

Gunnison County, Colorado

PERSONNEL POLICIES

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Amended November 16, 2010*



GUNNISON COUNTY, COLORADO
PERSONNEL POLICIES

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ABOUT THE PERSONNEL POLICIES-IMPORTANT

THESE POLICIES ARE DESIGNED TO ACQUAINT EMPLOYEES WITH GUNNISON COUNTY AND SOME INFORMATION ABOUT WORKING HERE. THESE POLICIES ARE NOT ALL INCLUSIVE, BUT ARE INTENDED TO PROVIDE EMPLOYEES WITH A SUMMARY OF SOME OF THE COUNTY'S POLICIES. THIS EDITION REPLACES ALL PREVIOUSLY ISSUED EDITIONS.

EMPLOYMENT WITH GUNNISON COUNTY IS AT-WILL. EMPLOYEES HAVE THE RIGHT TO END THEIR WORK RELATIONSHIP WITH THE COUNTY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE COUNTY HAS THE SAME RIGHT. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF GUNNISON COUNTY, OTHER THAN THE BOARD OF COUNTY COMMISSIONERS, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, AND REQUIRES APPROVAL OF THE MAJORITY OF THE BOARD OF COUNTY COMMISSIONERS.

NO PERSONNEL POLICIES CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE HANDBOOK, EMPLOYEES THAT HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE HUMAN RESOURCES DEPARTMENT. IN ADDITION, THE NEED MAY ARISE TO CHANGE THE POLICIES DESCRIBED IN THIS HANDBOOK. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, GUNNISON COUNTY THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

1. PURPOSE AND INTENT

- 1-1 Purpose & Application.** The purpose of the Gunnison County Personnel Policies is to provide a framework for efficient, effective, and fair personnel management for all County operations and employees. In the event of conflict between the terms of these Personnel Policies and any applicable State or Federal statute, the statute shall prevail.
- 1-2 Budget.** Nothing contained in these policies shall be construed to authorize Department Heads, Elected Officials, or any other persons or spending units to exceed their appropriated budgets.
- 1-3 Policies Status.** The Gunnison County Personnel Policies are not intended to be, nor do they constitute, a contract between the County and an employee.

2. YOUR RIGHTS & RESPONSIBILITIES UNDER FEDERAL LAW

2-1 Equal Employment Opportunity. Gunnison County is dedicated to the principles of equal employment opportunity in any term, condition or privilege of employment. We do not discriminate against applicants or employees on the basis of age (40 and over), race, sex, color, religion, national origin, disability, genetic information, sexual orientation, political affiliation, or any other status protected by federal, state or local law.

2-2 Unlawful EEO Harassment. This prohibition includes unlawful harassment based on any of the above protected classes. Unlawful harassment includes verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees including managers, supervisors and co-workers.

Gunnison County will also take appropriate measures to protect employees from unlawful harassment by non-employees.

2-3 ADA Accommodation. After reviewing the appropriate job description, Gunnison County will make reasonable accommodation for qualified individuals with known disabilities, unless doing so would result in an undue hardship to the County. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits. Employees needing such accommodation are instructed to contact their supervisor or Human Resources immediately.

2-4 Sexual Harassment. Gunnison County strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment;
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited by this policy. Such conduct includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mail;
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates;
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

2-5 Filing a Complaint. If you believe there has been a violation of the EEO, ADA, or ADEA policy; or that harassment based on the protected classes outlined above has occurred, including sexual harassment, please use the Complaint Process, Section 11-1 of these policies. Gunnison County expects employees to make a timely complaint to enable the County to promptly investigate and correct any behavior that may be in violation of the above policies.

Report the incident to the Human Resources Director or any member of management so the matter can be promptly investigated. Your complaint, as well as any information collected from others participating in the investigation, will be kept as confidential as practicable.

If Gunnison County determines that an employee's behavior is in violation of these policies, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.

2-6 Workplace Violence. It is the commitment of Gunnison County to strive to maintain a work environment that is free from violent behavior. The County will not tolerate violent behavior or the threat of violent behavior involving an employee or a member of the public at any County worksite or against any County worksite. Such behavior will result in corrective and/or disciplinary action and potential criminal charges.

Violent behavior is defined as the infliction or threat of any bodily injury, harmful psychological contact or the destruction or abuse of property. This includes but is not limited to intimidating, threatening or hostile behaviors; jokes or offensive comments which are veiled, conditional, direct, written or verbal; physical abuse; vandalism; arson; sabotage; and/or the use or carrying of weapons of any kind.

An employee who feels that they have been subjected to any behavior prohibited by this policy, or have observed or have knowledge of a violation of this policy, should immediately report it to the Human Resources Director or any member of management. If you feel an imminent threat exists, contact local law enforcement agencies. All complaints will be taken seriously, investigated and appropriate action taken.

3. ORGANIZATION & ADMINISTRATION

3-1 Personnel Board.

- (a) **Members.** The Personnel Board shall be comprised of one member of the Board of County Commissioners, the County Assessor, the County Clerk & Recorder, the County Sheriff, the County Treasurer and the County Coroner, who shall all serve by virtue of their elected positions and for the term of their office. An Elected Official may designate another employee, in writing, to act in his/her behalf.
- (b) **Election of Board Members.** An election shall be held in December of each year; in odd years to elect one representative from the Public Works Department and two representatives from the other County departments; in even years to elect two representatives from County departments other than Public Works. Notice of such election will be made by email posting and/or posting by each department. Intent to be included on the ballot must be made, in writing, to the Human Resources Department by close of business on the 3rd Friday in November. The order of candidates on the ballot will be selected at random, and a ballot will be included in the November paychecks. A ballot box will be placed in the Elections Department, and ballots may be deposited there through close of business on the 3rd Friday in December. Representatives of three departments of the County shall count ballots on the first working day following the close of election. A write-in candidate will be counted if that candidate has expressed, in writing to the Human Resources Department, a willingness to serve on the Board before the day of the counting of the ballots. County Public Works employees shall choose the Public Works representative. All other County employees shall choose the representatives from non-Public Works departments. In no case shall other County departments vote for the Public Works representative nor shall the Public Works employees vote for the other County representatives. The winners of such election will be determined by plurality vote and shall be announced by email notice and postings.

At the first Personnel Board meeting, following each annual election, a Board Chairperson, Vice Chairperson and representative to the Disciplinary Review Panel will be elected by the Board. All offices shall be held by employee representatives, who are not Elected Officials or a non-elected Department Head.

- (c) **Appointment of Board Members.** The County Manager shall be responsible for appointing a non-elected Department Head to the Personnel Board at the end of the incumbent member's two year term.

In addition, if a situation occurs where any member of the Board that has been elected by the employees must relinquish his/her position on the Board before the end of their appointed term, the County Manager will appoint an employee to serve in that person's stead for the remainder of the designated term.

- (d) **Duties.** It is the role of the Personnel Board to assist in the administration of the Personnel Policies. This includes making recommendations to the Board of County Commissioners for changes to the Policies. The Personnel Board may review the employee benefit package from time to time and make recommendations to the Board of County Commissioners on changes. Responsibilities also include determining use of the Sick Leave Bank.
- (e) **Meetings.** The Personnel Board will meet at least quarterly. Notice of meetings will be posted by email and meetings will be open to attendance by employees and other interested individuals.
- (f) **Executive Session.** The Personnel Board may go into executive session only as provided by Colorado law.

3-2 Administration of Personnel System.

- (a) **County Manager.** The County Manager or their designated representative oversees human resource services including, but not limited to: human resources management, resolving personnel issues, complaints, appeals and maintaining compliance with the organization's policies and

state/federal employment law; development and maintenance of the job classification system, salary administration, fringe benefit administration, recruitment, training and related activities for all Departments, Elected Officials, and covered employees.

- (b) **Human Resources Department.** The County Human Resources Department administers the Classification and Compensation Plan; manages the fringe benefit programs; assists with personnel recruitment and training; and maintains the central personnel records system. The Department participates in resolving personnel issues, complaints, appeals and maintaining compliance with the organization's policies and related state/federal law. In addition, the Human Resources Department is responsible for providing information and analysis of human resource functions to the Department Heads and Elected Officials upon request.

3-3 Covered Entities. The Gunnison County Personnel Policies apply to Elected Officials and employees of: the Board of County Commissioners, the County Sheriff, the County Clerk and Recorder, the County Treasurer, the County Assessor, the County Coroner, the County Public Trustee, the Department of Human Services, and the Housing Authority unless otherwise bound by contract or statute.

3-4 Participating Agencies. Certain other County agencies and/or other government agencies may participate in whole or in part in the Gunnison County Personnel System. Such participation must be approved by the Board of County Commissioners and the governing Board of the respective agency. Participants shall not be entitled to County benefits, unless approved as part of the specific agreement.

3-5 Personnel Actions & Employee Records.

- (a) **Personnel Action Forms.** Employment, salary, job classification, layoff and other related human resource matters shall be established and memorialized by individual Personnel Action forms maintained as a part of each employee's personnel file. Any change in an employee's personnel status or salary shall be made by a Personnel Action form.

- (b) **Approval.** Personnel Action forms shall be approved by the appropriate Department Head, Elected Official, or designated representative. The Personnel Action form shall then be submitted to the Human Resources Department for verification that salary, title and grade are in agreement according to the current Classification and Compensation Plan and for review of compliance with Personnel Policies and other policies and processes as established; to the Finance Department for budgetary approval; and lastly to the County Manager or his/her designated representative for authorization. No Personnel Action change shall be reflected on the payroll until approved by the appropriate Department Head, Elected Official, or designated representative, the Finance Director and the County Manager pursuant to the review procedure established.

- (c) **Personnel Records.** The Human Resources Department maintains the official personnel file. It contains formal documentation on employees' employment and salary history. If you wish to review your official personnel file, contact the Human Resources Department. It is important for you to provide us with current information regarding: Name, address, telephone, insurance changes, tax exemptions, emergency contacts, and other relevant information. Individual personnel records are maintained by the appropriate Department Head or Elected Official. Regardless of the location of formal documentation it shall be deemed to be a portion of the employee's official personnel file. Failure to keep personnel information updated may result in a loss of benefits by an employee.

- (d) **Timesheets and Leave Records.** Department Heads, and Elected Officials shall maintain and provide (on forms supplied by the Human Resources Department) timesheets, vacation and other leave records for all employees as required. The Human Resources Department shall monitor and maintain records on all employees showing time worked, vacation, leaves and accumulated compensatory time earned and taken as appropriate. These records shall also be deemed to be a portion of the employee's central personnel file.

4. POSITIONS & JOB CLASSIFICATIONS

4-1 Employment Status.

- (a) **Probationary Status.** All persons hired by the County, unless otherwise provided by contract, shall be considered on probation beginning on the date of employment or a promotion and ending on the date an employment status change is fully authorized. During probation, either the employee or the County may end the employment relationship, without notice or cause nor access to the Review Process, Section 14-1 or the Appeal Process, Section 14-2 of these Policies. If the probationary employee is still employed at the end of the first six (6) month period, he/she will receive a written evaluation and, if appropriate, a one (1) step salary increase. If the probationary employee is still employed at the end of the first twelve (12) months of probation, a supervisor may either extend the probationary period for up to an additional six (6) month period or authorize a change for the employee to move from probationary status to regular status. If an employee does not successfully complete the probationary period or the extended probationary period, the employment relationship shall be terminated. In the case of a promotion, the employee may be returned to his or her former position and pay at the sole discretion of the appropriate Elected Official or Department Head, provided that a vacancy for that position exists.

When appropriate, the supervisor shall process a Personnel Action form stating the action to be taken regarding the probationary period. Until a Personnel Action form has been processed and approved in accordance with these policies, the employee remains on probation.

- (b) **Regular Status.** Either the employee or Gunnison County may end the employment relationship at any time during or after the probationary period, for any reason without advance notice. The differentiation between Probationary Status and Regular Status is the eligibility of employees on Regular Status to access the Review Process, Section 14-1 and the Appeal Process, Section 14-2 of these policies.

(1) **Full-Time Status.** Full-time status is designated to an employee who is scheduled to work from 30 to 40 hours per week. Any employee working at least 30 hours per week or at least 1560 hours per year in a regular position is currently eligible for the fringe benefits that the County then currently offers. Compensation for absences due to vacation, sick leave, personal leave and holidays will be calculated on a prorated basis according to the number of hours worked per year.

(2) **Scheduled Part-Time Status.** Scheduled part-time status is designated to an employee who is scheduled to work a set number of hours per week that shall consist of at least 1040 hours annually but fewer than 1560 hours annually. Employees assigned this status are currently eligible for the fringe benefits that the County then currently offers, with the exception of group medical, dental, vision and life insurance coverage. Compensation for absences due to vacation, sick leave, personal leave and holidays will be calculated on a prorated basis according to the number of hours worked per year.

(3) **Scheduled (Non-Benefit) Part-Time Status.** Scheduled (non-benefit) part-time status is designated to an employee who is regularly scheduled to work fewer than 1040 hours per year. Employees assigned this status are not eligible for most County fringe benefits. The employee is currently eligible to contribute to the 457 deferred retirement plan, but will not receive the County match.

(4) **Intermittent Part-Time Status.** Intermittent status is designated to an employee who works an irregular number of hours weekly as needed by the hiring department. The hours worked shall be submitted each pay period. The employee is not eligible for most County fringe benefits. The employee is currently eligible to contribute to the 457 deferred retirement plan, but will not receive the County match.

- (c) **Temporary Status.** The designation of an employee who is hired in a job established for a temporary period or for a specific assignment. Temporary employees are currently ineligible, except as required by law, for fringe benefits. An employee filling a temporary position cannot access the Review

Process, Section 14-1 or the Appeal Process, Section 14-2 of these policies.

- (d) **Auxiliary Programs.** In auxiliary programs such as Sheriff's Reserve, work study, internships and others, where compensation may be paid, participants shall not be entitled to County benefits, unless approved as part of the specific auxiliary program by the Board of County Commissioners, and shall not be covered by the Gunnison County Personnel Policies.
- (e) **Workers' Compensation.** All employees regardless of status and Elected Officials are eligible for Workers' Compensation.
- (f) **Training.** Gunnison County intends that its employees continue to train and develop on job related skills. The training may consist of the following elements:
 - (1) Mandatory Training. Mandatory development as defined by laws, statutes, or County policy.
 - (2) General Training. General education developed to increase employee effectiveness.
 - (3) Job Related Skills Training. Special or technical education unique to a specific position or employee group. If an employee leaves employment from Gunnison County within one year of the most recent date of completion of training, the employee may be responsible for reimbursing the County for the subject training costs.

4-2 **Classification System.**

Gunnison County management has developed a basic compensation plan for Gunnison County employees. In this plan, pay grades currently range from 20 through 44 and within each pay grade there are eleven steps. These steps provide a salary range width of 34% and the salary differential between like steps in each incremental grade varies from 5% to 6%. This increase between grades reflects the market rates and the differences in the complexity and scope of jobs assigned to the grades. All positions in the County are evaluated using a factor system. This system encompasses eight (8) factors to analyze all positions. To ensure that the dual goals of internal equity and external competitiveness of pay are met, the classification plan merges with the compensation plan. All positions are placed in the classification and compensation plan based upon evaluation of job description and the external market data collected for benchmark positions.

The on-going administration of the plan is conducted on two levels. Surveys and comparable external salary information are reviewed on an annual basis. This information is used to make, in management's opinion, appropriate salary adjustments to positions that are not in line with the information. A professional Human Resources Consultant is retained to make classification decisions on an as needed basis. This occurs if a new position is created which is currently not classified or if it is felt, by management, that the responsibilities of an existing position have changed to the point that the classification needs to be reviewed and perhaps amended. The actual job evaluation process involves determining which degree of each of the job evaluation factors applies to the position. The eight (8) factors evaluated include knowledge required for the position; decision making; complexity; scope and effect; significance and purpose of personal contacts; physical demands; work environment; and kind, degree and character of supervision exercised. The pre-calculated point values for the assigned factor degrees are then added to obtain a total numerical value for the position. Once evaluated, the position is ranked by relative value on the basis of the assigned job evaluation point totals and by the internal equity factor. This process is concerned exclusively with the job itself, and not the individual(s) currently performing the job.

- (a) **Position Title.** Every regular position in the County shall be given a position title.
- (b) **Job Description.** Each position title shall include a position description of essential duties/responsibilities, physical requirements and desired minimum qualifications.
- (c) **Pay Grade.** All positions, except non-classified positions as designated by the County Manager, shall have an assigned pay range, known as a pay grade, which contains the minimum and maximum pay established for the position.
- (d) **Comparability.** Positions having similar duties and responsibilities and requiring similar skills shall be given the same position title. Position titles shall be assigned pay grades and salary ranges based upon the skills and duties of the position and/or the current level of compensation for comparable jobs.

(e) Market Pay Grade Adjustments.

- (1) Procedure. The Human Resources Department shall, on an on-going basis, or may, at the specific request of a Department Head or Elected Official, conduct a market survey of position(s) similar to County positions to ascertain if such position(s) are paid on a comparable basis and are properly graded, in the opinion of management.
- (2) Salary Range Adjustments. The Board of County Commissioners will determine if and when adjustments will be made to the Compensation Plan's salary structure. Salary adjustments for Elected Officials are determined according to Colorado statutes.
- (3) Regrade. If an individual position's pay grade is changed, due to market indicators, and approved by the County Manager, it will be placed in a new grade subject to the following limitations:

When a position is raised to a higher pay grade, the incumbents' salaries will increase at least to the minimum or hiring salary of the new grade. The appropriate Department Head or Elected Official will recommend the step placement in the new grade according to experience and qualifications in comparison with other employees' backgrounds in the same job.

When a position is placed in a lower pay grade, the incumbent employees' salaries shall not decrease and shall be placed where they fall within the approved range for the lower pay grade. If an employee's salary is higher than the highest step in the new grade, the rate of pay will be frozen until it falls back within the range.

- (f) Merit Increases.** All Classified employees will begin employment at the entry level of the appropriate grade in the Compensation Plan, unless, in the opinion of management, there is an appropriate reason for placing the employee higher in the steps. This placement must be approved by the County Manager or their designated representative. When an employee begins at the entry level, upon the successful completion of six (6) months of employment and with the appropriate authorization, the employee will receive a merit increase to step one of the grade. If an employee begins employment at a step higher than entry level, a one step increase after successful completion of the first six month period must be approved by the County Manager or their designated representative. All non-probationary, classified employees will be eligible for a one step salary increase upon reaching their annual increase eligibility date based on merit. The County Manager or a designated representative shall have final approval for all merit increases pursuant to the review process established.

(g) Step Adjustments of More than One Step.

- (1) Procedure. The appropriate Department Head or Elected Official shall make a request to the County Manager on a Personnel Action form stating the reason for the request. The County Manager shall have final approval for all salary adjustments of more than one step pursuant to the review process established, with recommendations from the Finance Director for budgetary compliance and review by the Board of County Commissioners.

(h) Reclassification of Positions.

- (1) Application. When the duties and responsibilities of a position have materially changed, a position reclassification may occur. No reclassification shall be proposed solely for the purpose of effecting a pay grade change or promoting or demoting an employee.
- (2) Procedure. The appropriate Department Head or Elected Official shall make a specific request to the Human Resources Department for a possible reclassification of a position. Appropriate forms will be completed and the Human Resources Director will then present the request to the third party professional consultant who will analyze the proposed position reclassification and make a final ruling.
- (3) Salary Adjustment. If the pay grade of a position is changed, incumbent employees may have a pay adjustment within the new grade on the basis of experience and qualifications subject to the following limitations:

When a position is reallocated to a higher pay grade, the provisions governing rate of pay on promotion shall be used to set the salaries of incumbent employees. When a position is reallocated to another class of the same pay grade, the salaries of the incumbent employees shall remain unchanged. When a position is reallocated to a lower pay grade, the incumbents' salaries shall not decrease and shall be placed where they fall within the approved range for the lower pay grade. If the incumbents' salaries are higher than the highest step in the new grade, the rate of pay will be frozen until it falls back within the range.

4-3 Promotion; Demotion; Requested Change; Transfer; and Temporary Duty.

- (a) Promotion.** The appropriate Department Head or Elected Official may fill a vacancy or new position without public advertising. This can be done by in-house recruitment as per Section 16-3 (a) of these policies. Any current employee, who applies for an open position classified at a higher grade, may be promoted on the basis of merit, subject to meeting the minimum qualifications for the position. The appropriate Department Head or Elected Official will recommend the promotion and any pay rate increase within the standards stated in this section. The County Manager shall make final approval for a Promotion and any pay rate increase with recommendations from the Finance Director for budgetary compliance.
- (b) Demotion.** An employee may be demoted at any time for failure to perform position duties satisfactorily. When an employee is demoted to a lower position, the employee shall be paid at a rate within the approved range for the lower position. The rate of pay shall be recommended by the appropriate Department Head or Elected Official taking into consideration the circumstances surrounding and the reasons for the demotion. Final approval for a demotion and subsequent rate of pay shall be made by the County Manager. The Review Process, set forth in Section 14-1 and Section 14-2 shall be applicable to and govern demotions. An employee's demotion shall not be final until any Appeal is resolved under the Personnel Policies.
- (c) Requested Change of Position.** An employee may submit a written request to the appropriate Department Head or Elected Official for a change to a lower graded position stating his/her reasons for the request. The change may be granted at the discretion of the Department Head or Elected Official. If the employee's request is accepted, the employee shall be paid at a rate within the approved range for the lower position. The rate of pay shall be recommended by the appropriate Department Head or Elected Official, taking into consideration the circumstances surrounding and the reasons for the request. Final approval for a requested change and subsequent rate of pay shall be made by the County Manager. Access to the Review Process, Section 14-1 and the Appeal Process, Section 14-2 of these Policies, in reference to the requested change, will be denied.
- (d) Transfer.** Whenever an employee transfers to another department, the employee's hire date shall not change, and the employee shall retain all accumulated benefits, provided they are within the established criteria set forth in the then current Personnel Policies. Arrangements for accumulated benefits as of the transfer date shall be set forth on a Personnel Action form and shall be approved by the previous Department Head and the new Department Head.
- (e) 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. No temporary adjustment in pay is required for the assumption of such temporary duties for a period less than 30 days, after which the employee shall be compensated at the appropriate pay grade and step as recommended by the Department Head and approved by the County Manager with recommendations from the Finance Director for budgetary compliance.

4-4 Layoffs.

- (a) Reduction in Work Force.**

 - (1) Termination.** An employee may be subject to a non-disciplinary, involuntary termination through a reduction in work force. Such termination may be due to factors such as shortage of funds or lack of work. In such cases, affected employees shall be given as much notice as is practical.

- (2) Longevity. Longevity in a position or length of service with the County may, but need not, be considered in determining the order of reduction in work force.
- (3) Application for Other Positions. Any individual whose employment is terminated as a result of a reduction in work force may apply for a position opening available within any hiring department of the County. The employee shall not be automatically entitled to any preference in hiring. If hired, the individual must meet the minimum qualifications for the position and serve the required probationary period. If rehired, previous periods of County employment will be included for the purpose of earning longevity-based County benefits unless otherwise denied by a benefit plan document.
- (4) Payment upon Separation. An employee terminated under this section shall be paid for all unused vacation time earned. Remaining accumulated sick leave shall be paid according to the established sick leave policies. Retirement benefits shall be paid according to the established retirement policy.

(b) Elimination of a Position.

- (1) Termination. An employee may be subject to a non disciplinary, involuntary termination through an elimination of a position. In such cases, affected employees shall be given as much notice as is practical.
- (2) Application for Other Positions. Any individual whose employment is terminated as a result of an elimination of a position may apply for a position opening available within any hiring department of the County. The employee shall not be automatically entitled to any preference in hiring. If hired, the individual must meet the minimum qualifications for the position and serve the required probationary period. If rehired, previous periods of County employment will be included for the purpose of earning longevity-base County benefits unless otherwise denied by a benefit plan document.
- (3) Payment upon Separation. An employee terminated under this section shall be paid for all unused vacation time earned. Remaining accumulated sick leave shall be paid according to the established sick leave policies. Retirement benefits shall be paid according to the established retirement policy.

5. COMPENSATORY TIME/OVERTIME

5-1 Basic Overtime Requirements.

(a) Compensation for Overtime Work.

- (1) Non-exempt Employees. Non-exempt employees are compensated at one and one-half times the employee's regular hourly rate of pay for all hours worked over forty (40) hours in a workweek. The compensation may be in money or compensatory time.
- (2) Law Enforcement and Aircraft Rescue Fire Fighters. Employees engaged in fire protection or law enforcement may be compensated at one and one-half times the employee's regular hourly rate of pay for overtime calculated on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. Fire protection personnel are due overtime under such a plan after 212 hours worked during a 28-day period, while law enforcement personnel must receive overtime after 171 hours worked during a 28-day period. For work periods of at least 7 but less than 28 days, overtime compensation is required when the number of hours worked exceeds the number of hours which bears the same relationship to 212 (fire) or 171 (law enforcement) as the number of days in the work period bears to 28. The compensation may be in money or compensatory time.
- (3) Exempt Employees. Exempt employees are not subject to these rules or entitled to overtime compensation.

(b) **General Workweek/Workperiod.** The workweek for Gunnison County non-exempt employees is the hours of 12:01 a.m. Sunday morning until midnight Saturday night. The workweek consists of seven (7) consecutive twenty-four (24) hour periods. Law Enforcement employees and firefighters may have a separate work period established from at least seven (7) to twenty-eight (28) consecutive days. The work period will begin at 12:01 a.m. Sunday morning and continue to run for the then most currently established number of days (24-hour periods).

(c) **Inclusion of Paid Leave.** Approved paid leave (i.e., paid holidays, sick leave, personal leave, vacation, compensatory time, etc.) shall be considered as hours actually worked for the purposes of computing overtime. Exception: An employee should not use comp time when it causes them to be compensated for overtime in the same workweek or work period. If there are extenuating circumstances, the overtime must be approved by the supervisor.

(d) **Overtime Requirements.** Gunnison County is not required to compensate for overtime after eight (8) hours in a day or on the sixth or seventh consecutive day of work.

(e) **Flex-Time Workweek.** Subject to Gunnison County Policies and the provisions of Colorado law concerning hours that public offices must be open, a Department Head or Elected Official may establish a flex-time workweek which may be set up in a special manner as necessary so that no more than forty (40) hours are worked in the regular workweek. In adopting such a plan, the established flex-time workweek will be used for determination of overtime.

(f) **Breaks and Lunch Times.** Gunnison County is not currently legally required under federal or state law/regulation to provide for 15-minute work breaks and half hour meal breaks. The appropriate Department Head or Elected Official will determine policies regarding length and scheduling of breaks and lunch times for their employees. However, if a break is intended to be less than 20 minutes, it is normally paid time and if a break is intended to be free from duties for one-half (1/2) hour or more, it is unpaid time, under state and federal rules.

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

5-2 Compensation for Overtime Work.

- (a) **Authorization to Work Overtime.** All non-exempt employees are required to get supervisor approval for overtime before working the overtime (except in cases of emergency). Gunnison County does not condone any unauthorized overtime work. Repeated disregard of the rule requiring pre-approval for overtime hours is reason for disciplinary action.
- (b) **Compensatory Time Off.** All overtime hours worked by non-exempt employees may be compensated in money at one and one-half times the employee's regular hourly rate of pay. Gunnison County compensates overtime in compensatory time off unless otherwise agreed between the supervisor, if authorized, or the Department Head and the employee. Agreeing to accept compensatory time off in lieu of paid overtime, within the conditions set forth in the Fair Labor Standards Act, is a condition of employment with Gunnison County. A non-exempt employee, who has accrued compensatory time, must have authorization to use the compensatory time, but shall be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt County operations. The term "unduly disrupt" means more than mere inconvenience. An appropriate Department Head or Elected Official can require an employee to use their accrued compensatory time during designated periods. Gunnison County reserves the right to control comp time accumulation by requiring an employee to take time off.
- (c) **Maximum Compensatory Time.** The law states that a maximum of 240 compensatory time hours may be accumulated (this is 160 hours of overtime worked) except that employees who are primarily engaged in public safety, emergency response, or seasonal activities may accumulate up to a maximum of 480 compensatory time hours (320 hours of overtime worked). Once the maximum compensatory time has been accumulated, overtime worked must be compensated in money at a rate of one and one-half times the employee's regular hourly rate of pay. Gunnison County's policy is to limit the accumulation to eighty (80) compensatory time hours (53 1/3 hours worked), therefore no employee shall earn or accumulate more than a total of 80 hours of compensatory time, unless approved in advance by the County Manager.
- (d) **Voluntary Leave .** When an employee has reached or exceeded the eighty (80) hour comp time maximum accrual limit, compensatory time accrued must be used prior to paid vacation time when voluntary leave is taken, unless otherwise approved by the County Manager.
- (e) **Payment upon Separation.** Non-exempt employees terminating shall be paid for all accumulated compensatory time based upon the employee's current hourly rate at the time of termination, or the average hourly rate received by such employee during the last three (3) years of the employee's employment, whichever is higher.

5-3 Exempt Employees.

Exempt employees shall not work less than their established workweek. An exempt employee shall not be entitled to overtime compensation either in cash or in compensatory time for work in excess of forty (40) hours per week. It is recognized that the exempt employee is hired to perform specified duties and such other duties consistent with the job status and that performance of those duties will, at times, require absence from the office, attendance at night meetings and work in excess of forty (40) hours per week. The exempt employee shall not be eligible for compensation greater than the established salary. Consequently, exempt employees are free to organize their work schedule in such a fashion as to accommodate their workload and may flex their hours as appropriate, provided that an exempt employee shall regularly be present during business hours.

6. PAY & PERFORMANCE EVALUATION

- 6-1 Pay Day.** Employees are paid once each month (one pay period) on the last regular working weekday of the month.
- 6-2 Hourly or Monthly Salary.** Gunnison County will determine, in the opinion of management, which positions' paychecks will be computed on an hourly rate and which positions will be computed on a monthly salary rate.
- (a) Status.** The federal and state wage and hour laws and regulations shall control all determinations regarding exempt and non-exempt status for all county employees, regardless of the department in which they work.
- 6-3 Performance Evaluation.** Gunnison County encourages it's supervisors to complete periodic performance evaluations. If you wish to receive a performance evaluation, request one from your supervisor. When evaluating an employee, each individual Supervisor must determine what the Standards are for their subordinate employees based on the job description and the operational needs of the department. If you do not feel comfortable that you know what your supervisor's Standards are for your position, ask your supervisor to clarify his/her expectations of you.

7. HOLIDAYS

7-1 Compensation. Employees in full-time positions working a 40-hour workweek shall be compensated eight (8) hours paid leave time for designated holidays.

Eligible employees working less than a 40-hour workweek shall be compensated for paid holidays on a prorated basis according to the number of hours budgeted per year. Employees in scheduled (non-benefit) part-time positions; intermittent part-time positions or temporary positions shall not receive pay for holidays off.

7-2 Schedule. The Board of County Commissioners annually shall set the schedule of compensated holidays. Holiday schedules shall be provided to all County employees, Elected Officials and Department Heads. Department Heads and Elected Officials shall have the discretion to provide an alternate holiday work schedule for employees consistent with departmental needs.

7-3 Computation. A non-exempt employee who is required to work on a holiday shall be compensated for:

- Eight (8) hours for the holiday (or prorated amount for eligible employees working less than full time).
plus
- Time actively at work.

The holiday hours will be included when computing overtime and overtime will be compensated as defined in Section 5-1(c).

8. VACATIONS

8-1 Earning Rate.

(a) **Employees Working a 40-Hour Workweek.** Currently, employees in full-time positions working a 40-hour workweek earn vacation for each full month of continuous service as follows:

0 through the end of 4 years:	6 2/3 hours per month
5 through the end of 8 years:	8 hours per month
9 through the end of 15 years:	10 hours per month
16 through the end of 20 years:	12 hours per month
21 plus years:	14 hours per month

(b) **Employees Working Less Than a 40-Hour Workweek.** Currently, eligible employees working fewer than 40 hours per workweek earn vacation on a prorated basis according to the number of hours worked per year. Employees in scheduled (non-benefit) part-time positions, intermittent part-time positions or temporary positions shall not receive paid vacation.

(c) **Elected Officials.**

(1) No Benefit. Elected Officials shall not be entitled to receive the benefit of paid vacation as outlined herein.

(2) Prior Pay-off. Any County employee who becomes an Elected Official shall be paid for vacation accumulation while an employee, prior to taking office as set forth in Section 8-6.

8-2 **Approval.** Vacation time must be earned before taken and shall require the prior approval of the appropriate Department Head, Elected Official or designated representative. When an employee has reached or exceeded the eighty (80) hour comp time maximum accrual limit, compensatory time accrued must be used prior to paid vacation time when voluntary leave is taken, unless otherwise approved by the County Manager.

8-3 **Scheduling.** A Department Head or Elected Official may require an employee to take vacation time off pursuant to a schedule or by a certain date for business needs of the department.

8-4 **Maximum Accrual.** The maximum vacation accumulation for full-time employees shall be:

0 through the end of 4 years:	160 hours maximum
5 through the end of 8 years:	196 hours maximum
9 through the end of 15 years:	240 hours maximum
16 through the end of 20 years:	288 hours maximum
21 plus years:	336 hours maximum

Employees are not eligible to earn any additional vacation once they have reached their maximum vacation accumulation, except where the employee has been denied the opportunity to take vacation time or special circumstances exist and approval to exceed the maximum accumulation has been requested by the appropriate Department Head or Elected Official and approved by the County Manager. The allowable maximum vacation accumulation for eligible employees working less than a 40-hour workweek shall be prorated according to the number of hours worked per year. Vacation does not accrue during any leave without pay or a suspension.

8-5 **Conversion to Pay.** Currently, employees who have completed a minimum of 15 years of continuous service may elect to convert accumulated vacation leave to pay at the end of each calendar year in accordance with the following limits:

16 through the end of 20 years:	24 hours maximum conversion per year
21 plus years:	48 hours maximum conversion per year

All vacation hours elected by the employee to be converted to pay will be paid on the December 31st paycheck at the employee's then current hourly pay rate.

Gunnison County reserves the right to discontinue the conversion to pay benefit if appropriate funding is not available at year-end. Eligible employees will be notified by no later than November 15th of each year if funding is not available for the conversion to pay benefit scheduled to be included on their December 31st paycheck.

8-6 Payment Upon Separation. All eligible employees shall be paid for all accumulated vacation at the time of separation from the County at their then current rate of pay or the average hourly rate received by such employee during the last three years of employment, whichever is higher.

All eligible employees shall be paid their accumulated sick leave balance as set forth in Section 9-1(e) with their final paycheck. This amount shall be paid at the then current rate of pay or the average hourly rate received by such employee during the last three years of employment, whichever is higher. When a sick leave pay-off is made, the entire sick leave balance shall be purged from the employee's leave record.

(f) Elected Officials.

- (1) No Benefit. Elected Officials shall not be entitled to receive sick leave as outlined herein.
- (2) Prior Pay-off. Any County employee who becomes an Elected Official shall be paid for sick leave accumulated while an employee prior to taking office as set forth in Section 9-1(e).

(g) Sick Leave Conversion. Currently, employees who have completed a minimum of 15 years of continuous service may elect to convert sick leave in excess of 720 accrued sick leave hours on a 3 for 1 basis at the end of each calendar year. Based on the November Compensated Absence Report each year, employees who meet the above criteria may elect to:

- (1) Conversion to Pay. Convert accumulated sick leave in excess of 720 hours to pay on a 3 for 1 basis. Payment will be included on the employee's December 31st paycheck at their then current hourly rate.
- (2) Conversion to Vacation. Convert accumulated sick leave in excess of 720 hours to accumulated vacation hours on a 3 for 1 basis. This option shall be limited to the extent that the additional accrued vacation hours will not result in the maximum vacation accumulation, Section 8-4, being exceeded.
- (3) Accumulation. Employees may elect not to convert sick leave in excess of 720 hours and continue to accumulate sick leave without limitation (per Section 9-1(d)).
- (4) Combination of Options. Employees may also elect to use any combination of options (1) through (3).

Gunnison County reserves the right to discontinue the conversion to pay benefit if appropriate funding is not available at year-end. Eligible employees will be notified by no later than November 15th of each year if funding is not available for the conversion to pay benefit scheduled to be included on their December 31st paycheck.

9-2 Sick Leave Transfer.

Currently, any eligible employee may make voluntary donations of accumulated sick leave to an employee who is in need of additional sick leave time over and above his/her vacation, sick leave, holiday and comp time balances. This practice does not constitute a change to Section 9-1, but is a method of assisting employees under exceptional circumstances.

(a) Procedure.

- (1) Application. Application for additional sick leave shall be made to the Human Resources Department and shall be submitted ten (10) working days prior to the use of all but 40 hours of available leave time or as soon as reasonably possible. If the employee is unable to make such application, the application may be completed by a family member or a representative. An application form is available in the Human Resources Office or on the County website.
 - a. The Personnel Board will then review the request and make a determination, by majority vote, regarding authorization of a sick leave transfer. Not more than 173.33 hours of leave may be initially authorized. Additional hours may be authorized upon full depletion or imminent full depletion of the original transfer, only by unanimous approval of the members of the Personnel Board.
 - b. Actual transfer of sick leave hours to an employee may be less than the full amount authorized, if total of hours donated is less.

- c. Except under extenuating circumstances, as determined by the current Personnel Board, sick leave transfers to employees who are in the probation period must be approved as an authorization to accrue a negative sick leave balance. Future monthly sick leave accruals will offset the negative balance, resulting in a sick leave "loan with monthly payments". If a negative balance remains on the employee's paid sick leave record at the time of termination other arrangements for payment must be made with the County Human Resources Department.

(b) Donations.

- (1) Upon authorization from the Personnel Board, the Human Resources Department will request donation of sick leave from eligible employees. Donations will be accepted for a period of ten (10) business days following the request for donations.
- (2) All donations will be considered confidential, known only by the Human Resources Department. Donations may be made as follows:

<u>Donating Employee's Accumulated Sick Leave Balance</u>	<u>Maximum Donation Per Request</u>
Fewer than 100 hours	No donation possible
100-200 hours	8 hours
200+ hours	8 hours plus any hours in excess of 200

Actual hours transferred from the donating employee's sick leave balance to the employee in need will be prorated as follows: number of hours used by the employee in need; divided by the total of hours donated in the organization; multiplied by the individual employee's number of donated hours.

(c) Criteria for Determination of Authorization for Transfer.

- (1) Employee should have made a conscientious effort to accumulate leave time balances sufficient, in the Personnel Board members' opinion, to meet the demands of expected absences (i.e., general illnesses, routine medical needs, vacations etc.).
- (2) Employee's request for additional sick-leave time should, in the opinion of the Personnel Board members, reflect an extreme circumstance, extended recovery or life threatening situation.
- (3) The employee must have exhausted all but up to 40 hours of any combination of their available accumulated compensatory time, holiday time, sick leave, personal leave and vacation time.

9-3 Workers' Compensation.

- (a) Definition.** 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 the County's employment shall be deemed to be on Workers Comp leave until he/she is able to resume his/her essential job functions on his/her regular work schedule; or when approval is granted by the County, to return to his/her regular work schedule on a restricted duty basis, as defined by the attending physician, resuming performance of all of the essential duties required in the employee's position with reasonable accommodation; or when the employee is separated from County employment.
- (b) Statutory Benefits.** An employee on leave, whether full-time or part-time leave, shall receive the statutory benefits available under the Workers' Compensation Act of Colorado, C.R.S. 8-40-101, et. seq.; and pursuant to Gunnison County Personnel Policies.
- (c) Modified Schedule or Restricted Duty.** While recovering from an on-the-job injury, an employee may return to work on a temporary basis with a modified work schedule and/or with restricted duties as the case may allow. Gunnison County reserves the right to limit or deny return to work on a modified schedule or restricted duty.

- (d) **FMLA.** The Family & Medical Leave Act is a separate Federal Act, but will run concurrently with any eligible on-the-job Workers Comp leave. See Section 9-3 of the Personnel Policies for further information regarding Family and Medical Leave.
- (e) **Statutory Exceptions.** Workers' Compensation injury benefits may be reduced by 50% in the following situations:
- Where an injury is caused by the willful failure of the employee to use safety devices provided by the employer.
 - Where injury results from the employee's willful failure to obey any reasonable rule adopted by the employer for the safety of the employee. (Reference department policies for safety rules.)
 - Where injury results from intoxication of the employee from drugs or alcohol.
- (f) **Notification/Reporting for Workers' Compensation.** In the event of an on-the-job injury, an employee should notify his/her supervisor immediately or by no later than the end of the shift on which the injury occurs. The employee must complete an Employee's Report of Incident form, the Designated Provider form, and an Authorization for Release of Medical Information form and submit them to his/her supervisor within four workdays from the time of the incident. If the employee is unable to complete the form, it may be completed by a family member or a representative.
- (g) **Medical Examinations & Treatments.** If an injury requires immediate emergency treatment, the nearest hospital emergency room should be utilized. Upon release from emergency treatment, the employee must seek follow-up medical care from a County-designated provider. Injuries not constituting an emergency, but requiring a physician's care, shall be treated by a County-designated medical service provider. Failure to comply with utilization of a County-designated provider may result in a denial of payment for medical expenses through the County Workers' Compensation Insurance carrier. Each new employee receives a list of designated medical providers and a list can be obtained from the Human Resources Department at any time or from the County website.
- (h) **Denial by the Workers' Compensation Insurance Carrier.** An employee may be denied compensation for a workers' comp claim if it is determined by the County's Workers' Compensation Carrier that the injury/illness is not job-related. If the injury/illness is finally deemed non-compensable under Gunnison County's Workers' Compensation policy, compensation will cease on the date the claim is denied. In this event, unless the finding is overturned on appeal, the amount of compensation made to the employee by the County and the County's Workers' Compensation Insurance Carrier, with regard to the denied claim, will be deducted from the employee's paycheck and/or sick and vacation leave balances or, if these balances are not sufficient, deducted as leave without pay.
- (i) **Reporting Medical Status.** During leave for a workers' comp injury or illness, employees must keep their supervisor informed of their medical status in regard to their ability to return to work. The County reserves the right to request periodic reports regarding the employee's medical status from the designated medical provider.
- (j) **Separation.** A workers' comp claim does not preclude an employee from being separated from employment pursuant to another Personnel Policy.
- (k) **Leave With County Compensation.**
- (1) Regular Full-Time & Scheduled Part-Time Positions. A full-time or scheduled part-time employee in a regular position, who is off on leave for an authorized workers' comp claim, will be paid his/her full salary or wages from the County during the initial three (3) calendar days of leave following the date of the injury/illness (or the first 24 hours of leave for an employee on an approved modified schedule). The County will require reimbursement in the amount of all payments received by the employee from the Workers' Compensation Insurance carrier for lost wages during this initial period.

If the employee is still unable to return to his/her regular work schedule after the initial period of three (3) calendar days (or 24 hours for an employee on a modified schedule), the County may continue to pay the employee 10% of his/her regular rate of pay for up to 176 hours of additional eligible leave time. This payment from the County is in addition to the non-taxable

66 2/3 % of wages payment that the employee receives from the Workers' Compensation Insurance carrier.

- (2) Intermittent Part-Time & Temporary Positions. Any temporary or intermittent part-time employee, who is eligible for leave, will be paid his/her appropriate salary from the County during the initial three (3) calendar days of leave following the date of the injury/illness. During this initial three (3) day period, the County will require reimbursement in the amount of all payments received by the employee from the Workers' Compensation Insurance carrier for lost wages. The employee shall also have his/her case referred to the County's Workers' Compensation insurance carrier for any continued payments to which the employee is entitled in lieu of payment of wages.
- (3) Termination of Leave With County Compensation. Termination of leave with County compensation will occur: when the employee is placed on leave without County compensation status; when the County has a written release from the attending physician permitting the employee to return to his/her regular work schedule and resume performance of all the essential duties required in the employee's position; or when the employee is separated from County employment.

(l) Leave Without County Compensation.

- (1) Conversion to Leave Without County Compensation. When an employee remains on leave (full time or on an approved modified schedule) beyond the maximum hours eligible for compensation by the County, the employee will be placed on leave without County compensation status. The employee shall also have his/her case referred to the County's Workers' Compensation Insurance carrier for any continued payments to which the employee is entitled in lieu of payment of wages.
- (2) Termination of Leave Without County Compensation. Termination of leave without County Compensation may occur: when the County has a written release from the attending physician permitting the employee to return to his/her regular work schedule and resume performance of all the essential duties required in the employee's position; or when approval is granted, by the County, to return to his/her regular work schedule on a restricted duty basis as defined by the attending physician, resuming performance of all the essential duties required in the employee's position with reasonable accommodation. The failure of an employee to return to work upon the expiration of the 12-workweek period, as defined by the Family & Medical Leave Act Section 9-3(f) will subject the employee to dismissal unless an extension is granted prior to the return date. An employee should refer to Section 9-4 and Section 9-12 for a request of additional leave.

- (m) Continuation of Benefits.** Employees who are on leave for a workers comp injury, with County compensation will continue to be eligible for all County benefits that they currently receive when actively at work.

9-4 Family Medical Leave Act.

- (a) Eligibility Requirements for FMLA Leave.** An employee who has been employed for at least one (1) year and for at least 1250 hours during the preceding 12-month period is eligible for Family Medical Leave Act leave.
- (b) Acceptable Uses of Family Medical Leave.** Eligible employees will be granted Family Medical Leave for a maximum of twelve (12) weeks during a single 12-month period for the following reasons:
 - (1) Incapacity due to pregnancy, prenatal medical care, child birth;
 - (2) To care for the employee's child after birth, or placement for adoption or foster care;
 - (3) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
 - (4) Serious health condition that makes the employee unable to perform the employee's essential job duties.

- a. 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 a qualified family member from participating in school or other daily activities.
- b. Continuing Treatment. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full 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.

(c) Acceptable Uses of Military Family Leave. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may take up to:

- (1) 12-weeks of leave in a single 12-month period to address certain qualifying exigencies. Qualifying exigencies may include:
 - a. Attending certain military events;
 - b. Arranging for alternative childcare;
 - c. Addressing certain financial and legal arrangements;
 - d. Attending certain counseling sessions;
 - e. Attending post-deployment reintegration briefings.
- (2) 26-weeks of leave in a single 12-month period to care for a covered service member if:
 - a. They are caring for a current member of the Armed Forces, National Guard, or Reserves, who has a serious injury or illness incurred or aggravated in the line of duty on active duty.
 - b. They are caring for a veteran who was a member of the Armed Forces, National Guard, or Reserves at any time during the period of five years preceding the start of treatment, recuperation, or therapy.
 - c. The injury or illness, for which the service member is undergoing medical treatment, recuperation, or therapy; is on outpatient status; or is on the temporary disability retired list, and must make the service member medically unfit to perform his or her duties. In the case of a veteran, the qualifying illness or injury must be incurred or aggravated in the line of duty and manifests itself before or after the service member became a veteran.

(d) Leave Granted. Family Medical Leave and Military Family Leave will use the same measurement for a single 12-month period. The 12-month period is measured backward from the last date an employee uses FMLA leave.

There are exceptions: For a birth or placement of a child for adoption or foster care, the entitlement period will expire twelve (12) months from the date of the birth or placement.

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 County's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. For a birth or adoption, intermittent leave can only be taken if the employee and the appropriate Department Head or Elected Official agrees to such an arrangement. Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the Department Head or Elected Official's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

When Gunnison County employs both spouses, they may only take twelve (12) weeks between

them for family leave or to take care of a sick parent. However, each spouse is eligible for a separate entitlement of leave to care for each other, their children or themselves.

- (e) **Substitution of Paid Leave for Unpaid Leave.** While on Family Medical Leave or Military Family Leave, the County requires employees to use accrued paid leave, unless collecting Gunnison County Workers' Compensation benefits. FMLA leave is without pay when paid leave benefits are exhausted. Exception: Employees may request that up to 40 hours of paid leave benefits remain in their account when unpaid leave begins.
- (f) **Benefits and Protections.** During FMLA leave, the County maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the County for payment of insurance premiums during leave.

Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, vacation and sick leave will not accrue during any unpaid leave. Also when on unpaid leave, holidays, jury duty and personal leave are not granted and no contributions are made to the retirement plan. The employee will not receive accumulation of seniority or any other employment benefits during leave without pay.

- (g) **Employee Responsibilities.** Employees must provide, to the Human Resources Department, thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days notice is not possible, the employee must provide notice as soon as practicable and generally at a minimum must comply with their Supervisor's normal notification requirements for unexpected leave.

Employees must provide sufficient information for the County 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 Human Resources Department 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. Request for certification will be made by the Human Resources Department if, in the opinion of management, it is necessary. The County may require second and third medical opinions at the County's expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action.

The County reserves the right to designate leave as Family & Medical Leave Act leave if an employee on leave has not followed the above procedures.

- (h) **The Employer's Responsibilities.** The County will provide up to twelve (12) weeks or up to twenty-six (26) weeks of unpaid, job-protected leave to employees who meet the eligibility requirements above.

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

The County will inform employees taking leave if the leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the County determines that the leave requested is not FMLA-protected, the Human Resources Department will notify the employee.

- (i) **Return to Work Following Leave.** Before returning to work, an employee who has taken medical leave for a personal medical condition must present proof that they are physically able to return. This should be done by presenting a "Release to Work" form or any equivalent, completed by the attending physician. Release to Work forms may be obtained from the Human Resources Department. The Release to Work form must state that the employee can return to his/her regular work schedule and resume performance of all the essential duties required in the employee's position; or can return to his/her position on a restricted or modified duty basis, as defined by the attending physician, resuming performance of all the essential duties required in the employee's position with reasonable accommodation. Gunnison County reserves the right to deny modified or restricted duty. Employees on leave must contact the Human Resources Director at least two days before their planned return to work.
- (j) **Failure to Return From Leave.** The failure of an employee to return to work upon the expiration of an FMLA leave of absence will subject the employee to possible termination unless an extension is granted prior to the return date. An employee should refer to Section 9-4 and Section 9-12 for information on requesting additional leave.
- (k) **Unlawful Acts.** FMLA makes it unlawful for the County to:
 - (1) Interfere with, restrain, or deny the exercise of any right provided under FMLA;
 - (2) 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.
- (l) **Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the Organization.

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.

9-5 Disability or Parental Leave.

- (a) **Approval & Terms.** With approval of the appropriate Department Head or Elected Official and the County Manager, an employee may be granted disability or parental leave in addition to or as an alternative to the amount of leave granted by the Family and Medical Leave Act. Disability or Parental leave will be with pay to the extent the employee has accumulated vacation, sick leave and/or compensatory time. Disability or Parental Leave may be granted for a period not to exceed three months.
- (b) **Long Term Disability.** In the case of long-term disability, upon the recommendation of the appropriate Department Head or Elected Official and approval of the County Manager, disability leave may be extended. In such instances, a written statement from the attending physician indicating the employee's medical condition and anticipated date of return may be requested by the Human Resources Department. The approximate date that the employee will return to work shall be communicated in writing by the employee to the appropriate Department Head or Elected Official.
- (c) **Continuation of Benefits.** Employees who are on approved disability or parental leave with pay will continue to be eligible for all County benefits that they normally receive when on regular status. On approved unpaid leave, vacation and sick leave will not accrue, and holidays, jury duty and personal leave will not be granted. The County will not make any contribution during the leave without pay period for retirement or group insurance programs. The employee may be entitled to continue participation in all group insurance programs during the leave provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from the Human Resources Department.
- (d) **Failure to Return to Work.** An employee who fails to return to work at the end of authorized leave may be terminated.

9-6 Reemployment. A former employee separated from Gunnison County for less than one year due to disability or work-related injury, who has received a full release to return to work from his/her attending physician, may

be considered for position vacancies without a recruitment process. The employee, if hired, must meet the minimum qualifications for the position and serve the required probationary period. Previous periods of County employment will be included for the purpose of earning longevity-based County benefits.

9-7 Military Leave. Employees granted a military leave of absence shall be reinstated and paid in accordance with the laws covering veteran's re-employment rights.

9-8 Domestic Abuse Leave Law.

- (a) **Eligibility.** Employees, who have been employed by the County for more than twelve months, and who are victims of the following statutorily defined events: domestic violence or abuse, stalking, sexual assault, or a crime found by a court on the record to include an act of domestic violence are eligible for three working days off in any twelve-month period. The 12-month period is measured backward from the last date an employee uses Domestic Abuse leave.
- (b) **Use of Leave.** The employee may only use the leave for the following reasons: Seeking a civil protection order to prevent domestic abuse; as a result of domestic abuse, stalking, sexual assault, or any other crime involving domestic violence; obtaining medical care or mental health counseling for themselves or their children to address physical or psychological injuries arising from the act or crime; making his/her home secure from the perpetrator or seeking new housing to escape the perpetrator; seeking legal assistance to address the issues and attending and preparing for court-related proceedings arising from the act or crime.
- (c) **Paid Leave Substitution.** Gunnison County will require employees to use accrued paid leave before leave without pay will begin.
- (d) **Notice Requirements.** Employees must provide written verification of the need for leave, if requested to do so by the appropriate Department Head or Elected Official. Verification can be in the form of a police report, a court order or documentation from a medical professional, domestic violence advocate, health care provider or counselor, stating that the employee is in some way a victim of domestic violence. In emergencies, employees are required to provide notice as soon as possible after learning of the need for leave.

9-9 Parental Involvement in K-12 Education Act.

- (a) **Eligibility.** Eligible employees are entitled, by law, to use leave to attend academic activities for school aged children. To be eligible, an employee must work in a nonexecutive or nonsupervisory capacity and be the parent or legal guardian of a child enrolled in either public or private school grades K-12 or certain non-public home-based educational programs. Employees are entitled to take leave for the following academic activities: parent-teacher conferences and meetings about special education services, response to intervention, dropout prevention, attendance, truancy, or disciplinary issues.
- (b) **Use of Leave.** Full-time employees are entitled to take up to a maximum of eighteen (18) hours in an academic year to attend such activities. Part-time employees are entitled to take leave on a prorated basis. Employees are only entitled to take six (6) hours of leave in any one-month period and are only entitled to take leave in increments no longer than three (3) hours.
- (c) **Paid Leave Substitution.** Gunnison County will require employees to use accrued paid leave (personal leave, vacation leave and comp time) before leave without pay will begin.
- (d) **Notice Requirements.** Employees must provide written verification of the academic activity from the school or school district if requested to do so by the appropriate Department Head or Elected Official. In emergencies, employees are required to provide notice as soon as possible after learning of the need for leave.
- (e) **Limitations on Leave.** Gunnison County has the right to limit the ability of an employee to take Parental Involvement Leave in cases of emergency or in other situations where the employee taking leave may endanger a person's health or safety or in a situation where the absence of the employee would result in a halt of service or production.

9-10 Community Role/Leave for Volunteer or Public Purposes.

- (a) **Effect on Employee's Job and County's Interests.** Professional, charitable, and civic organizations provide an excellent avenue for developing relationships with others and taking an active interest in the community is a practice of good citizenship. Employees are encouraged to participate in such activities, but participation in community affairs must not adversely affect the employee's job performance or be detrimental to the County's interests.
- (b) **Participating in Professional, Charitable and/or Civic Activities.** Normally time spent participating in professional, charitable and/or civic organizations and activities should be outside of the employee's working hours and is not considered hours worked for pay purposes. However, if an employee is serving in a volunteer capacity for a circumstance that requires the local Volunteer Fire Department or a Gunnison County Sheriff's Reserve officer be present, the employee's time away from their regular duties will be considered hours worked for pay purposes, if approved by the employee's supervisor prior to the absence. Also, time spent in work for charitable, public or similar purposes in the capacity of County Representative, at the County's request or under its direction or control is considered hours worked for pay purposes. Under these circumstances, reasonable hours worked and expenses incurred may be reimbursed by the County under the same rules and regulations governing regular work situations. All voluntary employee participation in community affairs involving time away from the job is subject to prior Supervisor approval.
- (c) **Political Activity.** If engaging in any political activity, the employee must do so as an individual and not as a representative of the County. Campaigning, fund raising, and other partisan political activities must be conducted on the employee's own time. If time spent participating in a political activity requires time off work from the County, an employee must use paid vacation, personal leave, earned comp time and/or leave without pay. Leave time must have prior approval of the appropriate Department Head or Elected Official. Employees must obtain the prior approval of the County Manager before seeking or accepting appointment to public office that would require extended time off work from the County.

9-11 Court Leave.

- (a) **Court Leave Granted.** An employee who is required to appear as a potential juror or serve as a juror, witness in a criminal case or witness in a case not resulting directly from the discharge of the employee's duties as a County employee shall be granted Court leave to serve in that capacity. Leave will be with pay for all hours that fall during the employee's regular work schedule. Employees will be granted a maximum of ten (10) working days of paid court leave per calendar year.
- (b) **Pay During Court Leave.** Any employee, except a Sheriff's Department employee, who has received payment from the State of Colorado for their services during a court case and who has been granted Court leave with pay from the County, shall turn over, to the County, any fee paid by the Court with the exception of pay for travel which may be retained by the employee.

9-12 Non-Medical Leave Without Pay.

- (a) **Approval.** Upon written recommendation of the appropriate Department Head or-Elected Official and approval of the County Manager, an employee in a regular position may be granted non-medical leave without pay for a period not to exceed one year.
- (b) **Benefits.** Vacation, sick leave and holidays shall not be accumulated during periods of leave without pay and the employee shall not be entitled to accumulation of seniority or any other employment benefits. The County will not make any contribution during the leave period for retirement or group insurance programs, however, the employee may be entitled to participate in all group insurance programs during the leave of absence provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from the Human Resources Department.
- (c) **Failure to Return to Work.** An employee who fails to return to work at the end of authorized leave may be terminated.

9-13 Administrative Leave.

- (a) **Description.** Administrative Leave is a term for temporary removal from a job assignment. It is most common for an employee to be placed on administrative leave if a co-worker, citizen or other has made allegations of misconduct against them. Administrative Leave is used to remove the employee from the situation while investigating the allegations. Management may also place an employee on administrative leave pending the resolution of a criminal case, even when the case is not directly related to the job. While on Administrative Leave with pay, an employee will receive the same wage as if they were actively at work during regular work hours. On Administrative Leave without pay, an employee may request that he/she be paid compensation by deducting leave time from his/her compensated absence balances (i.e. vacation, personal and/or comp time).
- (b) **Responsibilities of Employee.** The employee who is placed on Administrative Leave shall not come to the work site, call the worksite or use County email unless otherwise instructed by the appropriate Department Head, Elected Official or designated representative(s). The employee will not use County property or talk to other County employees unless so instructed. The employee will remain available for questioning by County appointed investigators.
- (c) **Continuation of Benefits.** Employees who are on Administrative Leave with pay will continue to be eligible for all County benefits that they normally receive when on regular status. On unpaid Administrative Leave, vacation and sick leave will not accrue, and holidays, jury duty and personal leave will not be granted. The County will not make any contribution during the leave without pay period for retirement or group insurance programs. The employee may be entitled to continue participation in all group insurance programs during the leave provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from the Human Resources Department.

9-14 Unauthorized Leave. An employee who is absent from duty without approval shall receive no wages for the duration of the absence and shall be subject to disciplinary action. If an employee is absent from duty without approval for a period of three consecutive days, the County may terminate the employee.

10. FRINGE BENEFITS & REIMBURSEMENTS

These benefits and any future benefits are provided solely at the discretion of the County and may be modified, amended or revoked in whole or in part at any time.

10-1 Health Insurance Coverage: Medical, Dental and Vision.

- (a) **Cost.** The County currently provides the opportunity for participation in group insurance to all eligible employees and elected officials. The County pays a determined amount of the monthly premium for the participant or the participant plus dependent coverage. The participant must pay the difference.
- (b) **Eligibility & Coverage.** The insurance plan requirements include, but are not limited to:
- (1) **Eligibility Status.** An employee must work at least 30 scheduled hours per week and/or 1560 hours per year; or be an elected official, to be eligible for coverage under the group health plans.
 - (2) **Eligibility Date.** New employees are eligible for coverage on the first day of the month following the date of employment.
 - (3) **Enrollment Deadline.** A new employee must elect or decline coverage by completing the required forms within 30 calendar days of the date of employment.
 - (4) **Enrollment Commitment.** Dental and vision plans require a two-year commitment. Exception: Change in family status, Loss of eligibility or termination of employment from the County.
 - (5) **Involuntary Termination of Group Coverage.** Insurance benefits for a participating employee and enrolled dependent(s) will end on the employee's last active day of employment or when the employee no longer meets the eligibility requirements.
 - (6) **Change in Status/Open Enrollment.** Employees, who initially decline coverage through the above insurance programs, may, at a future date, make a request to be covered. Employees, who initially participate in coverage, may, at a future date, make a request to cancel coverage. In such instances, several requirements must be met before requests will be granted.
 - (7) **Information.** For more information about these plans, please refer to the Summary Plan Descriptions on the County website or contact the Human Resources Department. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

10-2 Life Insurance.

The County currently offers basic life insurance and supplementary life insurance.

- (a) **Eligibility Status.** Life insurance is offered to employees who work at least 30 scheduled hours per week and/or 1560 hours per year; or are an Elected Official.
- (b) **County Share.** The County currently pays a determined amount of the monthly premium and the employee must pay the difference.
- (c) **Eligibility Date.** Enrollment dates and eligibility requirements are the same as those for health insurance. If an employee chooses not to elect life coverage at the time of employment, life coverage may be denied if requested at a later date.
- (d) **Information.** For more information about these plans, please refer to the Summary Plan Description on the County website or contact the Human Resources Department. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

10-3 Flexible Compensation.

Flexible compensation is a benefit by which employees may deduct eligible group insurance premiums and other medical-related expenses as well as child care expenses from their paychecks on

a pre-tax basis. Employees should see the Human Resources Department for specific information about this program.

10-4 Retirement Program.

(a) Social Security Administration Contributions. The County matches all mandatory Social Security and Medicare tax contributions.

(b) Retirement Plan Contributions.

- (1) Association. The County currently is a member of the Colorado County Officials and Employees Retirement Association. The bylaws of the Retirement Association shall govern eligibility for retirement benefits.
- (2) Participation. Participation in the retirement program currently is a mandatory condition of employment for all employees who work at least 1040 hours per year. If eligible, the employee must complete the required enrollment forms for membership in the Retirement Association within thirty (30) calendar days of the date of employment. For additional information on the County's retirement program, contact the Human Resources Department.
- (3) Benefit. The County currently matches a determined percentage of:
 - a. The mandatory contribution in the 401(a) plan and
 - b. The optional contribution in the 457 plan
- (4) Information. For more information about these plans, please refer to the Summary Plan Description on the County website or contact the Human Resources Department. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

10-5 Unemployment Compensation. The County is a reimbursable employer under the State Unemployment Insurance Program. Any employee interested in information regarding the benefits of this program should inquire at the Colorado Department of Labor, Division of Unemployment.

10-6 Workers' Compensation Insurance. County employees are covered by Workers' Compensation Insurance if they are injured or disabled on the job while working within their scope of employment. The total cost of the insurance premiums is paid by the County. Workers' Compensation Insurance is administered by the Human Resources Department and the insurance carrier.

10-7 Employee Assistance Program. County employees are offered a confidential counseling and referral service for the employee, their spouse and dependent children. This service includes a designated number of counseling sessions and financial planning or legal sessions annually, paid for by the County. For more information about these plans, please refer to the Summary Plan Description on the County website or contact the Human Resources Department. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

10-8 Travel Policy. Gunnison County's policy is to reimburse employees for meal, travel and lodging expenses incurred in the performance of official business. If a department has special circumstances not addressed in these policies, the Elected Official or Department Head will need to submit the unusual circumstances in writing to the County Manager for approval.

(a) Meals. Modestly priced meals will be reimbursed when travel-related, at a per diem of \$36 per day or less if the Department Head or Elected Official makes a determination that receipts for actual cost will be required. Travel-related meals without receipt will be reimbursed for partial days at \$8.00 for breakfast, \$10.00 for lunch and \$18.00 for dinner including tip. (Exceptions will be made for high cost areas as long as approval is obtained in advance from the County Manager)

(b) Lodging. The actual cost of a hotel or motel room (single occupancy) will be reimbursed when incurred in the course of official county-related business travel. Employees are requested to obtain a County warrant for payment of hotel rooms accompanied by a County tax exemption certificate. A credit card can be used if the business will accept the tax exemption certificate, in order to avoid

paying sales and/or lodging taxes. The tax exemption certificate can be obtained from the Finance Department.

- (c) **Transportation by Personal Vehicle.** County employees will be allowed to use their personal vehicles for official, documented County business only if an appropriate County department vehicle or fleet vehicle is not available. If a personal vehicle is approved for use, by Fleet Management personnel, the employee will be reimbursed for mileage at the current approved IRS mileage rate. Documentation of the trip shall include the date, location, mileage and purpose of the business travel. Reimbursement will be made if, and only if, current proof of insurance and a copy of employee's current driver's license have been received by the Human Resources Department prior to use of a personal vehicle. Only one County vehicle or personal vehicle will be authorized for travel to a single event on a single day, unless there are extenuating circumstances which will be decided on a case by case basis.
- (d) **Public Transportation.** Reasonable commercial ground, air and rental transportation costs will be reimbursed for official travel between airports, hotels, conferences or meeting places. Receipts must be provided to the Finance Department.
- (e) **Vehicle Rental.** Costs for rental car for County-related business will be paid by the County as an alternative to the use of personal vehicles or public transportation.
- (f) **Airfare.** The County will pay airfare costs for County-related business. Employees making travel reservations should take care to seek the lowest possible fares by making advance reservations whenever possible. If the employee chooses to travel by car when the employee can fly for less, only the lesser-cost figure will be reimbursed. Lodging and meal costs incurred during travel by car will not be reimbursed unless these costs, along with mileage, are less than airfare plus ground travel at the destination.
- (g) **Out of State Travel.** The County Manager and the Board of County Commissioners must approve all out of state travel prior to occurrence. The Department Head should submit the purpose of the travel, total cost and benefit to the County. Elected Officials and their staffs are exempt from this requirement as long as adequate travel funds are available as approved during the budget process and the out of state travel for staff is approved by the appropriate Elected Official.
- (h) **Registration Fees.** Reimbursement will be made for registration fees for conferences or meetings and training classes related to the employee's official duties with the approval of the Department Head or Elected Official.
- (i) **Requests For Reimbursement.** All requests for reimbursement pursuant to this policy must be made on the appropriate form with essential documentation and signed by the Department Head or Elected Official. Expense forms may be obtained from the Finance Department or on the County website.
- (j) **Advances.** Estimated travel related expenses may be requested in advance with the approval of the Department Head or Elected Official using appropriate Finance Department forms.
- (k) **Failure to Follow Policy.** Failure to obtain any necessary approvals or inability to document expenditures by acceptable receipts may preclude reimbursement by the County.
- (l) **Personal Vehicle Insurance Coverage.** The County reimburses employees for the use of a personal or private vehicle on County business at the current mileage rate utilized by the US Internal Revenue Service. This per mile reimbursement is to cover all expenses associated with the use of the vehicle, including vehicle insurance coverage. In the event that an accident does occur while using a personal or private vehicle on County business, employees should file a claim with the insurance carrier that covers the vehicle. Upon presentation of an accident report completed by the appropriate law enforcement jurisdiction; and upon verification from the appropriate supervisor that, at the time of the accident, the employee was on County business and that the travel had been approved by their supervisor, the County will reimburse the employee up to \$250 actual incurred expenses per accident to assist the employee with paying the deductible associated with their vehicle insurance. This reimbursement is compensation and is, therefore, taxable. Refer to Section 12-9 for details on employee conduct regarding travel on County business.

10-9 Training. Gunnison County intends that its employees continue to train and develop in job related skills. The training may consist of the following elements:

- (a) **Mandatory Training.** Mandatory development as defined by laws, statutes, or County policy.
- (b) **General Training.** General education developed to increase employee effectiveness.
- (c) **Job Skills Training.** Special or technical education unique to a specific position or employee group.
- (d) **Authorization.** With advance approval by the appropriate Department Head or Elected Official the cost of above training types may be considered a County expense.
- (e) **Employee Responsibility.** If an employee leaves employment from Gunnison County within one year of the most recent date of completion of training, the employee may be responsible for reimbursing the County for the subject training costs.

11. COMPLAINT RESOLUTION PROCESS

11-1 Complaint Resolution Process.

It is a mutual obligation on the part of administrative, supervisory and non-supervisory employees of Gunnison County to provide efficient and continuous services to the public. Employee morale is an important factor in maintaining a high level of public service, and administration has a responsibility to provide an orderly and expeditious method for resolving problems, which may arise from working relationships and conditions.

Actions for which the Complaint Resolution Process can be accessed include but are not limited to:

- Problems with a job relationship;
- Any allegation of discrimination based on age (40 and over), race, sex, color, religion, national origin, disability, genetic information, sexual orientation, political affiliation, or any other status protected by federal, state or local law;
- Harassment, including sexual harassment, which is affecting job performance;
- Violation or inappropriate application of personnel policies, processes or procedures; rules or regulations;
- Employment practices that effect job performance and/or work environment, but do not rise to the level of a disciplinary action taken.
- Suspensions; disciplinary reductions in pay

Actions which are not eligible to access the Complaint Resolution Process:

- Content of ordinances, resolutions, statutes or these Gunnison County Personnel Policies, processes, procedures, rules or regulations;
- Content and structure of the Classification and Compensation Plan including but not limited to: establishment and revision of wages or salaries, position classification or general benefits;
- Assignment of duties, work schedule or reassignment of work site;
- Performance evaluations;
- Change in employee status;
- Failure to promote;
- Oral reprimands, warnings, counseling or written warnings;
- Designation of Administrative Leave
- Workers' Compensation and Unemployment claims;
- Non-disciplinary discharge, demotion or layoff made because of lack of work, reduction in workforce, or job elimination.
- Board of County Commissioner's official actions, decisions or policies.

(a) Procedure.

- (1) Informal Discussion. The employee should first attempt to resolve the complaint through informal, solution oriented, discussions with his or her immediate supervisor. If the object of the complaint is the supervisor or his/her actions and the employee fears retaliation, or if it is not comfortable for the employee to speak with the immediate supervisor, the employee may go to the next supervisory level or to the Human Resources Director. The employee will then be provided the opportunity to discuss the complaint with the employee's Supervisor in a retaliation free atmosphere.

If the complaint involves allegations of discrimination based upon age (40 and over), race, sex, color, religion, national origin, disability, genetic information, sexual orientation, political affiliation, or any other status protected by state or local law, i.e. sexual harassment, it may be discussed confidentially with the Human Resources Director or any other member of management to determine the appropriate step where the Complaint Resolution Process shall begin.

- (2) Written Complaint. If the complaint cannot be resolved at the Department level, the employee may direct a written complaint to the Human Resources Director. If the complaint involves the Human Resources Director, the employee may direct the written complaint to the

Assistant County Manager. The written notification must state the employee's name, job title, nature of the complaint, the employee's comments regarding the situation and the employee's signature.

- a. Action upon Receipt of Written Complaint. Within three working days of receipt of the written complaint, Gunnison County management will begin undertaking a thorough investigation.
- b. Investigation. The investigation will be conducted by the Assistant County Manager or their designated representative(s). All persons involved in the investigation should be as discrete as possible.
- c. Response to Written Complaint. A written response to the complaint will be issued to the complainant within 60 working days from the date that the complaint is received. If the County finds the complaint is found to be of merit, action will be taken; and if appropriate, offenders shall be subject to disciplinary action, potentially including termination.
- d. Impartiality. If the complaint involves the Assistant County Manager, the Human Resource Director or their representative(s), will conduct the investigation.
- e. Time Limits. Within five (5) working days of any eligible action, an employee may invoke the Complaint Resolution Process. Failure of an employee to file a complaint in a timely manner may be considered a waiver of all rights to the Complaint Resolution Process.
- f. Extension of Time Limits. All time limits set forth in this Section 11 must be honored as specified, except that any time limit may be reasonably extended if, in the opinion of the Assistant County Manager there is just reason. Parties shall be notified of the extension and the reasons therefore put in writing. County extensions will be made prior to the expiration of the time limit requested to be extended.

- (b) Anti-Retaliation Policy.** Gunnison County prohibits retaliation against an employee for filing a complaint under the Complaint Resolution Process or for assisting in a complaint investigation. If an employee perceives retaliation for making a complaint or for participating in an investigation of a complaint, the employee should follow the Complaint Resolution Process outlined above. The situation will be promptly investigated and appropriate action taken.

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

12. EMPLOYEE CONDUCT

12-1 Electronic Communications.

Gunnison County has established policies with regard to access and disclosure of electronic communications created, sent or received by Gunnison County employees and Elected Officials using the County's electronic communications systems. This includes telephone, voice mail, Electronic Mail, Social Networking, INTERNET, File Transfer, TELNET, or any other electronic communication between two (2) or more pieces of equipment, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval.

The electronic communications systems are purchased and maintained by Gunnison County and provided to employees and Elected Officials to assist them in the conduct of Gunnison County business. The electronic communications systems permit employees and Elected Officials to communicate with each other internally and with outside individuals and agencies. The policies governing the use of the electronic communications systems are as follows:

- (a) **County Property.** The electronic communications systems hardware and software are County property. Additionally, all messages composed, sent, or received on the electronic communications systems are and remain the property of the County. Employees and Elected Officials do not have a personal property right in any matter created, received or sent from the electronic communications systems.
- (b) **Records.** Record retention of public records applies to all records, including those that exist in electronic media. It is the goal of Gunnison County to take any measures necessary to assist the public in locating and viewing any specific electronic records unless such records are specifically exempted from disclosure by state or federal statute, by court order, or unless disclosure of such records would be contrary to the public interest. Thus, all records, including those of elected officials, are subject to public disclosure.
- (c) **Use.** To ensure the appropriate use of electronic communications systems, all employees shall use the County's software and hardware for County approved purposes only.
 - (1) **Software.** The County will allow only County authorized software to be stored or executed on its computers. Recognition is given to the unique needs of particular departments and programs; however the software must be approved for compatibility by the IT Department prior to installation. Software installed with the intention of protecting devices and peripherals, such as anti-virus software, shall not be removed or disabled unless authorized by the IT Department. All software license agreements and copyright laws shall be adhered to and copies of license agreements provided to the IT Department.
 - (2) **Electronic Mail, Social Networking and Internet.** Electronic mail, Social Networking and Internet access must be used in a manner that maintains public trust and confidence in the County organization. Electronic mail and Internet access are provided for the County's official public business. Examples of appropriate use of the e-mail, social networking and Internet are as follows:
 - a. **Facilitating Communications.** Facilitating communications and transfers of documents between employees, citizens and others concerned with County business.
 - b. **Assessing Databases.** Assessing databases and files to obtain work-related referenced material or to conduct work related research.
 - c. **Expediting Administrative Duties.** Expediting administrative duties in direct support of work-related functions.
 - d. **Professional Development.** Communicating with individuals or professional organizations regarding professional and career development.

- e. Personal Use. As with telephones, electronic mail and Internet access are intended for fast and efficient communications. However, personal use of electronic mail, social networking and Internet should be limited in the same manner as local telephone calls so as not to interfere with the employee's duties. Any opinions stated on personal emails or social networking sites will be clearly marked as personal opinions and not necessarily the opinion of Gunnison County. Personal use allowed on electronic communications systems will be determined by the appropriate Department Head or Elected Official.

(d) Use Violations. No person shall use County communications systems to:

- (1) Violate any municipal, county, state or federal law or regulation.
- (2) Promote any commercial venture, political campaign, or personal purpose.
- (3) Raise funds or engage in public relations activities that are not directly related to County business.
- (4) Intentionally disrupt network or system use by others, either by introducing worms or viruses or by other means.
- (5) Engage in any activities that could cause congestion and disruption of networks and systems, such as sending and forwarding chain letters, joining news subscription services, listening to music over the internet, and sending or receiving graphic or animation files not directly related to county business.
- (6) Download copyrighted music, send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without prior consent.
- (7) Transmit or, with foreknowledge, receive pornographic, racist, sexist or harassing material.

(e) Privacy and Security. Employees should have no expectation of privacy regarding the use of electronic media. Any information or data contained in any electronic system owned by the County is available to the County at all times and may be subject to audit, intercept, access and disclosure for reasonable purposes, including discipline by the County.

- (1) Public Record. Correspondence of an employee in the form of electronic mail and/or social networking may be a public record under the public records law, and may be subject to public inspection under C.R.S. 24-72-203 and the policies of the County.
- (2) Access. The County reserves the right to implement the use of electronic tools that monitor and/or restrict the transmission of email and use of the Internet. Further, the use of passwords for security does not guarantee confidentiality. No password may be used that is unknown to the employee's supervisor or the IT Department. Notwithstanding the County's right to retrieve and read any electronic communication messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees may not retrieve or read any electronic communication messages that are not sent to them unless authorized to do so. Employees shall not use a code, address a file, or retrieve any stored information of other users, unless authorized to do so.

(f) Disciplinary Action. Violation of these policies will be reason for discipline up to and including termination.

12-2 Smoking on County Property.

Due to the acknowledged hazards from exposure to environmental tobacco smoke, it shall be the goal of Gunnison County to provide a smoke free environment for all employees and visitors.

- (a) Facilities.** There will be no smoking within County facilities.
- (b) Perimeters.** There will be no smoking within 5 yards of the perimeter of any County building.
- (c) Vehicles.** There will be no smoking in any County vehicle.
- (d) Smoking During Job Duties.** To safeguard the health of employees and the public, smoking during the performance of job duties, unless they are in an employee's own vehicle or home and no county client is present, shall be prohibited for all Gunnison County employees. This prohibition shall not include lunch breaks and rest periods taken outside the prohibited areas.
- (e) Violation.** Violation of this guideline will be cause for disciplinary action up to and including termination.

12-3 Drug and Alcohol Policy. It is the goal of Gunnison County to foster a work environment free from the effects of illegally used or possessed drugs and alcoholic beverages. Abuse of drugs and alcohol impairs employee judgment resulting in increased safety risks, employee injuries and faulty decision-making.

- (a) **County Premises.** Gunnison 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.
- (b) **Prescribed Drugs .** Excluded from the policy are prescribed drugs when used in the manner, combination and quantity intended, 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 and/or effective manner must notify their Supervisor prior to starting work. The Supervisor need not be told what the drug is or what it is being taken for, only how it may affect the employee's work performance. After proper inquiry, the supervisor will decide if the employee can remain at work and what work restrictions, if any, are deemed necessary.
- (c) **Medical Marijuana.** Medical Marijuana is not a prescription drug and is considered a controlled substance under these policies.
- (d) **Reporting for Work.** All employees are expected to report to work in a fit mental and physical condition to perform their assigned duties. No employee may report for work, or remain on duty if there is reasonable suspicion that the employee is under the influence of drugs and/or alcohol.
- (e) **Operation of Vehicles & Equipment.** At no time will an employee operate a County vehicle, a private vehicle used for County business or County equipment if the employee is or is reasonably suspected of being impaired by drugs and/or alcohol.
- (f) **Random Drug Testing.** There may be random or periodic testing, when such testing is justified, for employees' in safety sensitive jobs; jobs of a critical nature, or where the public or workers would suffer significant harm if substance abuse were undetected. Measures will be taken to assure that there are no less intrusive or equally effective measures available, such as background checks or supervisory observation which would promote the County's interest in uncovering substance abuse.
- (g) **Apparent Drugs/Alcohol Influence.** If an employee appears to be affected by or under the apparent influence of drugs/alcohol while in the workplace, the employee may be required to submit to drug/alcohol testing. Refusal to submit to drug/alcohol testing will be considered an admission of guilt and will be cause for disciplinary action up to and including termination.
- (h) **Drug & Alcohol Related Violations.** 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 such charges must notify his or her supervisor within five (5) calendar days of such conviction or plea. If an employee is found in violation of the above-stated policy, if required testing confirms drug or alcohol use, or if an employee is convicted or pleads guilty or no contest to drug/alcohol related violations while in the workplace, they will be subject to disciplinary action up to and including termination.
- (i) **Compliance with DOT Policy.** Employees in designated safety sensitive jobs (requiring a commercial driver's license or pilot's license) must comply with the most current drug/alcohol regulations established by the applicable Department of Transportation.
- (j) **Handling Issues involving Drugs and/or Alcohol on the Job.**
 - (1) Regulated Substances
 - a. Alcohol
 - b. Controlled Substances
 - (2) Prohibited Use

Alcohol:
No employee shall; or supervisor, having knowledge of, permit an employee to:

- Report for duty or remain on duty if there is reasonable suspicion that the employee is under the influence of alcohol. This includes at all worksites, business meetings, trainings and/or conferences.
- Consume alcohol while on duty.
- Possess alcohol while on duty.
- Note: Attending the County Holiday Party or various other social events sponsored by the County or conference sponsors, where alcohol is served, is not considered "reporting for duty".
- At no time will an employee operate a County vehicle, County equipment, or a private vehicle used for County business if the employee is or is reasonably suspected of being impaired by alcohol.
- Consume alcohol after being required to test and before testing is completed.

Controlled Substances:

No employee shall; or supervisor, having knowledge of, permit an employee to:

- Report for duty or remain on duty if there is reasonable suspicion that the employee is under the influence of a controlled substance. This includes at all worksites, business meetings, trainings and/or conferences.
- Consume controlled substances while on duty.
- Possess controlled substances while on duty.
- At no time will an employee operate a County vehicle, County equipment, or a private vehicle used for County business if the employee is or is reasonably suspected of being impaired by a controlled substance.
- Consume drugs after being required to test and before testing is completed.

Exception: Excluded are prescribed drugs when used in the manner, combination and quantity intended, unless job performance could be affected.

Over-the-Counter or Prescribed Drugs:

Employees who must use an over-the-counter or prescription drug that causes adverse side effects or may affect his/her ability to perform work in a safe and productive manner, must notify his or her supervisor, or designated representative, prior to starting work. The supervisor, or designated representative, need not be told what the drug is or what it is being taken for, only how it may affect the employee's work performance. A Medical Exception form follows. Employees must make a copy and present it to the appropriate supervisor or designated representative when notification is made. After proper inquiry, the supervisor, or designated representative, will decide if the employee can remain at work and what work restrictions, if any, are deemed necessary.

(3) Reasonable Suspicion Testing Procedure

- Employees can only be tested for alcohol and/or drug consumption if there is reasonable suspicion that the employee's mental and/or physical actions are being impaired.
- Supervisors, or their designated representative, will be authorized to determine, based on observations or behaviors, that alcohol and/or controlled substance testing should be conducted.
- Reasonable suspicion check list:

Appearance	Normal	Flushed	Puncture Marks	
	Disheveled	Bloodshot Eyes	Inappropriate wearing of sunglasses	
	Dilated/Constructed pupils	Profuse Sweating	Tremors	
	Dry-mouth Symptoms	Runny Nose/Sores	Other:	
Behavior				
Speech:	Normal	Incoherent	Slurred	Silent
	Confused	Slowed	Whispering	
Awareness:	Normal	Confused	Mood Swings	Euphoria
	Lethargic	Lack of Coordination	Paranoid	Disoriented

	Other:				
Motor Skills					
Balance:	Normal	Swaying	Falling	Staggering	
	Other:				
Walking & Turning:	Normal	Swaying	Arms Raised for Balance		
	Stumbling	Falling	Reaching for Support		
	Other				

*Observed Behavior – Reasonable Cause Record form follows
Supervisors make a copy and use prior to conducting any drug/alcohol test for reasonable cause*

- d. If determined that there is cause for testing, such testing MUST occur immediately. In the event of Alcohol suspicion, if the test is not conducted within 2 hours the reason must be documented and attempts to test discontinued after 8 hours. For Drug suspicion the attempts to test should be discontinued after 32 hours. Call Gunnison County Human Resources @ 641-7623 for the location of the closest testing facility. Gunnison County will pay for the initial testing.
- e. The supervisor, or designated representative, making the determination for testing is responsible for the care and custody of the suspect employee throughout the testing procedure. The supervisor, or designated representative, will transport the employee to the test site and remain at the testing site until testing is completed. A Breath Alcohol Technician will make an immediate determination of alcohol level. In the event of a drug test, the individual may not be returned to work unless a negative result has been reported.
- f. If there is not a negative drug test result or the alcohol level measures 0.02 or above, the supervisor or designee will be responsible for driving the employee home. The employee will not return to work until a determination is made by the supervisor and at least one of the County Attorney/Assistant County Manager/County Manager upon what action will be taken. Anyone who violates the alcohol/substance abuse policy will be subject to disciplinary action including but not limited to termination of employment. An employee must have a current doctor's prescription and MUST be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment. If an employee tests positive and can not produce a prescription, the test will report a positive result and may require further evaluation.
- g. If the suspect employee refuses to take a drug test, inform them that a refusal is considered an admission of guilt and will be cause for disciplinary action up to and including termination of employment. Suspend the employee with or without pay at the supervisor or designated representative's discretion and arrange for them to leave the jobsite in a safe manner.
- h. Document all situations where reasonable suspicion of drugs/alcohol is found. Keep records of observed behavior, test results, documentation of refusals, employee referrals to counseling, records related to process etc. for at least five years. Get authorization from the Human Resources Department before destroying.

(4) Reporting by Employees

- a. The following procedure will be used when an employee suspects controlled substance use or alcohol misuse by an employee subject to the drug/alcohol policy. The employee shall report the concern to their supervisor. If the supervisor is not available, the employee shall report the concern to the Human Resources Director. All such reports shall be held in confidence. The supervisor or other authorized person to whom the report has been made shall take the necessary steps to confront the employee suspected of having the controlled substance and/or alcohol problems and take the necessary action pursuant to the policy.

(5) Random or Periodic Drug and/or Alcohol Testing

- a. Random or Periodic Drug and/or Alcohol testing is only justified because employees'

jobs are safety sensitive; of a critical nature or subject to pervasive state or federal regulation; the public or workers would suffer significant harm if substance abuse were undetected or there are unavailable less intrusive and equally effective measures such as background checks or supervisory observation which would promote the County's interest in uncovering substance abuse. Job applicants may be tested under certain circumstances.

- b. Contact Human Resources prior to testing of job applicants or random testing of employees.

Note: Some Gunnison County departments may have additional procedures over and above those listed above in order to comply with state and/or federal law.

**MEDICAL EXCEPTION FORM
GUNNISON COUNTY, COLORADO**

Employees of Gunnison County may from time to time use medication, pursuant to a prescription from a physician or as an over-the-counter drug, which may cause adverse side effects or may affect the employee's ability to perform work in a safe and productive manner. If so, they are required **before performing** their job functions to notify their supervisor. Employees also have a responsibility to ask their treating physician to verify that their use of any drug as prescribed will not adversely affect their ability to perform their assigned job duties in a safe, fit mental and physical condition. If a prescription or over-the-counter drug may cause impairment, the employee must complete the bottom of this form and return it to his/her supervisor.

VERIFICATION

I, hereby state that:

_____ I will be using a prescription drug, under the direction of a physician during a time period when I expect to perform job functions for Gunnison County. I verify that the physician who prescribed the drug has advised me that, when used as prescribed, the drug may adversely affect my ability to perform my job duties in a safe, fit mental and physical condition. I promise that during the time when I am performing job functions for the County, I will use this prescription only according to the instructions of my physician and will notify my supervisor if I feel any adverse effect from the drug.

_____ I will be using an over-the-counter drug during a time period when I expect to perform job functions for Gunnison County. I verify that the drug label advises me that, when used as directed, the drug may adversely affect my ability to perform my job duties in a safe, fit mental and physical condition. I promise that during the time when I am performing job functions for the County, I will use this over-the-counter drug only according to the instructions on the label and will notify my supervisor if I feel any adverse effect from the drug.

_____ First date of drug use

_____ Last date drug will be used

I will inform Gunnison County, in writing, if the above dates are extended for any reason.

Employee Signature

Date

*Observed Behavior – Reasonable Cause Record form
Supervisors make a copy and use prior to conducting any drug/alcohol test
for reasonable cause*

**OBSERVED BEHAVIOR
REASONABLE CAUSE RECORD
GUNNISON COUNTY, COLORADO**

Presence of Alcohol Drugs and/or Drug Paraphernalia (specify): _____

Circle any and all descriptions applicable

Appearance	Normal	Flushed	Puncture Marks	
	Disheveled	Bloodshot Eyes	Inappropriate wearing of sunglasses	
	Dilated/Constructed pupils	Profuse Sweating	Tremors	
	Dry-mouth Symptoms	Runny Nose/Sores	Other:	
Behavior				
Speech:	Normal	Incoherent	Slurred	Silent
	Confused	Slowed	Whispering	
Awareness:	Normal	Confused	Mood Swings	Euphoria
	Lethargic	Lack of Coordination	Paranoid	Disoriented
	Other:			
Motor Skills				
Balance:	Normal	Swaying	Falling	Staggering
	Other:			
Walking & Turning:	Normal	Swaying	Arms Raised for Balance	
	Stumbling	Falling	Reaching for Support	
	Other			

Other observed Actions or Behavior (specify): _____

Witnessed By:

Signature

Title

Date and Time

Signature

Title

Date and Time

12-4 Use of County Property.

- (a) **Employee Responsibilities.** It is the duty of every County employee to protect and conserve all County property entrusted to the employee. All employees shall use County owned property and equipment for County approved purposes only. Gunnison County reserves the right from time to time to reasonably search any property owned by the County with or without notice.
- (b) **Keys.** All keys to Gunnison County facilities are the property solely of Gunnison County. Access to County buildings shall be limited to personnel whose work requires it. Individuals who lose keys or have them stolen shall notify the appropriate Department Head or Elected Official immediately. An employee must return keys that are County property to the appropriate Department Head, Elected Official or supervisor upon request. An employee who is transferring, changing or leaving County employment is responsible for returning all County keys provided during the course of employment to the appropriate Department Head or Elected Official by close of business on the last day the employee is actively at work in their then current position. There will be a series of fines for individuals who lose or do not return keys in a timely manner, for which they are responsible.

12-5 Outside Employment.

- (a) **Incompatibility.** No County employee shall engage in any outside employment or other activity that is a conflict of interest with the proper discharge of the employee's County office or position. Employment outside the County may be reviewed by the appropriate Department Head or Elected Official and the employee may have to terminate his/her outside employment activities to maintain their employment with the County.
- (b) **Multiple County Positions.** No County employee shall hold more than one position concurrently within the Gunnison County Personnel System without prior approval of the appropriate Department Head or Elected Official. Such dual position actions must also be approved by the Finance Director and the County Manager.

12-6 Conflict of Interest.

- (a) **Purpose.** The County shall strive to promote public confidence in government by assuring the people of Gunnison County of the impartiality and integrity of County employees. As such, all employees will strive to ensure that their actions do not present a conflict of interest.
- (b) **Business Interests.** It shall be a conflict of interest for a County employee or a member of the employee's immediate family to have a personal financial interest in any business transaction within the employee's area of influence in County government. In the event of such a conflict, the employee shall immediately disclose the financial interest to the appropriate Department Head, Elected Official or Board and refrain from influencing any County decisions, or decisions of County funded or operated boards or commissions, regarding that person's business or financial interests.
- (c) **Compensation & Gifts.** It shall be a conflict of interest for any County employee or a member of the employee's immediate family to receive any compensation, gift, payment, reward, gratuity or anything else of value in return for any person or business entity obtaining preferential treatment from the County. Employees may accept small non-pecuniary gifts. They or any members of their immediate family are not to accept gifts of money from any person or business entity doing business with the County.

12-7 Confidential Information. No County employee shall disclose confidential information entrusted to or acquired by the employee by virtue of employment with the County. This includes personal health information protected by the Health Insurance Privacy and Portability Act.

12-8 Political Activity. The Board of County Commissioners encourages County employees to be responsible citizens. County employees may engage in political activity if this activity is conducted during off-duty hours, does not involve use of any County property (i.e., telephones, equipment, supplies, etc.), and does not impair their ability to carry out their duties as County employees. Employees can not engage in partisan campaign or political activity while identifiable by their uniform or badge as a County employee.

12-9 Travel. Any employee on County business must:

- (a) **Seatbelt Usage.** Wear a seatbelt at all times while operating a vehicle,

- (b) **Valid Driver's License.** Must have, on their person, a valid driver's license, and
- (c) **Observance of Traffic Laws.** Must obey all traffic laws.
- (d) **Loss of License or Insurance Coverage.** If an employee loses his/her driver's license or no longer has the insurance coverage required by law, it must be reported in writing to his/her supervisor immediately.
- (e) **Out-of-State Travel.** All out-of-state travel at the County's expense must be approved by the Board of County Commissioners in advance of the planned travel.
- (f) **Use of Personal Vehicles on County Business.** If an employee is operating a personal or private vehicle in the course of County business, that vehicle is required to have all insurance coverage required by law.
 - (1) Proof of Insurance. Any employee who uses a personal vehicle in the conduct of County business will be required to show proof of insurance and a valid driver's license at the date of employment, each January of a new calendar year and/or prior to any travel that is eligible for mileage reimbursement.
 - (2) Employee Responsibility. The County is not responsible for any damages or expenses associated with a personally owned vehicle used in the conduct of County business involved in an accident. If an accident does occur, any employee medical costs will be filed with the County Workers' Comp carrier, but the employee should file a claim with the insurance carrier that covers the vehicle for any vehicle damage and/or expenses for others involved. Employees are advised to inform their insurance agent of the use of their personal vehicle for County business.

Refer to Section 10-8 for details on expense reimbursement.

12-10 Higher Education Degree, Licensing and/or Certification.

- (a) **Employee Responsibilities at Date of Employment.** Gunnison County employees who are employed in a position for which the job description requires a higher education degree, licensing and/or certification, must present documentation verifying the appropriate credentials at the time of employment.
- (b) **Employee Responsibilities Prior to Date of Expiration.** If the licensing/certification has an expiration date while the employee is in the employment of Gunnison County, the employee must present the necessary renewal documentation to the appropriate Department Head or Elected Official prior to any renewal deadline or expiration date.
- (c) **Violations.** Failure to obtain the necessary licensing/certification by the expiration date may be cause for a maximum ten (10) day suspension or for termination of the employment relationship. An employee may not provide services as an employee of the County without required licensing/certification.

13. DISCIPLINARY ACTION

An employee's conduct is a major factor affecting the health and growth of the County. It is also an important aspect of the County's image within the community. When management finds an employee's performance to be unsatisfactory or an employee's conduct to be unacceptable, disciplinary action may be taken. The discipline may range from informal discussion with the employee to immediate discharge, depending on the County's opinion of the seriousness of the situation. Any action taken by management in an individual case should not be assumed to establish a precedent in other circumstances.

13-1 **Reasons for Disciplinary Action.**

This list is meant for illustrative purposes and is not all inclusive.

- (a) Violation of a Personnel Rule;
- (b) Violation of a hiring department rule, regulation or policy;
- (c) Neglect of duty, (wasting time on the job, loafing, abuse of break privileges, etc.);
- (d) Interference with department operations (interrupting the work of others, etc.);
- (e) Failure to perform assigned duties in an efficient and effective manner;
- (f) Insubordination (refusal to follow directions, abusive behavior, etc.);
- (g) Discourtesy to the public or co-workers;
- (h) Illegal activity on the job or illegal activity that casts reasonable doubt on the employee's ability to perform the job effectively;
- (i) Failure to comply with job privacy and confidentiality standards;
- (j) Abuse of sick leave or other benefits granted by the County;
- (k) Working unauthorized overtime;
- (l) Falsification of County records including but not limited to: employment applications, work records, timesheets, etc.;
- (m) Repeated tardiness or absenteeism that exceeds the standard set for other employees under similar conditions;
- (n) Damage, misappropriation, taking unnecessary risks or failure to properly maintain or protect County property, equipment, tools, or material;
- (o) Stealing, or negligent use of County money or property;
- (p) Deliberate or careless conduct endangering the safety or well-being of self, co-workers or the public;
- (q) Fighting or attempting to fight during working hours;
- (r) Being under the influence of alcohol or drugs while on duty;
- (s) Violation of County conflict of interest rules;
- (t) Misrepresentation of one's authority to the public;

- (u) Abusing one's authority to secure personal gain, benefits or favors;
- (v) Behavior inappropriate to one's position;
- (w) Covert acts intended to undermine established authority;
- (x) Harassment of co-workers or members of the public;
- (y) Dishonesty;
- (z) Absence from duty without authorization.

13-2 Examples of Disciplinary Action.

It is the desire of Gunnison County to address the developmental issues, training issues or performance issues of its employees; however, the County does not advocate nor adhere to a progressive disciplinary policy. Any form of discipline, that in management's opinion is appropriate may be imposed singularly, successively or cumulatively at one time at the discretion of the appropriate Department Head or Elected Official.

- (a) **Oral Reprimand, Warning, Counseling.** Any appropriate Department Head, Elected Official, or a designated representative may orally reprimand, give warning to and/or counsel a subordinate employee.
- (b) **Written Warning.** Any appropriate Department Head, Elected Official or a designated representative may warn a subordinate employee in writing. A written warning will become part of the employee's personnel file.
- (c) **Suspension.** Suspension is a disciplinary action for misconduct or other undesirable acts or behavior. Suspension is a non-working status of employment during which an employee is not paid wages, does not accrue vacation, sick leave, holiday, or other fringe benefits. An employee placed on suspension status will not lose previously accumulated vacation, comp time, holiday or sick leave balances, and may continue coverage on the group insurance program in which he or she was participating prior to suspension as long as the employee's share of the premiums is paid. Length of service credit will also continue through the period of suspension.
 - (1) Authorization. The appropriate Department Head, Elected Official or designated representative may verbally order an employee to leave the job site.
 - (2) Period of Time. A suspension may be up to a maximum of ten (10) working days.
 - (3) Notice. At the appropriate time, notice of a suspension shall be made in writing to an employee, stating the grounds on which the suspension is based.
 - (4) Responsibilities of Employee. The employee who is placed on suspension shall not come to the work site, call the worksite or use County email, or use County property unless otherwise instructed by the appropriate Department Head, Elected Official or a designated representative. The employee may contact Human Resources if questions arise.
 - (5) Invoking the Complaint Resolution Process. Within five (5) working days of a suspension, an employee may invoke the Complaint Resolution Process. Refer to Complaint Resolution Process, Section 11-1 of these policies. Failure of an employee to file a complaint in a timely manner shall be considered a waiver of all rights to the Complaint Resolution Process.
- (d) **Demotion or Termination.**
 - (1) Review Status. Prior to any demotion or termination, a regular employee shall be placed on Review Status and be given the opportunity to improve or correct performance or conduct, except in circumstances where, in the opinion of management, the type of misconduct involved requires more immediate disciplinary action. Examples of behavior that may require more immediate disciplinary action are behaviors that threaten safety;

create a hostile work environment or which may harm the County. This list is meant for illustrative purposes and is not all inclusive.

a. Initial Notice. Any appropriate Department Head, Elected Official or designated representative may place an employee on Review Status. Review Status is initiated by the preparation of a Personnel Action form listing:

1. The Change in Employee Status to Review Status, and
2. The period of time the Review Status will be in effect.

At the same time that the Personnel Action form is created, the appropriate Department Head, Elected Official or designated representative will create a Behavior Improvement Plan, a copy of which will be given to the employee, listing:

1. The specific employee deficiencies;
2. Substantiation of the deficiencies;
3. Corrective action to be taken;
4. Trainings that might be helpful;
5. The deadline for correction of deficiencies;
6. The possible consequences of not making the corrections;
7. Designation of intervals, during the review period, when meetings will be held with the employee to discuss the employee's progress.

b. Employee Responsibilities. Once the review period begins, the employee must show immediate and continued improvement in order to avoid demotion or termination.

c. Supervisor Responsibilities. The appropriate supervisor should prepare periodic written progress reviews of the employee's performance, according to a schedule of such reviews set forth in the written Review Status Notice. Review Status may be extended at the discretion of the Department Head, Elected Official or Supervisor.

d. Record of Review Status. The initial notice of placement on Review Status, the Behavior Improvement Plan, and all written progress reviews shall be made a part of the employee's official personnel file.

e. Disciplinary Action. The placing of an employee on Review Status shall not prohibit Gunnison County from dismissing the employee or taking any other appropriate disciplinary action at any time pursuant to these Personnel Policies. If the employee fails to improve, the employee may be demoted or terminated. Prior to taking action on a demotion or termination, the appropriate Department Head, Elected Official, or designated representative shall prepare a written notice stating the discipline contemplated and the grounds on which the disciplinary action is based. A copy of the notice shall be hand delivered to the employee or mailed, certified mail, postage prepaid, to the employee's last known address. The notice shall state a date, time and place for a Pre-demotion/Pre-termination Meeting. Refer to Section 14 of these policies for further explanation of the Review Process.

EXCEPTION: For disciplinary and due process procedures, Deputies of the Sheriff's Department shall comply with the disciplinary and due process procedure of the Sheriff's Policy and Procedure Manual, as adopted and amended from time to time by the Sheriff.

14. REVIEW PROCESS

14-1 Review Process Prior to Demotion or Termination.

- (a) **Pre-Demotion/Pre-Termination Meeting.** A Pre-Demotion or Pre-Termination Meeting will be between the employee facing Demotion or Termination, the appropriate Department Head, Elected Official or designated representative and the Personnel Action Review Panel. It will occur not more than five (5) working days after the employee has been notified of the contemplated demotion or termination. At the meeting, all pertinent information regarding the Disciplinary Action will be presented by the Department Head, Elected Official or designated representative and the employee will have an opportunity to reply to the charges against them and to present mitigating information.
 - (1) Personnel Action Review Panel. The Personnel Action Review Panel will consist of the Assistant County Manager, as the Panel Chairperson, an employee representative elected by the Personnel Board, and a Human Resource Director appointed Department Head. The Personnel Action Review Panel is responsible for reviewing personnel actions where a Department Head, Elected Official or designated representative is recommending the Demotion or Termination of an employee.
- (b) **Investigation.** Following the Pre-Demotion/Pre-Termination Meeting, the employee involved may be placed on Administrative Leave while the Personnel Action Review Panel and/or their representative(s) conduct an investigation. The grounds for the charges and the employee's response to the charges will be reviewed.
- (c) **Recommendation.** Following completion of the Investigation, the Panel will make a recommendation to the appropriate Department Head, Elected Official or designated representative regarding the Disciplinary Action contemplated.
- (d) **Decision.** The Department Head, Elected Official, or designated representative will take the Panel recommendation into consideration, make a decision and then provide the employee with a written notice describing the Disciplinary Action to be taken. This written notice will be delivered not more than twenty (20) working days after the Pre-demotion/Pre-termination meeting. The Disciplinary Action shall go into effect, upon hand delivery of the notice to the employee or upon mailing of the notice to the employee, certified mail, postage prepaid, to the employee's last known address. The termination will become final when approved by the County Manager. See Section 14-2 (9) for more clarification on termination process.
- (e) **Impartiality.** If the Disciplinary Action involves a member of the Personnel Action Review Panel, the Human Resources Director will appoint a panel of three employees to conduct the Pre-demotion/Pre-termination Meeting, conduct the Investigation and make a Recommendation.
- (f) **Extension of Time Limits.** All time limits set forth in this Section 14-1(a) must be honored as specified, except that any time limit may be extended for good cause by the Assistant County Manager or designated representative, provided that the parties are notified of the extension and the reasons therefore are in writing prior to the expiration of the time limit requested to be extended.
- (g) **Invoking the Appeal Process.** Within five (5) working days of receipt of the written notice of Demotion or Termination, an employee may invoke the Appeal Process. Refer to Appeal Process, Section 14-2 of these policies. Failure of an employee to file a written Appeal in a timely manner shall be considered a waiver of all rights to the Appeal Process.

EXCEPTION: Deputies of the Sheriff's Department shall comply with the disciplinary and due process procedure of the Sheriff's Policy and Procedure Manual, as adopted and amended from time to time by the Sheriff.

14-2 Appeal Process.

- (a) **Access to the Appeal Process.** An employee may request an Appeal Hearing with the County Manager only after receiving a demotion or being terminated.

(b) Procedure.

- (1) Request for Hearing. An employee who desires to appeal a decision, made by a Department Head, Elected Official or designated representative, following the Review Process, may invoke the Appeal Process. This must be done by filing a written request with the Human Resources Director within five (5) working days of receipt of the written notice of demotion or termination. Failure to file in a timely manner shall be considered a waiver of all rights to the Appeal Process. In the event the Appeal directly involves the Human Resources Director, the written request for an Appeal Hearing shall be filed with the County Manager.
 - a. Requirements for Request. The request for an Appeal Hearing shall be in writing and shall include the name, position and address of the employee; the action complained of; and shall specifically set forth each and every one of the grounds upon which the appeal is based.
- (2) Response to Request for Appeal Hearing. Upon receipt of the Appellant's request, a Hearing shall be scheduled with the Appellant, the appropriate Department Head, Elected Official, or designated representative and the County Manager. The Appeal Hearing will take place in not more than five (5) working days from the date the request for a Hearing is received by the Human Resources Director or the County Manager.
- (3) Employee Responsibility at Hearing. The employee shall have the responsibility (burden of proof) of showing by the preponderance of the evidence that the demotion or termination was arbitrary and capricious and not supported by any competent evidence or, when applicable, of showing by a preponderance of the evidence that the decision to demote or terminate was based upon a discriminatory practice, political opinion or affiliation, or violation of a protected constitutional right.
- (4) Rights. The employee and the Department Head, Elected Official or designated representative involved in the Appeal shall have the right to present their cases by oral and documentary evidence.
- (5) Recording of the Hearing. The Appeal Hearing shall be recorded, by whatever means is routinely used by the County.
- (6) Decision. No later than five (5) working days after the date of the Hearing, the County Manager shall render a written decision regarding the Appeal. Copies of the written decision shall be sent to the Gunnison County Human Resources Director, the appropriate Department Head, Elected Official or designated representative and the employee, mailed, certified mail, postage prepaid, to the employee's last known address.
- (7) Records. A complete and accurate record shall be made of all Hearings, consisting of the employee's request for a Hearing, the audio recording of the testimony, the exhibits introduced, and the conclusions and determinations of the County Manager. This record shall be kept on file with the Human Resources Department.
- (8) Extension of Time Limits. All time limits set forth in Section 14-2 must be honored as specified, except that any time limit may be extended for good cause by the County Manager or designated representative, provided that the parties are notified of the extension and the reasons therefore are in writing prior to the expiration of the time limit requested to be extended.
- (9) Final Approval of Demotions and Terminations. Employee demotions and terminations are not final until approved by the County Manager. This approval, or lack thereof, will occur through:
 - a. The Appeal Process, or
 - b. In the event that an employee does not begin the Appeal Process within the five (5) working days allowed, following receipt of written notice from the Department Head, Elected Official or designated representative concluding the Review Process, an examination of documentation from the Review Process will be conducted by the County Manager and, if appropriate, approval of the demotion or termination will be finalized.

Demotion or termination becomes final upon signature of approval by the County Manager.

EXCEPTION: Deputies of the Sheriff's Department shall comply with the disciplinary and due process procedure of the Sheriff's Policy and Procedure Manual, as adopted and amended from time to time by the Sheriff.

15. SEPARATION FROM THE COUNTY

15-1 Resignation.

- (a) **Notice.** If you desire to end your employment relationship with the County, please put your plans in writing, include the reason(s) that you are leaving and give the document to your supervisor. We ask that you provide as much notice as possible of the intended termination. Early notice allows sufficient time to collect County property, process monies to which you may be entitled, convert insurance, and correctly calculated a final paycheck.
- (b) **Exit Interview.** All benefit eligible employees shall complete check-out paperwork in the Human Resources Department.

15-2 Retirement. Employees may elect to retire in accordance with the provisions of the Retirement Plan. Payment of Retirement Plan benefits shall be governed by the Retirement Plan bylaws.

15-3 Return of County Property. An employee leaving County service is responsible for immediate return of all County property obtained or provided during the course of employment.

16. RECRUITMENT

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

16-1 Preference in Hiring. All Gunnison County employees regardless of status may, but need not be, entitled to preferences in hiring for any position with Gunnison County.

16-2 Reemployment. If you wish to seek re-employment with the County after resignation or having been off the payroll for a period, you may do so by applying for an open position. Re-employment is based on the same County needs and qualifications as are considered in the employment of any other applicant. Any person discharged from the County typically will not be considered for re-employment. A rehired former employee shall receive credit for prior service time for the purpose of earning longevity-based County benefits.

16-3 Types of Recruitment.

(a) **In-House.** A hiring department may fill a position by in-house recruitment and need not advertise publicly. The hiring department shall indicate to the Human Resources Department if in-house recruitment is to be done instead of or prior to public advertising of the position. In-house recruitment consists of posting available positions on the Human Resources bulletin board, placing notices in each County department's mailbox and/or sending notice by County-wide email. Participation in in-house recruitment is limited to employees currently in full-time, part-time, or temporary positions.

(b) **Outside Advertising.** If a hiring department does not request in-house recruitment, the position opening must be listed on the County website, with the local Colorado Workforce Center and an advertisement must be placed in at least one County newspaper. A notice should be placed in each County department's mailbox and/or sent by County-wide email. The hiring department shall specify the time frame during which applications will be accepted in the advertisements and in the postings.

(c) **Prior Applicant Pool.** Gunnison County reserves the right to fill a position from a prior applicant pool.

16-4 Hiring Relatives.

(a) **Definition.** Relative shall be defined as spouse, child(ren), mother, father, brother(s), sister(s), step-brother(s), step-sister(s), brother(s)/sis-ter(s)-in-law, daughter(s)/son(s)-in-law, mother(s)/father(s)-in-law, aunt(s), uncle(s), niece(s), nephew(s), step-parent(s) and step-child(ren) of the employee.

(b) **Applicability.** No employee in a supervisory position shall be a relative of an employee for whom they have supervisory and/or managerial responsibilities.

DEFINITIONS

ADA: Americans with Disabilities Act

ADEA: Age Discrimination in Employment Act

Demotion: When an employee is placed in a lower-graded position as a disciplinary action.

Department Head: Refers to an Elected Official; or an employment unit Director who reports to the County Manager or Assistant County Manager.

EAP: Employee Assistance Plan. A fringe benefit currently offered by the County involving free counseling sessions for eligible employees and their eligible dependents.

EEO: Equal Employment Opportunity

Elected Official: Refers to a County Commissioner, the Gunnison County Assessor, the Gunnison County Clerk & Recorder, the Gunnison County Coroner, the Gunnison County Sheriff or the Gunnison County Treasurer. For purposes of these policies, an Elected Official will be considered an employee unless there is a conflict with their independent statutory authority.

Employee: a person who is hired for a wage or salary to perform work for the local government known as Gunnison County.

EAP: Employee Assistance Plan. A fringe benefit currently offered by the County involving free counseling sessions for eligible employees and their eligible dependents.

Executive Session: A session that is closed to the public.

Exempt Positions: Positions within the pay plan that are not eligible for overtime pay.

Flexible Compensation: A benefit by which employees may deduct health insurance premiums and other medical related expenses and child care expenses from their paychecks on a pre-tax basis.

Flextime: Variation in the regular weekly work schedule that results in not more than 40 total hours worked in one workweek.

Fringe Benefits: Monetary and non-monetary benefits provided to employees by the County including, but not limited to, medical, dental, vision, life insurance, holidays, sick leave, vacation leave, flex/comp program, health club membership, EAP and a retirement program.

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

Hired: Engaged by Gunnison County management, for a wage or salary, to perform services.

Hire Date: Refers to an employee's most recent date of employment (first day actively working). The hire date does not change during the duration of employment. The hire date(s) will be used to determine an employee's years of service. The most recent date an employee begins actively working plus the dates of any changes in employee status will be used to determine all other County fringe benefits.

Hiring Department: Employment Department or, Elected Officials' Office.

Immediate Family: Refers to spouse, children, mother, father, mother-in-law, father-in-law, brother or sister.

Increase Eligibility Date: Anniversary of employee's most recent date of hire, transfer, promotion or demotion.

In-House: Conducted within the organization.

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

Non-exempt Position: 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 positions and the pay range assigned to each grade.

Personal Leave: Sixteen hours of sick leave granted at the discretion of the Elected Official or Department Head 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.

Personnel Action Form: The form, which officially recognizes any changes in employment status and/or pay. It is maintained as part of each employee's personnel file.

Policies and Processes: Unless otherwise stated, refers to personnel policies and processes that clarify the personnel rules and regulations.

Political Affiliation: Registration or association with a political party.

Position: A group of designated duties and responsibilities that are assigned to an employee.

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

Reclassification: When 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.

Reemployment: A second or subsequent employment

Regrade: Movement of a position up or down in the pay schedule as a result of wage analysis.

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.

Seasonal: The status of a budgeted position that lasts for less than one year. Incumbents in seasonal status positions are ineligible for most fringe benefits.

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

Step: Refers to a single rate of pay in the pay grade determined by the percentage of difference between one pay amount and another pay amount in a range according to the classification and compensation plan.

Suspension: A temporary separation of an employee from the County for disciplinary reasons.

Transfer: Movement within the County from one department to another. With a transfer, the hire date does not change.

Voluntary Leave: Employee requested time away from work resulting from their choice or decision rather than because of external pressure or force.

HUMAN RESOURCES FORM LIST

<u>NAME</u>	<u>AVAILABLE LOCATION</u>
Designated Medical Provider List-w/c	Human Resources Office- Website
Direct Deposit Authorization form	Human Resources Office- Website
Employee Benefit Enrollment forms	Human Resources Office- Website
Employee Benefit Change forms	Human Resources Office - Website
Employee Benefit Reimbursement forms	Human Resources Office – Website
Employee Benefit Termination forms	Human Resources Office – Website
Employee Information Change forms	Human Resources Office – Website
Family Medical Leave Application	Human Resources Office - Website
Fitness for Duty form	Human Resources Office – Website
Job Description	Human Resources Office - Home Dept
Job Description -Template	Human Resources Word Files
Personnel Action form Template	Human Resources Office- Website
Performance Evaluation Template	Human Resources Office- Website
Personnel Action form	Human Resources Office – Website
Sick Leave Transfer Application	Human Resources Office - Website
Timesheet	Home Department or HR Office
Travel Reimbursement forms	Finance Department – Website
W-4 form	Human Resources Office – Website
Workers' Compensation forms	Human Resources Office - Website