

**Resolution #2013-046**

**RESOLUTION  
OF  
THE BOARD OF COUNTY COMMISSIONERS  
Ouray County, Colorado  
RE: Revisions to the Ouray County Personnel Manual**

**Whereas**, by Resolution No. 2012-031 the County Commissioners of Ouray County adopted revisions to the Ouray County Personnel Manual effective January 1, 2013; and

**Whereas**, the Board of County Commissioners has adopted a budget for 2014 that requires additional revisions to be made to the Ouray County Personnel Manual to reflect decreases in the hours of operations and commensurate decreases in what will be considered full-time employment in the County; and

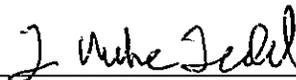
**Whereas**, changes in employment policies necessitated by the decrease in property tax revenues that has resulted in the adopted budget may extend for multiple years, notwithstanding the desire of the Board of County Commissioners to be able to fund county services at a level more commensurate with the budget for 2013 or prior years, making revisions to the Personnel Policy Manual appropriate;

**Now, Therefore, Be It Resolved** by the Board of County Commissioners of Ouray County, Colorado, that Resolution 2013-046 is hereby adopted approving revisions to the Ouray County Personnel Manual as follows: Sections 1.1, 2.8, adding 2.10, 4.15, 7.1, 7.2, 7.3, 7.4, and 7.6, as attached hereto (Attachment A) to become effective January 1, 2014.

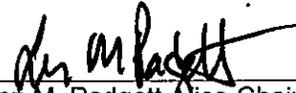
APPROVED AND ADOPTED THIS 17th DAY OF DECEMBER 2013.

Voting for: Commissioners Fedel, Padgett and Batchelder  
Voting against: None

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO



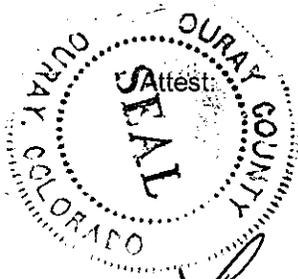
F. Mike Fedel, Chair



Lynn M. Padgett, Vice-Chair



Don Batchelder, Commissioner



Michelle Nauer, Clerk and Recorder

By: Linda Munson-Haley, Deputy Clerk of the Board

## CHAPTER 1 – INTRODUCTION

### Sections:

- 1-1 PURPOSE
- 1-2 AT-WILL EMPLOYMENT
- 1-3 SEVERABILITY

### 1-1 PURPOSE

These Personnel Rules are provided as a guide to the County employees concerning the administration of County personnel and related matters. The County reserves the right to amend this document any time for any reason. Nothing herein is intended nor shall it be construed or deemed to create any contract between the County and any of its officers or employees, nor is it intended nor shall it be construed to create any property rights in employment or an expectation of continued employment, or in the continuation of any benefits of any County employee or officer. The County's failure to adhere to any provision hereof shall not create any additional rights or remedies for any employee.

**NOTE REGARDING DECEMBER, 2013 REVISIONS:** On December 17, 2013 the Board of County Commissioners (“BOCC”) adopted revisions to this Personnel Policy Manual necessitated by their adoption of the county budget for 2014 (Resolution No. 2013-039). The 2014 budget reflected decreased revenues resulting from devaluations in property values and commensurate property taxes. The budget called for a decrease in work hours for full-time employees to thirty-six (36) hours per week, and a commensurate decrease in compensation for full-time employees, which also resulted in changes in county operations, primarily closure of county offices, other than Social Services, on Fridays. The specific revisions to this Personnel Policy Manual adopted as a result of the budget are an attachment to Resolution No. 2013-046. These revisions may be rescinded by the Board of County Commissioners in the future.

### 1-2 AT-WILL EMPLOYMENT

All persons hired by the County, unless otherwise provided for by written contract, are hired “at-will”, meaning that they may be terminated at any time, for any reason or for no reason at all. Employees may also terminate their employment at any time, for any reason or no reason.

### 1-3 SEVERABILITY

In the event that any provision of this Personnel Policy Manual shall be declared illegal, void, or unenforceable by a court of competent jurisdiction to violate any state or federal laws, the other provisions shall not be affected and shall remain in full force and effect.

authorization to work in the United States shall be a condition of employment with the County. Human Resources shall maintain each employee's I-9 documentation as required by law.

## 2-7 NEW EMPLOYEES

- A. All persons hired by the County, unless otherwise provided for by written contract, are hired "at-will", meaning that they may be terminated at any time, for any reason or for no reason at all. Employees may also terminate their employment at any time, for any reason or no reason.
- B. All new employees will receive a written evaluation at the end of six months and again at the end of the first year of employment, or sooner at the discretion of the supervisor or the Human Resources Director. Current employees who have made a lateral job change will also receive a written evaluation at the end of the first six months in a new job at the discretion of the supervisor or the Director of Human Resources.

Benefits, including the accrual of vacation leave, sick leave and personal leave, will accrue beginning on the first day of employment, but an employee will not be entitled to take any vacation leave or personal leave during the first six months of employment, except as otherwise provided for by written contract, or with the express approval of the Director of Human Resources.

## 2-8 EMPLOYEE DEFINITIONS

The following definitions shall apply for these regulations:

Full-Time Employee means an employee occupying a position in which the normal workweek is 36 hours per week or more and the position is for an indefinite period. Full-time employees are eligible for all Ouray County benefits set forth in these policies subject to the terms, conditions and limitations of each benefit program. A full-time employee in the Social Services department means an employee occupying a position in which the normal workweek is 40 hours a week or more and the position is for an indefinite period.

Part-Time Benefitted Employee means an employee occupying a position in which the normal workweek is at least 30 hours a week and the position is for an indefinite period. Employees designated as this type of employee are eligible for County benefits, sick, vacation and personal leave on a pro-rated basis. Health insurance will not be pro-rated but paid in full.

Part-Time Non-Benefitted Employee means an employee occupying a position in which the normal workweek is less than 30 hours a week and the position is for an indefinite period. Employees designated as this type of employee are not eligible for County benefits and do not accrue vacation, sick or personal leave.

Contract Employee means a position or employee hired to temporarily provide additional personnel support, assist in the completion of a specific project, or to work on an intermittent and/or unpredictable basis, and all seasonal positions unless otherwise stated. The hours worked shall be submitted each pay period. A Contract Employee is not eligible for Ouray County benefits but will receive legally mandated benefits such as employer paid portion of Social Security and Workers' Compensation Insurance.

Part-Time Employees who, on the effective date of this Manual, have County benefits shall not lose those County benefits upon the implementation of this Manual as a result of a change in

employment definition. Nothing in this provision shall prevent the County from changing or altering County provided benefits for reasons other than a change in employment definition.

## **2-9 NEPOTISM POLICY**

Members of an elected official's or an employee's family or household or a significant other of an elected official or employee shall not be employed within the same office or department if such employment will result in one relative, household member or significant other exercising direct supervision over the other.

No elected official shall appoint a relative, household member or significant other to an appointed position where that individual shall serve at the pleasure of the elected official, to include temporary, part-time or consultant positions.

## **2-10 OVER-TIME**

Employees will not be compensated for hours worked beyond thirty-six (36) hours a week for full-time employees, or as directed by the department supervisor for part-time and contract employees, without prior approval of the department supervisor. The department supervisor may approve compensatory time to be taken, or may approve payment at the normal hourly equivalent rate for time in excess of thirty-six (36) hours, but less than forty (40) hours, depending on budgetary constraints. Over-time pay is only paid for hours worked in excess of forty (40) hours a week, as provided by state and federal law and regulations. Over-time pay will be limited to hours approved in advance by a department supervisor and the County Administrator, or for purposes of responding to a declared emergency in the County in accordance with the County Emergency Preparedness Plan for personnel requested to respond to a declared emergency.

Any lapse in licensing, certification, or registration may result in disciplinary action up to and including termination. During any period of time that the employee is without the required license, certification, or registration such employee shall not provide services as an employee of the County if to do so would be a violation of the licensing, certification, or registration requirements.

- C. Should the license, certification, registration be suspended or revoked during employment with the County, the employee shall immediately notify his/her supervisor who in turn shall notify the Human Resources Department. Suspension or revocation of a license, certification, or registration, or failure to notify the employee's supervisor of such suspension or revocation, may be grounds for disciplinary action up to and including termination.

#### **4-14 TRAVEL**

- A. Any employee on County business:
  - 1. must wear a seatbelt at all time while operating a vehicle,
  - 2. must have on his or her person a valid driver's license, and
  - 3. must obey all traffic laws.
- B. All out of state travel at the County's expense must be approved by the Board in advance of the planned travel.
- C. If any employee is operating a personal or private vehicle in the course of County business, that vehicle is required to have all insurance coverage required by law. Any employee who uses a personal vehicle in the conduct of County business will be required to show proof of insurance and a valid driver's license at the date of employment, each January of a new calendar year and/or prior to any travel that is eligible for mileage reimbursement.
- D. The County is not responsible for any damages or expenses associated with a personally-owned vehicle used in the conduct of County business involved in an accident. If an accident does occur, any employee medical costs will be filed with the County Workers' Comp carrier, but the employee should file a claim with the insurance carrier that covers the vehicle for any vehicle damage and/or expenses for others involved. Employees are advised to inform their insurance agents of the use of their personal vehicle for County business.

#### **4-15 SECONDARY EMPLOYMENT**

Employees may accept employment or temporary assignments with second employers, or engage in other business interests. All secondary employment, temporary assignments and other business interests must be disclosed, in writing, to the supervisor, department head or elected official in advance. The supervisor, department head or elected official shall be responsible for notifying the County Administrator of the same. The purpose of this provision is to address potential conflicts of interest and to ensure that in all cases the employee is able to safely and effectively perform all of his or her job duties as scheduled. *Secondary employment or business interests on Fridays or weekends will be approved unless there is a demonstrated conflict of interest with the employee's duties for the County.* The County Administrator may prohibit secondary employment situations, assignments and business interests that present

potential conflicts of interest or interfere with County employment.

Any secondary employment situation is not compensable by the County in any manner, and no benefits, including liability, medical, or worker's compensation coverage, will be provided for such employment.

## CHAPTER 7 – LEAVE

### Sections:

- 7-1 HOLIDAYS
- 7-2 VACATION LEAVE
- 7-3 PERSONAL LEAVE
- 7-4 SICK LEAVE
- 7-5 LEAVE SHARING POLICY
- 7-6 BEREAVEMENT LEAVE
- 7-7 LEAVE INVOLVING WORKER'S COMPENSATION
- 7-8 MILITARY LEAVE
- 7-9 COURT LEAVE
- 7-10 FAMILY AND MEDICAL LEAVE POLICY
- 7-11 PARENTAL INVOLVEMENT LEAVE
- 7-12 NON-MEDICAL LEAVE WITHOUT PAY
- 7-13 ADMINISTRATIVE LEAVE
- 7-14 EMERGENCY CLOSING OF COUNTY OFFICES
- 7-15 LEAVE AUTHORIZATION

### 7-1 HOLIDAYS

- A. The County provides a paid holiday benefit to eligible employees for certain holidays. The Board will annually set a schedule of compensated holidays and reserves the right to vary or change holiday benefits as deemed appropriate. Generally, the following eleven holidays will be observed by the County:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Monday after Thanksgiving
- Christmas

- B. Employees in full-time positions working a 36-hour workweek shall be compensated as though they worked full-time on the designated holidays. Eligible employees working less than a 36-hour workweek shall be compensated for paid holidays on a prorated basis according to the number of hours budgeted per year. Non-exempt employees of the Sheriff's Department, County Emergency Medical Services, and other employees who work on a designated holiday will be given a compensatory day. Part-time non-benefitted and contract employees are not entitled to compensation for

holidays.

- C. If an employee is utilizing vacation or sick leave benefits and a holiday falls during that employee's leave, the holiday benefit will be provided in lieu of the vacation or sick leave benefit that would otherwise have applied.
- D. Non-exempt employees who are required or scheduled to work on a designated County holiday shall be entitled to compensation at their regular hourly rate or if overtime work, comp time at 1.5 hours per hour worked. This provision does not apply to non-exempt employee of the Sheriff's Department or County Emergency Medical Services.

## 7-2 VACATION LEAVE

- A. The County offers paid vacation leave to eligible employees. Vacation leave shall accrue for full-time employees as shown in the following schedule. For purposes of vacation leave accrual and use, full-time employees will accrue and use vacation leave on the basis of an 8-hour work day, notwithstanding the fact the decrease in hours from 40 to 36, and the resulting adjustments in work schedules. Part-time benefitted employees shall earn vacation leave at an equivalent rate proportionate to their normal weekly hours. Part-time non-benefitted and contract employees are not eligible for vacation leave.
- B. Vacation accrual rates are as follows:
 

0 through 4 years of employment	8 hours per month
5 through 15 years of employment	12 hours per month
16 years of employment plus	16 hours per month
- C. Vacation leave must be earned before taken and shall require the prior approval of the appropriate department head, supervising elected official or designated representative. Department heads or supervising elected officials have discretion to approve or deny requests for vacation leave for employees under their supervision in order to ensure the successful operation of their department. Employees must provide their supervisors, department heads or supervising elected official with reasonable advance notice prior to taking vacation leave.
- D. Vacation leave shall not be accumulated beyond a total of 200 hours. Any vacation accrued beyond the accrual limit shall be forfeited on January 1 of each year if not used by the employee. Employees with more than 200 hours of accrued vacation time as of December 31, 2012 shall have until December 31, 2015 to use all amounts over the 200-hour cap, and shall forfeit any accrued time over the 200-hour cap as of January 1, 2016.
- E. Designated holidays occurring during vacation leave are counted as holidays, not as vacation. If an employee is ill during a vacation period, or if the County offices are closed for an emergency during the vacation period, the vacation period will nevertheless be counted as vacation days. Employees do not accrue vacation time while on any unpaid leave.
- F. All eligible employees shall be paid for accumulated vacation leave at the time of separation from the County at the employee's rate of pay immediately preceding separation or termination. The amount paid to an eligible employee shall not exceed

the accrual caps above. Vacation leave shall be prorated to the last day of service with the County and the records maintained by the Human Resources Director regarding vacation leave shall be deemed conclusive for all purposes.

### 7-3 PERSONAL LEAVE

- A. Full-time employees shall be granted personal leave with pay on an accrual basis. Part-time benefitted employees shall earn personal leave at an equivalent rate proportionate to their normal weekly hours. All full-time employees shall accrue 4.0 hours of paid personal leave per month of employment. Personal leave for full-time employees shall be accrued and used based on an 8-hour day and 40-hour week, notwithstanding the schedule changes effective January 1, 2014 resulting in a 36-hour week. Part-time non-benefitted and contract employees shall not be eligible for paid personal leave.
- B. Personal leave may not be taken before it is earned and may be used for any purpose. Personal leave may not be accrued as such; however, any employee with 48 hours or less of remaining personal leave as of December 31 of any year shall retain the total amount to start the next calendar year. Additional personal leave may accrue to a maximum of 48 hours, and then any excess personal leave shall be added to the employee's accrued sick leave, until the employee has the capped sick leave amount of 480 hours. Any unused personal leave beyond the carryover amount of 48 hours is lost if not used by December 31 of each year once the employee also has accrued the maximum sick leave of 480 hours.
- C. Use of personal leave is subject to approval of the appropriate department head, supervising elected official or supervisor except in cases where personal leave is for non job-related illness, injury, medical condition or disability. When personal leave is used for non job-related illness, injury, medical condition or disability, the employee shall notify the appropriate department head, supervising elected official or supervisor on the first date of absence. Failure to report may be considered cause for denial of paid personal leave for the period of absence unless the employee furnishes an acceptable explanation. The employee shall keep his or her supervisor informed of the expected date of return.
- D. Upon separation from County employment, the employee shall not be entitled to any payment for personal leave.

### 7-4 SICK LEAVE

- A. Full-time employees shall be granted sick leave with pay on an accrual basis. Part-time benefitted employees shall earn sick leave at an equivalent rate proportionate to their normal weekly hours. All full-time employees shall accrue 4.0 hours of paid sick leave per month of employment. Sick leave will be accrued and used by full-time employees on the basis of an 8-hour day and 40-hour week, notwithstanding the changes in scheduling to a 36-hour week. Part-time non-benefitted and contract employees shall not be eligible for paid sick leave.
- B. Sick leave is to be used only when an employee is ill and unable to work, or in the

event of sick family members, or as provided for in the Family Medical Leave Act. Employees using sick leave are required to notify the appropriate department head, supervising elected official or supervisor on the first day of absence due to illness, and shall keep their supervisor informed of their expected date of return.

- C. Sick leave may be accrued to a maximum of 480 hours; however, an employee will not be compensated upon termination, retirement or voluntary separation for any time attributable to sick leave. When an employee has reached 480 hours of accrued sick leave time on December 31 of each year, all hours in excess of 480 shall be forfeited as of January 1 of each year.
- D. Employees with more than 480 hours of accrued sick leave as of the date of adoption of this revision will lose the excess hours of accrued sick leave as of December 31, 2013.

### **7-5 LEAVE SHARING POLICY**

- A. Employees of the County may donate vacation, personal or sick leave hours they have accumulated to employees that have exhausted all of their vacation, sick and personal leave and compensatory time if the employee receiving the donated personal leave has experienced a personal tragedy or catastrophic circumstance. The employee seeking additional leave time shall submit a request in writing to the Human Resources Director as soon as reasonably possible prior to all leave time being exhausted. If the Human Resources Director determines that good cause exists for the request, the Human Resources Director will request donations of leave time from eligible employees. In order to be eligible to voluntarily donate leave, an employee must retain a minimum of 80 hours of his or her own sick leave. No more than 160 hours of leave may be provided by all donating employees combined in any calendar year to a receiving employee.
- B. No injury that is covered under "workers' compensation" wage benefits may be eligible for leave sharing. Any leave exercised under this provision shall be concurrently subject to FMLA leave, if applicable. The provisions herein shall not be applicable to employees of less than six months of employment with the County.
- C. Any unused shared leave shall be returned to the donor employee on an hourly basis.
- D. Arrangements for leave sharing must be coordinated with the Human Resources Director and respective supervisors, department heads or supervising elected officials.

### **7-6 BEREAVEMENT LEAVE**

- A. All employees are entitled to take a week (thirty-six hours) of bereavement leave, whether paid or unpaid. A full-time employee shall be allowed up to a week (thirty-six hours) of paid leave due to the death of a family member to allow the employee to attend the funeral and make necessary arrangements associated with the death. The employee shall notify his or her supervisor immediately of the need to take bereavement leave. Part-time employees shall be eligible for paid bereavement leave at an equivalent rate proportionate to their normal weekly hours. Temporary employees shall not be entitled to paid bereavement leave.