OURAY COUNTY PERSONNEL POLICY MANUAL

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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 These revisions may be rescinded by the Board of County Commissioners in the future.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 EMLOYMENT

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.

CHAPTER 2– HIRING AND CLASSIFICATION

Sections:

2-1 RESPONSIBILITY
2-2 EQUAL EMPLOYMENT OPPORTUNITY POLICY
2-3 RECRUITMENTOF EMPLOYEES
2-4 MEDICAL, PSYCHOLOGICAL OR DRUG EXAMINATIONS
2-5 EMPLOYMENT REFERENCES AND BACKGROUND CHECKS
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2-17 PROMOTIONS AND LATERAL MOVES

2-1 RESPONSIBILITY

The County Administrator will review the hiring, promotion, transfer, or reassignment of all employees, except for those employees hired by elected officials or those directly hired by or supervised by the Board.

2-2 EQUAL EMPLOYMENT OPPORTUNITY POLICY

A. Ouray County is dedicated to the principles of equal employment opportunity in any term, condition or privilege of employment. The County does not discriminate against applicants or employees on the basis of age (40 and over), race, sex, color, religion, national origin, disability, genetic information, sexual orientation, political affiliation, or any other status protected by federal, state or local law. Ouray County is an equal employment opportunity employer.

B. The Human Resources Director shall have overall responsibility for compliance with all federal and state equal employment opportunity laws and regulations for the implementation of the policy of equal employment opportunity. All questions, complaints and suggestions concerning the equal employment opportunity policy shall be directed to the Human Resources Director.

C. All employees are to cooperate in the implementation of the County's equal employment opportunity policy and work with it in mind. All personnel with responsibilities for employment and personnel decisions are to exercise their responsibilities under the guidance of this policy.

2-3 RECRUITMENT OF EMPLOYEES

A. When a vacancy occurs in a County employee position, the appropriate department head or supervising elected official shall notify the County Administrator and the County Administrator will review the vacancy with the Board and the Board shall approve the filling of a vacancy prior to the initiation of the search process.

B. Preference in Hiring

All Ouray County employees regardless of status may, but need not be, entitled to preference in hiring for any position with the County. Ouray County residents may, but need not be, entitled to preference in hiring for any position with the County.

C. Types of Recruitment

The County may fill a position without recruitment. If recruitment is undertaken:

1. In-House. The County may fill a position by in-house recruitment and need not advertise publicly. The department head or supervising elected official may request that the vacancy be advertised in-house. The Board or County Administrator shall indicate to the Human Resources Representative if in-house recruitment is to be done instead of or prior to public advertising of the position. In-house recruitment consists of posting available positions in at least one conspicuous place at each of the County's facilities, placing notices in each County department's mailbox and sending notice by County-wide email. Participation in in-house recruitment is limited to employees currently in full-time, part-time or temporary positions.
2. Outside Advertising. If the County elects to recruit outside applicants, the process for in-house recruitment shall be utilized and, additionally, the vacancy should be listed on the County website, an advertisement placed in one or more area newspapers and publications, and such other or additional notice as the Board may direct.
3. Prior Applicant Pool. The County reserves the right to fill a position from a prior applicant pool.

D. The Sheriff's Office may select applicants from an established pool of candidates that have been pre-qualified for hiring consideration.

E. It is the general policy of the County to accept application forms or letters of interest and resumes only in the event of a vacancy. The County relies upon the accuracy of information contained in employment materials submitted and any misrepresentations, falsifications or material omissions may result in the County's exclusion of the individual from further consideration for employment or possible termination if the person has been hired. Generally, all applications received by the County for employment are held for one year after the position has been filled and then are shredded or otherwise destroyed.

F. For those positions that require a current, valid license or certification in order to perform the essential job duties, the applicant shall be required to submit a current copy of such current license or certification.

G. An appropriate written examination may be administered to all candidates applying for vacant positions. The County Administrator may authorize testing when vacancies do not exist to determine qualified candidates in anticipation of future vacancies.

H. Upon recommendation by a department head or supervising elected official of the best suited candidate for a vacant position, the Human Resources Director shall review the personnel action request prior to the job offer. When a department head position is being filled the Human Resources Director will review the personnel action request with the County Administrator. For any position, the County Administrator has the authority to approve, reject or modify the personnel action request based on the Board's budget criteria, or to request or require that a supervising elected official or department head take the necessary steps to ensure compliance with federal or state rules on an employment decision if the Administrator believes that the action would subject the County to unnecessary risk. A supervising elected official may consult with legal counsel in the case of denial or modification of the request. If the personnel action request exceeds the Board's budget criteria or the published salary range and in the County Administrator's opinion the request should not be rejected or modified, the County Administrator shall seek approval from the Board for the request.

2-4 MEDICAL, PSYCHOLOGICAL OR DRUG EXAMINATIONS

Only after an employment offer is made, a medical and drug examination may be required of an employee to determine if he or she is capable of performing the essential functions of the job. After an employment offer is made to a candidate for a position in the Sheriff's Office a psychological exam may be required by the County. The County will pay for any exams required by the County.

Periodic medical, psychological or drug examinations of current employees may be required to determine if any employee is capable of continuing to perform the essential functions of a job. All such examinations shall be in strict compliance with all applicable federal or state rules or regulations. Random or periodic testing for drugs or alcohol will occur pursuant to Appendix A of the Ouray County Personnel Policy Manual.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know and only in accordance with HIPAA and ADA regulations.

2-5 EMPLOYMENT REFERENCES AND BACKGROUND CHECKS

To ensure that individuals who may be offered employment with the County are well qualified and have a strong potential to be productive and successful, the County will check employment references of any applicant for a vacant position. For transfers within the County organization, the County reserves the right to confer with co-workers or supervisors within the organization.

The County reserves the right to perform security checks or background investigations on individuals being considered for certain sensitive positions. Such positions include, but are not limited to, those that involve the handling of money, sensitive documents, and working with children or the elderly, and law enforcement or emergency medical services personnel.

2-6 IMMIGRATION ACT COMPLIANCE

Ouray County shall comply with the Immigration and Naturalization Act of 1986 and shall have on file, for all employees hired after November 7, 1986, a copy of INS Form I-9 along with a photocopy of the documents used to prove identity and authorization to work in the United States. The Human Resources Department with the assistance and cooperation of supervising elected officials and department heads shall complete the form for each and every newly hired

individual, regardless of status. The provision of documentation to provide identity and 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 and Road and Bridge departments 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.

2-11 PAYROLL DATE

All employees will be paid once a month, on the last business day of the calendar month.

2-12 STARTING COMPENSATION

The starting salary or hourly rate of pay for any new employee, or an existing employee occupying a new position, shall be as determined by the Human Resources Director and as approved by the County Administrator, and will be based upon the published pay range approved by the Board of County Commissioners, experience or education of the employee, and upon recommendation by the department head or elected official.

2-13 PAY AT EMPLOYEE SEPARATION

The County shall issue checks for compensation earned and accrued vacation leave, subject to authorized deductions, to an employee who voluntarily terminates employment on or before the next regularly scheduled payday. Such checks shall be mailed or provided to the employee on or before the next regular pay date, at the discretion of the Human Resources Director and the County Administrator. Authorized deductions include, but are not limited to, the fair market value of any County property unreturned at the time of separation (C.R.S. 8-4-101 et seq.).

An employee who has been terminated will be paid by check for compensation earned through the date of termination and accrued vacation leave, subject to authorized deductions as provided above, on the day of termination upon completion of any exit procedures required by the Human Resources Director.

2-14 CLASSIFICATION SYSTEM

The County Administrator shall develop and maintain a system of classification for all positions within the County, which may be reviewed and revised annually to reflect changed conditions or circumstances.

Upon the recommendation of the department head or elected official, a reclassification of any position may be approved by the County Administrator subject to departmental funding availability where a substantial change in character of the position (i.e., duties, responsibilities, authorities, level of supervision or qualifications) or a study of the related positions within or outside the jurisdiction suggests a change is warranted. A reclassification may occur as the result of combining job duties or positions. All reclassifications that would require funding beyond the departmental budget availability must be approved by the Board of County Commissioners.

2-15 SALARY MATRIX

The Human Resources Director and County Administrator are responsible for updating the Salary Matrix annually to reflect adjustments to the minimum, midrange and maximum compensation ranges based upon Cost of Living Adjustments or other market conditions. Salary revisions are not effective until they are approved and funds appropriated by the Board of County Commissioners within the annual Ouray County Budget. The Human Resources Director and County Administrator may make recommendations to the Board of County Commissioners to include a market analysis of similar positions, adjustments for any reclassification of positions during the year, and such other information that is deemed relevant.

2-16 COMPENSATION INCREASES AND BONUSES

All compensation increases, including cost of living adjustments, performance review, and merit bonuses, are subject to approval by the Board of County Commissioners within the annual Ouray County Budget. The Human Resources Director and County Administrator may implement compensation increases requested by a Department Head or Elected Official during the year but outside of the annual budget cycle to the extent that funds are available and appropriated to the Department for personnel compensation/employee benefits in the annual Ouray County Budget.

(A) Cost of Living Adjustments (COLA):

Cost of Living Adjustments may be provided to County employees subject to appropriation by the Board of County Commissioners by adoption of the annual Ouray County Budget. COLA percentages may vary annually based upon the Denver/Boulder CPI, rate of inflation, and subject to funding availability. The County Administrator will calculate the percentage rate and provide funding recommendations to the Board of County Commissioners during the annual budget process.

(B) Merit Bonus - Performance Evaluations:

Merit Bonuses may be provided to County employees within a budget year subject to appropriation by the Board of County Commissioners by adoption of the annual County budget. Employee eligibility for a merit bonus shall be based upon the rating received on their most recent annual written performance evaluation. The percentage determined for merit bonuses associated with performance evaluations are established annually and may vary from year to year based upon funding availability.

(C) Merit Bonus – Other:

Where budget appropriations do not permit a compensation increase for a budget year, a merit bonus may be authorized and provided to an employee upon recommendation of the employee's supervisor, subject to funding availability within the department's budget. A merit bonus may be authorized in addition to any other compensation increase. A merit bonus may be provided to an employee receiving an additional certification or upon completion of other education necessary for the employee's position, or in recognition of providing extraordinary service or benefit to the County through increased efficiencies, development of processes or systems that result in significant cost savings to the County, or other accomplishment, upon recommendation of the employee's supervisor and subject to funding availability within the department's personnel compensation/employee benefits budget.

2-17 PROMOTIONS AND LATERAL MOVES

An employee may be promoted at any time during the year, upon recommendation of the employee's supervisor, subject to funding availability within the department's personnel compensation/employee benefits budget, and approval by the Human Resources Director and the County Administrator. A promotion may include revised duties or a new position description, as determined by the department head, the Human Resources Director and the County Administrator.

An employee may apply for any other open position in the County, and will be considered for an open position depending on qualifications, education, and other criteria as for all applicants. Compensation and position classification shall be as presented in the job notice. Any change in classification or compensation resulting from an employee being hired for a different position shall not be considered a reclassification, promotion, or salary increase requiring additional approvals.

CHAPTER 3– AFFIRMATIVE ACTION PROGRAM

Sections:

3-1 STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY POLICY
3-2 AFFIRMATIVE ACTION

3-1 STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

A. The County of Ouray is and intends to continue to be an equal opportunity employer.

B. All personnel and employment decisions including but not limited to recruitment, hiring, training, promotion, compensation, benefits, transfer, lay-offs and terminations shall be made without regard to age (40 and over), race, sex, color, religion, national origin, disability, genetic information, sexual orientation, political affiliation, or any other status protected by federal, state or local law. Promotion decisions shall be based only upon valid requirements related to the job and shall be made in accordance with the principle of equal employment opportunity.

C. The Director of Human Resources shall have overall responsibility for compliance with all federal and state equal employment opportunity laws and regulations such as the Americans with Disabilities Act and for implementation of the policy of equal employment opportunity. Each County department head or Elected Official shall have day-to-day operational responsibility for such compliance and the implementation of this policy and shall provide for an internal reporting and monitoring procedure governing employment and personnel practices. All questions, complaints, and suggestions concerning the equal employment opportunity policy or the affirmative action program shall be directed to the Director of Human Resources.

D. All personnel are to cooperate in the implementation of our equal employment opportunity policy and work with it in mind. All personnel with responsibility for employment and personnel decisions are to exercise their responsibilities under the guidance of this policy and our affirmative action program.

E. The Ouray Board of County Commissioners and all other Elected Officials endorse the policy for Affirmative Action and the County of Ouray shall continue to be an equal opportunity employer and shall comply with its affirmative action program and all applicable requirements of state and federal laws.

3-2 AFFIRMATIVE ACTION

A. Policy

1. The County is fully committed to the concept of affirmative action as a means of assuring equal employment opportunity within County government for all citizens. It will be the policy of the County to actively seek out qualified applicants for all positions in County government while removing barriers of habit and attitude which prevent recognition of individual merit which deliberately or inadvertently promote discrimination.

2. It is not the policy of the County to establish a quota system.

3. The County is committed to hiring the best-suited candidate for the position and does not intend this plan to show favoritism to any group of persons.
4. The demographics of Ouray County will be the region utilized to guide recruiting practices.
5. The County will actively recruit applicants, including members of protected classes through proper posting and publication as part of our commitment to equal employment opportunity.
6. The commitment of affirmative action and equal employment opportunity is not limited to the recruitment process but also to the ongoing employment practices of the organization including but not limited to employee training.

B. Management Responsibility and Policy Dissemination

Department heads and Elected Officials will be responsible for complying with the procedures contained in this affirmative action program.

CHAPTER 4 – EMPLOYEE CONDUCT

Sections:

4-1 GENERAL
4-2 ADDITIONAL CONDUCT PROVISIONS FOR LAW ENFORCEMENT PERSONNEL
4-3 USE OF COUNTY PROPERTY
4-4 GIFTS
4-5 CODE OF ETHICS
4-6 CONFIDENTIAL INFORMATION
4-7 PROHIBITED HARASSMENT, DISCRIMINATION, OR RETALIATION
4-8 ADA ACCOMMODATIONS
4-9 PROCEDURES – REPORTING HARASSMENT
4-10 VIOLENCE IN THE WORKPLACE
4-11 NO SMOKING POLICY
4-12 POLITICAL ACTIVITY
4-13 VALID LICENSING, CERTIFICATION, REGISTRATION
4-14 TRAVEL
4-15 SECONDARY EMPLOYMENT
4-16 SOCIAL MEDIA

4-1 GENERAL

All employees are expected to conduct themselves in a manner that is a favorable reflection of the County and that demonstrates tact, courtesy and good judgment. Dress should be appropriate for the work being performed. As a general rule, any employer-provided uniform shall be worn while performing work. During working hours, the employee is expected to devote his or her energies to the service of the County and not to personal affairs.

4-2 ADDITIONAL CONDUCT REGULATIONS FOR LAW ENFORCEMENT PERSONNEL

Specialized training, heightened standards of conduct and ethics, and precise work duty protocol are features uniquely applicable to all law enforcement personnel. The articulation of such provisions is beyond the scope of these regulations. Accordingly, there shall be a Ouray County Sheriff's Department Policy and Procedures Manual (Sheriff Manual) that shall supplement the contents of these regulations.

The Sheriff Manual shall be a supplement only to these regulations and applicable only to law enforcement personnel. All provisions of the Sheriff Manual shall be construed in favor of these regulations, and in the event that there are any conflicting provisions therein, these regulations shall be controlling.

4-3 USE OF COUNTY PROPERTY

A. All employees shall ensure the efficient, proper, legal and safe use of County property and equipment assigned to the employee for County-approved purposes only and not any unauthorized purposes. County property shall include but not be limited to equipment, software, real and personal property, office supplies and vehicles. No employee shall use County-owned property for private use or allow its use by another person or entity without prior written approval from the appropriate County representative. County property shall never be used for personal monetary gain. No employee shall abuse, damage or steal County equipment or materials.

B. Any employee leaving County employment for any reason shall return any and all County property in his/her possession to his/her immediate supervisor. Failure to return such property may result in an appropriate deduction from the employee's last paycheck.

C. Willful acts or acts of gross negligence with County property may be grounds for disciplinary action up to and including termination.

D. Provisions Related to County Vehicle Usage

1. County vehicles may be provided and shall be used for authorized County business only. They shall only be driven by persons with a valid driver's license appropriate to the vehicle type. Operation of County vehicles must at all times conform to applicable laws and regulations.

2. The employee shall be responsible for the County vehicle and any appurtenant tools or equipment. Seatbelts must be worn at all times. Volunteers and appointed board and commission members may utilize County vehicles when conducting County business and upon approval of the department head or supervising elected official to whom the vehicle is designated. Non-County personnel shall not be passengers in a County vehicle unless their presence is authorized or part of conduct of County business.

3. Employees who are assigned a County vehicle on an ongoing basis shall use the vehicle only for County business and other authorized uses.

4. All travel outside the County in County vehicles shall be for County business only. A reasonable level of personal use during such travel may be authorized, to the extent that it is ancillary to such business travel.

4-4 GIFTS

A County employee is prohibited from soliciting or receiving any compensation, personal gift, gratuity, favor, entertainment, loan, or any item of monetary value from any source except the County for any matter or proceeding connected with or related to the duties of such employee. All County employees shall comply with the Gift Ban provisions set forth in Article XXIX, Section 3 of the Colorado Constitution and restriction on gifts in the Colorado Code of Ethics, pursuant to C.R.S. § 24-18-101 et seq. This provision is not intended to restrict insubstantial ceremonial gifts or advertising gifts such as pens or headwear. The provisions herein shall not apply to gratuitous edible items of insignificant value, such as holiday chocolates, candies and baked goods, if such items are presented for general consumption.

4-5 CODE OF ETHICS

All County employees are subject to the provisions of the Colorado Code of Ethics, pursuant to C.R.S. § 24-18-101 et seq.

4-6 CONFIDENTIAL INFORMATION

Because of the nature of the County business, employees may have access to information of a confidential nature. This information should not be disclosed except with authorized personnel. If any situation arises concerning confidential information in which an employee has a question, the employee should discuss it with his or her supervisor immediately. Misuse or disclosure of confidential information obtained in the course of County employment could result in personal legal liability and disciplinary action, up to and including termination of employment. Documents and copies generated in the course of County employment are the exclusive property of the County and are not be used for personal use or retained in the possession of an employee.

4-7 PROHIBITED HARASSMENT, DISCRIMINATION OR RETALIATION

A. Purpose

The County is committed to providing a work environment that is free of discrimination and unlawful harassment. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

B. Applicability

The policies set forth in this Section shall apply to all employees and elected officials of the County, including supervisors, co-workers and non-employees visiting the County offices such as customers, clients, vendors, consultants and the like. Department heads and elected officials will be responsible for monitoring and ensuring compliance with these policies. Any employee who is found to have engaged in unlawful harassment, discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment. The County will take affirmative action to protect employees from unlawful harassment within the workplace.

C. Definitions

The following definitions shall be governed by applicable law that may be amended.

1. Age harassment means harassment because an individual is 40 years of age or older.
2. Disability harassment means harassment because of an individual's physical or mental impairment that substantially limits one or more of the individual's major life activities, because the individual has a record of such an impairment, or because the individual is regarded as having such an impairment. Disability does not include current illegal use of drugs or impairment on the job by alcohol.
3. Gender or sexual orientation harassment means harassment because of an individual's gender or sexual orientation.
4. Marital or family status harassment means harassment because an individual is a parent or non-parent, married, single, divorced, separated, life partner or widowed.
5. National origin harassment means harassment because of an individual's place

of origin, an individual's ancestor's place of origin, or because an individual has the physical, cultural, or linguistic characteristics (such as language, accent or manner of speaking) of a national origin group.

6. Race or color harassment means harassment because of an individual's race or skin color.
7. Religious harassment means harassment because of an individual's traditional views or moral or ethical beliefs as to what is right or wrong, which beliefs are sincerely held with the strength of traditional religious views.
8. Prohibited harassment means unwelcome conduct, including physical, verbal or written conduct, that constitutes race or color harassment, national origin harassment, gender harassment, religious harassment, political affiliation harassment, disability harassment, age harassment, or marital or family status harassment, or that constitutes harassment based on other status under the equal employment opportunity laws including but not limited to protection against retaliation for activities such as opposing a practice made unlawful by an equal employment opportunity law or participation in an investigation or other proceeding under the state or federal anti-harassment statutes, rules or regulations.
   a. Examples of prohibited harassment include but are not limited to: slurs, jokes, degrading comments, degrading pictures, degrading symbols, or other written, verbal, or physical conduct based on race or color, national origin, gender, sex, religion, disability, age, or marital or family status, that has the purpose or effect of unreasonably interfering with an individual's work performance, creates an intimidating hostile or offensive work environment, results in a tangible employment action or is sufficiently severe or pervasive to alter the conditions of employment.
   b. In addition, examples of prohibited conduct which constitutes sexual harassment include but are not limited to unwelcome sexual advances, requests for sexual favors, repeated requests for dates after it has been made clear that such invitations are not welcome, or other physical, verbal, or written conduct of a sexual nature when:
      1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment,
      2) submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual, or
      3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

D. Dating or Consensual Relationships with Co-Employees

All harassment policies apply to employees who elect to date or engage in a consensual relationship of any kind with another employee of the County. No supervisor shall date an employee within his or her direct supervision. In the event of such relationship, the supervisor must notify the Human Resources Director and appropriate arrangements would be made to terminate the supervising role. All other employees who enter into a consensual dating, romantic or physical relationship are expected to maintain a professional demeanor while in the workplace, refrain from public displays of affection, and refrain from any behavior that could be interpreted

as harassment. In the event such a relationship terminates, the parties are again reminded to conduct themselves professionally and refrain from any behavior that could be considered harassment.

4-8 ADA ACCOMMODATIONS

The County will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the County. This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination and access to benefits. Employees needing such accommodation are instructed to contact their supervisor or the Human Resources Director immediately.

The County is required to provide reasonable unpaid break time or permit an employee to use paid break time, meal time, or both, each day to allow the employee to express breast milk for her nursing child. The requirement continues for up to two years after the child's birth. The County must make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where the employee can express breast milk in private.

4-9 PROCEDURES – REPORTING HARASSMENT

A. Any employee who believes that he or she is being subjected to harassment, discrimination, or retaliation on account of race, color, religious preferences, sex, gender orientation, age, or disability status shall utilize the following complaint procedure. These reporting procedures shall also apply if the employee believes there has been a violation of the EEO or ADA. The County expects employees to make a complaint as soon as possible after the incident has occurred to enable the County to promptly investigate and correct unlawful behavior or actions that are in violation of these policies.

B. The employee should inform the person responsible for the conduct that such conduct is unwelcome and plainly request that it stop immediately.

C. The employee shall inform the Human Resources Director or the County Administrator, as the employee chooses, of the prohibited harassment or violation of the EEO or ADA. The notification may be in the form chosen by the employee but the employee is urged to put the notification in writing. The Human Resources Director or the County Administrator, whomever the report is made to, shall create a written report of the complaint. If the employee wishes not to report the incident to either of these individuals, the employee should report the incident to the County Attorney. The complaint as well as any information collected from others participating in the investigation will be kept as confidential as practicable.

D. Upon receipt of the written complaint of an incident, the Human Resources Director, the County Administrator, or County Attorney will promptly begin an investigation. The complaining employee will be notified of the results of the investigation. The complaint as well as any information collected from others participating in the investigation will be kept as confidential as practicable.

E. The County prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If the employee perceives retaliation for making a complaint or the employee's participation in the investigation, the employee shall report these allegations as provided in this complaint procedure.

F. If the County determines that an employee's behavior constitutes prohibited harassment or a violation of the EEO or ADA, the employee shall be subject to corrective and/or disciplinary action based upon the results of the investigation. That action may include, but is not limited to, verbal or written reprimand, suspension, or discharge as justified based upon the findings of the investigation.

4-10 VIOLENCE IN THE WORKPLACE

A. The County has a zero tolerance policy with regard to workplace violence. Employees are entitled to a work environment free of harassment, intimidation, stalking, threats of violence, and violence.

B. Any employee who experiences violence in the workplace, whether from a member of the public, a co-worker, a supervisor, department head, elected official or any other person, shall report the same promptly to his or her immediate supervisor, Human Resources Department, or County Administrator. The notification shall be in writing. Any employee that perceives an immediate threat of violence should immediately contact the Sheriff's Department.

C. No employee shall be subjected to reprisal or retaliation for making such a notification. The employee should report immediately any incidents or reprisal, retaliation, or harassment that occurs as a result of making such a notification.

4-11 NO SMOKING POLICY

Smoking is prohibited within all County-owned facilities and within fifteen feet of the entryway of any County-owned facility. Smoking is also prohibited in all County-owned vehicles.

4-12 POLITICAL ACTIVITY

The County encourages County employees to be involved in matters of responsible citizenship and does not intend, by these provisions, to interfere with the conduct of employees engaged in political activities. All such political activities shall be confined to hours when the employee is not on duty and shall not include the use of any County property. County employees may not engage in any political activity while identifiable by their uniform or badge as a County employee.

4-13 VALID LICENSING, CERTIFICATION, REGISTRATION

A. County employees who are employed in a position for which their duties require them to have a higher education degree, licensing, certification, or registration shall present documentation verifying the appropriate credentials at the time of employment.

B. If the licensing, certification, or registration has an expiration date while the employee is in the employment of the County, the employee shall present necessary renewal documentation to his/her supervisor with a copy to the Human Resources Department prior to expiration and shall present a copy of the renewal upon receipt. 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.

4-16 SOCIAL MEDIA

The intent of the policy is not to restrict the flow of useful and appropriate information, but to minimize risks, legal and otherwise, to Ouray County. This policy is not intended to prohibit the lawful exercise of employees' rights under applicable federal or state law.

A. "Social media" includes all means of communicating or posting information or content in any sort of the Internet, including any blog, journal, diary, or personal website, social networking or affinity website, web bulletin board, or chat room, whether it is a personal site or associated with the County, as well as any other form of electronic communication.
B. No employee shall use any social media to relay, share or otherwise post any information that is not otherwise available to members of the general public. Confidential information includes information that would result in identification of anyone involved in a transaction, emergency incident or response; and more specifically includes any information protected as private or confidential under any federal or state law, photos or videos that could potentially identify a victim, names, address, vehicle license plate numbers, photos or videos of vehicles involved in accidents. Protect health information may not be posted or otherwise disseminated, including, but not limited to, a patient or victim's name, address, age, race, extent or nature of illness or injury, hospital destination, and response crew members names. Postings related to arrest information, criminal history data, intelligence data, criminal investigation date, or surveillance data shall not be posted to any personal social media.
C. Use of social media for informing the public regarding an emergency situation or response, or for informing the public regarding county business, public meetings or hearings shall only be undertaken by those with specific authority to do so.
D. Employees commenting on information or county business that is not confidential should distinguish in their comments between personal opinions and official positions of Ouray County.
E. Employees posting any information regarding county business or information should ensure that the information posted is accurate, and should correct any mistakes, omissions or inaccuracies as quickly as possible once known.
F. Work related complaints are more appropriately addressed by speaking directly with co-workers, supervisors or the Director of Human Resources than by posting them on social media.
G. Employees should refrain from using social media during work hours unless it is work-related and authorized by the employee's supervisor.

CHAPTER 5 – EMPLOYEE EVALUATION

Sections:

5-1 EMPLOYEE EVALUATIONS
5-2 BASIC EMPLOYEE INFORMATION

5-1 EMPLOYEE EVALUATIONS

This section relates to procedures specific to the responsibility of supervisory personnel and elected officials in a supervisory capacity. The Director of Human Resources shall provide for and administer policies, procedures and training to be followed by department heads and elected officials in a supervisory capacity for periodic evaluations of employees and subsequent issuance of applicable merit increases.

5-2 BASIC EMPLOYEE INFORMATION

A. Newly hired employees will have the current compensation guidelines explained to them in detail at their new employee orientation. Existing employees will have any new or revised information explained to them at required staff meetings upon implementation of change to current compensation guidelines.

B. Employees should understand that their work will be measured not only on quantity but also on the quality of work performed as well as their overall contribution to the success of the department in which they are employed. Performance objectives will be written in such a manner that they are measurable and subject to objective opinion as far as possible, based upon measurement criteria of the department head or elected official in a supervisory capacity who is writing the evaluation.

C. Employees must receive a written performance evaluation annually (within sixty days of their anniversary month) from their department head or elected official in a supervisory capacity. Additional time may be requested in writing to the Director of Human Resources by the department head or elected official in a supervisory capacity.

D. The rating received on the written performance evaluation will determine the percentage of merit increase available to be awarded to the employee, based upon the compensation guidelines currently in place.

CHAPTER 6– EMPLOYEE BENEFITS

Sections:

6-1 EMPLOYEE BENEFITS

6-1 EMPLOYEE BENEFITS

The County may provide employee benefits in the form of a retirement plan, health, disability, life and dental insurance in accordance the respective plan documents that are available from the Director Human Resources. Each newly-hired employee may expect to have the County's benefit options explained in detail during his or her new employee orientation. Existing employees will have any new or revised benefit information provided to them during the open enrollment process that takes place annually.

Any questions that an employee may have should be directed first to his or her department head or elected official and, secondly, to the Director of Human Resources.

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

7. 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.

B. “Family member” is defined as an employee's spouse or significant other, children, siblings, in-laws, parents, grandparents, aunts, uncles, cousins or other dependents and step relatives of the same relationship. “Significant other” means that a relationship exists between two people, neither of whom is married, that is intended to remain indefinitely and where there is joint responsibility for each other’s common welfare, there are significant shared financial obligations, and there is a shared primary residence. Under other circumstances, bereavement leave may be granted

by the employee's supervisor.

7-7 LEAVE INVOLVING WORKERS' COMPENSATION

A. Application. Workers' Compensation Insurance pays for an employee's medical expenses and a percentage of the employee's loss of income for an injury or illness incurred within the scope of the employee's job duties. The employee must report the injury or illness to his or her supervisor immediately, regardless of the severity, and sign and submit all appropriate forms to the Human Resources Department within twenty-four hours after the injury or illness has occurred. Failure to promptly report a job-related injury or illness may result in a loss or reduction of benefits, so long as the employee is capable of notifying the supervisor.

B. Definition. An employee will be deemed to be on workers' compensation leave until he or she is able to resume essential job functions on his or her regular work schedule, when approval is granted by the County to return to the regular work schedule on a restricted basis as defined by the employee's attending physician, resuming performance of all of the essential duties required in the employee's position with reasonable accommodation, or when the employee is separated from County employment.

C. Benefits. An employee on workers' compensation leave will be entitled to receive the statutory benefits available under the Workers' Compensation Act of Colorado, C.R.S. § 8-40-101, et seq., and as may be determined by Ouray County's workers' compensation insurance carrier. Benefits may be reduced if it is determined that the injury or illness was not job related, that the injury was caused by a willful failure of an employee to use safety devices provided by the employer or willful failure to obey a reasonable safety rule adopted by the employer, or where the injury results from intoxication of the employee from drugs or alcohol.

D. Medical Examinations and Treatments. If any injury requires immediate emergency treatment, the nearest hospital emergency room should be utilized. Upon release from emergency treatment, the employee must seek follow-up medical care from a County-designated provider. Injuries not constituting an emergency but requiring a physician's care shall be treated by a County-designated medical service provider. Failure to comply with utilization of a County-designated provider may result in a denial of payment for medical expenses through the County Workers' Compensation Insurance carrier. Each new employee receives a list of designated medical providers and a list can be obtained from the Human Resources Department at any time.

E. Report Medical Status. During leave for a workers' compensation injury or illness, employees, if they are capable, must keep their supervisors informed on at least a weekly basis of their medical status in regard to their ability to return to work. Ouray County reserves the right to request periodic reports regarding the employee's medical status from the designated medical provider.

F. A workers' compensation claim does not preclude an employee from being separated from employment pursuant to the other provisions of these Personnel Regulations.

G. Modified Schedule or Restricted Duty. While recovering from an on-the-job injury, an employee may return to work on a temporary basis with a modified work schedule and/or with restricted duties as the case may allow. The County reserves the right to

limit or deny return to work on a modified schedule or restricted duty.

H. Leave With County Compensation.

1. Regular Full-Time and Scheduled Part-Time Positions. A full-time or scheduled part-time employee in a regular position who is on leave for an authorized workers' compensation claim will be paid his or her full salary or wages from the County during the initial three calendar days of leave following the date of the injury or illness (or the first 24 hours of leave for an employee on an approved modified schedule). The County will require reimbursement in the amount of all payments received by the employee from the Workers' Compensation Insurance carrier for lost wages during this initial period.

2. If the employee is still unable to return to his/her regular work schedule after the initial period of three calendar days (or 24 hours for an employee on a modified schedule), the County may continue to pay the employee 10 percent of his or her regular rate of pay for up to 176 hours of additional eligible leave time. This payment from the County is in addition to the non-taxable 66⅔ percent of the wages payment that the employee receives from the Workers' Compensation Insurance carrier.

3. Part-Time and Contract Positions. Any temporary or part-time employee who is eligible for leave will be paid his or her appropriate rate of pay from the County during the initial three calendar days of leave following the date of the injury or illness. During this initial three day period, the County will require reimbursement in the amount of all payments received by the employee from the Workers' Compensation Insurance carrier for lost wages. The employee shall also have his or her case referred to the County's Workers' Compensation Insurance carrier for any continued payments to which the employee is entitled in lieu of payment of wages.

4. Termination of Leave With County Compensation. Termination of leave with County compensation will occur when 1) the employee is placed on leave without County compensation status, 2) the County has a written release from the attending physician permitting the employee to return to his or her regular work schedule and resume performance of all the essential duties required in the employee's position, or 3) the employee is separated from County employment.

I. Leave Without County Compensation

1. Conversion to Leave Without County Compensation. When an employee remains on leave (full-time or on an approved modified schedule) beyond the maximum hours eligible for compensation by the County, the employee will be placed on leave without County compensation status. The employee shall also have his or her case referred to the County's Workers' Compensation Insurance carrier for any continued payments to which the employee is entitled in lieu of payment of wages.

2. Termination of Leave Without County Compensation. Termination of leave without County compensation may occur when the County has a written release from the attending physician permitting the employee to return to his or her regular work schedule and resume performance of all the essential duties required in the employee's position; or when approval is granted by the County to return to his or her regular work schedule on a restricted duty basis as defined by the attending physician, resuming performance of all the essential duties required

in the employee's position with reasonable accommodation. The failure of an employee to return to work upon the expiration of the 12-workweek period as defined by Section 7-9(A) of the Family and Medical Leave Act will subject the employee to dismissal.

J. Continuation of Benefits. Employees who are on leave for workers' compensation injuries with County compensation will continue to be eligible for all County benefits that they currently receive when actively at work.

7-8 MILITARY LEAVE

Employees may take military leave in accordance with applicable provisions of C.R.S. § 28-3-601 et seq.

7-9 COURT LEAVE

A. An employee who is required to appear as a potential juror or serve as a juror or is under subpoena as a witness in a civil or criminal case shall be granted jury and witness leave to serve in that capacity. Such leave will be with the employee's normal pay for all hours that fall during the employee's regular work schedule, or at least $50.00 per day for the first three days of service as required by C.R.S. § 13-71-126, whichever is greater. An employee shall be granted jury leave with pay for the period required to serve on jury duty.

B. An employee on jury leave who has received payment from the State of Colorado for his or her services during a court case shall turn over such compensation to the County, with the exception of any payment for travel that may be retained by the employee.

7-10 FAMILY AND MEDICAL LEAVE POLICY

A. General Provisions. It is the policy of the County to grant up to twelve weeks of family and medical leave during any twelve-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid depending on the circumstances and as specified in this Section.

B. Eligibility. In order to qualify to take family and medical leave the employee must have worked for the County at least one year and for at least 1,250 hours during the twelve-month period immediately before the date when the leave would begin.

C. Reasons for Leave. In order to qualify as FMLA leave under this policy the employee must be taking the leave for one of the reasons listed below:

1. The birth of a child and to care for that child.
2. The placement of a child for adoption or foster care with the employee.
3. To care for a spouse, child or parent with a serious health condition.
4. The serious health condition of the employee that makes the employee unable to perform the functions of the employee's position.

5. Military Family Leave. An eligible employee with a spouse, son, daughter or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may take up to:

a) Twelve weeks of leave in a single twelve-month period to address certain qualifying exigencies. Qualifying exigencies may include:

(1) Attending certain military events

(2) Arranging for alternative childcare

(3) Addressing certain financial and legal arrangements

(4) Attending certain counseling sessions

(5) Attending post-deployment reintegration briefings

b) Twenty-six weeks of leave in a single twelve-month period to care for a covered service member if:

(1) Caring for a current member of the Armed Forces, National Guard or Reserves who has a serious injury or illness incurred or aggravated in the line of duty on active duty.

(2) Caring for a veteran who was a member of the Armed Forces, National Guard or Reserves at any time during the period of five years preceding the start of treatment, recuperation or therapy.

(3) If the service member is undergoing medical treatment, recuperation or therapy on an outpatient status or is on the temporary disability retired list for an injury or illness that must make the service member medically unfit to perform his or her duties. In the case of a veteran, the qualifying illness or injury must be incurred or aggravated in the line of duty and manifests itself before or after the service member became a veteran.

D. Definition of Serious Health Condition. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that requires inpatient care at a hospital, hospice or residential medical care facility, or a condition that requires continuing care by a licensed healthcare provider.

. E. Leave Granted. An eligible employee can take up to twelve weeks of leave under this policy during any twelve-month period. The County will use the twelve-month period measured forward from the date any employee's first FMLA leave begins in determining the twelve weeks of leave entitlement.

F. Substitution of Paid Leave for Unpaid Leave. The County requires employees on FMLA leave to use accrued paid leave unless collecting workers' compensation benefits. FMLA leave is without pay when paid leave benefits are exhausted.

1. An employee taking leave for the birth of a child must use paid sick leave for physical recovery following childbirth. The employee must use all accrued paid leave and then will be eligible for unpaid leave for the remainder of the twelve weeks.

2. An employee who is taking leave for the adoption care or foster care of a child must use all paid vacation leave, qualifying sick leave, personal leave and comp time prior to being eligible for unpaid family leave. Care leave for adoption, birth or foster care expires twelve weeks from the date of the birth or placement.

G. Employees with questions about what illnesses are covered under this FMLA policy or under the County's sick leave policy may call the Department of Human Resources.

H. The County will require an employee to provide a doctor's certification of a serious health condition. The certification process is outlined in Subsection M of this Chapter.

I. If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care with the employee, or to care for a child or parent with a serious health condition, the husband and wife may only take a total of twelve weeks of leave. For the purposes of the FMLA, the employee's child must be under the age of eighteen or, if older, there must be medical certification showing the child is disabled.

J. Employee Status and Benefits During Leave.

1. While an employee is on leave the County will continue the employee's vacation and sick leave accruals and health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.
2. Under current County policy the employee may pay a portion of the healthcare premium. While on paid leave the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave the employee must continue to make this payment, either in person or by mail. The payment must be received in the Department of Accounting by the end of each month. If the payment is more than thirty days late, the employee's healthcare coverage may be dropped for the duration of the leave.
3. If the employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period. An employee must return for at least thirty days to be considered to have returned unless the employee retires following the leave.
4. If the employee contributes to a life insurance plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave the employee must continue to make those payments along with the healthcare payments. If the employee does not continue these payments the County may discontinue coverage during the leave period or will recover the payments at the end of the leave period in a manner consistent with the law.

K. Employee Status After Leave.

1. An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The position will be the same or one that entails substantially equivalent skill, effort, responsibility and authority.
2. Medical certification that the employee is able to return to work may be required.

L. Intermittent Leave or a Reduced Work Schedule.

1. The employee may take FMLA leave in twelve consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of twelve weeks over a twelve-month period.
2. When an employee is using foreseeable intermittent leave, the County may require the employee to transfer temporarily to an available alternative position with equivalent pay and benefits.
3. For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave

intermittently or work a reduced-hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

4. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee must reach agreement with the County before taking intermittent leave or working a reduced-hour schedule. If this is not possible, the employee must prove that the use of the leave is medically necessary. The County may require certification of the medical necessity, as discussed in Subsection N of this Chapter.

M. Certification of a Serious Health Condition.

1. The County will ask for certification of a serious health condition. The employee must respond to such a request within fifteen days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.
2. Certification of a serious health condition shall include the date when the condition began, its expected duration and diagnosis, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
3. If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.
4. The County has the right to ask for a second opinion. The County will pay for the employee to get a certification from a second doctor that the County will select.
5. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will jointly select the third doctor and the County will pay for the opinion. This third opinion will be considered final.

N. Procedure for Requesting Leave.

1. Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request, in writing, to their immediate supervisor and the Department of Human Resources.
2. When an employee plans to take leave under this policy, the employee must give the County thirty days' notice. If it is not possible to give thirty days' notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the County's operations.
3. If an employee fails to provide thirty days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty days from the date the employer receives notice.
4. While on leave, employees are requested to report periodically to the County regarding the status of the medical condition and their intent to return to work.

7-11 PARENTAL INVOLVEMENT LEAVE

A. Eligibility. Eligible employees are entitled, by law, to use leave to attend academic activities for school-aged children. To be eligible, employees must work in a nonexecutive and nonsupervisory position and be the parent or legal guardian of a child enrolled in either public or private school grades K-12 or certain non-public home-based education programs. Employees are entitled to take leave for the following academic activities: parent-teacher conferences and meetings about special education services, response to intervention, dropout prevention, attendance, truancy, or disciplinary issues.

B. Use of Leave. Full-time employees are entitled to take up to a maximum of eighteen hours in an academic year to attend such activities. Part-time employees are entitled to take leave on a prorated basis. Employees are only entitled to take six hours of leave in any one-month period and are only entitled to take leave increments no longer than three hours.

C. Paid Leave Substitution. The County will require employees to use accrued paid leave before leave without pay will begin.

D. Notification Requirements. Employees must provide written verification of the academic activity from the school or school district if requested to do so by the department head or supervising elected official.

E. Limitation on Leave. The County may deny leave requests in cases of emergency or other situations that may endanger a person's health or safety or in a situation where the absence of the employee would result in a halt of service or production.

7-12 NON-MEDICAL LEAVE WITHOUT PAY

A. Non-medical leave without pay may be granted to an employee for good cause and when it is in the best interest of the County and the employee. Under justifiable circumstances, as determined by the employee's supervisor, an employee may be granted leave without pay for a period not to exceed twelve weeks in any one period of time. Leave without pay shall be for a specific period of time and upon expiration of the leave the employee must report for work. Failure to report for work or to secure an extension of the leave shall be considered a resignation.

B. To apply for leave without pay an employee shall make a request in writing to his or her supervisor at least thirty working days prior to the requested effective date, except in emergency situations. It shall be at the sole discretion of the supervisor whether leave without pay may be granted. If leave without pay is granted, it will be with the assurance that reinstatement to the same position and pay will be secure. Any appointment made to a position vacated by an employee on leave without pay shall be temporary and approved leave without pay shall not constitute a break in service with the County.

C. An employee shall not accrue retirement, vacation or sick leave benefits while on leave without pay. The employee may continue his or her health, dental, vision or other insurance by contacting the Human Resources Department and making arrangements for payment of all premiums for such insurance during the leave without pay.

7-13 ADMINISTRATIVE LEAVE

A. Description. Administrative leave is a term for temporary removal from a job

assignment. It is most common for an employee to be placed on administrative leave if a co-worker, citizen or other person has made allegations of misconduct against him or her. Administrative leave may be used to remove the employee from the situation while an investigation of the complaint or allegations occurs. The County may also place an employee on administrative leave pending the resolution of a criminal case even when the case is not directly related to job performance. While on administrative leave with pay, an employee will receive the same wage as if he or she was actively at work during regular hours. On administrative leave without pay, an employee may request compensation by deducting accrued vacation or compensatory time.

B. Responsibilities of Employee. The employee who is placed on administrative leave shall not come to the County office worksite, call the County office or worksite, or use County e-mail unless otherwise instructed by the appropriate department head, supervising elected official or other designated representative(s). The employee will not use County property or talk with other County employees unless so instructed. The employee will be available at reasonable times for questioning by County-appointed investigators.

C. Continuation of Benefits. Employees who are on administrative leave with pay will continue to be eligible for all the County benefits that they normally receive when on regular status. On unpaid administrative leave, vacation and sick leave will not accrue and the County will not make any contribution during the leave without pay period for retirement or group insurance programs. The employee will be entitled to continue participation in all group insurance programs during the administrative leave provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from the Human Resources Department.

7-14 EMERGENCY CLOSING OF COUNTY OFFICES

A. At times, emergencies such as severe weather, natural disaster or power outages may disrupt County operations. The Board of County Commissioners may close County offices for these emergencies upon the recommendation of the County Administrator based on the County Administrator's consultation with other appropriate officials. In an emergency, the Chair of the Board or, in the event that the Chair is unavailable, any Commissioner has been delegated the authority to make such a decision to close County offices. If an emergency closure is declared, departments and offices will be notified individually by the County Administrator's office or Sheriff's office. Each department head and supervising elected official is responsible for notifying his or her respective department's employees of the closure. Signs will be posted on each facility and, if the closure is for more than one day, notice will be posted on the County's website, broadcast utilizing WENS, and notice will be sent to the newspaper of record.

B. Any employee who is absent from his or her position when County offices are officially open will be charged as appropriate with vacation, sick leave, personal leave, compensatory time or leave without pay for any time missed. When operations are officially closed due to emergency conditions, the time off from scheduled work for full-time or part-time employees will be paid. Employees in essential operations (Road and Bridge, Sheriff, EMS, Public Health) may be asked to work on a day that

County operations are officially closed. In those circumstances employees who work will receive regular pay for their shift.

C. Due to inclement weather when travel to and from work may be hazardous, employees may use vacation leave, personal leave, compensatory time or leave without pay to arrive later to work or leave work early with the permission of their supervisor. Employees may also make prior arrangements with their supervisor to work remotely when appropriate and during inclement weather. All permission to work remotely shall be at the discretion of the department head, elected supervising official, or supervisor.

7-15 LEAVE AUTHORIZATION

Requests for leave shall be made in advance of the start date, except for sick leave. The employee shall submit a written request to his or her supervisor indicating the type of leave and departure and return dates for approval. It is the responsibility of the employee to properly report all leave taken on his or her timesheet. An employee who is absent from duty without approval shall receive no wages for the duration of the absence and shall be subject to disciplinary action. If an employee is absent from duty without approval for a period of three consecutive days, the County may terminate the employee.

CHAPTER 8 – SEPARATION

Sections:

8-1 RESIGNATION OR RETIREMENT
8-2 WORKFORCE REDUCTION
8-3 ABANDONMENT OF POSITION
8-4 RETURN OF COUNTY PROPERTY
8-5 FINAL PAYCHECKS

8-1 RESIGNATION OR RETIREMENT

Employees are requested to notify their supervisor in writing as soon as possible of their intent to resign. As a matter of professional courtesy, standard practice is at least a two-week notice before the date of resignation. The last day worked will be considered the termination date.

Employees who wish to retire should notify the Human Resources Department at least one month (30 calendar days) in advance of their proposed retirement date.

8-2 WORKFORCE REDUCTION

A. **All employees are employed at-will and may be terminated at any time, without reason or for no reason at all.** The Board specifically reserves the right to make a reduction in force or layoffs and/or eliminate positions at any time for any reason. Such reasons may include, but are not limited to, the following: workload changes, program changes, privatization, contracting out, policy decision, funding reductions, departmental reorganizations, downsizing, and to increase efficiency. The terms *reduction in force, layoff* and *elimination of employment positions* are synonymous for the purposes of this Section.

B. The Board, elected officials, County Administrator and all department heads retain the right to determine the structure and organization of the various departments of County government that, in the sole opinion of such officials, will create the greatest efficiency and highest level of service to citizens of the County. Such decisions include, but are not limited to, the hiring, retaining, promoting, reducing pay and rehiring of employees who may have been impacted by decisions to reduce the force, lay off and/or eliminate employment positions. The decisions by such officials to hire, retain, promote, reduce pay and/or rehire is not a grievance item. All decisions made pursuant to the provisions contained herein shall be in accordance with state and federal law.

C. Each employee whose employment position has been eliminated shall receive notice of such action, in writing, from the Department of Human Resources or the County Administrator. The employee must receive the notice at least ten working days before the date of his or her release.

8-3 ABANDONMENT OF POSITION

Failure to appear for work and failure to call in for three consecutive days without a reason acceptable to the County may result in dismissal.

8-4 RETURN OF COUNTY PROPERTY

Employees are expected to return, to their supervisors, all County-furnished uniforms, tools, I.D. cards, keys, documents, computers and other equipment and materials on or before the last day of employment. In the event that an employee does not return County property to the County upon termination from employment, the County may withhold the replacement cost value of the County property from the employee's pay. Additionally, failure to return County property upon termination of employment may result in legal action against the employee.

8-5 FINAL PAYCHECKS

Final paychecks including accrued vacation leave (subject to authorized deduction for terminating employees) will be issued within twenty-four hours of receipt of the appropriate paperwork from the employee's department by the Human Resources Department. If the termination date is during a payroll processing period and notice has been provided too late for correct processing, a manual paycheck will be issued the day after the close of payroll. The check will be mailed to the employee's current address or, upon request, may be picked up at the Human Resources Department after 4:30 p.m. on the day the check is issued.

CHAPTER 9 – DISCIPLINARY ACTION AND CORRECTIVE MEASURES

Sections:

9-1 REASONS FOR DISCIPLINARY ACTION
9-2 TYPES OF DISCIPLINARY ACTION
9-3 AUTHORITY FOR DISCIPLINARY ACTION
9-4 INVESTIGATIVE PROCESS
9-5 DISCIPLINARY ACTION PROCESS
9-6 TERMINATION HEARING
9-7 OTHER CORRECTIVE MEASURES

9-1 REASONS FOR DISCIPLINARY ACTION

Except as may otherwise be provided in a written employment contract with an individual employee, all non-elected employees of Ouray County are hired “at-will”, meaning that the County may dismiss any employee at any time for any reason, or for no reason. Similarly, an employee may resign at any time, for any reason, or for no reason.

While confirming that employees are hired at-will, it is also the preference of the County that supervisors and department heads provide regular performance reviews and constructive feedback where appropriate to improve employee performance. It is also an option for supervisors and department heads, the Director of Human Resources and the County Administrator to engage the employee in disciplinary actions rather than immediate dismissal or termination, especially for policy infractions that are deemed to be minor, or when it is determined by the supervisor that the employee should be given an opportunity to improve performance.

These procedures will also be utilized when an employee is being terminated “with cause”, which may affect the employee’s ability to claim unemployment benefits. When termination “with cause” is not a potential outcome, these procedures may be initiated at the discretion of the supervisor but in no event does this discretionary process confer any rights to employment or to an adjudicatory process prior to termination on account of misconduct or unsatisfactory performance by the employee that includes, but is not limited to, any of the following:

A. Incompetence, inefficiency, improper performance of the duties, inability to perform the job, failure to perform adequate work, or other unsatisfactory performance
B. Insubordination, failure to follow orders, discourtesy to the public or other County employees
C. Commission of any act or offense in violation of State statutes, or County ordinances and regulations, or failure to comply with the requirements of these regulations or other County regulations
D. Theft, unauthorized use, damage, or destruction of County property
E. Falsification or misrepresentation, or material omission in employment applications or other County records, or material false statements made to supervisors or other County employees

F. Consumption of alcoholic beverages on duty or working while ability to work is impaired on account of the consumption of alcoholic beverages

G. Consumption of illegal drugs or misuse of prescribed controlled substances on duty or working while ability to work is impaired on account of consumption of drugs

H. Repeated tardiness or absenteeism that exceeds the standard set for other employees under similar conditions

I. Abuse of sick leave or other benefits granted by the County

J. Conduct that is unbecoming of an employee of the County or that has an adverse effect on the reputation of the County

K. Careless, reckless, or negligent performance of duties including deliberate or careless conduct endangering the safety or well-being of self, co-workers or the public

L. Inability to perform job functions because of loss of professional license, trade license, driver's license, or certification that is required for the performance of such job functions

M. Disclosure of confidential information

N. Any unauthorized absence of an employee from duty

9-2 TYPES OF DISCIPLINARY ACTION

Disciplinary action includes but is not limited to the following: oral reprimand, written reprimand, decrease in pay, transfer of position, suspension without pay, termination from employment, or other appropriate actions. In determining what action to take the employee's performance record, past instances of misconduct or unsatisfactory performance, previous disciplinary actions, and other circumstances relevant to his or her employment may be considered.

9-3 AUTHORITY FOR DISCIPLINARY ACTIONS

A. The supervisor, department head, County Administrator or supervising elected official shall have the authority to give oral and written reprimands. All other recommended disciplinary actions shall be provided in writing, and shall be reviewed by the Human Resources Director prior to action being taken.

B. The County Administrator shall have the authority to review any disciplinary action. During such review, the County Administrator has the authority to accept the action, deny the action, or modify the action as deemed appropriate.

C. Outside assistance may be engaged at the discretion of the Board of County Commissioners.

9-4 INVESTIGATIVE PROCESS

A. In all instances where a complaint, incident, or reasonable suspicion arises that may constitute grounds for disciplinary action, the supervisor, department head, County Administrator or elected official shall promptly initiate an investigation of the matter and shall determine the scope of the investigation.

B. The employee shall be notified of the investigation as early as is practicable. The

B. The employee shall be notified of the investigation as early as is practicable. The employee may be placed on paid administrative leave during the investigative process. To the extent possible, the investigative process shall be handled in a confidential manner. During the course of the investigative process, the employee shall be given an opportunity to respond and submit whatever evidence or explanation the employee desires.

C. The employee shall not be entitled to representation during the investigative process. Employee representation by outside counsel shall only be allowed during hearings involving termination for cause.

D. In all investigative and disciplinary action procedures, the department head, Human Resources Director, County Administrator, or supervising elected official shall act on behalf of the County, as employer, and shall pursue the best interests of the County accordingly. All investigative and disciplinary action procedures shall be swiftly and diligently performed.

E. The Human Resources Director shall be available throughout the investigative and disciplinary action process to ensure that proper procedure is being followed.

9-5 DISCIPLINARY ACTION PROCESS

A. Upon conclusion of the investigative process, the department head, Human Resource Director, County Administrator, or supervising elected official shall consider all evidence that is deemed relevant in determining whether disciplinary action is merited. This may include the employee's job performance and previous disciplinary actions.

B. For any disciplinary action, short of dismissal, that may result in a loss of pay or benefits, an employee is entitled to a hearing with the department head, supervising elected official, Human Resource Director or County Administrator who would impose the disciplinary action at which no other person or representative shall be present. The employee will be informed of the incident that led to the hearing and will be afforded the opportunity to respond to the charges. After hearing and reviewing the employee's response, the department head, supervising elected official, Human Resource Director or County Administrator will then administer the appropriate discipline. Documentation of the hearing and a written summary of the disciplinary action will be provided to the employee. A copy of the same shall be included in the employee's personnel file.

C. If it is determined that grounds for disciplinary action do not exist, a written summary of the investigation and the findings shall be filed together with any and all investigative documents in a confidential investigation file in accordance with the provisions of Chapter 12-2. The writing shall not be included in the employee's personnel file.

9-6 TERMINATION HEARING

A. In all cases where the disciplinary action involves termination of employment "with cause", the employee will have the opportunity for a pre-termination hearing before the County Administrator. The employee should receive written notification of the following: 1) the reason for the possible termination, and 2) the time, date, and place of the scheduled pre-termination hearing.

B. Attendance at the pre-termination hearing is limited to the department head or supervising elected official, the immediate supervisor if not the department head, the County Administrator, the employee being considered for termination, the employee's legal counsel if desired and at his or her own cost, and the Human Resources Director. If the employee is represented by legal counsel, the County may also have legal representation.

C. The employee shall have the right to make statements to the County Administrator that may rebut the reasons stated in the pre-termination notification. This rebuttal may be presented orally or in writing. The pre-termination hearing shall not be a full evidentiary hearing.

D. After receiving said rebuttal and any other appropriate information, the County Administrator shall, within five working days, render a determination as to whether the employee shall or shall not be terminated or whether to extend the period of paid administrative leave in order to provide enough time to investigate the incident so as to render an informed decision. If the County Administrator decides to terminate the employee with cause, notification will be provided to the employee under separate letter. The notification of termination shall include the reasons that the department head or supervising elected official determines to justify termination with cause.

E. In all cases where the disciplinary action involves termination of employment with cause, the employee shall have the opportunity to be heard before the Board of County Commissioners after a decision is rendered by the County Administrator, if such request is made in writing within five working days of receipt of the written decision of the County Administrator. Upon request of a hearing, the County Administrator shall set a date and time for the hearing. In the discretion of the County Administrator, the employee may be placed on paid administrative leave until the hearing date.

F. The Board of County Commissioners shall conduct the hearing and address all issues regarding evidence and procedure. The hearing may be conducted in executive session only if the employee does not request the hearing to be conducted in an open session of the Board.

G. During the hearing the employee may be represented by legal counsel at his or her own cost. The County may likewise be represented by legal counsel.

H. The Board of County Commissioners shall provide findings of fact and decision, in writing, within ten days upon conclusion of the hearing.

I. All decisions by the Board of County Commissioners shall be final.

J. No termination hearing is required, and the procedures of this section do not apply, when an employee's employment is terminated for no reason or for any reason, but not as a result of a disciplinary action, as all employees are hired "at-will".

9-6 OTHER CORRECTIVE ACTIONS

A. At the discretion of the supervisor, other corrective measures may be used to improve employee performance or as a disciplinary measure including but not limited to the following:

1. Performance Improvement Plan ("PIP"). A performance plan may be drafted to include specific performance improvement outcomes or results. A PIP shall

provide specific deficiencies to be corrected, tactics to be used in improving performance to eliminate deficiencies, and a timeframe for improvement outcomes. Any PIP may be reviewed by the Director of Human Resources.

2. Training. Additional training designed to correct performance deficiencies may be required in order for the employee to retain his or her position.

B. An employee may request review of any required corrective actions by the Director of Human Resources, who may alter the corrective actions after consultation with the employee and the supervisor.

CHAPTER 10 – TRAINING, TRAVEL AND EDUCATION REIMBURSEMENT

Sections:

10-1 TRAVEL REIMBURSEMENT
10-2 PROFESSIONAL ORGANIZATION DUES
10-3 COUNTY VEHICLE USAGE POLICY
10-4 PRIVATE VEHICLES FOR COUNTY BUSINESS
10-5 EDUCATION REIMBURSEMENT

10-1 TRAVEL REIMBURSEMENT

A. Employees traveling for mandatory training and special assignments or for voluntary training and education that is subject to County reimbursement may receive advances and reimbursement for necessary expenses in connection therewith, including fees, transportation costs, meals and lodging. All such advances must be subject to approval in advance by the department head or elected official and the County Administrator, and must be requested in writing. Mileage is reimbursed at the rates set by the Internal Revenue Service.

B. All employees must keep business-related costs within reason at all times and within the approved expense for the event. Employees are expected to spend conservatively when spending County money.

C. Only the expenses of the County employee or official or other person doing work on the County's behalf, or those expenses of a business-related guest, are allowable. Those portions of expenses attributable to spouses, children, colleagues or friends are not allowable.

D. Board members shall be reimbursed for all reasonable expenses pertaining to County business. Expenses for a Commissioner's spouse shall be reimbursed in accordance with the provisions above. Airfare for a Commissioner's spouse shall be allowed only with specific authorization of the Board of County Commissioners.

E. In all cases where reimbursement for County travel is requested, receipts for itemized expenditures not subject to County per diem are required. There will be no exceptions to this policy. It shall be incumbent upon the employee to obtain copies of all lost receipts accordingly prior to reimbursement; affidavits or requisition forms will not suffice, except for those instances in which no receipt is provided as part of the transaction (self-pay parking, etc.).

F. County vehicles should be used for travel when they are available and when it is cost effective to do so. Employees subject to monthly vehicle stipends shall be reimbursed for mileage only for out-of-town travel in excess of 100 miles.

G. Per diem reimbursement is allowed only if meals are not provided as part of the attended conference or business event. Breakfast per diem is not allowed if the employee departs for travel after 8:00 a.m. Dinner per diem is not allowed if the employee returns home by 5:00 p.m. Per diem rates are based on the U.S. GSA (General Services Administration) rates for Colorado and can be found under the Per

Diem Rates link on the *www.gsa.gov* website.

H. Tips shall be limited to 15% for breakfast and lunch and 20% for dinner, and only provided for those services customarily subject to customer tipping.

I. All requests for travel expense reimbursement shall be submitted in writing and submitted within ten business days after return of business-related travel. Any unnecessary delays may result in disciplinary action.

J. All County credit card usage shall be for County business only. No personal usage is allowed. Credit card receipts must be retained and submitted to Finance accompanied by a "Credit Card Purchase Information Form" within five business days of purchase or within five business days after return of business-related travel (see Addendum B). Employees shall be solely responsible for obtaining copies of lost or misplaced receipts.

10-2 PROFESSIONAL ORGANIZATION DUES

The County may pay dues for employee membership in a professional organization when the County department head or elected official determines membership is in the best interest of the County and the employee, and funding has been provided in the County department budget.

10-3 COUNTY VEHICLE USAGE POLICY

A. County vehicles may be provided and shall be used for authorized County business only. They shall only be driven by persons with a valid driver's license appropriate to the vehicle type.

B. The employee shall be responsible for the County vehicle and any appurtenant tools or equipment. Seatbelts must be worn at all times. Non-County personnel shall not be passengers in a County vehicle unless their presence is authorized or part of conduct of County business.

C. Employees who are assigned a County vehicle on an ongoing basis shall use the vehicle only for County business and other authorized uses.

D. All travel outside the county in County vehicles shall be for County business only. A reasonable level of personal use during such travel may be authorized, to the extent that it is ancillary to such business travel.

10-4 PRIVATE VEHICLES FOR COUNTY BUSINESS

A. When a County vehicle is not available, a supervisor or department head or elected official may authorize use of a private vehicle to conduct official business. The owner of such vehicle shall be reimbursed at a standard rate equal to the federal tax guidelines that is adjusted annually in January and at other times during a calendar year subject to approval by the Board of County Commissioners at a regularly scheduled meeting. Reimbursement shall not be made for mileage incurred between an employee's home and a worksite within the County.

B. The Board of County Commissioners may approve monthly vehicle allowances for employees and department heads that use private vehicles on a regular basis for County purposes.

10-5 EDUCATION REIMBURSEMENT

The Board of County Commissioners has placed the adoption of this section on hold at this time.

CHAPTER 11 – COMPLAINT PROCESS

Sections:

11-1 COMPLAINTS AND GRIEVANCES
11-2 PROCEDURE
11-3 ANTI-RETALIATION POLICY

11-1 COMPLAINTS AND GRIEVANCES

Employees with complaints or grievances regarding working conditions, violations of policy, harassment, discrimination, or other unwelcome intrusions into the work environment, may bring them to the attention of their supervisor, department head, supervising elected official, Human Resources Director or the County Administrator in the order described in this Chapter. In such cases where the complaints or grievances may constitute grounds for disciplinary action involving another employee, the applicable provisions of Chapter 9 shall also govern.

11-2 PROCEDURE

A. A complaining or grieved employee may present a complaint informally to the employee's immediate supervisor. An informal complaint will not trigger the procedures set forth below.

B. If the employee wants to initiate a formal complaint process, the employee shall present a written complaint or grievance signed and dated to the employee's immediate supervisor. The immediate supervisor shall, within five working days of receiving the complaint or grievance, provide the employee with written acknowledgement of his or her receipt of the complaint.

C. In all instances where a complaint or grievance is presented, the immediate supervisor shall promptly initiate an investigation of the matter and shall determine the scope of the investigation.

D. The complaining or grieved employee shall be notified of the investigation as early as is practicable, preferably along with the acknowledgment of receipt of the complaint or grievance as described in Section 11-2-A. To the extent possible, the investigative process shall be handled in a confidential manner. During the course of the investigative process, the complaining or grieved employee shall promptly provide whatever information or evidence he or she desires to substantiate the complaint or grievance.

E. Within fifteen days from the date the complaint is received, the immediate supervisor shall conduct an investigation and render to the complaining or grieving party a written statement of his or her conclusions, identifying the steps taken in the investigative process, and stating therein whether further action will or will not be taken. The immediate supervisor may further provide the complaining or grieved employee with the non-confidential portions of the investigative file if requested.

F. If the immediate supervisor's conclusions to the grievance are unsatisfactory to the employee, the employee shall present the grievance with an explanation as to why the immediate supervisor's finding was unsatisfactory, in writing, to the department head or supervising elected official within five working days of the employee's receipt

of the immediate supervisor's conclusions. The grievance should be presented to the Human Resources Director if the department head or elected official is the employee's immediate supervisor or to the County Administrator if the Human Resources Director is the employee's immediate supervisor. The department head, supervising elected official, Human Resources Director, or County Administrator shall conduct an investigation and render a written statement of conclusion to the employee within fifteen working days of the presentation of the complaint or grievance.

G. If the department head's, supervising elected official's, or Human Resources Director's resolution of the grievance is unsatisfactory to the employee, the employee may present the grievance, in writing, with an explanation as to why the immediate supervisor's finding was unsatisfactory, to the County Administrator within five working days of the issuance of the department head's, supervising elected official's or Human Resources Director's statement. The County Administrator shall conduct an investigation and render a written statement of conclusion within fifteen working days after presentation of the complaint or grievance.

H. Any decision by the County Administrator under the provisions of this Chapter shall be final.

I. In cases where the grievance is against a supervisor, the employee's grievance shall be presented, in writing, directly to the department head or supervising elected official. In cases where the grievance is against a department head or supervising elected official, the employee's grievance shall be presented, in writing, directly to the Human Resources Director. In cases where the grievance is against the Human Resources Director, the employee shall present the grievance, in writing, directly to the County Administrator. If the grievance is against the County Administrator, the County Attorney will conduct the investigation and shall make a final decision in lieu of the County Administrator in G above. In all such instances, the investigating party shall follow the procedures outlined in Paragraphs A through D.

11-3 ANTI-RETALIATION POLICY

The County prohibits retaliation against an employee for filing a complaint under the Complaint Process or for assisting in a complaint investigation. If an employee perceives retaliation for making a complaint or for participating in an investigation of a complaint, the employee should follow the Complaint Process outlined above. The situation will be promptly investigated and appropriate action taken.

Employees cannot exempt themselves from the consequences of their own misconduct by reporting an issue. If it is determined by the County that false accusations have been filed, appropriate disciplinary action may be taken.

CHAPTER 12 – PERSONNEL AND INVESTIGATION FILES

Sections:

12-1 PERSONNEL FILES
12-2 INVESTIGATION FILES

12-1 PERSONNEL FILES

A. The County shall maintain a personnel file on each employee. All records in an employee's personnel file shall remain confidential in accordance with the Open Records Act, and are available for examination only by the employee, by an attorney representing an employee, by the employee's supervisor and department head or elected official, by the County Administrator, by the County Attorney, and by the Director of Human Resources.

B. All written documentation setting forth a disciplinary action subject to the provisions of Chapter 9 of these regulations shall be included in the employee's personnel file. Written disciplinary actions may, by their own conditional terms, expire after a prescribed period of time. In such cases, the written document shall be removed from the personnel file.

C. The Director of Human Resources shall be the designated custodian of all personnel files.

D. To the extent provided by law, the County may from time to time purge dated files.

12-2 INVESTIGATION FILES

A. All materials and documents that are produced in the course of internal investigations of employees in accordance with the provisions of Chapter 9 of these regulations shall remain confidential in separate files designated for such matters.

B. The Director of Human Resources shall be the custodian of all investigation files not involving law enforcement personnel. The Personnel Investigations Coordinator of the Sheriff's Department shall be the custodian of all investigation files involving law enforcement personnel.

C. To the extent provided by law, the County may from time to time purge dated files.

Addendum A

OURAY COUNTY
ALCOHOL - DRUG - CONTROLLED SUBSTANCE POLICY

APPLICABILITY

A copy of this policy must be provided to all drivers requiring a commercial driver's license and any employee serving in a safety-sensitive position who will be subject to this policy and shall comply with all the conditions outlined below. References to tests in this policy and procedure shall include both Alcohol and Controlled Substances. The term drugs and controlled substances are interchangeable and have the same meaning. Drugs refer to marijuana, opiates, cocaine, phencyclidine (PCP) and amphetamines (including methamphetamine).

INQUIRIES FROM PREVIOUS EMPLOYERS

Ouray County may inquire of previous employers of all drivers requiring CDL licenses hired after January 1, 1995 and all applicants offered a driver's position or employees transferred to a driver's position pursuant to the driver's written authorization for each individual and/or entity, the following information relating to the preceding two years from the date of the application:

a. Alcohol tests with a result of 0.04 alcohol concentration or greater.
b. Verified positive controlled substances test results.
c. Refusals to be tested.
d. Any information from a previous employer obtained from other previous employers.

This required information must be obtained prior to the first time a driver performs a safety-sensitive function or no later than fourteen calendar days after the driver performs a safety-sensitive function.

EMPLOYEES SUBJECT TO TESTING

a. All drivers operating a vehicle requiring a commercial driver's license and/or any employee serving in a safety-sensitive position.
b. All new drivers hired or persons transferred into a position requiring driving a commercial motor vehicle that requires a commercial driver's license to operate.

THE PERFORMANCE OF A SAFETY-SENSITIVE FUNCTION DEFINITION

All time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for work.

Safety-sensitive functions shall include:

a. All time waiting to be dispatched unless the driver has been relieved of duty by the employer.
b. All time inspecting, servicing or conditioning any commercial motor vehicle at any time.
c. All driving time. This includes all time spent at the controls of a commercial motor vehicle in operation.
d. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth that conforms to the requirements of Federal Motor Carrier Safety Administration Regulation § 393.76 as it may be amended from time

to time.

e. All time loading or unloading a vehicle, supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in a readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

f. All time spent repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

PROHIBITED CONDUCT

Alcohol-Related Prohibited Conduct

The following conduct involving alcohol use is prohibited and will result in the employee being referred for testing.

a. Reporting to or remaining on duty requiring the performance of a safety-sensitive function while having any evidence of the misuse of alcohol or an alcohol concentration of 0.04 or greater.

b. Possession of alcohol while on duty or on company property.

c. Possessing any alcohol while on duty or performing any safety-sensitive function. This shall include medication, either prescribed or over the counter.

d. Performing a safety-sensitive function as defined above within four hours after using alcohol.

e. Using alcohol within eight hours following an accident when such accident requires the driver to take a post-accident alcohol test, unless the driver has already completed the post-accident alcohol testing process.

Controlled Substance-Related Prohibited Conduct

The following conduct involving controlled substances is prohibited and will result in the employee being referred for testing:

a. Reporting to or remaining on duty when the driver uses any controlled substance unless the "medical exception applies," *i.e.*, any employee who uses a controlled substance pursuant to the instructions of a physician, either prescribed or over the counter, and said employee has advised the employer in writing that the substance will not adversely affect his or her ability to safely operate a commercial motor vehicle or perform a safety-sensitive function.

b. Reporting to or remaining on duty after the driver has tested positive for controlled substances.

Refusal to Submit to a Test

It is prohibited conduct to refuse to submit to a controlled substance or alcohol test as required by this policy. A refusal to submit is defined as follows:

a. Failure to provide adequate breath for alcohol testing without a valid medical explanation after the driver has received notice of the requirement of a breath test in accordance with policy.

b. Failure to provide an adequate urine sample for a controlled substance test without a valid medical explanation after the driver has received notification of the requirement for urine testing according to this policy.

c. Refusal by the employer to sign the certification form shall be regarded as a refusal to take the test.

d. Engaging in conduct that obstructs the testing process.

REPORTING BY EMPLOYEES

The following procedure shall be used when an employee suspects controlled substance use or alcohol misuse by another employee subject to the requirements of this policy/procedure:

a. The employee shall report the concern to the supervisor. If the supervisor is not available, the employee shall report the concern to the County Administrator or designated person. **All such reports shall be held confidential.**

b. The employee shall not discuss the concern with other employees.

c. The supervisor or other authorized person to whom the report has been made shall take the necessary steps to confront the employee suspected of having the controlled substance and/or alcohol problem and take necessary action pursuant to this policy/procedure.

ON CALL OR EMERGENCY CALL-IN EMPLOYEES

On call and emergency call-in employees who are asked to report to work to perform safety-sensitive functions must notify his or her supervisor if they cannot perform safety-sensitive functions due to use of controlled substances or alcohol use.

CONDITIONS RELATED TO TERMINATION OF EMPLOYMENT

a. When a driver has an alcohol test result of greater than 0.02 but less than 0.04 the driver shall be removed from all safety-sensitive functions for a minimum of 24 hours. Repeated occurrences can lead to immediate termination.

b. When a driver has a confirmed alcohol test result of 0.04 or greater or has a verified positive test result for controlled substance use the driver shall be removed from the safety-sensitive position immediately and this can lead to termination of employment.

c. When a driver refuses to be tested for alcohol and/or controlled substance use as defined under "Prohibited Conduct" above, he or she may be terminated immediately.

WHEN TESTING SHALL BE CONDUCTED

Pre-employment Testing

Employees must submit to a controlled substance test and receive a negative drug test result prior to the first time a driver performs safety-sensitive functions. The tests will be required of an applicant only after he or she has been offered the position.

Post-Accident Testing

Following an accident involving a commercial motor vehicle that requires a Commercial Driver's License to operate, the driver shall be tested for alcohol and/or controlled substances when:

a. The accident involves a fatality, or

b. The commercial vehicle driver receives a citation under state or local law for a moving traffic violation arising from the accident and the accident resulted in:

1) Bodily injury with immediate medical treatment away from the scene.
2) Disabling damage to any motor vehicle involved in the accident requiring tow away.

The County or County insurance carrier shall provide all drivers with necessary post-accident information, procedures and instructions prior to the driver operating a commercial motor vehicle so that drivers will be able to comply with the requirements of this policy.

Random Testing

Unannounced controlled substance and alcohol tests will be conducted throughout each calendar year (at least quarterly). When selected the employee must proceed directly to the test site and not finish the current task. Drivers will be selected by a scientifically valid process, and each driver shall have an equal chance of being tested each time selections are made. The number of drivers selected for random testing shall be in accordance with federal regulations. A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. A controlled substance test must be administered each time an employee's name is selected from the pool.

Reasonable Suspicion Testing

All drivers shall submit to an alcohol and/or controlled substance test when a properly trained supervisor observes behavior or appearance that is known to be characteristic of alcohol misuse or controlled substance use, or otherwise has reasonable suspicion to believe that the driver has engaged in prohibited conduct as defined in this policy and procedure. The person who makes the determination that reasonable suspicion exists to conduct an alcohol/drug test shall not conduct the test of the driver.

Return-to-Duty Tests

All drivers who have engaged in prohibited conduct related to alcohol as defined by this policy and procedure must undergo a return-to-duty test and have results of less than a 0.02 concentration. All drivers who have engaged in conduct related to controlled substances as defined in this policy/procedure must undergo a return-to-duty test with a verified negative result for controlled substance use prior to returning to duty requiring the performance of a safety-sensitive function.

Follow-up Testing

If a substance abuse professional determines that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or controlled substance use, the driver shall be subject to unannounced tests as directed by the substance abuse provider in accordance with the provisions of Federal Motor Carrier Safety Administration Regulation 382.605(c)(2)(ii). Follow-up testing shall only be conducted when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has performed safety-sensitive functions. All follow-up testing shall be randomly conducted before the driver is returned to safety-sensitive duties, if at all. He or she must:

a. Have been evaluated by a substance abuse professional.
b. Have complied with any and all recommended treatment.
c. Have taken return-to-duty drug and alcohol tests with:
    1) Negative results for controlled substances.
    2) Alcohol test results with an alcohol concentration of less than 0.02.

d. Be submitted to unannounced follow-up drug and alcohol tests if recommended by a substance abuse professional. The number and frequency of such follow-up tests will be directed by the substance abuse professional.

TRAINING FOR DRIVERS

Prior to performing any safety-sensitive functions each employee shall receive information concerning the effects of alcohol and controlled substance use on an individual's health, work and personal life; signs and symptoms of an alcohol and/or controlled substance problem (the driver's or a co-worker's); and available methods of intervening when an alcohol and/or controlled substance problem is suspected including confrontation, referral to an employee assistance program and or referral to management.

It is the policy of the County that prior to operating a commercial motor vehicle each driver shall receive information about alcohol misuse and controlled substance use in the form of the booklet entitled *Controlled Substances & Alcohol Use and Testing: Information for Employees*.

Any driver or driver candidate who refuses or fails to attend the above described training shall immediately be removed from performing any safety-sensitive function and that may lead to termination of employment or loss of consideration of a driving position.

RECORDS

All employee drug and alcohol test results and records will be maintained under strict confidentiality. Confidential information contained in testing records may not be released except as required by law or as expressly authorized by the Federal Highway Administration Rule. Upon written request, a driver will receive copies of any records pertaining to his or her use of drugs or alcohol including any records pertaining to his or her drug and/or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

The Road Superintendent has been designated by the County to answer any questions about these policies/procedures.

TESTING PROCEDURES

General

When reporting to the collection site, each employee must have in his or her possession a valid CDL driver's license and a custody and control form for a drug test and/or a breath alcohol testing form for an alcohol test.

Prior to an employee being requested to go to or escorted to a collection site, he or she will be advised as to his or her rights, procedures and expectations. A copy of these policies and procedures will be given to all employees who may be required to submit to a controlled substance and/or alcohol test and they are required to sign a certification form indicating that they received the information and will be required to provide a urine and/or breath sample for testing.

When advised to take a test, the employee must immediately proceed to the test site and cannot finish the task at hand, *i.e.* paperwork, loading or unloading, finish trip, etc. Any time a test is not performed immediately or within the prescribed time a well-documented reason must be kept by a supervisor.

Employees will be advised of the dangers of drug abuse and/or alcohol misuse in the workplace and the carrier's resolve to maintain a drug-free environment. Employees will be advised of the availability of substance abuse and/or alcohol misuse counseling and rehabilitation through a substance abuse professional.

As a condition of employment, an employee or prospective employee will be required to sign a statement that the individual will abide by the carrier's controlled substance and alcohol policies and procedures and notify the carrier in writing of any drug or alcohol conviction before reporting on duty the next workday or no later than twenty-four hours after receiving notice of such conviction. Failure to notify the carrier of the above listed conviction in writing may result in immediate termination.

All samples will be collected and tested with due regard to the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.

Random selection for collection will be performed a certified company. A scientifically valid method will be used to select the employees to be tested (at least quarterly), with each employee having an equal change of being chosen during every selection period. The carrier will notify the employees selected to report for testing.

New hires' names will be added to the random selection pool on the first day that they report for duty. Terminated employees' names will be removed from the random pool the same day as their termination.

Testing for post-accident or reasonable suspicion will be possible anytime. If either of these occurs at the end of an employee's shift, he or she will be required either to travel to the collection site, may be driven to the testing site, or testing will be provided at the worksite. The employee must remain available for testing until completed or it will be considered a refused test with all of the stated consequences. For random selection, pre-employment, return-to-duty and follow-up drug and alcohol testing requirements, a map and printed instructions to the collection site will be provided. All random selections will be spread out over a calendar year (at least quarterly) and totally unannounced. Post-accident testing must be administered as soon as practical after the accident but no later than thirty-two hours for controlled substances, and for alcohol within two hours but no later than eight hours after an accident. The policy requires the driver to be tested for alcohol and controlled substances under the following circumstances:

a. The accident involves a fatality, or

b. The commercial motor vehicle driver receives a citation for a moving traffic violation arising from the accident and the accident resulted in:

   1) An injury requiring immediate medical treatment away from the scene, or

   2) One or more of the vehicles involved received disabling damage that required it to be towed from the scene.

The Medical Review Officer (MRO) is the only one allowed to interpret positive test results and notify the employee. The MRO will obtain proper identification before releasing any test results. The MRO will review the medical history of any donor testing positive and consider alternate medical explanations. The MRO is required to give the donor an opportunity to discuss a positive result unless the donor expressly declines the opportunity or the donor fails to contact the MRO after a documented contact by the carrier instructing the donor to contact the MRO. Following a discussion with the positive donor or documentation that the donor declined discussion, the MRO will issue a final report on the outcome of the test to the designated carrier contact person via mail.

The MRO shall be the sole custodian of a donor's controlled substance test result and will retain the records for five years for positive test results. All results maintained by the MRO shall not be released to anyone without the donor's written authorization. MRO notification to the driver will include the driver's name; the type of test; the collection date, time and location; the names of the MRO, laboratory and collector; the test results; and a statement that the procedures were in accordance with federal regulations Parts 40 and 382.

Testing Procedures for Alcohol

A breath test will be used for all types of testing situations. Federal regulations provide minimum standards for evidential breath testing (EBT) machines and the required training including calibration of the machine by a breath alcohol technician (BAT). For post-accident or reasonable suspicion tests where a breath test is not available and time is a crucial factor a blood test will be allowed.

For alcohol testing, an EBT device that has printing capabilities will be used for determination of the alcohol level. If the initial test indicates a level above 0.02, a confirmatory test will be given within a twenty-minute period. These two combined tests are considered the first test.

If an employee tests positive to a breath alcohol test of 0.02 to 0.39 BAC (blood alcohol content) level, he or she will be immediately removed from duty for a minimum of twenty-four hours. Repeated violations may result in termination. If an employee tests 0.04 or greater he or she will immediately be removed from duty and may be terminated from employment.

Testing Procedures for Controlled Substances

A urine specimen will be collected in accordance with federal regulations. Setup of the site, room and container size, labeling and other controls on the handling of the specimen are regulated. Donors may not ask the collection agency to deviate from regulated procedures.

Collected urine specimens will be labeled with the donor's identification, appropriately secured, climate controlled, and transported to a laboratory certified by the Department of Health and Human Services (DHHS).

The donor will be required to remain at the collection site until a urine sample (minimum amount of 45 ml) is collected. Collection will be in one container bottle. The specimen will then be subdivided into two bottles, labeled and sealed. For these split sample control measures, the first primary sample will be at least 30 ml and the second sample will be 15 ml. If the primary

sample tests positive, the employee may request within seventy-two hours that the second split sample be tested at a second DHHS-certified laboratory. This split sample test is at the employee's expense. This will be explained by the MRO during the medical interview. If the split sample analysis fails to reconfirm drug presence, the results of the test are canceled.

Documentation of collection will consist of a seven-part form. Distribution of the form will be:

NIDA laboratory copy
NIDA laboratory copy
NIDA laboratory copy (for split sample)
Medical Review Officer copy
Donor copy
Collector copy
Carrier copy

Laboratory test results are transmitted only to the MRO. Donor, collectors, and carrier copies will not contain the MRO's findings or laboratory results. A second collection and subsequent testing may become necessary if:

a. Incorrect procedures are used.
b. Sample is lost or destroyed in transit.
c. Sample is not protected properly.
d. Time span between collection and transport to the laboratory was lengthy.

Positive test results will be communicated by the MRO directly to the individual tested via telephone conversation. The driver is required to contact the MRO within twenty-four hours if he or she is not immediately available. The MRO is the only one allowed to interpret the test results and notify the employee. The MRO will provide appropriate identification to the employee when contacting the employee. The MRO will obtain proper identification from the employee before releasing any results. The MRO will review the medical history of the donor testing positive and consider the possible alternate medical explanations. The MRO is required to give the donor an opportunity to discuss a positive test result unless the donor expressly declines the opportunity or the donor fails to contact the MRO after a documented contact by the carrier instructing the employee to contact the MRO. Following a discussion with a positive donor or documentation that the donor declined discussion, the MRO will issue a final report on the outcome of the controlled substance abuse to the carrier's designated person via mail.

The MRO is the sole custodian of a donor's controlled substance test results and will retain the records for five years for positive tests. All results maintained by the MRO shall not be released to anyone without the donor's written authorization. The MRO's notification to the driver will include the driver's name; the type of test; the collection date, time, and location; the names of the MRO, laboratory, and collector; test results; and a statement that the procedures were in accordance with federal regulations parts 40 and 382.

CERTIFICATE OF RECEIPT

I, _____, hereby certify that I have received and read a copy of the Controlled Substance and Alcohol testing procedures for the Ouray County _____ Department, and agree to abide by all of the requirements therein.

Signature:_____ Date: _____

Witness: _____ Date: _____

Addendum B

OURAY COUNTY FORMS

ACKNOWLEDGMENT OF RECEIPT OF MANUAL

PRE-EMPLOYMENT REFERENCE CHECK FORM

HUMAN RESOURCES ORIENTATION CHECKLIST

SUPERVISORS ORIENTATION CHECKLIST

CREDIT CARD PURCHASE INFORMATION FORM

REQUEST FOR APPROVAL AND REIMBURSEMENT

Acknowledgment of Receipt of the
Ouray County Personnel Regulations Manual

I have received a copy of the Ouray County Personnel Regulations Manual specifying policies, practices, and regulations that I agree to observe and follow during my employment with the County. I understand that it is my responsibility to be familiar with its contents and to ask questions on any matters I do not understand.

I further understand that these regulations replace all such regulations issued prior to January 1, 2013 and that those earlier regulations have no further force and effect.

_____ _____

Employee Signature Date

_____

Witnessed by

PRE-EMPLOYMENT REFERENCE CHECK FORM

APPLICANT _____ **POSITION** _____

COMPANY CONTACTED _____ **TELEPHONE** _____

PERSON CONTACTED _____ **TITLE** _____

What was your employment relationship with the applicant?_____

How long did you supervise (work with) this person?_____

What were the applicant's job title and duties?_____

_____

_____

How would you compare him/her with others doing the work?_____

Strong points_____

Areas for improvement_____

If I were going to be this person's supervisor, what advice would you have for me to maximize his or her performance on the job? _____

Supervisory ability_____

Describe how he/she got along with people_____

Attendance/punctuality_____

Did this person exhibit any common personality traits that interfered with work performance? _____

Examples _____ _____

Reason for leaving_____

Would you rehire?_____

Position for which best qualified_____

Additional comments_____

Checker's comments_____

_____

Reference checked by_____ Date_____

HUMAN RESOURCES ORIENTATION CHECKLIST
FOR NEW EMPLOYEES

Employee: _____

Position: _____

Instructions: When the new employee reports for duty, complete the following checklist. Sign and date the form and return it to Human Resources.

General Information

- ❑ Distribution of Personnel Manual
- ❑ Conditions of Employment
- ❑ Explanation of Evaluation System. Detail how performance is documented.
- ❑ Explanation of How Personnel Records are Amended and Maintained
- ❑ Payroll Procedures and Review of Timesheets and Pay Schedules

Employee Benefit Information

- ❑ Holidays Observed by Ouray County
- ❑ Vacation and Sick Leave Policies
- ❑ Overtime and Compensatory Time
- ❑ Distribution of Benefit Paperwork
- ❑ Retirement and Pension Programs
- ❑ Insurance Benefit Programs
- ❑ Cafeteria Plan Options
- ❑ Travel Advance or Reimbursement
- ❑ Education Reimbursement

Special Policies

- ❑ Alcohol, Drug and Controlled Substance Policy
- ❑ No Smoking Policy
- ❑ Harassment Policy

Employee signature: _____ Date: _____

Human Resources: _____ Date: _____

SUPERVISORS ORIENTATION CHECKLIST
FOR NEW EMPLOYEES

Employee: _____

Position: _____

Instructions: When the new employee reports for duty, complete the following checklist. Sign and date the form and return it to Human Resources.

Job Responsibilities

- ❑ Define departmental and employee goals
- ❑ Explain departmental duties and responsibilities
- ❑ Discuss employee's job duties and responsibilities
- ❑ Explain evaluation system and detail how performance is monitored and documented
- ❑ Explain details of workstation and equipment (includes computer, phone system, copy machine, etc.) Furnish work-related supplies and forms.

Work Schedule and Compensation

- ❑ Work schedule
- ❑ Work week and hours
- ❑ Lunch and break times
- ❑ Timesheets and pay schedule
- ❑ How vacation and sick leave are reported. Ask about any leave requests during the employee's probationary period.
- ❑ Overtime and Compensatory Time

Safety and Training

- ❑ Detail departmental and countywide safety policies pertaining to the position held
- ❑ Discuss training for the position and resources available for questions

Introductions

- ❑ Tour work location and make introductions

Employee signature: _____ Date: _____

Supervisor signature: _____ Date: _____

CREDIT CARD PURCHASE INFORMATION FORM

(The credit card receipt and the actual receipt (if available) must be attached to this form)

NAME: _____ **CREDIT CARD NUMBER:** _____

DEPARTMENT: _____

LINE-ITEM ACCOUNT NUMBER TO CHARGE: _____

DATE OF PURCHASE: _____ **AMOUNT:** _____

ITEM OR SERVICE PURCHASED: _____

_____

_____

_____

_____

_____ _____

Signature of Credit Card User Date

EXPENSE REPORT / REQUEST FOR REIMBURSEMENT FORM

(Attach Receipts)

Name: _____ Department: _____

Title: _____

Description / Purpose: _____

_____

_____

Line-item Account Number to Charge: _____

Amount: _____

_____

_____

Total: _____

Line-item Account Number to Charge: _____

Amount: _____

_____

_____

Total: _____

Line-item Account Number to Charge: _____

Amount: _____

_____

_____

Total: _____

_____ _____

Signature Date

Addendum C

OURAY COUNTY PERSONNEL POLICY MANUAL REVISIONS

Revision Number	Date of Revision	Chapter, Section, Page	Resolution Number	Description
2013-1	02/05/2013	Chapter 2, Section 2-8, Page 2-4	2013-004	Deletion of references to “32” hours in the definitions of part-time benefitted employee and part-time non-benefitted employee and replacing such references with “30” hours.
2014-1	10/15/2014	Chapter 4 Section 4-16, Page 4-8	2014-027	Social Media policies
2014-2	10/15/2014	Chapter 2, Section 2-1 – 2-17, Page 2-1 - 2-8	2014-028	Policies regarding Promotions and Salaries
2015-1	04/28/2015	Chapter 2, Section 2-8, Page 2-4; Chapter 9, Section 9-2, Page 9-2	2015-011	Revisions to policy sections to correct the definition of a Full-Time Employee for the Road and Bridge Department in Chapter 2, Section 2-8; and to make corrections to Chapter 9, Section 9-2 to delete reference to probation