



CUSTER COUNTY
COMPREHENSIVE PERSONNEL POLICY

2010

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CUSTER COUNTY VISION AND MISSION STATEMENT

Custer County Government exists to provide essential services necessary to maintain the public's health, safety and welfare in an effective and economical manner.

In addition, Custer County Government should strive to assist the public in managing growth, maintaining rural character, and preserving a high quality of life within Custer County.

CODE OF ETHICS FOR COUNTY EMPLOYEES

The Ethical County Official accepts the responsibility that his or her mission is that of servant and steward of the public interest.

The Ethical county Official and/or employee should:

1. Properly administer the affairs of the County within the law and in furtherance of the county mission.
2. Promote decisions that benefit the public interest and county mission.
3. Actively promote confidence in county government through actions and words.
4. Keep safe, and accounted for, all funds and other county property entrusted to their care.
5. Conduct and perform the duties of the office diligently and promptly handle the business of the County.
6. Attempt to maintain a positive image under what may at time be strenuous or severe public scrutiny
7. Evaluate all decisions so that the best service or product is obtained for the best value.
8. Effectively and efficiently work with other governmental agencies, political subdivisions and other organizations to further the interest of the County and the County Mission.
9. Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.
10. Always remember that the taxpayer is our customer, the ones who pay our salaries. Therefore they always deserve our swift and courteous service and attention.

Custer County complies with the **Colorado Constitution Article XXIX Ethics in Government for County Officials and Employees.**

PREAMBLE

These policies are adopted consistent with principles such as:

- 1) recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
- 2) training employees, as needed, to the extent possible to assure high-quality performance;
- 3) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- 4) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or disability and with proper regard for their privacy and constitutional rights as citizens;
- 5) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office; and
- 6) providing equitable and adequate compensation.
- 7) All employment with Custer County is employment at will. That means that your employment with the County may be terminated at any time, and the terms and conditions of your employment can be changed by the County at any time. This is true regardless of anything that may have been stated or implied previously by any person. Likewise, an employee can terminate employment with the County at any time.
- 8) The information presented in this handbook is not intended as, and should not be understood as or relied on as a contract of employment. The material is provided for employee guidance and information only. Custer County at all times reserves the right to amend, modify, revoke, suspend and interpret any and all parts of these policies and procedures with or without notice to employees and without regard to past practice.

A – PURPOSE AND INTENT

A-1 Purpose and Application

The purpose of the Custer County Personnel Policies is to provide a framework for efficient, effective and fair personnel management for all County operations. The policies apply to all employees except as otherwise provided herein or by statute. If a conflict exists between the terms of these Personnel Policies and any State or Federal statute, the rule of law shall prevail.

A-2 Budget

Nothing contained in these policies shall be construed to authorize Department Heads, Elected Officials, Boards or any other persons or spending units to exceed their appropriated budgets based on whatever frequency of periodic inspection the BOCC deem prudent.

A-3 Additional Policies and Procedures

Any Department Head or Elected Official may establish additional detailed policies and procedures to the employment unit or units as long as such policies and procedures do not conflict with the Custer County Personnel Policies.

B – ORGANIZATION AND ADMINISTRATION

B-1 Administration of Personnel System

The Human Resources/Finance Manager provides personnel services for all Departments, Elected Officials, Boards and covered employees including but not limited to recruitment, development and maintenance of a job classification system, salary administration, fringe benefit administration, personnel management training and related activities, and resolution of disputed matters. In addition to the above, the Human Resources/Finance Manager provides the following services for all Departments, Elected Officials, Boards and covered employees; processes payroll and administers the classification and compensation plan upon adoption, fringe benefits including health leave or disability accommodation administration under ADA, HIPAA, and FMLA, paid and unpaid leave administration, workers' compensation insurance and unemployment insurance.

B-2 Covered Employees

Custer County Personnel Policies cover all employees including appointed Department Heads, the BOCC, the County Assessor, the County Clerk and Recorder, the County Coroner, Grounds and Building personnel, Extension personnel, HR/Finance, Department of Human Services, IT/GIS, Planning and Zoning, Department of Public Health, Resource Navigator, Road & Bridge Department, the County Sheriff, the County Surveyor, the County Treasurer and other participating agencies, except as otherwise provided by law.

B-3 Employee Records

Individual personnel records are maintained by the Human Resources/Finance Manager and by the Department Head or Elected Official if they choose. All records concerning an employee are considered part of the employee's personnel file. All personnel records shall be kept in a secured/locked filing system. Elected Officials and Department Heads shall monitor and maintain records of all employees showing vacation, leaves, and accrued compensatory time earned and taken. All personnel files will be safeguarded and are not to be considered as public records. Federal and Colorado law requires all personnel and payroll records to be available upon demand by staff of the respective Department of Labor for inspection on compliance issues.

B-4 Explanation of Benefits

The County shall provide a copy of the Personnel Policies to all County Employees. Newly hired eligible employees shall receive information regarding any and all benefits either required or optionally provided by the County for the position they hold from the Human Resources/Finance Manager within the first week of beginning work and thereafter as required by law.

C – POSITIONS AND JOB CLASSIFICATIONS

C-1 Types of Positions

(a) Regular Status

Regular status is conveyed on an employee who has successfully completed the evaluation period.

1. Evaluation Period

All persons employed, except seasonal and emergency hire employees, shall serve a minimum six months evaluation period beginning on the date of employment or promotion. At the discretion of the Department Head, Elected Official or BOCC, the evaluation period may be extended to 12 months. Note: The Sheriff's Department evaluation period shall be 12 months. This time shall allow an orientation process between the County and the new hire to determine if employment should continue. At the end of the evaluation period, an employee must be terminated, returned to their former position or granted regular status based on a performance evaluation consistent with principles of due process provided in CRS 30-10-506. Notice must be provided to the Human Resources/Finance Manager if a change in pay is involved. Evaluation Period employees, seasonal employees and emergency hires may be terminated for any reason **other than** exercising protected legal rights (this includes employee protection for their personal political affiliations). Completion of this evaluation period by an employee shall not be construed to mean the county is obligated in any way to continue employment.

If an employee fails to successfully meet the standards of the evaluation following a promotion, the employee may be returned to the earlier position and pay at the sole discretion of the Elected Official or Department Head, if a vacancy exists in that position.

If transferred or demoted, an employee is likewise expected to meet the standards of whatever position that employee holds and is subject to a specific renewal of the initial Evaluation Period.

It is the policy of Custer County to encourage a continuing training and development effort on the part of its employees. The training and development consists of the following elements:

Mandatory development as defined by laws, statutes or County Policy.

General education courses developed to increase employee effectiveness.

Special or technical education courses unique to a specific position of employee group.

Custer County Elected Officials and Department Heads will make necessary and prudent training available to employees in the most cost effective and impartial manner available under the current budget conditions.

2. Full-Time Status

An employee who is scheduled to work 40 hours per week in a regular position has Full-Time status. Full-time employees are entitled to all fringe benefits.

3. Scheduled Part-Time Status

Scheduled part-time status is given to an employee who has a set schedule working at least 20 but less than 40 hours per week. Employees working at least 20 hours but less than 40 hours per week

are entitled to paid holidays, sick leave and vacation leave. Vacation, sick leave and holidays shall be given on a prorated basis. These employees are not eligible for group life insurance, medical insurance or deferred compensation plan or the retirement program. The hours worked shall be submitted each pay period.

4. Scheduled (Non-Benefit) Part-Time Status

An employee whose work is scheduled for less than 20 hours per week is considered a part-time (non-benefit) employee. These employees are not eligible for vacation, sick leave, holidays, group life insurance, medical insurance, deferred compensation plan or the retirement program. The hours worked shall be submitted each pay period.

5. Intermittent Part-Time Status

An employee who works an irregular number of hours as needed by the hiring department has intermittent part-time status. The hours worked shall be submitted each pay period. These employees are not eligible for vacation, sick leave, holidays, group life insurance, medical insurance, the deferred compensation plan or the retirement program

(b) Seasonal

A person hired to fill a position for a specific period of time (less than six months in one year) is a seasonal employee. The hours worked shall be submitted each pay period.

(c) Auxiliary Programs

In auxiliary programs, such as Sheriff's Reserve, work study internships, where compensation may be paid, participants shall not be entitled to County benefits, unless approved as part of the specific auxiliary program; shall not be entitled to preference in hiring for any regular or seasonal position with the County and shall not be covered by Custer County Personnel Policies.

Department Heads, Elected Officials and the BOCC will determine their departmental policy to govern County employees who participate in County wide auxiliary programs such as Sheriff's Reserve, Search and Rescue, Ambulance Corps or Volunteer Fire Departments. It is encouraged that County time be allowed for service during actual emergency service. However, participating employees must take vacation leave for any training activities scheduled during normal working hours.

If an employee is serving on a volunteer board in the capacity of County Representative to the Board and approved by the BOCC, time away from their regular duties will be considered hours worked. If an employee is serving in a volunteer capacity for any circumstance that involves life, health and/or safety, the employee's time away from their regular duties will be considered hours worked. However, if an employee receives monetary compensation while performing services described above, the employee must use paid leave, leave without pay, or make up the time on an hour-for-hour basis for time away from their regular duties.

(d) Workers' Compensation

All employees and Elected Officials regardless of status are eligible for Workers' Compensation insurance coverage.

C-2 Classification System

(a) Position Title

Every regular and seasonal position with the County shall be given a position title.

(b) Job Description

Each position title shall have a position description of duties, responsibilities and qualifications prepared and maintained by the hiring department. Each job description should contain an accurate list of the essential duties and tasks of the position and a non-comprehensive list of other nonessential duties and tasks.

(c) Exempt Positions

The following employee positions are considered exempt positions for over-time purposes: Human Services Director, Human Services Case Worker (Level III or above), Human Resource/Finance Manager, IT/GIS Director, Landfill Manager, Planning and Zoning Director, Public Health Nurse, Resource Navigator, Road & Bridge Supervisor (unless otherwise negotiated) and Under Sheriff. While not an employee position, each Elected Official is considered exempt from specific work hours by Colorado statute.

C-3 Promotion, Transfer and Layoff

a) Promotion

An employee may be promoted any time the minimum qualifications for the position are met. The employee may be considered for a pay increase on the date of the promotion. The decision regarding a promotional increase shall reflect the promoted employee's experience and qualifications in comparison with other employee's backgrounds in the same job. The Department Head, Elected Official, or BOCC will recommend the amount of the promotional increase within the standards stated in this policy. Final review of all promotion increases shall be made with consideration for budgetary compliance. No employee shall be required to accept a promotion.

(b) An employee may be demoted at any time for inability to perform position duties satisfactorily. When an employee is demoted to a lower position, the employee shall be paid at a rate for the lower position. The rate of pay shall be recommended by the Department Head/Elected Official considering the circumstances surrounding and the reasons for the demotion.***The grievance procedures set forth in this policy shall be applicable to and govern demotions, except that a demotion shall not be final and pay shall not change until the grievance is resolved within these policies.***

(c) Transfer

If an employee transfers to another department the employee's anniversary date does not change. The employee retains all accumulated benefits, provided they comply with the Personnel Policies. Arrangements for accumulated benefits as of the transfer date shall be set forth in writing and shall be approved by the previous Department Head/Elected Official, the employee and the new Department Head.

D – PAY AND PERFORMANCE EVALUATIONS

D-1 Pay Day

Employees are paid once each month (one pay period) on the last regular working weekday of the month.

D-2 Pay Plan

(a) Pay Within Grade. All persons employed in a classified position shall be paid within the range of the position's pay grade.

(b) Economic Adjustment. Economic adjustments may be granted from time to time by the BOCC to all County employees. Salary adjustments for Elected Officials are determined according to Colorado statutes.

(c) Part-Time Pay. Pay for employees in intermittent part-time status or seasonal part-time positions are computed on an hourly basis and the employee's supervisor shall submit the hours worked.

(d) Temporary Duty. The County has the right to require an employee to assume additional responsibilities beyond the grade level of the current position as necessary on a temporary basis. Temporary rate adjustments shall be made for activities which are longer than a day in duration.

(e) Pay Changes. Retroactive pay will be paid for only one pay period. It is the responsibility of supervisors/Department Heads/Elected Officials to notify Payroll of pay changes in accordance with the payroll schedule.

(f) Overtime. County employees will be compensated for overtime work with either cash or compensatory time off. Non-exempt employees will be compensated for any time worked over the normal **40-hour** workweek at the "time and a half" rate either in cash or compensatory time. Normally, overtime will be paid in cash but compensatory time may be paid if it is stipulated at the time the overtime is approved that it will be paid in compensatory time, and the employee agrees.

(g) All overtime must be approved by the supervisor, Department Head, Elected Official or BOCC prior to the overtime being accomplished. The Sheriff's Department may alter their internal overtime/compensatory time policy to comply with Federal and State regulations as they pertain specifically to law enforcement officers.

(h) Each time sheet submitted shall reflect all overtime worked, the pay period in which it is worked, whether it is worked for pay or for compensatory hours, and if any OT compensatory hours are used, the time sheet must reflect the pay period and work week in which it was used. If an error is found, a corrected time sheet must be submitted.

(i) Overtime accrued by non-exempt employees may be used upon request so long as it does not disrupt the operations of the department and in accordance with other leave request rules. It may not be accrued in amounts exceeding 240 hours total at the time and one-half rate, by law.

(j) Exempt personnel may be compensated for extraordinary work hours only by straight compensatory time paid on a one to one ratio, i.e. one hour off for one hour of overtime worked, and only with the written approval of the Department Head and the Elected Official(s). Any Exempt compensatory time shall be utilized within 90 days of the date incurred or it shall be forfeited.

(k) Longevity Pay. Until a formal compensation and pay plan is adopted by the County, the policy adopted by the County in 1996 of giving longevity raises on a percentage basis of one percent per year, paid on five year increments shall continue for all employees.

D-3 Performance Evaluation: All employees in regular positions shall receive, at a minimum, a written performance evaluation once a year. The date for the annual performance evaluation is designated by the Department Head, Elected Official or BOCC. The primary purposes of the performance appraisals are:

(a) To establish an understanding of what is expected of an employee performing in the job and a measurement of the employee's performance of those expectations, including strengths and weaknesses, to provide a basis for compliments, appreciation, corrections and improvements.

(b) To determine whether a newly hired, promoted, demoted or transferred employee should continue in their current position.

(c) To provide documentation for personnel actions.

E - HOLIDAYS

E-1 Computation

Employees in full-time regular positions working a 40-hour workweek shall be paid for 8 hours' leave time for designated holidays.

Employees in full-time regular positions working less than a 40-hour workweek and employees in scheduled part-time positions shall be paid for holidays on a prorated basis. Employees in scheduled (non-benefit) part-time positions, intermittent part-time positions and seasonal positions shall not receive holiday pay.

E-2 Designation

A list of days that are designated as holidays for all County employees shall be set by the BOCC and will be distributed to all employees at the beginning of each year. To be eligible for holiday pay an employee must actually work the last regularly scheduled workday before the holiday and first scheduled workday following the holiday, unless the absence is approved in advance by the employee's supervisor, Department Head, and/or Elected Official. If an absence occurs as a result of an illness or medical condition that prevents the employee from performing his or her duties, the employee may be required to provide a physician written statement to be eligible for holiday pay. An employee who separates or commences an unpaid leave of absence on the last scheduled workday preceding the holiday will not receive holiday pay.

E-3 Compensation

A non-exempt employee who is required to work on a holiday shall be compensated as regular overtime if and only if they actually worked over 40 hours within the week. EXCEPTION: The Sheriff's Office shall have the discretion to provide an equivalent holiday work schedule for employees consistent with departmental needs.

F - VACATIONS

F-1 Earning Rate

(a) Employees on 40-Hour Week. Full-time employees on a 40-hour workweek in regular positions, both exempt and non-exempt, shall earn vacation for each full year of continuous service as follows:

- (b) 1 year completed = 5 vacation days earned
- 2-5 years completed = 12 vacation days earned
- 6 + years completed = 17 vacation days earned

(c) Employees on Less than 40-Hour Workweek. Full-time employees on less than a 40-hour workweek and scheduled part-time employees in regular positions working at least 20 hour per week accrue vacation on a prorated basis.

(d) All Elected Officials shall be exempt from vacation benefits as outlined within.

(e) Personal Leave. All full time employees will be allowed two days per year, from Sick Leave accrual, for Personal Leave. Personal leave is granted for the purpose of conducting personal business during working hours, or for “**snow**” days, or to comply with the Colorado School Leave Act which grants up to 18 hours of paid or unpaid leave each year for attendance at public school functions for an employee’s children, with at least one week’s notice. Note that the School Leave Act does not require the county to grant additional leave since the County grants sufficient leave to cover school related absences under the law. When possible, personal leave days will be approved by the employee’s supervisor prior to the personal day. Personal leave cannot be used in conjunction with vacation and it must be used in the year it is accrued.

F-2 Approval

Vacation time must be earned before taken and requires the prior approval of the appropriate Department Head, Elected Official, BOCC or assigned supervisor. The Department Head/Elected Official may establish times when leave cannot be taken because of work related circumstances. Otherwise, vacation should not be unreasonably withheld which includes denying vacation which might then be lost to annual limits on carryover.

F-3 Scheduling

A Department Head, Elected Official or BOCC may require an employee to take vacation time off pursuant to a flexible schedule or by a certain date in advance if department needs so require.

F-4 Maximum Accrual

The maximum vacation accrual for full-time employees shall be one year carry over accumulated leave which must be taken by the employee’s anniversary date of the following year or it shall be forfeited.

F-5 Payment Upon Separation

All eligible employees shall be paid for all accumulated vacation at the time of separation from the County at their current rate of pay.

G - LEAVES

G-1 Sick Leave

(a) Accrual

Full-time employees in regular positions working a 40-hour workweek accumulate sick leave with pay at the rate of eight hours for each full month of service.

Scheduled part-time employees in regular positions, working at least 20 hour per week, accumulate sick leave on a prorated basis for each full month of service.

Employees in scheduled (non-benefit) part-time positions, intermittent part-time positions and seasonal positions are not eligible for paid sick leave.

Sick leave does not accrue during any leave without pay or during a suspension without pay.

A County holiday shall not be considered a day of sick leave.

(b) Use

An employee may use sick leave with pay for absences necessitated by non-job related injury, illness, disability, dental, medical or optical care of the employee or they may use sick leave to care for a member of their immediate family (immediate family includes spouse, significant other, son, daughter, step/adopted children, and parents.)

(c) Reporting Guidelines

To be eligible for sick leave with pay employees must report the reason for their absence to their supervisor within the first hour of their normal work shift on the first day of their absence. The supervisor is to be kept informed of their condition and expected date of return. A medical certificate or other applicable documentation shall be provided by the employee if the one hour call in rule is not observed or if three or more days of sick leave are used. This applies for paid or unpaid absences under FMLA as well as any other paid sick leave absences sought to be used

(d) Accumulation

An employee may not accumulate more than 20 days of sick leave for pay purposes. They may accumulate up to 60 days of sick leave for actual illness or other purposes lists in (b) above.

Any misuse of sick leave shall be grounds for disciplinary action.

(e) Termination, Retirement, Resignation or Layoff

Upon termination, retirement, resignation or layoff, an employee shall receive payment for accrued sick leave based upon the following formula:

- 0 – 5 years of employment – payout of up to 5 days
- 6 – 10 years of employment – payout of up to 10 days
- 11 – 15 years of employment – payout of up to 15 days
- 16 plus years of employment – payout of up to 20 days

Permanent Disability – Upon separation from employment by permanent disability, an employee shall be paid 100 percent of all accrued sick leave up to a maximum of 480 hours

Death – An employee's estate will be paid 100 percent of all accrued leave up to a maximum of 480 hours on the employee's death.

(f) Management Level Positions

Elected Officials shall be exempt from the sick leave policy as outlined herein. Any current county employee who becomes an Elected Official shall be paid for all sick leave accrued as an employee according to the above schedule before taking office.

(g) Employees may donate any earned sick leave to another employee on an hour-for-hour basis. Both employees and Elected Official/Department Head must agree to the donation and complete a Sick Leave Donation Form that may be obtained from HR/Finance

G-2 Funeral Leave with Pay

Funeral leave shall be granted to an employee to attend the funeral of a member of the employee's or spouses immediate family. Persons in the "immediate family" are: husband, wife, significant other, children, step/adopted children, parents, grandchildren, brothers, sisters, nephews, nieces, aunts, uncles, in-laws, and grandparents. The number of days of funeral leave to be granted, up to a maximum of five working days, shall be dependent upon the distance to be traveled and mode of transportation. More days may be granted at the discretion of the appropriate Department Head or Elected Official. Funeral leave shall not be granted for settlement of estates nor any other matter except required time to arrange for, travel to, attend, and return from the funeral.

G-3 Work Related Injury/Incident Leave

(a) Any employee who becomes incapable of performing his/her essential job functions as the result of an injury or illness incurred within the scope of employment shall be deemed to be on injury leave until he/she is able to resume essential job functions, or modified job duties as the case may allow. An employee on injury leave, whether full-time or part-time injury leave, shall receive the statutory benefits available under the Workers' Compensation Act of Colorado, C.R.S. 8-40-101, et. Seq., and pursuant with Custer County Personnel Policy. Note: The Family Medical Leave Act is a separate Federal Act.

(b) Notification/Reporting for Workers' Compensation

In the event of an on-the-job injury/incident, an employee must notify his/her supervisor immediately. The employee and supervisor shall complete an Employee's Report of Incident form and Authorization for Release of Medical Information form within 24 hours of the injury/incident. If the employee is physically unable to report because of the injury, the supervisor may fill out the Employee's Report of Incident for them. In the event there is no supervisor available the employee shall report to the Human Resources/Finance Manager to complete these initial forms. The supervisor shall fill out a Supervisor's Report of Incident and submit it to the Human Resources/Finance Manager within 24 hours of the injury/incident being reported. Failure on the part of the employee and/or the supervisor to do so may result in denied of late benefits by the Workers' Compensation Carrier. (The Division of Labor may also impose penalties against the County and employee for late filing of claims.)

(c) Medical Examinations & Treatments

If an injury requires immediate emergency treatment, the nearest appropriate hospital emergency room shall be utilized. Upon release from emergency treatment, the employee must seek follow-up medical care from the County-designated medical service provider, the West Custer County

Medical Clinic. Failure to comply with utilization of the County-designated provider will result in a denial of payment for medical expenses through the County Workers' Compensation Pool.

(d) Denial of Injury Leave

An employee may be denied injury leave if it is determined by the County's Workers' Compensation Carrier that the injury is not job-related. If the injury is deemed non-compensable under Custer County's Worker Compensation policy, injury leave compensation will cease on the date the claim is denied. In this event, the amount of payment made to the employee by the County while on injury leave will be deducted from the employee's accrued sick and vacation leave balances.

(e) Reporting Medical Status

During injury leave, employees must keep their supervisor informed of their medical status in regard to their ability to return to work on a schedule to be determined by the supervisor. The supervisor in turn will notify the Human Resource/Finance Manager of the progress. The County reserves the right to request periodic reports regarding the employee's medical status from the designated medical provider.

(f) Continuation of Benefits

Employees who are approved injury leave with pay status will continue to be eligible for all County benefits that they normally receive when on regular pay status. Leaves continue to accrue during injury leave.

(g) Separation

Injury leave does not preclude an employee from separation from employment pursuant to another Personnel Rule.

(h) Injury with Pay

Regular Full-time and Scheduled Part-time Positions

A full time or scheduled part-time employee in a regular position, who is eligible for injury leave of three days or less, will be paid his/her full salary by the County. If an employee is off more than three days but less than fourteen consecutive days, the County will cover wages for the first three days and the Workers' Compensation insurance will cover the remaining time off at 66 2/3% of employee's wage. If an employee is off fourteen consecutive days or more, the Workers' Compensation insurance will cover time off from the date of injury.

All wages paid by the Workers' Compensation insurance are non-taxable income.

Intermittent Part-time and Seasonal Positions

Any seasonal or intermittent part-time employee, who is eligible for injury leave will be paid his/her full wages by the County after the initial three calendar days of disability following the date of the injury. The employee shall also have his/her care referred to the County's Workers' Compensation insurance carrier for any continued payments which the employee is entitled to in lieu of payment of wages.

Termination of Injury Leave with Pay

Termination of injury leave with pay may occur: when the employee is placed on injury leave without pay status: when the employee has a written release from the attending physician permitting the employee to resume performance of all the duties required in the employee's position (return to work—full duty) or permission to return to modified duty basis as defined by the attending designated physician or when the employee is separated from County employment.

G-4 Military Leave

Custer County complies with Part 6 of Article 3 of Title 28 of Colorado Revised Statutes, as amended and all federal laws regarding military leave for reserve status and active duty members.

G-5 Court Leave

(a) Court Leave Granted – An eligible employee who is required to serve or appear as a juror, witness in a criminal case or witness in a case resulting directly from the discharge of the employee's duties shall be granted Court leave with full pay to serve in that capacity

(b) Pay During Court Leave

Any employee who has received fees or payment and has been granted Court leave with pay shall turn over to the County any fee paid by the Court (or by an attorney issuing a subpoena) with the exception of pay for travel which may be retained by the employee. If the fees are not turned over to the County, the total of fees paid, with the exception of travel, may be deducted from the employee's pay. EXCEPTION: Sheriff's Office for cases falling within the line of duty for officers required to appear in court as witnesses

(c) Personal Litigation

If an employee is involved in litigation to which the County is not a party, the employee may be granted leave without pay or use an accrued vacation leave, personal leave or approved compensatory time.

G-6 Leave Without Pay

(a) Approval – Upon exhaustion of all other leave and following written recommendation of the appropriate Department Head or Elected Official, an employee in a regular position may be granted leave without pay for a period of up to one year if approved by the BOCC.

(b) Benefits – Vacation, sick leave and holidays are not accrued during ordinary periods of leave without pay, nor will the County make any contribution during ordinary unpaid leave for retirement contributions or health insurance benefits.

However, under Family and Medical Leave Act qualifying leaves, health benefits will be continued at the same payment arrangements as before the leave provided the employee makes arrangements for the payment of his or her share of the premiums to the county during the FMLA absence. See the policy section below for more information. .

Full information as to availability of continuing participation in group insurance programs may be obtained from the Human Resource/Finance Manager.

(c) Unauthorized Leave – An employee who is absent from duty without approval shall receive no pay for the duration of the absence and, unless there is an approved reason for the absence, shall

be subject to disciplinary action. If an employee fails to report to work without giving required notice or getting approved leave for a period of three consecutive days, the County may construe such unauthorized leave as a resignation absent unusual circumstances

FAMILY AND MEDICAL LEAVE POLICY

It is the policy of the County to grant up to 12 weeks of family and medical leave during any 12 month period to eligible Department 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 by law.

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 which entails substantially equivalent skill, effort, responsibility and authority. An employee, except for certain highly compensated employees, will normally be returned to the same or equivalent position.

During family and medical leaves of absence, the County will continue to pay its portion of health insurance premiums and employees must continue to pay their share of premium. Employees are expected to make payment arrangements for their portion of the health insurance premium prior to taking the leave if possible. If not, the county will deduct the premiums from the employee's checks. If the employee pays any part of the employee's health benefits, the employer will continue to make payroll deductions to collect the employee's share while the employee is on leave. If on unpaid leave the employee must continue to make this payment to the Human Resource/Finance Manager by the end of each month.

ELIGIBILITY UNDER FMLA

In order to qualify to take family and medical leave under this policy, the employee must meet all of the statutory conditions.

Employees who have worked for the County for at least (1)-one year and at least 1,250 hours
A medical or Family Leave may be taken for up to a maximum of 12-twelve weeks in a 12-twelve month period and if at least 50 employees are employed by the employer within 75 miles. A 12-twelve month period is measured forward from the first day of an employee's leave.

Certain highly compensated county employees may not qualify for the leave under the law. These individuals will be notified at the time they make the leave request.

TYPE OF LEAVE COVERED

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

Birth of an employee's child; or

Placement of a child with employee for adoption or foster care; or

The serious health condition of the employee which makes the employee unable to perform the functions of the employee's position; or

In order to care for a serious health condition of the employee's immediate family member who has a serious health condition.

MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".**

SERIOUS HEALTH CONDITON

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider

Employees with who believe they may qualify to take FMLA leave should notify their direct supervisor.

Upon receipt of information which causes the County to reasonably believe that an employee's absence qualifies for FMLA, the County may require the employee to submit the necessary paperwork and, if the leave so qualifies may at its option, designate the leave under FMLA.

RESTRICTIONS ON FMLA LEAVE

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid personal and qualifying sick leave, then vacation, prior to being eligible for unpaid leave.

An employee taking leave for the birth of a child must use paid sick leave for physical recovery following childbirth. The employee must then use all paid vacation and personal leave and then will be eligible for unpaid leave for the remainder of the 12 weeks.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation and personal leave prior to being eligible for unpaid family leave. Leave for adoption, birth or foster care expires (12) months from the date of the birth or actual placement with the family. Spouses who both work for the county are limited to a combined total of 12 weeks FLSA leave under certain circumstances.

This leave will not affect any Worker's Compensation due to the employee; however, if the FMLA is taken at the same time as a Workers' Compensation absence, the county will not allow the use of other paid leave (double pay) for periods that the Worker's Compensation payments are made. Leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. If intermittent or reduced hours leave is required, the County may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits.

As with other types of unpaid leaves, the employee does not accrue employment benefits such as vacation pay or sick pay while on unpaid leave under FMLA. Nor are holidays accrued if on unpaid leave. However, employment benefits accrued by the employee up to the day on which the family or medical leave of absence begins are not lost.

Under any other medical leave, employees must use any earned vacation and sick leave at the beginning of the leave, unless collecting worker's compensation or disability payments.

Employees on a family leave of absence must use any earned vacation at the start of the leave. Accrued sick leave can be used during a family leave. A leave of absence is without pay when earned paid leaves are exhausted.

While on leave, employees are requested to report periodically to the Department Director regarding the status of the medical condition and their intent to return to work for the department. Under the FMLA rules, this can be up to once every 30 days as necessary, or if information reasonably suggests that a change in condition has occurred.

APPLYING FOR FAMILY AND MEDICAL LEAVE

Applications for family and medical leaves of absence must be submitted in writing, at least 30-thirty days prior or as soon as practical before the leave is to commence. The County also reserves the right to designate leave under this category if they have sufficient evidence to support it

qualifying for one or more of the provisions. In that event, they may request the employee to submit necessary FMLA paperwork or forego protection under the Act by signing a waiver.

If it is not possible to give 30 days notice, the employee must give as much notice as is practical. If an employee fails to provide 30 day notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least 30 days from the date the employer receives notice. An exception may be made for certified emergency conditions.

Appropriate forms must be submitted to the payroll clerk in the Accounting Department to initiate family or medical leave and to return the employee to active status.

Employees requesting family or medical leave must provide the County with the appropriate certification for any medical conditions. Documentation confirming family relationship, adoption or foster care may be required. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. If notification and appropriate certifications are not provided in a timely basis, approval for leave may be delayed.

CERTIFICATION OF MEDICAL CONDITION REQUIRED

The County will require an employee provide a doctor's certification of the serious health condition.

The employee must respond to such a request within 15 days of the request or provide reasonable explanation for the delay. Failure to provide certification may result in a denial of authorized leave.

Certification of the serious health condition shall include the date when the condition began, its expected duration, 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.

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.

The Department has the right to ask for a second opinion. The Department will pay for the employee to get a certification from a second doctor, which the Department will select.

If necessary to resolve a conflict between the original certification and the second opinion, the Department will require the opinion of a third doctor. The Department and the employee will jointly select the third doctor, and the Department will pay for the opinion. The third opinion will be considered final.

Procedures – Whenever possible, an employee must notify the department head at least 30 days prior to the leave. Requests for FMLA Leave must be made in writing to the Department Head, Elected Official or BOCC and the Human Resources/Finance Manager, stating the reason for the leave, the starting date, and the planned date for return to work. The required federal forms must be used. Appropriate medical certification for serious health conditions for the employee or family member is also required. If notification and appropriate certification are not provided in a timely manner, approval for the leave may be delayed. The County may require at its expense a second health care provider of its selection to determine whether a serious health condition exists. If the second health care provider determines that there is no qualifying serious health condition, the employer may then require at its expense a third health care provider of its selection to determine whether a serious condition exists. The opinion of this third health care provider is final.

Benefits During Leave – The County will continue to pay the health, dental, and life insurance premium(s) for eligible employees up to the amount designated under the Cafeteria Plan Benefit Allotment. Premiums in excess of this amount are to be paid by the employee. For any portion of the leave that the employee receives pay, appropriate deductions for insurance will be made from the paycheck. For portions of the leave that are without pay, premium payment of the employee's share is due to the Human Resources Manager by the 25th of the month for the succeeding month's coverage. The same policy applies to the Section 125 Plan Coverage. Employee Note: If an employee allows their insurance coverage to lapse due to non-payment of premiums for which the employee is responsible, the employee may not be allowed back on the group policy until the annual policy renewal date.

Salary Continuation – During FMLA Leave, employees are required to use the appropriate available sick and vacation time at the commencement and during the leave. Salary continuation during a FMLA Leave must be drawn from earned/unused sick time and from earned/unused vacation pay. At the employee's option, accrued overtime pay may be used, but not if it is accrued time off. A leave of absence is without pay once paid leaves are exhausted.

Vacation time, holiday pay, and sick time will not accrue during the leave. In instances where an employee is able to return to work on a limited basis according to a physician's written statement that the individual is unable to work regularly scheduled hours, the employee may apply earned and unused sick time and vacation time for those hours not worked in order to protect against loss in compensation. When an FMLA Leave is the result of a job-related injury or illness, an employee may be eligible for compensation benefits provided by Workers' Compensation. In this situation, pay will consist of benefit payments received from the insurance carrier and earned County benefits not to exceed the normal full salary. After earned leave benefits have been exhausted, the employee only receives compensation provided by the Workers' Compensation insurance carrier.

Return from Leave – The county is required to notify the employee of the date upon which fulltime leave will be used up and an estimate of the date that FMLA leave will be used up on the intermittent rate at least two weeks prior to that last leave date. An employee on a FMLA Leave is required to contact the Department Head, Elected Official or BOCC prior to the return date to reaffirm the intent to return to work. If the leave was for health reasons, the employee must also provide a medical certification from the health care provider that the employee is now fit to perform the duties of the job. An employee returning from leave will be reinstated to the same or

an equivalent position upon return to work if that employee's employment would have continued in the absence of FMLA Leave. Failure to either return to work on the agreed upon date (or to apply and be granted a Personal Leave) will result in termination of employment.

H – FRINGE BENEFITS & REIMBURSEMENTS

H-1 Medical Insurance

The County provides medical, prescription, dental, vision and life insurance for all employees who work at least 20 scheduled hours per week. All employees who meet the hour requirement are enrolled after completion of one month of service. In addition, employees with dependents may enroll them in the medical, prescription, dental and vision program. The employee will pay 1/3 of the premium per month and County will pay the remainder of the premium whether it is employee only or dependent coverage. The Human Resources/Finance Manager oversees the insurance programs and is available to assist with insurance issues.

COBRA – (Consolidated Omnibus Budget Reconciliation Act) All employees are entitled to continuation of medical and dental coverage under the County's group insurance plan for themselves and their dependents for specified periods of time upon termination or separation from County employment. All employees who experience a qualifying event will be notified in writing of their rights to continued coverage under COBRA. Specific questions should be addressed to the Human Resource/Finance Manager. The qualifying event requirement is satisfied if the event is (1) the death of a covered employee; (2) the termination (other than by reason of the employee's gross misconduct), or a reduction of hours, of a covered employee's employment; (3) the divorce or legal separation of a covered employee from the employee's spouse; (4) a covered employee becoming entitled to Medicare benefits under Title XVIII of the Social Security Act; or (5) a dependent child ceasing to be a dependent child of the covered employee under the generally applicable requirements of the plan and a loss of coverage occurs.

H-2 Retirement Program

(a) Association. The County is a member of the Colorado County Officials and Employees Retirement Association. The bylaws of the Retirement Association shall govern eligibility for retirement benefits. No statements herein are intended to supersede or displace the rules of that retirement plan.

(b) Participation. Participation in the retirement program is a mandatory condition of employment for all employees in seasonal, emergency hire or regular positions who work at least 30 hours per week and more than five months in any calendar year. The employee must sign all necessary papers for membership in the Retirement Association at the time of employment. For additional information on the County's retirement program contact the Human Resources/Finance Manager.

H-3 Section 125 "Cafeteria" Plan

The County offers an Internal Revenue Code, Section 125 "Flexible Spending Account" to all employees. The Section 125 Plan allows employees to plan for and be reimbursed for health care and dependent care expenses that may not be covered by other benefit plans. Under the plan, employees may elect to set aside pre-tax pay to be used for reimbursement for eligible expenses. Specific details and requirements for the plan will be presented and explained to all employees on

an annual basis prior to the enrollment date of January 1 of each year. Participation is voluntary but participation or declination to participate must be done in writing. Employees hired after the annual enrollment date will only be eligible to set aside their contribution to health insurance programs until the next annual enrollment.

H-4 Transportation & Travel

The most effective and expedient mode of transportation is to be used by County Officials and employees when traveling on official County business.

(a) Commercial transportation, out of state: Rail, bus or air transportation shall be the standard means of transportation for travel outside of Colorado. First class service may only be used when other classes of service are not available. Reservations through travel agencies or airlines for out-of-state travel shall preferably be made two weeks' in advance to secure the least expensive fares available.

(b) County owned vehicles assigned to County employees: When a County employee is assigned and required to drive a County owned vehicle to and from work, the vehicle cannot be used for personal purposes. Federal tax law specifies that personal use of an employer's vehicle is personal income to the employee that must be documented and reported under federal income tax rules.

(c) Employees who voluntarily use their personal vehicle in performance of job functions shall provide the Elected Official/Department Head proof of liability insurance in full force and effect on the vehicle before using it for County business. The liability insurance policy on the vehicle used for County business shall meet or exceed the minimum statutory requirements for automobile financial responsibility in Colorado.

(d) Employees who incur expenses in the conduct of approved County business, such as use of personal vehicle, meals, out-of-pocket miscellaneous expenses or other expenses while in attendance at approved meetings and conferences shall be reimbursed in accordance with the policy established by the Internal Revenue Service. If an employee is required to operate a personal vehicle in the course of County business the employee will be reimbursed for all eligible mileage at a rate established by the BOCC. Claims must be submitted to and approved by the Elected Official/Department Head documenting authorized expenses. Appropriate receipts and a mileage accounting will be attached to the claim voucher before submission to the HR/Finance Manager. Payment will not be made without appropriate original receipts and mileage accounting.

H-5 Unemployment Compensation

The County participates in the State Unemployment Insurance Program. Information is available at a Workforce Center.

I – EMPLOYEE CONDUCT

I-1 Outside/Secondary Employment

(a) Employment with Custer County shall be the primary employment of full-time employees.

Any employee who accepts secondary employment should notify the Department Head/Elected Official. An employee may engage in secondary employment if the employment does not constitute a conflict of interest and conforms to the following provisions: (1) the secondary employment shall not interfere with employee's ability to perform job duties with full capacity; and (2) the secondary employment shall not be performed during the same hours that the employee is scheduled to work for the County, and (3) No use data processing equipment, postage metering machines, copiers, other County-owned equipment or supplies for the outside interest.

(b) No County employee shall hold more than one position concurrently within the Custer County Personnel system without prior approval of the appropriate Department Head/Elected Official or BOCC.

(c) Pursuant to C.R.S. 24-24-402.5, as it may be amended, Custer County may not prohibit the legal activities engaged in by any employee off County premises and outside of County working hours unless: (1) the restriction is related to a bona fide occupational requirement or is reasonably and rationally related to the employment activities; or (2) the restriction is necessary to avoid a conflict of interest with any responsibilities to the County, or the appearance of such a conflict of interest.

I-2 Conflict of Interest

For the purpose of this policy, a "Conflict of Interest" shall be defined as, an employee exercising any influence in connection with a County contract, purchase, payment of any financial or monetary transaction, who has any friend or family relationship, owning or controlling, (whether direct or indirect) interest in any business or entity participating in the transaction.

An employee shall exercise reasonable diligence to become aware of personal conflicts of interests, disclose such conflicts to his or her supervisor, and take appropriate steps to eliminate conflicts when they arise.

When an employee perceives any potential conflict of interest or has a question about the laws, statutes, or policies the employee shall discuss them with his or her supervisor.

When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential to his or her supervisor and may be excused by the supervisor from such action.

No employee shall engage in any activity which violates C.R.S. 24-18-109, and shall give 72 hours written advanced notice of the conflict of interest to the County Manager or Elected Official. Failure to disclose a conflict of interest may be grounds for immediate dismissal and the employee may be charged according to Colorado Statutes.

Individual departments may issue another version of the conflict of interest policy that gives other example of issues that will be a conflict of interest to the employees in that department
No employee shall have personal investments in any business entity which will create a substantial conflict between the employee's private interest and public duties. The employee shall disclose any

such conflicts to the County Manager or Elected Official, and the employee shall take appropriate steps to eliminate the conflict.

(a) Purpose. As a matter of policy, the County strives to promote public confidence in government by assuring the people of the impartiality and integrity of County employees. All employees will strive to ensure that their actions present neither a conflict nor the appearance of a conflict of interest with the public trust.

(b) Business Interests. No employee shall have personal investments in any business entity which will create a substantial conflict between the employee's private interest and public duties. The employee shall disclose any such conflicts to the Department Head or Elected Official, and the employee shall take appropriate steps to eliminate the conflict.

(c) Compensation & Gifts. Gifts may customarily be given to increase name recognition, as demonstrations of product value or to influence employee's decisions or garner preferential treatment as an employee performs official functions for the County.

No Official or employee should accept a gift, however small, if the perceived or intended intent of the donor is to influence an employee's or Official's decision in the performance of public duties. Employees or Officials may accept small items intended to increase name recognition or samples/demonstration items for evaluation if they have a value of less than \$10.00. If an item having a value of more than \$10.00 is offered, it shall be reported to the Elected Official, Department Head or appropriate supervisor.

Each Elected Official and Department Head of the county shall keep a registry of gifts received, the estimated value, the donor, and the date in order to facilitate compliance with the law. Each department head and Elected Official shall report monthly any such gifts on their registry.

It is a conflict of interest for any County employee or member of an employee's immediate family to receive any compensation, gift, payment, reward, gratuity or anything else of value from any person or corporation for obtaining preferential treatment from the County.

Under no circumstance shall a County Employee or the members of their immediate family accept any gift of money.

Outside Activities

County employees shall not use County-owned property in support of outside interests, including charitable, financial, employment, or business interests. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to County business, public office, or service club, shall:

Pursue the outside activity on the employee's own time;

Pursue the outside activity away from County offices;

Discourage any phone, mail or visitor contact related to the outside interest at County offices;

Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours; and

Not use data processing equipment, postage metering machines, copiers, other County-owned equipment or supplies for the outside interest

Political Activities

- a) The BOCC encourages County employees to participate in matters of responsible citizenship including the seeking of public office. Therefore, it is the policy of Custer County that County employees may engage in political activities, so long as said activities are not in conflict with the provisions of State or Federal Statutes and are not conducted in a manner that interferes with the effective performance of that employee's county duties.
- b) If an employee becomes a candidate for a partisan or full-time non-partisan elected public office the HATCH ACT may apply, which is on file in the HR/Finance Office. An employee shall not use County-owned equipment, supplies or resources, and other attendant expenses (paper, computer on-line and access charges, etc.) when engaged in political activity.
- c) An employee shall not discriminate in favor of or against any person or applicant for employment based on political activities.
- d) No person employed by the County may be dismissed from service as a result of political opinion or affiliation.
- e) An employee shall not use the employee's title or position while engaging in political or community activity. County employees should be aware that the community will not be able to distinguish if the employee is engaging in political activity as a normal citizen or as part of their County employment; therefore, the County employee's behavior should be respectful and not reflect poorly on the County in any form or manner.
- f) An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to not restrict the individual freedom of political expression, and to allow employees to serve as voting district officers and as State or County delegates without jeopardizing public programs for which he/she is responsible or affiliated.
- g) No County officer or employee, whether elected or appointed, may directly or indirectly coerce, command, advise or solicit any officer to pay, lend or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes.
- h) No County officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity. Nothing in this section shall preclude voluntary contributions by a County employee to the party or candidate of the employee's choice.
- i) Nothing contained in this section shall be construed to permit partisan political activity of any County employee who is prevented or restricted from engaging in such political activity by the provision of the Federal Hatch Act.

I-4 Confidential Information

No County employee shall disclose confidential information entrusted to or acquired by the employee by virtue of employment with the County. Specific Departments may have a more stringent written Confidentiality Policy.

STATEMENT OF POLICY:

I-5 Drug and Alcohol Policy

It is the goal of Custer County to foster a work environment free from the effects of illegal or non-prescribed drugs and alcoholic beverages. Abuse of drugs and/or alcohol impairs employee judgment resulting in increased safety risks, employee injuries and faulty decision-making.

(a) Custer County employees shall not manufacture, distribute, dispense, possess, use, sell or transfer drugs or controlled substances on any County premises or work site at any time. Violation may result in disciplinary action up to and including dismissal.

(b) All employees are expected to report to work in a fit mental and physical condition to perform their assigned duties. No employee may report to work, or remain on duty if the employee is under the apparent influence of drugs and/or alcohol. This includes on call personnel who should report to the supervisory caller if they are impaired or may be impaired.

(c) At no time will employees operate County vehicles or equipment if suspected of being impaired by drugs and/or alcohol. County vehicles and equipment, including private vehicles operated for County purposes, and private vehicles parked on premises or work sites are included within this prohibition.

(d) Compliance with the above stated policy is a condition of employment for all employees of Custer County. Employees in designated safety sensitive jobs (requiring a commercial driver's license or pilot's license) must also comply with the most current drug/alcohol regulations established by the Department of Transportation. Any employee who is convicted under a criminal drug/alcohol statute for a violation occurring in the workplace or who pleads guilty or no contest to the charges must notify his or her supervisor within five calendar days of the conviction or plea. Employees convicted or who plead guilty or no contest to drug/alcohol related violations are subject to disciplinary action up to and including dismissal. Other action may be taken including mandatory attendance in a counseling and/or treatment program. The employee must demonstrate successful results and progress as evidenced by reports from the counseling and/or treatment program. If an employee is referred to counseling and/or treatment program they must sign a release form so the County can monitor their progress.

If an on duty employee appears to be affected by on under the influence of drugs or alcohol in the workplace, the employee may be subject to disciplinary action including dismissal. Other action may be taken to include mandatory attendance in a counseling and/or treatment program. The employee must demonstrate successful results and progress as evidenced by reports from the counseling and/or treatment program.

Prescribed drugs when used in the manner, combination and quantity intended are excluded unless job performance could be affected. Employees who must use an over the counter or prescription

drug that may affect their ability to perform work in a safe manner must notify their supervisors prior to starting work. The supervisor, after proper inquiry will decide if the employee can remain at work and what work restrictions, if any, are deemed necessary.

Any employee found in violation of the above stated policy will be subject to disciplinary action, up to and including dismissal for a first offense.

Custer County will make drug/alcohol awareness training programs available to employees. The purpose of the program(s) is to inform employees about the danger of drugs and alcohol in the work place; acquaint employees with Custer County's drug/alcohol policy and the penalties and disciplinary sanctions which may be imposed upon employees for violations of such.

Road and Bridge and the Sheriff's Department are subject to more specific procedures and requirements.

J - DISCIPLINARY ACTION

Definitions:

Verbal Correction or Counseling is verbal direction or training by a supervisor intended to inform an employee of the need to change, adjust, or improve any aspect of job or task performance. This is an ongoing duty of a supervisor and it is the ongoing duty of an employee to follow such direction or training. Normally Verbal Correction or Counseling does not result in disciplinary action.

Disciplinary Action is a verbal or written conference, directive, or warning of consequences that is accompanied by, or would normally be followed by, a consequence such as unpaid disciplinary leave (suspension) written performance reprimand, negative performance reviews, paid leave pending a disciplinary investigation, a last chance warning, or a termination.

- J-1 All County employees are hired with the understanding that Colorado is an "At Will" state. No County employee has any vested or contractual right to a job with Custer County. Supervisors, elected officials, and department heads shall administer discipline equally, regardless of rank, race, national origin, creed, color, gender, religion or political affiliation.
- J-2 All employees of Custer County are members of the team working together with the primary objective of serving the citizens of Custer County. Employees who fail to follow the rules and regulations governing conduct not only penalize themselves, but do a disservice to the citizens of the County. Therefore, all employees may be subject to disciplinary action at the discretion of the appointed official(s), elected officials(s) or department head by whom they are supervised
- J-3 Employees of Custer County may be subject to any of the following disciplinary actions for corrective, counseling, or disciplinary purposes, in the discretion of the elected

official/department head. Disciplinary actions may or may not be progressive depending upon the misconduct severity. If severity warrants, an employee may be dismissed for a first offense. There is no expressed or implied right to receive corrective action or counseling prior to or in conjunction with a disciplinary action.

- A. Verbal reprimand;
- B. Written reprimand;
- C. Suspension with loss of pay;
- D. Suspension with pay;
- E. Demotion;
- F. Dismissal.

J-4 Elected officials/department heads may impose disciplinary actions. Examples of conduct for which an employee may be disciplined include, but are not limited to:

- A. Neglect of duty;
- B. Inattention to duty;
- C. Incompetence or inefficiency in the performance of job duties;
- D. Conduct endangering the safety or well-being of fellow employees or of the public;
- E. Negligent or intentional damage to or waste of public property;
- F. Insubordination or refusal to comply with lawful orders, policies or regulations;
- G. Violation of any ordinance, resolution, state or federal law, order policy or regulation;
- H. Disrespect or insolence toward a citizen or fellow employee;
- I. Unexcused absence without leave;
- J. Excessive tardiness or abuse of sick leave or annual leave;
- K. Misuse of County funds or property;
- L. Falsification of records or reports;
- M. Intoxication;
- N. Use or abuse of controlled substances;
- O. Failure to perform adequately the duties assigned and;
- P. Failure to carry out supervisory responsibilities;
- Q. Physical violence in the work place.

J-5 The elected officials/department head may determine the action to be taken based on the following principles:

- A. Severity of the offense;
- B. Frequency of occurrence as reflected by the personnel records and as reported by the department head or elected official;
- C. Attitude honesty and sincerity on the part of the employee in correcting existing deficiencies or compliance to regulations;
- D. Any other factors deemed relevant by supervisory personnel, the elected official or department head.

J-6 Grievance Procedure

Custer County is committed to providing the best possible working conditions for its employees. Custer County strives to ensure fair and honest treatment of all employees. If a situation occurs when employees believe that a condition of employment or decision affecting them is unjust, or inequitable, they are encouraged to use the following steps:

- A. Employee presents problem to immediate supervisor within thirty (30) calendar days after the incident occurs. If immediate supervisor is not available, employee should seek the next supervisor in their chain of command. If the employee feels it would be inappropriate to contact their supervisor(s), the employee may present the problem to the next supervisor in the chain of command. Employee completes an "Employee Incident/Complaint Form" (found in the Human Resource/Finance Office).
- B. The supervisor or designated alternate, must respond in writing to the problem within thirty (30) calendar days after consulting appropriate management, when necessary. Supervisor will document these discussions. A copy shall be filed with the Human Resource/Finance Manager.
- C. If the problem is not resolved by the immediate supervisor, then the Employee must present the problem to their department head or elected official in writing. The Department Head, or Elected Official, reviews and considers the problem. The Elected Official's decision will be final.
- D. If no resolution can be made through the Department Head supervisors, the employee may appeal to the BOCC as a final step. The BOCC is unable to overturn the decision of any Elected Official.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop a satisfactory working relationship. This relationship is important to the operation of an efficient and harmonious work environment. Pending complaints under this procedure do not affect the county's right to terminate an employee's employment.

- J-7 In the event an employee disagrees with their immediate supervisor's disciplinary actions or performance evaluations, the employee may schedule a hearing with the next in line supervisor. If the employee works for an elected official, their appeal right stops with the elected official. If the employee works for a department head, then they may appeal to the BOCC. (See Grievance Procedure)

Requests for a hearing must be made in writing within five (5) working days of the disciplinary action. The elected official, department head, or BOCC shall set for hearing to be held no later than five (5) working days of receipt of request. At the hearing, the employee may orally rebut and/or present affidavits in support of his/her position. The employee's immediate supervisor shall be present. A written decision shall be provided within five (5) working days of the scheduled hearing.

The decision of the elected official or BOCC is final.

The policy of Custer County is to provide equitable and impartial treatment to all employees. The County does not advocate or adhere to a progressive disciplinary policy. The following forms of discipline may be imposed singularly, successively or cumulatively, and in any order, at the discretion of the appropriate Department Head, Elected Official or BOCC.

There is no express or implied right to receive a Verbal Corrective Action or Counseling prior to or in conjunction with a disciplinary action.

ALL ELECTED OFFICIALS AND SUPERVISORS ARE STRONGLY ENCOURAGED TO HAVE A FACE TO FACE MEETING WITH AN EMPLOYEE REGARDING ANY DISCIPLINARY DECISION PRIOR TO IMPLEMENTATION OF THE DECISION, UNLESS TO DO SO WOULD CREATE A SUBSTANTIAL AND IMMINENT RISK OF HARM TO LIFE, LIMB, OR PROPERTY.

THE PURPOSE OF SUCH A MEETING IS TO GIVE THE EMPLOYEE A CHANCE TO EXPLAIN THE DEFICIENT CONDUCT PRIOR TO IMPOSING THE DISCIPLINE.

THE DISCIPLINARY MEETING SHOULD ALSO BE DOCUMENTED AND/OR WITNESSED BY THE PERSONNEL MANAGER, WITH A COPY OF THE DOCUMENT BEING GIVEN TO THE EMPLOYEE. QUESTIONS OR CONCERNS REGARDING THIS MEETING SHOULD BE DIRECTED TO THE PERSONNEL MANAGER.

(a) Written Reprimand – Any Department Head, Elected Official or BOCC may give written instruction or reprimand as part of the department’s internal disciplinary procedure.

(b) Suspension – The appropriate Department Head, Elected Official, BOCC or a designated representative thereof may suspend any employee and verbally order the employee to leave the job site as a response to job conduct that has created a substantial and imminent safety risk, which is a risk of harm to life, limb, or property. Verification of any such suspension shall be made in writing to the employee and the BOCC listing specific charges and reasons within one working day. For purposes of computing pay, the Human Resources/Finance Manager will also be notified of the suspension within one working day.

Short-term suspension from work with or without pay may extend to a Maximum of 30 days as determined by the appropriate Department Head, Elected Official or BOCC.

Any compensation paid to an employee while on suspension without pay must be deducted from his/her compensated absence balance (i.e. vacation, personal time or approved compensation time). An employee does not earn vacation and sick leave during any period of suspension. The complaint procedure outlined below may be used to appeal a suspension.

(c) Review Status – Review status may only be initiated by preparation of a written notice listing specific employee deficiencies which must be corrected within a definite time for the employee to avoid dismissal. The appropriate Department Head, Elected Official or BOCC may place an employee on review status for a period of not less than 30 nor more than 90 days.

Reviews of the employee's performance will be made by the appropriate supervisor as stipulated in the written notice. An employee who fails to improve may be dismissed. Review status may be extended at the discretion of the Department Head, Elected Official or BOCC.

The initial notice of placement on review status and all written reviews become a part of the employee's personnel record and file. Placing an employee on review status does not bar a Department Head, Elected Official or BOCC from dismissing the employee or taking any other appropriate disciplinary action pursuant to these Personnel Rules before the review period ends.

(d) Dismissal – The appropriate Department Head, Elected Official or BOCC may dismiss an employee, after coordination with the County Attorney, by providing to the employee a written notice of dismissal setting forth the reasons for the dismissal, including layoffs. Normally the documents in the county personnel record for that employee should reflect the accuracy of that written notice. Dismissal becomes effective on hand delivery or the notice to the employee or on receipt of a notice sent postage prepaid certified mail.

The appropriate Department Head, Elected Official or BOCC may dismiss an employee immediately if dismissal is mandated by federal or state law or for safety concerns stated above.

K - DISPUTE RESOLUTION

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the dispute resolution process. No employee will be penalized, formally or informally, for using the dispute resolution process.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps.

STEP-1

Talk directly to the other person involved. Many minor problems can be best addressed by talking to a co-worker, Department Head, Elected Official or BOCC. If this works it will provide the quickest relief. It's usually best, if the problem involves a coworker, if you can solicit the help of your supervisor.

STEP-2

Written request for relief or written complaint - This step may be used if Step-1 fails. The procedure is also used when an employee feels that the workplace is hostile, following disciplinary action, (other than suspension or demotion) or other matters dealing with employment (work environment, granting leave time, classification in pay or performance evaluation as examples). It should be used when a rapid resolution is necessary and/or desirable.

(a) Any employee may invoke the process if the employee alleges that disciplinary action was based on discrimination because of sex, race, ethnic heritage, religion, handicapped condition, age,

political affiliation or violation or excise of protected constitutional rights, or to discuss and answer charges made in disciplinary action.

- (b) Normally disputes should be filed within a reasonable time limit after the event and in any case in which the dispute is filed more than 30 days after an event, it may affect the credibility of the filing party.

PROCESS

1. Employee presents complaint/appeal in writing to immediate supervisor after the incident occurs, or after seeking Step 1 solution. The complaint/appeal must include the employee's name, work assignment, the reason for the requested action and the employee's reasons for filing the complaint (i.e., unable to resolve problem after talking to John Doe on 12/12/00) and the employee's signature.
2. The immediate supervisor investigates the complaint, obtains all pertinent information about the problem in question and proposes a solution in writing to the employee.
3. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee may present the problem to the Department Head, Elected Official or BOCC immediately.
4. All documents generated as part of the process are kept and become part of the employee's personnel record stored in the department or with the Human Resource/Finance Manager.

STEP-3

Written Request for a Personnel Conference – If a problem has not been resolved in Step 1 or 2, or the employee is appealing a suspension or demotion, a written request for “personnel conference” must be submitted by the employee to the Department Head, Elected Official or BOCC. This letter should be delivered as soon as possible after Suspension, Demotion or receiving the written reply to a request for relief or complain (outcome of Step 2 process).

PROCESS FOR PERSONNEL CONFERENCE

Employee presents a written request for a “Personnel Conference” to their immediate supervisor or the Department Head, Elected Official or BOCC. The request must include the employee's name, work assignment, the reason for the personnel conference and the employee's signature.

Copies of documents from the Step 2 conference may be included with the request as references. The Department Head/Elected Official/BOCC will begin a log of activities including setting a date for the conference (as soon as possible), researching information and logging in found items, date, time, and method used to notify the employee (if by phone, written confirmation by certified mail must follow), a list of all interested parties and or witnesses notified or instructed to present themselves at the conference, and establishing a method for voice taping of the conference. Not more than 5 working days after the personnel conference the Department Head/Elected Official/BOCC shall prepare a statement of findings based on the Personnel Conference. Hand

signed copies of the finding will be sent to the employee by certified mail, carried to the Human Resource/Finance Manager, the Department Head, the Employee's direct supervisor and the responsible Elected Official. All records, logs and tapes generated before and during the conference will be safeguarded in the Human Resource/Finance Manager's Office along with a copy of the findings generated following the conference or in the appropriate department; however, all documents become part of the employee's personnel file.

All time limits set forth in Section K must be honored as specified, except that any time limit may be extended for good cause by mutual agreement of all parties. A written memo of such an agreement will become a part of the records of the proceedings.

L – RECRUITING

L-1 Authority to Fill Vacancy

Departments desiring to recruit for new or vacant positions may do so within the authorized staffing levels approved in the adopted annual budget and by following legally required equal employment opportunity (EEO) procedures. Normally, in-house recruiting alone will not meet federal or state requirements for equal employment opportunity hiring for programs funded under federal and state grant or pass-through monies.

L-2 New Positions

A department requesting new position recruiting for which no job description has been approved shall allow sufficient time for review and approval of the appropriate job description. The department shall prepare a job description and submit it to the Department Head/Elected Official or BOCC. Recruiting shall not commence until an approved job title, grade and salary range for the position has been approved by the responsible Department Head/Elected Official or BOCC.

L-3 Types of Recruiting

(a) In-House – The hiring department shall indicate if in-house recruiting is to be used before advertising the position publicly. Participation in in-house recruiting is limited to employees in regular, seasonal, or emergency hire positions who have the established qualifications and an updated application on file by the in-house deadline. In-house recruiting consists of the Department Head, Elected Official or BOCC posting available positions throughout the County buildings in prominent locations readily accessible to all employees. A hiring department may fill a position using in-house recruiting and need not advertise publicly only if consistent with EEO requirements.

(b) Promotion – The appropriate Department Head, Elected Official or BOCC may fill a vacancy or new position by promoting an employee within a department without in-house recruitment or public advertising only if consistent with EEO rules

(c) Outside Advertising – If a hiring department does not request in-house recruiting, the position opening may be listed with the local Colorado Workforce Center. An advertisement must be placed in at least one issue of the official County publication and an announcement must be

posted on the Main Courthouse bulletin board. The appropriate Department shall specify a time frame during which applications will be accepted in the advertisements and in the postings.

L-4 Hiring Procedure

(a) Application – All applications for employment shall be submitted to the department that advertised the position vacancy. All postings and notices for any application process shall state the department, person, and contact information for that department.

(b) Selection – The position shall be filled only from the applications submitted to the hiring department. Applications will be screened and points awarded on the basis of merit. Those applications found to be best qualified on the basis of job-related knowledge, skills, abilities, experience and education will be awarded the highest point value and will be interviewed by the hiring department for final selection. However, if sufficient qualified applications are not received, the hiring department may re-advertise a position. Individual departments are encouraged to use testing as a method to qualify candidates.

Custer County adheres to the Veterans' Preference Hiring Practices as required by Article XII, Section 15(1)(a) of the Colorado Constitution.

(c) Notification – The hiring department shall notify the Human Resources/Finance Manager of the applicant selected so that required documentation may be completed.

(d) Approval – No employee may commence employment with the County until the above notification is complete and no employee shall be paid until the employee has completed all necessary and fringe benefit forms with the Human Resources/Finance Manager. When possible, these should be completed on the employee's first day of work.

L-5 Re-hiring

An individual who was previously employed by Custer County may be hired according to employee recruitment rules. A former employee may receive credit for prior service up to 5 years for the purpose of calculating County benefits based on longevity. (CCOERA rules concerning vesting apply and may differ.)

M - NEPOTISM/HIRING RELATIVES

M-1 Definition

Immediate family member refers to spouse (or significant other if within the household), children, stepchildren, stepparents, step siblings, mother, father, father-in-law, mother-in-law, brothers, sisters, grandchildren, nephews, nieces, brothers/sisters-in-law, sons/daughters-in-law and grandparents.

M-2 Applicability

No Department Head, Elected Official or member of a BOCC will hire a member of their family within the department for which they have managerial responsibilities or for any program or fund for which they have a controlling vote.

N – FAIR LABOR STANDARDS ACT (FLSA)

Custer County government intends to comply with the Fair Labor Standards Act and any language herein which is found to be in contradiction of that act will be void without making the rest of the policies void. [See complete notice.]

O – EQUAL EMPLOYMENT OPPORTUNITY

Custer County is an equal opportunity employer and is dedicated to the principals of equal opportunity in any term, condition, or privilege of employment. Custer County does not discriminate against applicants or employees on the basis of age, race, sex, color, religion, national origin, disability, veteran status, sexual orientation or transgender status or any other status protected by federal, state or local law.

Custer County also adheres to all other federal and state equal opportunity laws and does not discriminate on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national or ethnic origin, disability, or status as a disabled or Vietnam-era veteran in any of its programs, activities, or services.

Custer County prohibits retaliation against an employee or client for filing a complaint under this policy or for assisting in a complaint. If you perceive retaliation for making a complaint or your participation in the investigation, please follow the complaint procedure outlined. The situation will be promptly investigated.

See complete Notice.

P – AMERICANS WITH DISABILITIES ACT POLICY

Custer County intends to comply with all state and federal laws regarding equal protection of and equal opportunity for individuals with disabilities.

Custer County prohibits discriminatory hiring and personnel practices against individuals with disabilities. These prohibitions are inclusive of all aspects of the employment relationship as well as the provisions of services and access to the public. The County recognizes reasonable accommodation for individuals who meet the ADA (Americans with Disabilities Act) definition of an individual with a disability and shall engage in the interactive process with the individual, with medical professionals, and with other subject matter experts to determine what, if any, reasonable accommodations might allow the individual to perform the essential duties of a job with the county.

If a client has requested accommodation under the ADA and provided prior medical evidence of a disability under the ADA to the Agency Director, and the accommodation process conducted by that office has resulted in a determination that the client can be reasonably accommodated in the current or another position; the supervisor and all coworkers shall respect that accommodation plan to the best of his or her ability and refrain from acts of retaliation against the client.

If an employee has requested accommodation under the ADA, and the medical evidence of a disability and the accommodation process conducted by the HR office, in consultation with the county attorney and other subject matter experts, has resulted in a determination that the client can be reasonably accommodated in the current or another position; the supervisor and all coworkers shall respect that accommodation plan to the best of his or her ability and refrain from acts of retaliation against the client.

All requests for accommodation to mental or physical disability, whether written or oral, shall be forwarded to the office of the HR manager for recording and oversight action to be taken under the procedures required to be followed.

Q – ANTI-DISCRIMINATION, HARASSMENT AND RETALIATION POLICY

Custer County fully supports the Equal Employment Opportunity regulations and intent. It is the County's intent that all employees enjoy a safe work environment free from all forms of discrimination, including discrimination or harassment based on age, race, color, religion, disability, Vietnam era or veteran status, sex or national origin, or retaliation for complaining about discrimination or harassment. Conduct that treats others differently on account of these factors is considered a violation of the county's policies and practices.

It is the singular and collective responsibility of all employees to deal respectfully, fairly and honestly with the public, other employees and elected officials, business associates, and applicants to ensure a work environment free of unlawful discrimination and harassment. Disrespect for or abuse of anyone's dignity through sexual, religious, racial or other types of prohibited slurs, or through other derogatory or objectionable conduct is unacceptable, and may be the subject of disciplinary action in accordance with the Disciplinary Procedure as outlined in Section J of this policy, up to and including immediate termination.

Sexual harassment is a specific form of discrimination/harassment that undermines the integrity of the employment relationship. It shall not be tolerated. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when one or all of the examples exist.

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

Any employee or applicant who feels that he/she has been discriminated against based on race, color, religion, national origin, disability, sex, age, Vietnam era or veteran status should be aware that Custer County does not condone and will not tolerate any form of discrimination or harassment prohibited by federal, state and local laws. If you feel you are the victim of discrimination or

harassment, you should complain about any offending behavior or comments and you must bring your complaint to the attention of your supervisor, Department Head, Elected Official, Human Resource/Finance Manager, or BOCC. Federal law prohibits any retribution or retaliation in any form against you for reporting discrimination or harassment.

PROCEDURE FOR FILING DISCRIMINATION, HARASSMENT OR RETALIATION COMPLAINTS WITH THE COUNTY

Any employee or applicant who feels that they have been subjected to any such discrimination or harassment should make a written complaint setting forth the violation. In instances of perceived harassment, the complainant should include in the written complaint that the offender has persisted with the unwanted behavior even after the complainant has made it clear that the attention or behavior is offensive and not wanted. This complaint should be made to the employee's immediate supervisor, Department Head, Elected Official, Human Resource/Finance, or BOCC. The Department Head or Elected Official will take the complaint to the Chairman of the BOCC who will refer the complaint to the County Attorney for legal advice as to how the complaint should be investigated. In the event that the complaint is against the supervisor or department head, the initiator should take the complaint directly to the Chairman of the BOCC. In the event that the complaint is against a member of the BOCC, the department head should seek the advice of the County Attorney. In any complaint of discrimination or harassment, the right to privacy of all parties will be protected. Until such time as the County Attorney approves it, the complaint will not be discussed with anyone who does not have a legal need to know. Custer County reviews the findings of the investigation of harassment or discrimination complaints with the complainant at the conclusion of the investigation. If the investigation reveals that the complaint appears to be factually substantiated, then immediate and appropriate corrective action up to and including discharge, should be taken.

If the complaint cannot be factually substantiated or determined, immediate action may be taken to assure that all parties are reacquainted with this harassment policy and reminded that the complaining party is nevertheless protected from further retaliation

If there is insufficient evidence to confirm the existence of the facts of the complaint, the party so accused has the right to have a statement to that effect put into his or her personnel file. Any attempt to punish the complainant for filing a complaint that is not substantiated may be viewed by the EEOC as retaliation and should be avoided in all but extremely unusual circumstances.

R – SEPARATION FROM THE COUNTY

R-1 Resignation

To resign in good standing, an employee should give the appropriate Department Head, Elected Official or BOCC at least 14 calendar days prior notice of separation in writing. The Department Head, Elected Official or BOCC may agree to a shorter period because of extenuating circumstances. If the written reason for leaving is misconduct on the part of the county's supervisor, or other employee the county will make every effort to investigate the matter and resolve it.

A copy of the letter of resignation shall be forwarded to the Human Resources/Finance Manager by the appropriate Department Head/Elected Official or BOCC. Resigning employees shall meet with the Human Resources Manager to complete final paperwork and participate in an exit interview and a return of county property and a discussion of post termination benefits. Failure to comply with these rules may be recorded in the employee's personnel file and may result in denial of future employment with the County.

R-2 Willful Failure to Report to Work

If an employee fails to report to work without notice or approved leave on a third consecutive work day, the County may construe such unauthorized leave as a resignation, pursuant to Section G-6.

R-3 Retirement

Employees may elect to retire in accordance with the provisions of the CCOERA Retirement Plan. Payment of Retirement Plan benefits shall be governed by the Retirement Plan bylaws.

R-4 Dismissal

An employee may be dismissed by the County as set forth in Section J-3 (e).

R-5 Separation Pay

All eligible accumulated leave, salary and compensatory time shall be purchased by the County at the rates established in this policy, as set forth in Sections F-4 and F-5. That payment will be included in the check for the first regular payday following the separation date.

R-6 Return of County Property

An employee leaving County service is responsible for returning all County property provided during the course of employment, this includes keys to any County facility. The departing employee's department will issue a letter that all property has been returned prior to the issuance of the final paycheck.

R-7 Benefits

Benefits will continue through the last calendar day of the month of separation. Retirement contributions and COBRA (health insurance continuation) benefits will be discussed during the exit interview.

S – AMENDMENTS TO POLICIES

These policies may be amended from time to time by formal action of the BOCC, Elected Officials or Department Heads. All proposed amendments shall be provided to each County department or agency at least 10 days prior to the meeting at which the BOCC will take action.

T – DEFINITIONS

Administrative Leave: is leave that may be granted for attendance at conferences, approved training, and for other good and sufficient cause as determined by the Department Head, Elected Official or Board and in the best interest of the department or Custer County. It is generally used

by the Board of County Commissioners in establishing a period of time for gathering information and/or dealing with specific personnel actions. It is usually given with pay. Individual circumstances and conditions govern each application, and are established as “Administrative Leave” is given.

Anniversary (Hire) Date: refers to an employee’s most recent date of employment. The anniversary date does not change during the duration of employment unless the employee moves from a scheduled non-benefit part-time or seasonal position to a regular position. The anniversary date for full-time and scheduled part-time employees shall be used to determine eligibility for levels of benefits.

Board: when used without specific identification, the Board of County Commissioners.

Demotion: when an employee is placed in a lower-graded position.

Department Head: Refers to an employment unit director who reports to an Elected Official or the BOCC.

Dismissal: refers to an involuntary separation from County employment.

Elected Official: refers to the Board of County Commissioners, County Assessor, County Coroner, County Clerk and Recorder, County Sheriff, County Surveyor and the County Treasurer.

Evaluation Period: a period of time during which an employee is required to demonstrate proficiency by actual performance of the job duties.

Exempt: an employee who works fulltime (2080 hours per year) on salary and is exempt from being paid overtime.

Flextime: variation in the regular weekly work schedule which results in not more than 40 hours worked in one workweek. To be determined by the department head, elected official or board, with BOCC approval.

Fringe Benefits: monetary and non-monetary benefits provided to employees by the County including, but not limited to, medical/life insurance, holidays, sick leave, vacation leave and retirement.

Grade: the identifying number for a specified pay range, containing a specified minimum and maximum rate in the pay plan.

Hiring Department: departments, elected officials, or boards, whichever is the smallest applicable unit.

Immediate Family: refers to spouse (significant other if within the household), children, stepchildren, mother, father, mother-in-law, father-in-law, brothers, sisters, grandchildren,

nephews, nieces, aunts, uncles, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law and grandparents.

Layoff: refers to non-disciplinary separation of an employee from the County because of lack of work, non-availability or funds, abolishment of a position or reduction in service levels.

Leave: means sick, vacation, jury duty, holidays, military and personal leave.

Non-exempt: positions in the pay plan which are eligible for overtime pay.

Overtime: refers to time worked over 40 hours during a scheduled workweek.

Pay Plan: the pay schedule which lists the pay grade assigned to all positions and the pay range assigned to each grade.

Personal Leave: two days of sick leave granted at the discretion of the elected official, department head or board to regular full-time employees on an annual basis to be used for any purpose. Personal Leave for less than full-time employees may be granted on a prorated basis.

Policies: refers to the Personnel Policies which set forth conditions of employment with Custer County.

Policies and Procedures: unless otherwise stated, refers to departmental personnel policies and guidelines that clarify or enhance the personnel rules and regulations.

Political Affiliation: registration or association with a political party.

Position: a group of designated duties and responsibilities which are assigned to an employee.

Promotion: when an employee is placed in a higher graded position with an increase in duties and responsibilities.

Reclassification: the position in which an employee is classified is determined to be inappropriate and the employee is placed (reclassified) in a position, either new or existing, which more accurately defines the work the employee is performing.

Re-grade: movement of a position up or down in the pay schedule as a result of wage analysis.

Regular: the status of a position after the incumbent has successfully completed the evaluation period.

Review Status: written notice from a supervisor to an employee regarding failure to adequately perform job duties, actions, activities, omissions or unacceptable conduct in violation of departmental or personnel rules and regulations which must be corrected during a specified period

of time. Requires the completion of a performance review at the onset and completion of the review status period.

Seasonal: the status of a position which lasts for a duration of less than one year. Incumbents in seasonal status positions are ineligible for fringe benefits.

Shift: scheduled set of work hours during a 24-hour period of time.

Suspension: a temporary separation of an employee from the County for disciplinary reasons or pending the outcome of an investigation involving the employee.

CUSTER COUNTY RESOLUTION

RESOLUTION NO. 10-04

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO, ADOPTING AN UPDATED PERSONNEL POLICY FOR COUNTY EMPLOYEES.

WHEREAS, The Custer County Board of County Commissioners adopted, by Resolution No. 2010, a comprehensive personnel policy for Custer County employees; and,

WHEREAS, said resolution required that modification and amendments to that policy be made by resolution; and,

WHEREAS, employment conditions and Colorado state requirements have necessitated that the said policy be updated to meet present and future conditions and requirements; and,

BE IT RESOLVED that the said policy is hereby adopted as the policy for personnel issues for the County of Custer and its employees; and

BE IT FURTHER RESOLVED that the policy will be binding upon all future employees and elected officials until modified or amended by further agreement and resolution, subject to the laws of the State of Colorado; and

BE IT FINALLY RESOLVED that no County resources will be utilized in the defense of any County employee or official who violate the spirit and letter of this resolution and adopted policy.

RESOLVED, ADOPTED AND SIGNED THIS 10 DAY OF April 2010,
AT WESTCLIFFE, COLORADO.

SIGNED:


LYNN ATTEBERY
CHAIRMAN

ATTEST:

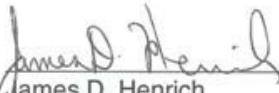

DEBBIE L LIVENGOOD
CLERK AND RECORDER





**APPROVAL AND ACCEPTANCE BY ELECTED OFFICIALS OF THE
CUSTER COUNTY PERSONNEL POLICY AND CLASSIFICATION AND
COMPENSATION PLAN**


We, the undersigned duly elected officials of the County of Custer, Colorado, in accordance with and specifically subject to the constitutional and statutory powers and limitations on our respective Offices as provided by Colorado law, acknowledge receipt of a copy of the Custer County Personnel Policy adopted by the Board of County Commissioners at a regular meeting of the Board on the 6th day of April 2010, and we as elected officials approve and accept the same as binding upon the employees of our respective Offices following formal adoption by the Board of County Commissioners, to the extent that the Policy is consistent with the constitutional and statutory powers and limitations of our respective Offices.


In accordance with and specifically subject to the constitutional and statutory powers and limitations on our Offices and the provisions of the Policy, at our discretion we may adopt and apply additional policies and procedures to our respective employees as appropriate to carry out our official constitutional and statutory duties


James D. Henrich 4-9-10
Custer County Assessor Date


Fred G. Jobe 4-9-10
Custer County Sheriff Date


Debbie L. Livengood 4-9-10
Custer County Clerk Date


Christopher L. (Kit) Shy 04-09-2010
Custer County Surveyor Date


Arthur L. Nordyke 4/9/10
Custer County Coroner Date


Virginia C. Trujillo 4/9/2010
Custer County Treasurer Date

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.**

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1423 Revised February 2013

LIST OF CHANGES

03/06/2015 – Add language required for FMLA