allowance may be initiated by the employee, the employee's supervisor, or the department director. The request shall include a description of the business need for the cell phone or other portable communications device and a basis for the amount of the allowance. In addition, at the discretion of the County Administrator or Elected Official, reimbursement for actual cost of cell service may be allowed up to \$40 per month. Once permission is secured by the County Administrator or Elected Official, the authorized employee shall submit on a monthly basis documentation of business-related cell phone expenses to the County Administrator or Elected Official.

The County Administrator or Elected Official shall approve the reimbursement request in writing and forward to the Finance Department to payment.

The Finance Department may, at any time, conduct a review of monthly invoices to ensure the appropriateness of the allowance or reimbursement amount.

The County Administrator, or designee, shall approve all requests for variation to the standard reimbursement percentage and cell phone allowances.

## **614 - Mobile Device Policy**

**Purpose:** This policy outlines rules regarding employees' use of personal and county provided mobile devices while operating County vehicles and equipment. Archuleta County has established these guidelines to limit distractions and security breaches while promoting safety and productivity. These rules apply to all employees, regardless of their position. Law enforcement personnel are exempt from this policy.

This mobile device policy applies, but is not limited to, all devices and accompanying media that fit the following classifications:

- Smartphones
- Other mobile/cellular phones
- Tablets
- Portable media devices
- Portable gaming devices
- Laptop/notebook
- Wearable computing devices
- Any other mobile device capable of storing organizational data and connecting to a network

The policy applies to any mobile device that is used whether the device is owned by the user or by Archuleta County.

### **PUBLIC RECORD**

Employees should be aware that phone records, emails, text messages, or any electronically transmitted or received document or file, both business and personal, on County-provided or personal device used for County business, may be considered public record subject to public inspection.

### **MOBILE DEVICE USAGE**

For employees who operate County vehicles including automobiles, multi passenger vehicles and equipment/heavy equipment

Mobile Device usage while operating motor vehicles or equipment:

- Archuleta County expects employees to use common sense and avoid situations with mobile devices that may cause distractions, safety hazards, loss of productivity, or security breaches for themselves and others. These guidelines apply to the usage of personal and County provided devices while driving or operating machinery. As an Archuleta County employee, you shall:
- Never use a mobile device hands-on feature while driving a County vehicle or operating equipment except for the purpose of obtaining or rendering emergency assistance.
- Employees should use discretion when utilizing the 'hands-free' option with mobile devices.

- Employees are expected to pull over to a safe area if they need to use a mobile device.
- Never use a mobile device to browse the internet, play games, or watch videos while driving or operating equipment, including moving forward or backward, or temporarily stationary because of traffic, traffic control devices or other momentary delays.
- Employees who violate this policy will be disciplined up to and including termination of employment.

### **DOT, FMCSA, FTA DRIVERS, AND OPERATORS**

DOT, FMCSA, FTA employees are subject to additional rules and regulations including:

FMCSA rules restricts the use of all hand-held mobile devices by drivers of commercial motor vehicles (CMVs). This rulemaking restricts a CMV driver from holding a mobile device to make a call or dialing by pressing more than a single button. CMV drivers who use a mobile phone while driving can only use a hands-free phone located in close proximity.

The definition of using a mobile phone (device) is:

- Using at least one hand to hold a mobile phone to make a call;
- Dialing a mobile phone by pressing more than a single button; or,
- Reaching for a mobile phone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt.

### **Fines and Penalties**

Using a handheld mobile phone while driving a CMV can result in driver disqualification. Penalties can be up to \$2,750 for drivers and up to \$11,000 for employers who allow or require drivers to use a handheld communications device while driving.

### **Disqualification**

Multiple violations of the prohibition of using a handheld mobile phone while driving a CMV can result in a driver disqualification by the Federal Motor Carrier Safety Administration (“FMCSA”). Multiple violations of State laws prohibiting the use of a mobile phone while driving a CMV is a serious traffic violation that could result in a disqualification by the State of drivers required to have a Commercial Drivers License.

The rule applies to drivers operating a commercial motor vehicle on a roadway, including moving forward or temporarily stationary because of traffic, traffic control devices or other momentary delays.

### **Impact on Safety Measurement System (SMS) Results**

Violations negatively impact SMS results, and they carry the maximum severity weight.

### **Compliance**

All Archuleta County employees are responsible to act in accordance with County policies and procedures.

Failure to comply with the *Mobile Device Policy* may, at the full discretion of the organization, result in the suspension of any or all mobile technology use and connectivity privileges, disciplinary action, up to and including, termination of employment.

## Section 700 Expenses Incurred on Behalf of the County

**701 - Official Travel:** All employee travel for the benefit of the County shall be completed at the most economical and reasonable cost. Generally, most travel expenses will be prepaid by or directly billed to the County. If additional expenses are incurred, an employee shall:

- Receive permission from Department Head or Elected Official (se defined) before time of travel.
- Be reimbursed for authorized additional expenditures including but not limited to air fares, lodging, tool fees, parking fees, and rental cars as business expense. Mileage will be reimbursed at the applicable per mile rate established by the standard IRS rate for use of employee owned vehicles. For an employee who chooses to use their own vehicle when a County car is available they will be credited at 50% the standard IRS rate.
- Meals will be reimbursed in accordance with the current IRS and state business per diem meal expense allowance. Contact the Finance Department to determine the rate allowable for the county to which you are traveling, or the rates are available on line at <http://www.irs.gov/publications/p1542/ar02.html#d0e307>

The per diem amount should be pro-rated for partial travel days and pro-rated for meals provided by the seminar/conference (if applicable) as follows:

- a. 50% of the daily per diem rate is allowable for dinner, 25% each for breakfast and lunch.
- b. If actual costs are more than the per diem amount, the employee is responsible for the additional amount. If actual costs are less than the amount of the per diem, the employee may keep the balance.
- c. No receipts for meals are required by using the per diem system.

Three conditions must be satisfied to receive reimbursement:

The expense is an ordinary, reasonable, and necessary traveling expense;

The expense is incurred while away from the employee's primary area of assignment or requires overnight lodging;

The expense is incurred while the employee is attending a seminar, conference, or other meeting to benefit the County, or other authorized County Business; and

The County retains the right to determine what is and what is not a reimbursable expense and the amount thereof.

If travel time happens to fall on a designated holiday the non-exempt employee will be paid at regular time for that day and another day will be given as requested by the employee and approved by the Department Head or Elected Official.

**702 - Job-Related Expenses:** Request for reimbursement of out-of-pocket expenses are to be submitted to the County Finance Department by the employee's supervisor, Department Head or Elected Official on the appropriate reimbursement form showing itemized expenditures, substantiating receipts, and Department Head or Elected Official approval. Expense payments are made on a monthly basis. Expenses for reimbursement include the following:

**Mileage for Use of Personal Vehicle** - Employees shall use County-owned vehicles for business use, if they are available and it is practical to do so. Employees must check with the Department Head or Elected Official for availability, and will be reimbursed for use of their own vehicles when a County-owned vehicle is available (reimbursed at 50%).

If a County vehicle is not available or practical to use, an employee may use his/her own vehicle when it is authorized in advance by the Department Head or Elected Official. If an employee must use his/her own vehicle for business and does not receive some form of direct payment for the fuel to be used, the County will reimburse the employee at the per mile rate established by the standard IRS rate.

**Other Expenses** - Other expenses such as parking fees, meals, cab fares, tips, approved travel, required telephone calls, and other incidentals are eligible for reimbursement. Employees must provide substantiating cash receipts with supervisory approval to receive any reimbursement.

The guidelines for official travel may apply. Employees shall refer to the Official Travel section and verify the guidelines, reimbursable, and per diem amounts.

**Travel** - All out-of-state travel must have the prior written approval of the Department Head or Elected Official.

Employees should utilize the County's tax-exempt number as appropriate. The tax-exempt number may be obtained from the Finance Department or your Department Head or Elected Official.

**Uniforms** - Uniforms and apparel paid for by the County are approved annually as part of the budget process. The County provides specific benefits for employees who are required to wear gloves, safety shoes, eye protection, body armor, hardhats, etc.

**Safety Equipment** - All employees required to wear safety equipment in their jobs will be provided with County-approved equipment upon beginning employment. This equipment considered County property and must be returned upon termination. Safety equipment is to be kept within the workplace and worn as circumstances and safety guidelines dictate.

## Employee Policy Acknowledgment

I acknowledge that I have received a copy of Archuleta County, Colorado's Personnel Policy Handbook. I understand that the information contained in this document supersedes any written or verbal policies I may have received in the past.

My signature below indicates an acknowledgement of my responsibility to read, understand, and familiarize myself with the information contained in the document and that I will seek verification or clarification when necessary.

I understand that the information contained in the document is subject to change as situations warrant and that changes in the policies may supersede, modify, or rescind any or all policies summarized in the document. Further, I understand that changes in policy will be communicated in accordance with the procedure outlined in this document and that this process may be supplemented by communications from my supervisor or through other notices issued verbally, in writing, or in an electronic form. I accept full responsibility for keeping informed of the policies and practices in place at a given point in time as well as for any changes thereto.

**I UNDERSTAND THAT THE POLICIES, PRACTICES, AND PROCEDURES CONTAINED IN THE DOCUMENT DO NOT CONSTITUTE ANY FORM OF CONTRACTUAL OR LEGAL EMPLOYMENT AGREEMENT BETWEEN THE COUNTY AND ME. MY EMPLOYMENT WITH THE COUNTY IS AT-WILL BY MUTUAL CONSENT OF THE COUNTY AS THE EMPLOYER AND ME AS THE EMPLOYEE.**

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Employee's Name (Printed)

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Employee's Signature

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Date

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Supervisor or Human Resources Department Representative Signature

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Date

**NOTE: This form becomes a permanent part of an employee's personnel file.**