



## SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 23, 2021, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

### INVOCATION

Joe Garkovich, Mercy Today Ministries

### PLEDGE OF ALLEGIANCE

Those present cited the Pledge of Allegiance to the flag of the United States of America.

### APPROVAL OF AGENDA

Commissioner Bell moved to approve the Agenda. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### CONSENT AGENDA

1. Approval of Minutes / March 9, 2021
2. Approval of Bills for \$1,649,466.59
3. Approval of Resolution #15 for CDP 20-001 Yard Crafters
4. Approval of Resolution #16 for SRU 20-011 Howard Creek Farms
5. Approval of Resolution #17 for SRU 20-010 Desert Reef
6. Ratification of Chairman's Signature on the Airport Coronavirus Response Grant Program (ACRGP) Grant Offer
7. Schedule Public Hearing for April 27, 2021 at 10:00 a.m.:
  - a. Requesting approval of a Zone Change I, Department File # ZC 21-001 to change the zone district for property located at state Highway 115 and Telck Road from Agricultural Living to Agricultural Suburban

Commissioner Grantham moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
  - a. County Manager Report, Sunny Bryant, County Manager

**County Manager Bryant** gave the County Manager Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

b. Sales & Use Tax Report, Sunny Bryant, County Manager

**County Manager Bryant** gave the Sales & Use Tax Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

c. Public Health Update, Kayla Marler, Director

**Director of Fremont County Public Health and Environment (FCDPHE) Kayla Marler** gave the County Public Health Update as of March 23, 2021. She listed Fremont County Covid-19-related figures as follows: 33 active cases, no new Department of Corrections (DOC) cases, 1 active hospitalization, 53 total deaths, and as of March 20, 2021 MAKO has done 13,912 tests, FCDPHE has administered 7,471 total vaccinations. She also broke down figures from the community, DOC, and from long-term care facilities. She also mentioned that they will have a clinic in Howard in April and May and that teachers from RE-1, RE-2, and RE-3 school districts should be fully vaccinated by Friday. Director Marler talked about the governor's dial, public health orders, and mask mandate.

**Commissioner Bell** asked Director Marler when the County can go green.

**Director Marler** said that they are discussing going green seven days after the dial goes away.

**Commissioner McFall** said he hopes the local restaurants will be able to increase capacity from 50% to 75%.

**Director Marler** added that the limited capacities for personal gatherings and variances will be going away with these changes and mentioned changes that have occurred by Fremont County being in blue.

**Commissioner McFall** thanked Director Marler.

**Commissioner Bell** talked about how Colorado Counties Incorporated (CCI) and the governor have discussed the return of control to local and rural communities.

**Commissioner McFall** said he encourages people to be aware of current bills and to contact the Board if there are any concerns.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda.
  - a. There were none.

### **OLD BUSINESS**

1. None.

### **NEW BUSINESS**

1. Award bids for Aggregate Chip for the Chip Seal Program  
Representative: Tony Adamic, County DOT Director

**County DOT Director, Tony Adamic** discussed how they are looking at doing projects totaling about six miles of road. His department recommends that they award for ¾ Aggregate Chip at \$14.00 per ton to The Aggregate Source for the East Area Chip Seal.

**Commissioner Bell** moved to award the bid for Aggregate Chip for the Chip Seal Program to The Aggregate Source for the East Area Chip Seal. Commissioner Grantham seconded

the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Award bid for Asphalt Mix

Representative: Tony Adamic, County Department of Transportation Director

**Director Adamic** said his department recommends to award the bid to Fremont Paving at \$61.00 per ton for ½ inch mix.

**Commissioner Grantham** moved to award the bid for Asphalt Mix to Fremont Paving at \$61.00 per ton for ½ inch mix. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Award bid for Tack Oil

Representative: Tony Adamic, County Department of Transportation Director

**Director Adamic** said that his department recommends awarding the bid for Tack Oil to Sun Core Energy at \$1.81 per gallon. He said they will pick up.

**Commissioner Bell** moved to award bids for Tack Oil to Sun Core Energy at \$1.81 per gallon. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Award bid for Dust Guard Liquid Suppressant

Representative: Tony Adamic, County DOT Director

**Director Adamic** said his department recommends awarding the bid for Dust Guard Liquid Suppressant to GMCO at 0.683 cents per gallon.

**Commissioner Grantham** moved to award bid for Dust Guard Liquid Suppressant to GMCO at 0.683 cents per gallon. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Award bid for Emulsion Oil

Representative: Tony Adamic, County DOT Director

**Director Adamic** conveyed that his department recommends awarding the bid for CRSF2P Emulsion Oil to Sun Core Energy at \$2.01 per gallon, contracting with H&B Transport to deliver it to the site. He said that they are also awarding the bid for CRSF2P Fog Seal to Sun Core Energy at \$0.96 per gallon, contracting with H&B transport to deliver it to the site. He said that they are also awarding the bid for HFMS2P to Sun Core Energy, which the company will deliver to the yard.

**Commissioner Bell** moved to award bids to Sun Core Energy for CRSF2P Emulsion Oil at \$2.01 per gallon, CRSF2P Fog Seal at \$0.96 per gallon, and HFMS2P at \$2.81 per gallon. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Child Abuse Prevention Month Proclamation

Representative: Amanda Wright, Department of Human Services

**Department of Human Services Administrator (DHS), Tony Carochi** said that since 1983 April has been Child Abuse Prevention month and talked about how community support can help to prevent child abuse.

**DHS, Amanda Wright** detailed how Covid-19 impacted families and effected recent child abuse reports then read the proclamation.

**Commissioner Bell** thanked Fremont County DHS for their work.

**Commissioner Grantham** thanked them for their work

**Commissioner McFall** thanked them for their work.

**Commissioner Grantham** moved the Proclamation for Child Abuse Prevention Month in Fremont County—April 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

7. National Public Health Week Proclamation  
Representative: Kayla Marler, Fremont County Public Health and Environment Director

**Director Marler** said that April 5<sup>th</sup> through 11<sup>th</sup> is National Public Health Week and read the proclamation.

**Commissioner Bell** thanked Director Marler and her department.

**Commissioner McFall** thanked her department and all health workers across the country.

**Commissioner Bell** moved to adopt the Proclamation for National Public Health Week in Fremont County—April 5<sup>th</sup> through 11<sup>th</sup>. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

8. 2020 Fremont County Accountability Report

**The Board of County Commissioners** presented the 2020 Fremont County Accountability Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

9. Appointment of a new member to the Penrose Library District Board of Trustees to fill a vacancy with a term expiring December 31, 2025

**Commissioner McFall** said that the Board received a letter of recommendation for Sandy Johnston.

**Commissioner Bell** moved to appoint Sandy Johnston as a new member to the Penrose Library District Board of Trustees to fill a vacancy with a term expiring December 31, 2025. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

10. Resolution repealing Resolution No. 40, series of 2012 thereby eliminating Fremont County local licensing authority hearing procedures and penalty guidelines; deferring to and adoption of Colorado State Statutes and Regulations for liquor license hearing procedures and penalty guidelines

**County Attorney Brenda Jackson** elaborated on Title 44 regarding liquor licensing and how the state legislature has simplified many aspects of liquor licensing. She said that Resolution 40-2012 outlines the County's own hearing process, but since the state has improved their process and added Title 44, the County is eliminating the local process.

**Commissioner Grantham** moved to approve Resolution #19 repealing Resolution No. 40, series of 2012 thereby eliminating Fremont County local licensing authority hearing procedures and penalty guidelines; deferring to and adoption of Colorado State Statutes and Regulations for liquor license hearing procedures and penalty guidelines. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye;

Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

11. Resolution establishing fees for liquor license application processing and inspection

County Attorney Jackson said that they are updating the liquor license fee schedule in accordance with Title 44 regarding application fees.

County Clerk Justin Grantham said that if things change he will notify Attorney Jackson.

Commissioner Bell moved to approve Resolution #20 establishing fees for liquor license application processing and inspection. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

12. Resolution adopting policy regarding animals in County Buildings

Commissioner McFall spoke about how the Resolution will prohibit all animals in Fremont County buildings excluding service dogs.

Commissioner Grantham moved to approve Resolution #21 adopting policy regarding animals in County Buildings. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall explained that Resolution #22 will add the policy from Resolution #21 into the personnel manual in Chapter 6.44.

Commissioner Bell moved to approve Resolution #22 Amending the March 2019 Edition of the Fremont County Personnel Policies and Procedures Manual, Chapter 6, Working Conditions. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

## PUBLIC HEARINGS

1. Hearing on renewal of liquor license for PS Camping, Inc.

Commissioner McFall opened the public hearing at 10:09 a.m.

Owner of PS Camping Inc., Rhonda Schirado explained she was requesting the renewal of the Liquor License and waiver of the late fee for PS Camping Inc. and explained that everything required on the request had been paid in full. She mentioned that in 2020 she was not focused on paying her liens due to Covid-19.

Commissioner McFall said that taxes due were from 2017, 2018, 2019, and 2020. He mentioned that there is a total outstanding balance on her property taxes of \$111,264.30 with liens.

Ms. Schirado continued explaining that the payment of property taxes was not a requirement on the request that was sent to her. She explained that the payment of the property taxes is to be made at the sale of the property in July 2021. She mentioned that the payments cannot be made once taxes exceed a certain amount. She also mentioned that the electric bill with Black Hills Energy exhausted all the money that the property had made.

Commissioner Grantham asked Ms. Schirado what would happen if the sale does not occur.

**Ms. Schirado** said that if the sale does not occur she is looking into a personal loan to cover the cost of the unpaid property taxes.

**Commissioner Bell** said that usually the non-payment of taxes doesn't go on this long and that the only reason it came to the Board's attention is because the renewal processes had changed to include tax certificates and records. She also mentioned that her taxes have been outstanding since 2017 but Covid-19 happened in 2020.

**Ms. Schirado** explained that the significant reason that she was unable to pay county taxes was due to Black Hills Energy's high rates.

**Commissioner McFall** said the unpaid balance of property taxes has affected the funding of various local entities.

**Commissioner Grantham** replied that she could have paid the County instead of Black Hills Energy.

**Ms. Schirado** said she was willing to make payments on the taxes rather than paying all at once.

**County Attorney Jackson** said that how the taxes are paid is within the discretion of the Treasurer.

**Commissioner McFall** closed the public hearing at 10:23 a.m.

**Commissioner McFall** said that Ms. Schirado claimed to have paid her property taxes in full.

**Ms. Schirado** said that she had paid them.

**Commissioner McFall** explained that she had paid the personal property tax.

**Ms. Schirado** said that she did not mean to misrepresent and that she had addressed the items that she had discussed with the Treasurer [Kathy Elliot].

**Commissioner Grantham** asked Ms. Schirado what accounts she had been referring to during the discussion as it is clear not all property taxes had been paid.

**Ms. Schirado** explained that the liens and personal property taxes had been paid and the \$111,264.30 for the property taxes were still outstanding and that she wants help paying for it.

**Commissioner Grantham** said that it corresponds with the accounts on the email.

**Commissioner Bell** moved to deny the renewal of the liquor license for PS Camping, Inc. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner McFall** adjourned the meeting at 11:13 a.m.

  
Clerk to the Board of County Commissioners



RESOLUTION NO. 19, SERIES OF 2021

**A RESOLUTION REPEALING RESOLUTION NO. 40, SERIES OF 2012  
THEREBY ELIMINATING FREMONT COUNTY LOCAL LICENSING AUTHORITY  
HEARING PROCEDURES AND PENALTY GUIDELINES; DEFERRING TO AND  
ADOPTION OF COLORADO STATE STATUTES AND REGULATIONS FOR LIQUOR  
LICENSE HEARING PROCEDURES AND PENALTY GUIDELINES**

WHEREAS, the Board of County Commissioners is the local liquor licensing authority for the County of Fremont (hereinafter sometimes "Authority"); and

WHEREAS, the Board of Commissioners (BOCC) has the authority to adopt hearing procedures and penalty guidelines for use by the BOCC when hearing and considering matters regarding violations of the Colorado Liquor Code and Regulations and suspensions; and

WHEREAS, on November 13, 2012, the BOCC adopted Resolution 40, Series of 2012, which established hearing procedures and penalty guidelines to be used by the BOCC in its capacity as the local liquor licensing authority; and

WHEREAS, in 2018, 2019, and 2020, the Colorado legislature and Colorado Department of Revenue repealed and re-enacted the Colorado Liquor Code by creating and enacting title 44 of the Colorado Revised Statutes, consolidating various statutory provisions and recodifying the Colorado Liquor Code, the Colorado Beer Code, and the Special Events Liquor Permits statutes; and

WHEREAS, as part of the recodification, the provisions in the Code of Colorado Regulations regarding Colorado Liquor Sales, 1 CCR 203-2 were revised and re-adopted; and

WHEREAS, the state procedures and penalties for liquor code violations have been updated with changes that simplify the violation and penalty process; and

WHEREAS, it is the opinion of the BOCC that following the procedure and hearing process of the State of Colorado for local violations of the Colorado liquor laws would be less confusing and therefore beneficial to liquor licensees and the liquor licensing authority, as well as county staff; and

WHEREAS, it is further the opinion of the BOCC that using the penalty schedule found in Title 44 and 1 CCR 203-1 would be beneficial in that state and local penalties for liquor code violations will be consistent with one another; and

WHEREAS, to simplify and clarify the liquor violation process at the local level, the BOCC desires to eliminate the local hearing procedure and penalty processes set forth in Resolution 40, Series of 2012, adopt and defer to Colorado state statutes and regulations to govern future local liquor license hearings, as well as the procedure and penalty schedule for local violations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF FREMONT as follows:

1. That RESOLUTION NO. 40, SERIES OF 2012, ADOPTING LIQUOR LICENSING AUTHORITY HEARING PROCEDURES AND PENALTY GUIDELINES, is hereby repealed in its entirety.

2. That the Board, in its capacity as the Local Licensing Authority as defined in §44-3-103, C.R.S., hereby approves and adopts the procedures, process, and penalties set forth in Title 44 of the Colorado Revised Statutes and all Rules authorized under Title 44, for local level actions on general licensing issues, disciplinary actions, enforcement and violations.

3. That the Board, when functioning as the Authority and acting with respect to any liquor licensing matter may adopt hearing procedures for the convenience of the Board, however all required statutory notice requirements shall be met. The Board reserves the right to consult and follow any future guidelines and procedures developed and published by the Liquor Enforcement Division of the Colorado Department of Revenue to assist local licensing authorities in the performance of their duties.

4. That any matter not covered under the approved hearing procedures and penalty guidelines shall be governed by general rules and procedures applicable to quasi-judicial administrative hearings in the County of Fremont.

5. That this resolution shall become effective as of the date of its adoption.

Commissioner Grantham moved for adoption of this Resolution, with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: March 23<sup>rd</sup>, 2021

Dwayne McFall  
Chairman

ATTEST:

[Signature]  
Clerk to the Board





RESOLUTION NO. 20 Series of 2021

**A RESOLUTION ESTABLISHING FEES FOR  
 LIQUOR LICENSE APPLICATION PROCESSING AND INSPECTION**

WHEREAS, that pursuant to §44-3-103, C.R.S., the Board of County Commissioners is designated as the local licensing authority for the sale of alcoholic and fermented malt beverages in the unincorporated areas of Fremont County; and

WHEREAS, responsibility for processing applications and inspection of licensed premises in the unincorporated areas of Fremont County rests with Fremont County, in conjunction with the State Licensing Authority, as the same is defined in §44-3-103 and §44-3-301, et seq., C.R.S.; and

WHEREAS, that pursuant to §§44-3-301 and 44-3-505, C.R.S., the Board of County Commissioners of Fremont County desires to establish certain procedures and fees in connection with its responsibilities under the Colorado Liquor Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the local liquor license application fees for Fremont County shall be and hereby are established as follows:

**County Application Fee**

New License:	\$1,000.00
New License with Concurrent Review:	\$1,000.00
Transfer of Ownership:	\$750.00
Additional Liquor-Licensed Drugstore with or without Concurrent Review:	\$1,000.00
Manager Permit:	n/a
Annual Renewal:	\$100.00
Late Renewal:	\$100.00 the first year and an additional \$100.00 added each subsequent year to a maximum of \$500.00.
Reissue:	\$500.00
Reissue Fine:	\$25.00 per day beyond 90-day expiration
Annual Art Gallery:	\$100.00
Change of Location:	\$750.00
Special Event Permit (Liquor or 3.2% Beer):	\$100.00
Art Gallery Permit:	\$3.75
Bed & Breakfast Permit:	\$3.75
Resort-Complex Related Facility Permit:	\$15.00 each
Mini Bar Permit:	\$48.75
Temporary Permit:	\$100.00
Corporate/LLC Change (per person):	\$100.00
Manager Registration (Hotel & Tavern; Lodging & Entertainment; Campus Liquor Complex):	\$75.00

BE IT FURTHER RESOLVED, that all local license fees for Fremont County shall be in accordance with the provisions of §44-3-505, C.R.S., as presently set forth and as may be revised from time to time by the State of Colorado.

BE IT FURTHER RESOLVED, that an Arrest Record search or background investigation by means of fingerprints shall be made for all applicants for a new license of any type, and such search shall be made through the Colorado Bureau of Investigation, which shall forward the fingerprints to the federal bureau of investigation, as provided in §44-3-307, C.R.S.

Each individual applicant shall be required to pay a fee in addition to the application fee for the fingerprint-based criminal history record check. The fee shall be equal to the actual cost charged by the agency conducting the criminal history record check. For corporate applicants and limited liability companies, a separate fee shall be charged for the cost of each fingerprint analysis and background investigation undertaken to qualify new officers, directors, stockholders, members or managers pursuant to the requirements of §44-3-307, C.R.S.; however, no local fee shall be charged if the applicant has already undergone a background investigation by and paid a fee to the state licensing authority. At the option of the clerk and recorder, the check for the fingerprint search may be made payable to the agency conducting the search.

BE IT FURTHER RESOLVED, that the fees and procedures established by this Resolution shall take effect upon adoption of this Resolution and shall apply to all applications received by the Local authority on or after that date, regardless of the date of renewal.

Commissioner Bell moved the adoption of the foregoing Resolution with a second by Commissioner Grantham.

Debbie Bell  
Kevin J. Grantham  
Dwayne McFall

AYE  
AYE  
AYE

NAY  
NAY  
NAY

ABSTAIN  
ABSTAIN  
ABSTAIN

ABSENT  
ABSENT  
ABSENT

The Resolution was declared to be duly adopted.

Date: March 23<sup>rd</sup>, 2021

[Signature]  
Chairman

Attest: [Signature]  
Clerk



RESOLUTION NO. 21, SERIES OF 2021

**RESOLUTION ADOPTING A POLICY FOR  
FREMONT COUNTY BUILDINGS REGARDING ANIMALS AND PETS**

**WHEREAS**, C.R.S. §30-11-107 provides that the Board of County Commissioners of each county has power at any meeting to make such orders concerning the property belonging to the county as it deems expedient; and

**WHEREAS**, the Fremont County owns, manages and operates various buildings that are open to the general public, including but not limited to the Administration Building, Garden Park, Judicial, Emergency Response Center, and Human Services; and

**WHEREAS**, the Board of Commissioners for Fremont County has determined that it is necessary to implement and enforce a policy regarding the bringing of animals or pets into all County-owned and managed buildings; and

**WHEREAS**, the Board of Commissioners is of the opinion that bringing animals or pets into County-owned buildings presents a potential danger to County employees who work in the buildings and members of the public who conduct business and access governmental services within the buildings; and

**WHEREAS**, allowing animals in County-owned and managed buildings also may pose a threat of infection and/or allergic reactions, risk of damage and injury to persons and property, and other hazards and risks that the County is unwilling to accept and assume; and

**WHEREAS**, the Board of Commissioners has determined that adoption of a policy setting forth the terms and conditions governing the presence of animals and pets in County-owned and managed buildings will provide employees, other workers, and the general public with objective standards and rules concerning this issue.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners for Fremont County that **FREMONT COUNTY BUILDING POLICY REGARDING ANIMALS AND PETS**, attached hereto and incorporated herein by reference is hereby adopted as the official County policy concerning use of County-owned and managed buildings. Such policy shall be effective immediately upon adoption by the Board.

Commissioner Grantham moved for adoption of this Resolution, with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Debbie Bell	Aye	Nay	Absent	Abstain
Kevin J. Grantham	Aye	Nay	Absent	Abstain
Dwayne McFall	Aye	Nay	Absent	Abstain

Date: March 23<sup>rd</sup>, 2021

ATTEST:

Dwayne McFall  
Chairman

[Signature]  
Clerk to the Board



## **FREMONT COUNTY BUILDING POLICY REGARDING ANIMALS AND PETS**

Fremont County is responsible for assuring the health and safety of all employees and members of the public. In keeping with this objective, the County does not permit employees or members of the public to bring their household pets or other animals into County Buildings. Animals may pose a threat of infection and may cause allergic reactions in other employees. Some employees may feel threatened or be distracted by the presence of animals, particularly dogs. In addition, the County wishes to prevent pets from fouling the office space or damaging company property.

An employee who requires the help of a service animal (defined by 28 CFR 36.104 as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability") will be permitted to bring a service animal to the office, provided that the animal's presence does not create a danger to others and does not impose an undue hardship upon the company.

All dogs must be leashed at all times. All animals must be in the continuous full control of their owners. They should be in the physical presence of the owner, in the owner's office, or in the space around the owner's desk at all times. Owners are expected to clean up, completely and immediately, after their animals.

This policy shall not prohibit animals and pets in County buildings for legitimate county purposes involving animals, such as 4-H sponsored activities, pet vaccination clinics, and similar activities.

A County employee, member of the public, or employee of another agency or the State of Colorado who brings an animal to a County building is completely and solely liable for any injuries to a person, or any damage to property caused by the animal. Any repair or cleaning/maintenance costs incurred by an animal will be charged in full to the owner.

The County may, at its discretion, require the animal owner to maintain a liability insurance policy covering damage or injuries caused by the animal while at the office. The company may specify minimum coverage amounts under such a policy, and may require the owner to pay for such coverage.

The County shall not be liable for loss of, or injury to, any animal brought to a County Building without authorization or to an office in a County building.

**RESOLUTION AMENDING THE MARCH 2019 EDITION OF THE FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL, CHAPTER 6, WORKING CONDITIONS**

WHEREAS, pursuant to C.R.S. 30-2-104 the Board of County Commissioners is authorized to adopt Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, adopted the March 2019 Fremont County Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners has determined the need to add to Chapter 6, Working Conditions, Section 6.44 Building Policy-Animals and Pets; and

WHEREAS, a copy of the amended Chapter 6 is attached to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED:**

1. Add Chapter 6, Working Conditions, Section 6.44, Building Policy – Animals and Pets to the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.

5. A copy of this Resolution shall be included as part of the 2019 Manual.

6. An electronic copy of this Resolution with the amended policy will be placed on the Employee Self Service portal.

Commissioner Bell moved adoption of the foregoing Resolution, seconded by Commissioner Grantham and approved by roll call vote as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
Kevin Grantham	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
Dwayne McFall	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent

Date: March 23<sup>rd</sup>, 2021

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: [Signature]  
Chairman

By: [Signature]  
Clerk to the Board



**CHAPTER 6**  
**WORKING CONDITIONS**  
(amended by Resolution #46 of 2020)  
(amended by Resolution #\_\_ of 2021)

**6.01      General Policy**

County employees can expect to receive fair and equitable treatment. In exchange, the County expects each employee to make an effort to perform the duties of the job assigned, and comply with the personnel policies of the County and any applicable departmental policies, procedures and processes. The County expects all employees and applicants to be truthful, obey reasonable orders from supervisors, provide regular and predictable attendance, demonstrate good judgment, work cooperatively with others and meet the expectations of the job.

**6.02      Age of Employment**

The minimum age of employment with Fremont County shall be eighteen (18) years except for youth programs sponsored by the County and seasonal employees. The minimum age of employment with Fremont County Sheriff's Office shall be twenty-one (21) years.

Any employee under the age of eighteen (18) shall have written consent of their parent or legal guardian to be employed by Fremont County. The employment must be approved by the County Manager as an exception to this policy provision. No one shall be hired by Fremont County who is under the age of sixteen (16) years. Anyone under the age of 18 shall only be assigned tasks complying with federal and state laws regarding youth employment and shall be properly supervised.

**6.03      Attendance, Tardiness**

Employees are expected to report to work and be ready to begin work at the designated starting time. Continued or excessive tardiness will not be tolerated and may result in the employee's termination. Employees who expect to be late to work should contact their supervisor prior to their starting time. Tardiness is defined as 10-minutes or more after the designated starting time, but late reporting to work (less than 10 minutes late) on a consistent or excessive basis is unacceptable behavior and may result in disciplinary action.

Employees are expected to report for duty according to their work schedule. It is understood employees have personal obligations but it is imperative the essential job functions of their position are being accomplished. Unexplained absenteeism does not provide for efficient service to the County and may lead to disciplinary action, up to and including termination.

**6.04      Audio Recording in the Workplace**

Fremont County seeks to encourage a spirit of cooperation, teamwork, trust, and open communication among the employees of the County. Surreptitious, hidden, covert or secret tape or other recording of workplace conversations or activities, either audio or video (including cell-phone or other digital recording devices), by an employee fosters mistrust, apprehension and anxiety among co-workers and interferes with the normal operations in the workplace. Such recording of workplace conversations or activities by an employee is prohibited unless such employee has advance written approval from the Elected Official, Department Head or County Manager. Violation of this policy shall be grounds for disciplinary action, up to and including termination.

#### **6.05 Authority to Sign County Contracts**

Elected Officials are authorized to sign a contract, contract extension, contract addendum or other legal document seeking to bind the county to a payment obligation, provided funding for such document is budgeted and appropriated. If such funding is not budgeted and appropriated, only the Board of Commissioners may sign a document purporting to bind the County to payment of funds. Elected Officials may delegate contract authority to the County Manager or a Department Head on a case by case basis, which shall be documented in writing by the Elected Official, with a copy submitted to the Finance Department and the County Attorney's Office.

#### **6.06 Automobile Accidents**

All accidents involving County fleet vehicles or privately owned vehicles being operated for County purposes, shall be reported immediately. The employee involved in the accident must complete the county's "Incident Report Form" and provide it with a copy of the law enforcement accident report to the Human Resource Department. Should a supervisor become aware of an accident they must notify the Human Resource Department immediately with information regarding the accident. The Supervisor of the employee involved must complete the "Supervisor Accident Report" form.

#### **6.07 Bribery**

No employee shall solicit, accept, or agree to accept any pecuniary (economic gain) benefit upon an agreement or understanding that the employee's vote, opinion, judgment, exercise of discretion, or other action as a public servant or county employee will thereby be influenced. Such an action by an employee is grounds for immediate termination.

#### **6.08 Emergencies and Severe Weather Notification**

At times, emergencies such as severe weather natural disaster, power outages, or similar events, may disrupt County operations. Unless the Board of County Commissioners, through the County Manager, provides notice that the County offices are closed, opening on a delayed schedule, or



closing early due to severe weather conditions or other emergency, employees are expected to report to work as scheduled, unless they make other arrangements with their supervisor.

Employees may “opt in” to the emergency alert system with their preferred contact information to enable them to receive alerts regarding weather or emergency events that disrupt normal working hours and conditions. If an employee elects not to opt in, the County will have no obligation or responsibility to notify such employee of the disruption to County operations, delayed schedule or closing through other means of communication.

If an emergency closure or delayed opening is declared, the County Manager’s Office will send notification through the emergency alert system. The County website, e-mail and the County Facebook Page may also contain closure announcements. Notices should also be posted on doors of each facility, when feasible, to inform the public of the reason for the closure.

Employees of departments engaged in emergency services will report as required by their department head or supervising elected official. Employees pre-designated as Emergency Services Employees in the County Emergency Preparedness Plan, who are required to perform their duties during emergencies, will receive normal compensation (or over-time, if applicable). An Emergency Services Employee who is unable to make it to work due to severe weather or other hazardous condition, must notify his/her supervisor as soon as possible.

With advance approval from the department head or supervising elected official, when the County is open for normal business, an employee may use vacation leave, compensatory time, or leave without pay to arrive late, leave early, or be absent due to hazardous travel conditions.

In a declared emergency, the BOCC and other elected officials, or their designee, reserve the right to call on any employee, exempt or non-exempt, to perform necessary and essential duties, regardless of their job category or job description, so long as there is a reasonable expectation that the employee has skills, or can be adequately trained, to perform the duties.

If County offices are closed, employees reporting to those offices will not be required to use paid or unpaid leave to account for work time missed due to the closure.

Employees absent from work at the time a closure occurs shall not receive additional compensation or time off because of the closure, regardless of the reason for the absence.

#### **6.09 Change of Name**

Each employee shall inform the Elected Official or Department Head and the Human Resource Department of any change of name within ten (10) days after the effective date of the change. All name changes must be supported by an official government document, such as marriage license, divorce decree, social security card or driver’s license. If providing a social security card or driver’s license a copy of the court document granting the name change will be required.

#### **6.10 Change of Dependents or Marital Status**

Any change of dependents or change in marital or civil union status must be reported to the Human Resource Department within ten (10) days after the effective date of the change. When an employee has a change in dependents, marital status or civil union which affects any benefits it must be supported by an official government document, such as a marriage license, birth certificate or divorce decree.

### **6.11      Citizenship**

United States citizenship is required to work for Fremont County. Exceptions to this may be made on a case-by-case basis so long as the employment fully complies with all conditions of the Immigration and Naturalization Act of 1986, including verification of identity and employment eligibility through completion of the U.S. Citizenship and Immigration Services, Form I-9 and subsequent electronic verification of the information presented through E-VERIFY for all new employees hired after November 6, 1986.

### **6.12      Confidential Information, Personally Identifiable Information**

Employees who have access to records and other confidential or personal information about citizens and other employees, including proprietary information, personnel information, financial data, investigations, trade secrets and intellectual property to which County holds rights or with which the County is entrusted, must not disclose this information to anyone without proper authorization. Employees are expected to protect and safeguard confidential information against unauthorized use or disclosure; not to use any of the confidential information except for business purposes; and not to reveal, report, publish, or disclose the confidential information.

Employees should not discuss confidential information with other County employees in any public place where there is potential to be overheard. Employees who have regular access to confidential information may be asked to sign a non-disclosure agreement.

Any employee who violates the confidential information policy is subject to discipline, up to and including termination.

Employees must understand it is not just their duty to protect confidential information, but a legal obligation which continues after an employee has left employment with the County.

The County will safeguard, and properly dispose of, personally identifiable information (PII) to ensure proper protection and release of such information. Information not classified by state law as a public record is considered confidential. Personally identifiable information will be maintained in a safe and secured location and released only to those who are authorized to access such information. Any medical information concerning employees is maintained in separate, confidential medical files apart from regular personnel records. Only authorized persons may have access to such files.

If an employee becomes aware of a security breach in maintaining the confidentiality of his/her personal information, the employee should report the incident to the Human Resource Department,

which shall investigate the incident and take appropriate corrective action.

### **6.13 Conflict of Interest**

An employee who is exercising or expects to be exercising, any oversight or influence in connection with a County contract, purchase, payment or any other financial or monetary transaction, and who is a director, president, general manager or similar executive officer or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, shall give seventy-two hours' written advance notice of the conflict to the Board of County Commissioners. Failure to disclose a conflict of interest may be grounds for immediate termination and action may be taken against the employee according to Colorado law.

### **6.14 Demotions**

An employee may be involuntarily demoted for inability to satisfactorily perform the essential functions of their position, job elimination or for other supported reasons. If an employee is demoted, the pay shall be adjusted within the new grade on the basis of the employee's knowledge, experience and years of service. This action can result in a loss of pay.

An employee may be voluntarily demoted upon request to another position within the same department or to another department. If an employee is voluntarily demoted, the pay shall be adjusted within the new grade on the basis of the employee's knowledge, experience and years of service. This action can result in a loss of pay.

### **6.15 Discrimination, Harassment, Hostile Work Environment, Retaliation**

Fremont County fully supports the Equal Employment Opportunity Commission (EEOC) and Civil Rights regulations and intent. It is the County's intent for all employees to enjoy a safe work environment free from all forms of illegal discrimination, including harassment and retaliation. Illegal discrimination or harassment under federal law is based on race, color, religion, sex (including pregnancy), national origin, age, disability or genetic information. Employment discrimination under state law is based on race, color, religion, creed, national origin, ancestry, sex, age, sexual orientation (including transgender status), physical or mental disability, marriage to a co-worker. Retaliation for engaging in protected activity is a prohibited discriminatory practice.

It is the singular and collective responsibility of all employees to deal fairly and honestly with their peers, subordinates and superiors as well as applicants to ensure a work environment free of unlawful discrimination and harassment. Disrespect for or abuse of anyone's dignity through sexual misconduct or inappropriate statements, or through other derogatory or objectionable conduct is unacceptable conduct, and may be the subject of disciplinary action in accordance with the Disciplinary Procedure as outlined in Policy 11.01 of this policy, up to and including

termination.

#### A.) Sexual Harassment

Sexual harassment is interaction between individuals of the same or opposite sex, characterized by unwelcome sexual advances or conduct of a sexual nature which unreasonably interferes with the performance of a person's job or creates an intimidating, hostile or offensive working environment. Sexual harassment is further defined as requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for tangible adverse employment decisions affecting such individual.

#### B.) Hostile Work Environment

A hostile work environment is pervasive and patterned discriminatory conduct or behavior in the place of work which is unwelcome and offensive to a single employee or group of employees of a protected class. It does not typically include occasional situations unless it is a case of sexual harassment as defined above. The conduct or behavior must sufficiently alter the conditions of employment and create an environment which a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances, such as the frequency of the conduct or behavior, its severity, the belief the conduct or behavior will be indefinite, and whether it is threatening or humiliating.

#### C.) Retaliation

It is a violation of this policy to engage in retaliatory acts against any employee who reports an alleged incident of discrimination, sexual harassment, or hostile work environment, or to engage in retaliatory acts against any employee who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegations.

#### D.) Reporting of Alleged Incidents

The County must be aware of alleged incidents of discrimination, sexual harassment, hostile work environment or retaliation to take appropriate corrective action. Any employee or applicant who feels he/she has been subjected to alleged discriminatory, retaliatory or harassing incidents should and must report, in writing, any offending conduct or behavior to an Elected Official, Department Head, supervisor, Human Resource Director or County Manager. Federal law prohibits any retribution or retaliation of any form for reporting alleged incidents of discrimination, harassment, hostile work environment or retaliation.

Reports or complaints under this Policy shall be forwarded to the Human Resource Department upon receipt and timely investigated by an individual assigned by the County Manager. Corrective

action will be taken as promptly as practicable upon receipt of the completed investigation by the Elected Official, Department Head, Human Resources or County Manager. It is the responsibility of the person conducting the investigation to determine the most appropriate means for addressing the report or complaint.

Options for addressing the report or complaint may include, but are not limited to:

- 1) With the agreement of the parties, attempting to resolve the report or complaint through a form of alternative dispute resolution (e.g., mediation);
- 2) With the agreement of the parties, settling the report or complaint through a written agreement; or
- 3) Determining the facts of the report or complaint, even if true, do not constitute a violation of this Policy.

As part of any investigation, the complainant and the respondent shall have the right to:

- 1) Receive written notice of the report or complaint, including a statement of the allegations, as soon as practicable after the commencement of the investigation and to the extent permitted by law;
- 2) Present relevant information to the investigator(s) in the form of written statements, affidavits and supporting documentation; and
- 3) Receive, at the conclusion of the investigation and appropriate review, a copy of any final report, to the extent permitted by law.

Upon conclusion of the review or investigation, the report or final determination will be reviewed with the Complainant.

If the review or investigation into the alleged incident(s) cannot determine the factual circumstances surrounding the alleged incident(s) the Complainant and all others involved will be reacquainted with this policy.

If the review or investigation into the alleged incident(s) result in factual findings of discrimination, harassment, hostile work environment or retaliation, appropriate disciplinary action, up to and including termination, shall be imposed against the responding party. The Complainant may not necessarily be informed of the action taken against the responding party, as most employee disciplinary actions are confidential matters, not subject to public disclosure.

If the review or investigation into the alleged incident(s) reveal the Complainant acted knowingly or recklessly to make a false report or complaint of discrimination, harassment, hostile work environment or retaliation, or provide false information regarding a report or complaint, appropriate disciplinary action may be taken against the Complainant.

## **6.16 Drivers License**

If driving is an essential job function, the employee must have a valid, current Colorado driver's license of the proper classification before performing functions associated with driving. No

employee may operate a County vehicle without a valid, current driver's license. Departments with this requirement should conduct an annual check of Department of Motor Vehicles Records for employees with this job function.

Should an employee's driver's license be suspended or revoked for any reason:

- A.) The employee shall immediately notify their immediate supervisor, who in turn, shall notify the Elected Official, Department Head and the County Manager.
- B.) The employee may be subject to immediate termination, or may be reassigned to a vacant position without this requirement.
- C.) When an employee's license is reinstated, the employee shall be allowed to compete for positions as they become available. There is no guarantee of continued or re-employment in any particular position.

If an employee fails to notify the immediate supervisor of the loss of license the employee may be subject to immediate termination.

## **6.17 Drug & Alcohol Testing of Certain Employees**

### **Commercial Driver's License-(CDL):**

All County employees required to have a current and valid CDL, shall as a condition of employment, be required to submit to a Drug/Alcohol test as indicated below and directed by Federal Motor Carrier Safety Administration guidelines:

1) **Pre-Employment:**

This test is conducted as a pre-qualification condition for CDL drivers/operators and requires the receipt of a negative drug test result after being offered employment.

2) **Random:**

This test is an unannounced test based on a random selection of CDL drivers/operators throughout the year. Names are chosen randomly, pursuant to an approved method, to the Human Resource Department. Upon receipt, the Elected Official or Department Head will be notified to inform the randomly selected employee to report to the designated collection site within 2 hours. Randomly selected employees must report as directed and provide a urine sample for testing.

3) **Reasonable Cause:**

This test is an immediate result of a trained supervisor or County Official, through observation, observes a driver/operator performing their job functions who appears to be under the influence. The trained supervisor or County Official will seek verification of their suspicion by a second trained supervisory person, upon concurrence the employee will be ordered to report to the designated collection site immediately. The Human Resource Department will be notified immediately.

4) **Post-Accident:**

This test may be required after an accident for a CDL driver/operator. The employee must be tested within 2 hours for alcohol and as soon as possible, but not longer than 32 hours after the accident for drugs or controlled substances, as set forth by regulations.

If an employee tests positive, or refuses to be tested, for alcohol, drugs or controlled substances, including marijuana, on any mandated test is medically unqualified and disqualified from driving a commercial motor vehicle for one year, and will be terminated from employment immediately.

**Sheriff's Office:** Employees of the Sheriff's Office are required to submit to a Post-Offer/Pre-Employment testing for drugs and controlled substance, including marijuana, and participate in random testing for drugs and controlled substance, including marijuana. Employees may be required to be tested following an accident. Further details of alcohol, drug or controlled substance testing of employees of the Sheriff's Office are delineated in the Fremont County Sheriff's Office Policy Manual.

**Facilities and Airport Personnel:** Employees of these departments are required to submit to a Post-Offer/Pre-Employment testing for drugs and controlled substances, including marijuana, and participate in random testing for drugs and controlled substance, including marijuana. Airport personnel may be required to submit to random alcohol testing. Employees may be required to be tested following an accident.

Additional information can be found in section 6.35.

## **6.18 Employee Contact Information**

Each employee, regardless of status, shall inform the appropriate Elected Official or Department Head and the Human Resource Department of his/her current address, telephone number and emergency contact person and shall report any change of address, telephone number or emergency contact within ten (10) days of the effective date of the change.

## **6.19 Hours of Work**

### **A.) Coverage**

The Fremont County Hours of Work Policy applies to all employees as defined herein and as defined in the Fair Labor Standards Act (FLSA). All employees are required to keep and report to the County an accurate and complete record of time worked, as well as paid and unpaid leave taken, for every work period. No employee shall work more than the number of hours assigned for work without specific written supervisory authorization each time additional hours are to be worked.

### **B.) Hours of Operations**

- 1) Hours of the County Administration and Garden Park Building: The public hours of the County Administration Building, are 7:00 a.m. to 5:00 p.m. daily with the exception of Fridays, Saturdays, Sundays and Holidays, or such other times as approved by the Board of County Commissioners.
- 2) Hours of Department of Human Services Building: The public hours of the Department of Human Services, are 7:30 a.m. to 5:00 p.m. daily with the exception of Saturdays, Sundays and Holidays, or such other times as approved by the Board of County Commissioners.
- 3) Hours of the Department of Transportation: The public hours are 7:00 a.m. to 4:30 p.m. daily with the exception of Fridays, Saturdays, Sundays and Holidays, or such other times as approved by the Board of County Commissioners.
- 4) Hours of the Airport Terminal are 8:00 a.m. to 5:00 p.m. and 7:30 a.m. to 5:30 p.m. during the summer months.

#### C.) Work Period

Generally, the work week shall consist of 40 hours per work period. The work period shall be 7 consecutive days beginning at 12:01 A.M. Sunday through 12:00 midnight Saturday, except Law Enforcement agencies as covered under FLSA.

Section 7(k) of the FLSA provides employees engaged in law enforcement may define the "work period" as 7 consecutive days to 28 consecutive days in length. County law enforcement personnel receive overtime after 86 hours worked during a 14-day work period.

#### D.) Lunch Period

Whenever possible, the unpaid lunch period shall be scheduled in the middle of the work shift and shall be sixty (60) minutes in length. Any Elected Official, Department Head, or the County Manager at their discretion may opt to have a thirty (30) minute lunch period for employees working in their department, as long as hourly employees do not exceed 40 hours of actual work performed. An additional lunch period of thirty (30) minutes may also be given to employees who work at least 12 hours in one day. The definition of the middle of the work shift is between the 3<sup>rd</sup> and 6<sup>th</sup> hour from the beginning of the shift. On occasion an employee may not have an opportunity to take their lunch period and the supervisor may allow the employee to leave early, this requires prior approval and cannot occur on a frequent basis.

#### E.) Rest Periods

Employees' work schedules shall provide for a paid fifteen (15) minute rest period at approximately the halfway point between each half shift (each 4 hour, 5 hour or 6 hour period). The employee who works more than the normal shift shall also be entitled to such additional breaks as the additional hours require in accordance with the above rules of one



break at each halfway point as determined by the employees regularly scheduled shift. Rest periods shall be utilized as defined herein, and are not to be added on to the lunch period, or taken at the beginning or end of the scheduled work day.

#### F.) Compensatory Time

- 1) Regular full-time and part-time employees not-exempt from the Fair Labor Standards Act (FLSA) accumulate compensatory time at a rate of 1 and ½ hours of compensatory time for each hour worked beyond the standard (40) forty hours in a work period. FLSA exempt employees may be given administrative leave at the discretion of the Elected Official or County Manager. The Department of Transportation, Law Enforcement and Department of Human Services employees are subject to the schedule outlined for their department and as contained in their individual departmental policies.
- 2) Compensatory time off means hours during which an employee is not working (not including other forms of paid leave), which are not counted as hours worked during the applicable work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

G.) FLSA Non-Exempt Positions: All positions except exempt positions and excluded positions.

H.) FLSA Exempt Positions: All administrative, executive and professional positions defined as exempt under the FLSA. Administrative, executive and professional status is not limited to, but generally is defined as (1) positions with a trained profession, or (2) one which requires supervision of two or more subordinate positions and devotes more than 50% of its time to supervisory tasks and duties, or (3) one which devotes more than 50% of the standard work week to duties requiring the exercise of independent judgment and discretion in an advisory or policy-making role. It is the duty of Human Resources and the County Manager to determine which positions in the classification system are exempt.

I.) FLSA Excluded Positions: Positions held by Elected Officials, the personal staff reporting directly to an Elected Official who are not covered by any civil service laws of the state or county, political appointees as defined by statute and case law, legal advisors, bona fide volunteers, independent contractors, prisoners and other excluded employees as may be defined by regulation from time to time.

#### J.) Hours Worked

Actual time spent performing the functions of the position. Sick leave, vacation leave, holiday leave, compensatory time and other paid or unpaid leave hours are not included in hours worked. If an employee uses any form of paid or unpaid leave such hours will not be counted or included in the calculation of total hours worked for purposes of calculating overtime or compensatory time earned.

Example: An employee takes Monday off as vacation leave and is paid for 8 hours of regular pay. The employee returns to work and works 10 hour days on Tuesday through

Friday. The employee performed job functions for 40 hours in the week. The employee is paid at his/her regular rate of pay for the 40 hours worked and his/her regular rate of pay for 8 hours of vacation leave. No overtime or compensatory time has accrued because the actual hours worked in the work period do not exceed 40 hours.

For FLSA non-exempt employees in law enforcement or fire protection positions, overtime, compensatory time and hours over normal shall be calculated in accordance with the FLSA regulations for this type of "tour of duty" assignment.

#### K.) Overtime Hours

Hours worked by a FLSA non-exempt employee in excess of forty hours for a work period. FLSA non-exempt employees in fire protection activities or law enforcement activities, overtime hours shall be calculated in accordance with the FLSA.

Section 7(k) of the FLSA provides employees engaged in law enforcement receive overtime compensation for hours worked in excess of 86 hours during a 14-day work period. Refer to Policy 6.25 below for further information.

#### L.) Alternate Workweek

The Elected Officials/Department Heads may impose for their staff alternate work days or work schedules as long as they are consistent with County policy.

#### M.) Volunteer

An individual who performs hours of service for the County for civic, charitable, humanitarian reasons or pursuant to court order.

#### N.) Different Capacity/Same Type of Service

An individual shall not be considered a volunteer if the individual is employed by the County to perform the same type of services as those for which the individual proposes to volunteer.

#### O.) Member of Personal Staff

Those who are directly supervised by an Elected Official, have contact with such official on a regular basis and are not directly supervised by someone else.

#### P.) Payments for Wages

The normal manner of payment for wages by Fremont County is direct deposit. In limited situations this payment may be made via check.

#### Q.) Separation

Includes resignation, retirement, layoff, voluntary or involuntary termination, or any other form of separation from employment, except suspension without pay.

## **6.20 Information Technology Acceptable Use Policy**

Information and telecommunication systems are provided by Fremont County to assist employees in obtaining work-related data, technology, information, and to provide efficient communications.

Fremont County employees, or any other person designated as a user of Fremont County Information Systems, have an obligation to use their computer including email, Internet access and software; telephone including cell phone, fax and voice mail; and copy machines in a responsible and informed way. Information and telecommunication systems furnished to employees are Fremont County property intended for business use; at no time shall or may an employee expect privacy in using these systems and equipment. To ensure compliance with this policy, Fremont County reserves the right to monitor and review Internet use, email communications and all data stored in Fremont County's information and telecommunication systems.

### **A.) Telecommunications**

Personal calls and texting (office and cell phone) must be kept to a minimum. Should a problem arise with the frequency and length of personal phone calls or texting, an employee may be subject to disciplinary action.

Fremont County may issue cellular phones to employees whose job duties require immediate contact or communication. Refer to Policy 6.38 Use of Cell Phones/Electronic Devices for more information on policy.

### **B.) Email**

- 1) It is essential for Fremont County, like other government agencies, to manage their electronic mail (email) appropriately. Email is subject to Colorado Open Records Act (CORA) requests and litigation. Fremont County policy will retain email for three years. County email older than three years will be automatically and permanently removed from the email server. Users who have been issued a Fremont County email address are responsible for managing their email within this time-frame. If a record of an email needs to be retained, users can print the email or save as a pdf or text file and store the document in a designated network folder. Email attachments requiring retention should either be printed or detached and stored in a designated network folder.
- 2) County email addresses ending in fremontco.com, fremontso.com or state.co.us are considered official public records on behalf of the County and remains the property of such. County records should reflect official county business and not personal preferences of an employee. Use of photographs on email communications sent from the county server is permitted, subject to the following conditions:
  - i. Photographs may not include any person other than the employee;
  - ii. Photographs must be professional and appropriate for official county business;
  - iii. Clothing in the photograph should be a uniform, county shirt or conservative business attire appropriate for the workplace; and

iv. Photograph must be taken or approved by the Human Resource Department.

C.) Software Installation

Software not belonging to the County or not approved by the County for use on a specific computer shall not be downloaded and utilized. Unauthorized software has potential of containing malicious content. If software is detected, it will be brought to the attention of the user and immediately removed from the system.

D.) Passwords

Employees who require access to State of Colorado Automated Information Systems or other systems for which passwords are required must protect the passwords in accordance with the guidelines set forth by the entity/agency which exercises ownership and control over the system or information being accessed. These passwords shall not constitute public records.

Passwords for all Information Technology (IT) equipment and computers must be protected at all times. They should not be spoken, written, emailed, shared or in any way known to anyone other than the user involved.

No passwords should be shared with co-workers, supervisors or anyone else while the intended user of the password is absent from the office. Information Technology can grant temporary access to electronic resources, if necessary.

E.) Internet

Intranet and Internet activities should be limited to those functions which serve the business activities of the County. Email correspondence should be specific to the employee's essential job functions. Likewise, personal messages received from others internally or externally should be discouraged.

The unauthorized use, installation, copying or distribution of copyrighted, trademarked or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create the material, does not own the rights to it or has not received authorization for its use, it should not be put on the Internet. Nothing created by an employee through information system capabilities and equipment becomes personal property of the employee allowing copyrighting or use in any manner without the permission of Fremont County.

F.) Data Storage

All information stored on County IT equipment is property of the County. The confidentiality or privacy of content stored on County owned IT equipment in any format, including email, texts, photographs, etc., should not be assumed.

All electronic communications composed, transmitted or received on County IT equipment is considered to be part of the official records of Fremont County and, as such, is subject to disclosure

to law enforcement or other third parties. It is the responsibility of every employee to ensure the content in electronic communications or other transmissions is accurate, appropriate, ethical and lawful.

Data composed, transmitted, accessed or received via information system capabilities and equipment must not contain content considered discriminatory, offensive, pornographic, obscene, threatening, harassing, intimidating or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to: sexual comments or images, racial slurs, gender-specific comments or any other comments or images which could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation or any other characteristic protected by law.

#### G.) Prohibited Use

The following behaviors, which is not all-inclusive, are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action. Employees shall not use Fremont County's Internet or email services to view, download, save, receive or send material related to or including:

- 1) Offensive content of any kind, including pornographic material;
- 2) Promoting discrimination on the basis of race, gender, national origin, age, marital status, sexual orientation, religion or disability;
- 3) Threatening or violent behavior;
- 4) Illegal activities;
- 5) Commercial messages;
- 6) Messages of a religious, political or racial nature;
- 7) Gambling;
- 8) Sports, entertainment and job information sites;
- 9) Personal financial gain;
- 10) Forwarding email chain letters;
- 11) Spamming email accounts from Fremont County's email services or other Fremont County machines;
- 12) Material protected under copyright laws;
- 13) Sending business-sensitive information by email or over the Internet;
- 14) Dispersing confidential, secure or private data to Fremont County's customers or clients without authorization;
- 15) Opening files received from the Internet without performing a virus scan; and
- 16) Tampering with a Fremont County issued account name or identification in order to misrepresent the employee and/or Fremont County to others.

#### H.) Responsibilities

Fremont County employees are responsible for:

- 1) Complying with the Acceptable Use Policy of Fremont County;
- 2) Internet and email services;

- 3) Abiding by existing federal, state and local telecommunications and networking laws and regulations;
- 4) Following copyright laws regarding protected commercial software or intellectual property;
- 5) Minimizing unnecessary network traffic which may interfere with the ability of others to make effective use of Fremont County's network resources. This includes, but is not limited to, Internet radio, Internet based games, Internet chat rooms, Internet blogs and Social Media sites; and
- 6) Not overloading networks with excessive data or wasting Fremont County's other technical resources.

Employees should notify their immediate supervisor, the Human Resource Department or any member of management upon learning of violations of this policy.

#### **6.21 Legal Representation, Fees and Criminal Acts**

Any employee who is named as a party to any litigation as an employee of Fremont County or a department or office of Fremont County shall immediately notify the Board of County Commissioners and County Manager by delivering a complete copy of all documents served upon the employee together with a statement of the date, time and method of service.

The County Attorney's Office shall notify the employee within fifteen (15) days pursuant to Section 24-10-110 (4), C.R.S., as to whether or not the County will defend said employee in such action.

The employee's liability for attorney's fees shall be pursuant to Section 24-10-110, et. seq., C.R.S. The County reserves the right to seek indemnification from the employee for an act deemed to be outside of the employee's scope of employment or for any willful and wanton or intentional act or omission on the part of the employee being sued. The County may also refuse to represent said employee at its discretion or may discontinue said representation at its discretion by proper withdrawal and notification as required by court rule or by statute.

The Board of County Commissioners shall have full discretion to deny coverage of attorney's fees in civil cases within the limits of the Colorado Governmental Immunity Act or any other applicable statute.

All traffic matters and traffic tickets shall be the responsibility of the employee. If the traffic matter or traffic ticket occurred in connection with or while performing duties of county employment and results in personal injury or property damage it should be reported to the Elected Official or Department Head.

If an employee is arrested and charged with a criminal act in connection with or while performing duties of county employment, or under circumstances which may substantially impair the ability of the employee to perform the duties of his or her job, the employee may be placed on administrative leave with, or without, pay until a complete administrative investigation is conducted to determine if the situation warrants disciplinary action. The County reserves the right to terminate any employee who is convicted of any felony or a misdemeanor offense, similar to

those listed in Policy 10.01 - Standards of Conduct, while employed for the County.

### **6.22 Official Personnel Files, Medical Files, Other Types**

All County employees' official personnel files are maintained by and are under control of the Human Resource Department. The Human Resource Department is the repository for all personnel files, which shall include the employee's application, results of any reference and background checks conducted, results of any tests administered, payroll and benefits documents, changes in job status or pay (Personnel Action Forms), records and certificates of training, awards and commendations, disciplinary actions whether written or documented verbal counseling sessions and performance evaluations. Official Personnel Files are of a confidential nature however, by state law some of the information in these files is deemed "public records". Any employee who violates the confidentiality requirements for personnel files will be subject to disciplinary action, up to and including termination.

Access to official personnel files is limited to the employee, the supervisory chain of command, and duly-authorized individuals, in accordance with applicable law. Duly-authorized individuals must provide a signed authorization containing the employees name, signature and date.

Medical files will be created and maintained for employees at the Sheriff's Office, Department of Transportation, Facilities and Airport Staff. These departments require post offer, pre-employment drug screens or physicals which contain sensitive medical information and are to be maintained separately from the official personnel file.

Background investigations and psychological evaluations for the Sheriff's Office will be placed in the medical file as they may contain sensitive information.

Family and Medical Leave Act, Sick Bank, Reasonable Accommodation, Employee Assistance Program and Workers Compensation Files will be created and maintained separately as they contain sensitive medical information.

Background investigation files for all non-selectee applicants of the Sheriff's Office will be maintained for a period of two (2) years then destroyed.

The County will safeguard, and properly dispose of, personally identifiable information (PII) to ensure proper protection and release of such information. Information not classified by state law as a public record is considered confidential. Personally identifiable information will be maintained in a safe and secured location and released only to those who are authorized to access such information.

### **6.23 On-Call Provisions**

An employee who is required to remain on the employer's premises, or be under other restrictive conditions by the employer resulting in the employee being unable to use their time effectively for his/her own personal pursuits, shall constitute hours worked and be compensable time.

An employee who is not required to remain on the employer's premises, but is required to carry a device, leave word at their home or with the County so they can be reached is not considered to be working, thereby this time shall not constitute hours worked and will not be compensable time. While in this status shall the employee be contacted and required to perform work the time spent performing actual work for the benefit of the County is compensable.

Departments requiring staff to be on-call must establish a rotating schedule of qualified employees to ensure fair and equitable treatment.

**Sheriff's Department, Investigations Unit:** Detectives are assigned on-call on a rotating basis for a period of seven (7) days, Sunday through Saturday. While assigned to on-call duty the Detective will receive compensation in accordance with department policy. Should a FLSA nonexempt employee be called to perform actual work they will be compensated at their overtime rate for each 15 minute increment of work performed outside their regularly scheduled shift and in excess of 86 hours of actual work performed during the work period.

**Department of Human Services, Protective Services Staff:** Caseworkers and Supervisors are assigned on-call on a rotating basis. While assigned to on-call duty a non-exempt employee will receive compensation in accordance with department policy. Should a FLSA non-exempt Caseworker be called to perform actual work they will be compensated at their overtime rate for each 15 minute increment of work performed outside their regularly scheduled shift and in excess of 80 hours of actual work performed during the work period.

**Public Health Department:** Qualified employees of the Public Health Department will be on-call on a rotating basis. While assigned to on-call duty the employee will receive compensation in accordance with department policy. Should a FLSA non-exempt employee be called to perform actual work they will be compensated at their overtime rate for each 15 minute increment of work performed outside their regularly scheduled shift and in excess of 80 hours of actual work performed during the work period.

**Airport:** Airport personnel may be required to report to the Airport in cases of after hour requirements such as emergency events (search and rescue, Flight 4 Life, medical flights, regional events) and military operations. Should a FLSA nonexempt employee be called to perform actual work they will be compensated at their overtime rate for each 15 minute increment of work performed outside their regularly scheduled shift and above 40 hours per week.

Should a department establish a need to develop an on call process it will follow the above policy.

## 6.24 Outside Employment

Employees may not engage in outside business activities during their regular County working hours nor use county facilities or resources for outside business activities. Employees of the County may take occasional or part-time jobs if:



- 1) It is performed completely outside of assigned working hours;
- 2) The employee's efficiency and performance at his/her county job is unaffected;
- 3) The employer determines there is no conflict of interest; and
- 4) Written acknowledgment (not approval) by the Elected Official, Department Head or County Manager is obtained.

## 6.25 Overtime Policy

### A.) Requirement of Approval:

The County has the right to require reasonable overtime work from any employee in the event of necessitating circumstances. Employees are not authorized to work any overtime hours without prior approval from the Elected Official or Department Head, or their appointed designee. The County Manager or Human Resource Director, may provide a written form for such approval which shall be signed by the authorizing person. All overtime hours worked shall be reflected accurately through electronic time keeping system.

### B.) Application of the Fair Labor Standards Act (FLSA):

FLSA Non-Exempt Employees: May be given compensatory time, as defined herein, for the first 160 hours of overtime actually worked (total of 240 hours of compensatory time). For employees engaged in fire protection or law enforcement activities, compensatory time shall be given for the first 320 hours of overtime actually worked (total of 480 hours of compensatory time).

After the maximum hours of compensatory time have been attained, the employee shall be given cash compensation at the rate of 1 and 1/2 times the regular rate of compensation.

The County reserves the right to substitute payment, in whole or part, for compensatory time earned at the regular rate earned by the employee.

FLSA Exempt Employees: Exempt employees are not entitled to overtime pay for time worked, but may be allowed administrative leave at the discretion of the Elected Official, Department Head or County Manager.

### C.) Payment for Unused Compensatory Time:

All employees with accrued compensatory time will receive payment for any unused hours in the first paycheck of January, April, July and October at the County Manager's direction and shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

Upon separation from employment, a non-exempt employee shall be paid for unused accrued compensatory time.

**D.) Use of Compensatory Time:**

Elected Officials or Department Heads shall make every effort to allow compensatory time to be used by the employee prior to the end of the quarter (March, June, September and December). Requests for the use of compensatory time shall be approved in advance by the Elected Official, Department Head or County Manager. Employees shall be permitted to use the compensatory time within a reasonable period after making the request, if such use does not unduly disrupt the operations of the office.

Employees may submit a written request to payroll to use their accrued compensatory time within 30 days from the end of the quarter, rather than to receive compensation. All written requests must be received by payroll by the end of the applicable quarter.

**E.) Employees to Receive Overtime:**

The authorization of overtime shall be determined by the Elected Official, Department Head or County Manager for each department, based on the availability of staff and the needs of the office or department, and other efficiency or equitable factors.

**F.) Departmental Specific Compensatory Time and Overtime Procedures:**

- 1) Department of Transportation: Non-exempt employees in this department will be compensated with overtime pay in times of reimbursable incidents. Employees may choose compensatory time rather than receiving overtime pay.
- 2) Emergency Management: Non-exempt employees in this department will be compensated with overtime in times of reimbursable incidents. Employees may choose compensatory time rather than receiving overtime pay.
- 3) Sheriff's Office: Non-exempt employees in this department will be compensated with:
  - a. Overtime for mandatory POST Certified specific training, required court appearances, shift coverage, duties associated with an extended incident (call) beyond the end of their scheduled shift (offense and custody reports included) and reimbursable incidents; and
  - b. Compensatory time for elective training, special details and incident reports. This list may not be all inclusive, the Sheriff maintains authority on accrual of compensatory time.

**G.) Call Back Overtime:**

This occurs when an employee is called back to perform actual work for the County, or for training, court appearances, or other like situations, outside of their normal workweek and scheduled hours. Employees will be compensated at time and half in 15 minute increments for all time meeting this criteria of actual work performed. Employees can opt for an equal amount of compensatory time in lieu of monetary

compensation.

- 1) Example: Employee's work week is Sunday-Thursday, 6:00 a.m. to 2:00 p.m. On Wednesday, after completing their scheduled shift at 2:00 p.m. the employee is "called back" to perform work for the County at 6:00 p.m. and they perform work until 8:00 p.m. The employee is compensated for 3 hours of work performed.
- 2) Example: Employee's work week is Sunday-Thursday, 6:00 a.m. to 2:00 p.m. and they take vacation (40 hours). The employee is "called back" to perform work for the County on Wednesday from 10:00 a.m. to 12:00 p.m. This "call back" work time is not charged as vacation time because the hours are within their normal work week and scheduled hours. However, if they were "called back" and performed work from 6:00 p.m. to 8:00 p.m. they would be compensated for 3 hours of work performed.

#### **6.26      Parking**

The County does not provide reserved parking for its employees. The County is not responsible for fire, theft or personal liability for the employee's vehicle or its contents.

#### **6.27      Personnel Policies & Procedures Manual**

The Human Resource Department, under the guidelines of the Board of County Commissioners, shall be responsible for the day to day administration of the provisions of this manual. The Human Resource Department provides interpretation, guidance and applicability in any given situation, of the contents and application of the manual to the Board of County Commissioners, County Manager, Elected Officials, Department Heads, supervisors and employees.

#### **6.28      Political Activities**

- A.) The Board of County Commissioners encourages County employees to be involved in matters of responsible citizenship and does not by these provisions intend to interfere with the conduct of County employees engaged in political activity, so long as said activities are confined to hours when the employee is not on duty and said activities do not impair the employee's efficiency at the employee's job in County government.
- B.) Employees shall not campaign or advocate for or against political issues or candidate in their official County uniform, while on duty, or while displaying a County identification badge.
- C.) Employees whose salary is completely funded (directly or indirectly) by federal loans or grants are subject to and covered by the Hatch Act, which includes the following federal requirements as a condition of such employment:

- 1) **Covered employees may:**

- a) Participate in nonpartisan activities; such as be active in constitutional amendments, referendums, or municipal ordinances;
- b) Run as a candidate in nonpartisan elections;
- c) Participate in political organizations; such as campaign for and hold office in political clubs and organizations;
- d) Participate in political campaigns; such as actively campaign for candidates for public office in partisan and nonpartisan elections;
- e) Participate in elections; such as register and vote, serve as an election judge or clerk;
- f) Participate in fundraising; such as contribute money to political organizations and attend political fundraising functions.

2) **Covered employees may not:**

- a) Be candidates for public office in a partisan election;
- b) Use official authority or official influence; such as use of title or appearing in uniform or clothing with County logo or insignia, while participating in political activity or coercing any person to participate in political activities;
- c) Fundraising; such as directly or indirectly coercing contributions from another person in support of a political party or candidate.

3) If an employee is considering participating in any of the prohibited activities, listed in paragraph 2 above, the employee is strongly encouraged to seek guidance from an Elected Official, Department Head or County Manager to obtain an opinion from the Office of the County Attorney prior to commencing any such activities. There are serious consequences for violations of the Hatch Act, including termination of employment.

- D.) Political beliefs, activities and affiliations shall be the private concern of the individual employees of this County. No employee or applicant shall be required to divulge their political affiliation, beliefs or philosophy as a condition of present, continued or future employment with a County Department. No employee of the County shall directly or indirectly coerce or command any other employee to pay, lend or contribute salary, compensation, service or anything else of value to any political party, group, organization, or candidate.
- E.) No County Official or employee shall attempt to make any employee's personnel status dependent upon the employee's support or lack of support for any political party, activity or candidate, whether partisan or not.
- F.) No candidate for public office may use federal or other public funds to support their candidacy.
- G.) No candidate for public office may use a County office to support their candidacy, including use of official e-mail, stationary, office supplies or other equipment or resources.
- H.) No candidate for public office may ask subordinates to volunteer for the campaign or to

contribute to the campaign.

Any County employee may be a candidate for a partisan political office provided the involvement does not interfere with his or her workplace responsibilities and relationships and provided the Hatch Act does not prohibit such candidacy. If political activity involvement is necessary during normal working hours, the individual shall take vacation leave or leave without pay during such time. No candidate for public office, whether partisan or not, may use any county facilities, supplies or property to further a campaign, except when the county makes meeting rooms available for use to public groups on an equitable basis subject to the terms and conditions set forth in the "Policy on Use of Fremont County Administration Building and Garden Park Building Meeting Rooms."

### **6.29 Political Contributions and Support**

No employee shall be required to make political contributions of any kind. Employees shall not be required to work for, or to participate in the activities of, any political candidate whether on or off duty.

### **6.30 Pregnancy Workers Fairness Act**

The Pregnant Workers Fairness Act makes it a discriminatory or unfair employment practice if an employer fails to provide reasonable accommodations to an applicant or employee who is pregnant, physically recovering from childbirth or a related condition.

#### **A.) Requirements**

If an applicant or employee who is pregnant or has a condition related to pregnancy or childbirth requests an accommodation, an employer must engage in the interactive process with the applicant or employee and provide a reasonable accommodation to perform the essential functions of the applicant or employee's job unless the accommodation would impose an undue hardship on the employer's business.

The Act identifies reasonable accommodations as including, but not limited to:

- 1) provision of more frequent or longer break periods;
- 2) more frequent restroom, food, and water breaks;
- 3) acquisition or modification of equipment or seating;
- 4) limitations on lifting;
- 5) temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy;
- 6) job restructuring;
- 7) light duty, if available;
- 8) assistance with manual labor; or
- 9) modified work schedule.

The Act prohibits requiring an applicant or employee to accept an accommodation the applicant or employee has not requested or an accommodation is unnecessary for the applicant or the employee to perform the essential functions of the job.

An accommodation may not be deemed reasonable if the employer has to hire new employees that the employer would not have otherwise hired, discharge an employee, transfer another employee with more seniority, promote another employee who is not qualified to perform the new job, create a new position for the employee, or provide the employee paid leave beyond what is provided to similarly situated employees.

A reasonable accommodation must not pose an “undue hardship” on the employer. Undue hardship refers to an action requiring significant difficulty or expense to the employer. The following factors are considered in determining whether there is undue hardship to the employer:

- 1) the nature and cost of accommodation;
- 2) the overall financial resources of the employer;
- 3) the overall size of the employer’s business; or
- 4) the accommodation’s effect on expenses and resources or its effect upon the operations of the employer.

If the employer has provided a similar accommodation to other classes of employees, the Act provides that there is a rebuttable presumption that the accommodation does not impose an undue hardship.

The Act prohibits an employer from taking adverse action against an employee who requests or uses a reasonable accommodation and from denying employment opportunities to an applicant or employee based on the need to make a reasonable accommodation.

### **6.31 Public Relations**

Fremont County employees serve the public. To maintain the trust and confidence of the public and the clients we serve, County employees shall behave ethically and professionally and treat members of the public with courtesy and respect.

### **6.32 Recording of Hours Worked**

All employees are responsible for completing their time sheet to accurately reflect the time they performed actual work in the pay period. This includes providing any additional forms to support time worked as directed or required by the department. The employee’s signature on the time sheet, or submission through the Electronic Timekeeping System, shall mean the time entered is true, correct and accurately reflects the employee’s time during the relevant pay period. Anyone submitting a time sheet for anyone other than themselves, without proper authorization, may be

subject to immediate termination.

Actual work performed is defined as any tasks associated with essential job functions of your position.

Time records shall be submitted by the employee, and approved by the Supervisor, in conjunction with the Payroll Coordinator or Human Resource Department. The records must accurately reflect appropriate pay codes in relation to their regularly scheduled hours; such as hours actually worked, vacation time taken, compensatory time taken, sick leave taken, unpaid leave, as well as all other applicable pay codes. Submission of an approved time sheet by the Elected Official, Department Head or supervisor certifies its accuracy.

### **6.33 Safety Rules and Regulations**

Employees are required to comply with all safety rules and regulations. Each supervisor shall familiarize the employees under their direction with all County departmental safety rules and regulations and shall require compliance with the same. Employees shall utilize safety equipment provided by the County while performing their essential job functions, or performing special projects which require the use of such equipment. If the essential job functions require the use of personal protective equipment (PPE) the employee will be provided, and required to utilize, such equipment.

It is the responsibility of the Elected Official or Department Head to ensure all employees read and understand the County and any department specific safety rules and regulations relating to their position. An acknowledgment form should be signed and returned to the Human Resource Department for placement in the official personnel file. Failure to follow established safety rules or regulations, or failure to properly use safety equipment provided may result in disciplinary action, up to and including termination.

### **6.34 Strikes and Slowdowns**

Continuous and uninterrupted service to the citizens by the County and its employees is essential to government operation. Therefore there shall not be any strikes or any other curtailment or restriction of work at any time during the term of employment by any employee. The same shall be grounds for disciplinary action, up to and including termination.

### **6.35 Substance Abuse**

To ensure a safe and productive work environment at all Fremont County facilities and to safeguard county property and personnel, the manufacture, distribution, possession, use, sale or transfer of alcohol, drugs or controlled substances (including marijuana) on any county premises, work sites or during county work time, is strictly prohibited.

No employee shall report for work, or remain on duty while under the influence, or impaired by,

alcohol, drugs or controlled substances (including marijuana and prescription drugs). If an employee reports for work or remains on duty while under the influence, or impaired by, alcohol, drugs, or controlled substances (including marijuana and prescription drugs) disciplinary action will be imposed, up to and including termination.

At no time shall a County vehicle or equipment be operated by an employee who is under the influence, or impaired by, alcohol, drugs or controlled substances (including marijuana), including lawful prescriptions or over-the-counter medications which may impair or otherwise hinder safe operation of a motor vehicle or equipment.

As a condition of employment, and prerequisite to hiring or continued employment, all Fremont County employees must agree to abide by this policy. Random drug testing for alcohol, drugs or controlled substances (including marijuana) is required for employees of the Sheriff's Office, Department of Transportation, an employee whose employment requires a Commercial Driver's License (CDL) or an employee in a security-sensitive or safety-sensitive position.

Testing for alcohol, drugs or controlled substances (including marijuana) may occur when an Elected Official or Department Head, or supervisor can articulate a reasonable suspicion of an employee performing on the job while in an impaired condition and is able to obtain a concurring opinion from at least one other Elected Official, Department Head or supervisor. If, when directed, an employee refuses to submit to testing, interferes with or provides an altered urine sample, a sample containing non-human urine, or another individual's urine, the employee may be disciplined, up to and including termination.

Any employee charged with a criminal act involving alcohol, drugs or controlled substances (including marijuana), whether involving work duties or personal matters, shall report such charges to the Elected Official or Department Head and the Human Resource Department within five (5) days.

Enrollment in a rehabilitative treatment program for alcohol, drugs or controlled substance (including marijuana) use or abuse including verified enrollment, successful completion and subsequent testing may become a condition of continued employment. Any employee found in violation of this policy will be subject to disciplinary action, up to and including termination.

### **6.36 Tobacco-free Workplace**

In order to ensure a clean, healthy work environment, smoking or chewing of any tobacco product shall be prohibited in all Fremont County buildings and vehicles.

For the purpose of this policy, the following definitions shall apply:

"Tobacco" shall include cigarettes, vapor cigarettes or other delivery device, cigars, pipe tobacco, chewing tobacco and all other kinds and forms of tobacco suitable for smoking or chewing.

"Tobacco" shall include cloves or any other similar product packaged for chewing or smoking.



“Use” shall mean lighting, inhaling, smoking, e-cigarettes/vapor or chewing of any tobacco product.

This policy does not restrict the use of nicotine patches, nicotine gum or other prescribed products intended for promoting smoking cessation.

Signs shall be posted in prominent places in the County buildings to notify the public that smoking or chewing of tobacco products is prohibited. The ban on tobacco use extends to all interior and exterior portions of the Fremont County buildings and premises, except for designated smoking areas. Receptacles shall be located outside the public entrances to County buildings to allow safe disposal of tobacco products before entering any County building.

Any member of the general public considered by an Elected Official or Department Head to be in violation of this policy shall be instructed to cease the offense or leave County property.

### **6.37 Traffic Violations**

All employees who receive traffic citations for moving or parking violations while performing County functions may be responsible for payment of the associated fine and court costs. If a court appearance is necessary, the employee may be required to use vacation leave or accrued compensatory leave to attend the scheduled hearing. All traffic citations received while performing County functions or duties must be reported to the Elected Official or Department Head. Depending on the totality of the situation and circumstances it could result in disciplinary action, up to and including termination.

### **6.38 Use of Cell Phones | Electronic Devices**

Cellular phones or other electronic communication devices may be issued by the County to employees whose responsibilities require their use. Cell phones purchased by the County are property of the County and must be returned upon the employee's separation. Employees to whom cell phones have been provided are responsible for the security and maintenance of the phones and must promptly report any damage, theft, loss, or vandalism to the Elected Official or Department Head. Employees are reminded if they are issued a County owned cell phone, it can and will be monitored on a regular basis including random reviews of contents contained on the device.

The County encourages the safe use of cell phones and other wireless devices by employees when conducting County business. No employee may use a cell phone or device while operating a motor vehicle for County business purposes, unless the vehicle is equipped and used with a hands-free device. This includes text messaging as well as voice communications.

Even with a hands-free device, electronic communications use while operating a motor vehicle should be kept to a minimum, conversations should be as brief as possible, and employees should refrain from making or taking calls unless absolutely necessary. Where possible, even with a hands-free device, cell phone calls should be made only when the vehicle an employee is operating is not in motion. The only exception to this is when a phone call must be made in an emergency

situation.

Employees with access to proprietary processes, confidential agency information, or confidential client information are prohibited from using camera phones in areas where such records are located.

Employees who are issued cell phones may prefer to carry only one cell phone. Therefore, occasional incidental personal use of the issued phone is acceptable as long as it doesn't violate County policies. If personal use of an issued phone results in an increase in County phone expenses, employees shall reimburse the County on a monthly basis for personal phone usage, in data/text charges or minutes, prorated for the billing cycle.

County employees who could be issued a County cell phone but choose to use their personal cell phone (to avoid carrying two cell phones) are allowed to do so. These employees must realize all the information contained within their personal cell phone can and must be provided or disclosed as a county record, as determined necessary by the County Attorney or other appropriate authority.

Personal cell phones may be used at work if they do not substantially interfere with job functions, but use must be kept to a minimum. Personal cell phones should be in silent or vibrate mode during work time and in work locations. Elected Official or Department Heads may adopt more stringent policies for personal cell phone use, which shall be enforced fairly and equitably on all affected employees.

Employees should instruct family members, friends, business contacts, vendors, etc. to utilize the County's land lines before resorting to cell phone contact. Cell phones, whether County issued or personal, are to be in silent or vibrate mode while attending business meetings.

Employees who are approved to receive work related information on a County issued, or personal cell phone are required to use a screen lock system to ensure the protection of County information should the device be lost, stolen or otherwise compromised.

Failure to comply with this policy may result in disciplinary action, up to and including termination.

### **6.39 Use of County Tools, Equipment, Vehicles and Property**

It is the duty of every County employee to protect, preserve and conserve all county tools, equipment, vehicles and property entrusted to the employee. Tools, equipment and vehicles should be checked out or assigned, whenever possible, in writing, to the employee.

No County employee shall use County property for the employee's private use or for the use of another person or entity.

An employee may use private tools or equipment to perform job functions, but must inform the Elected Official or Department Head of their intent for such use. The Elected Official or

Department Head and employee should have a written understanding or agreement regarding said use, reimbursement, replacement or similar understandings.

Any employee separating from County service for any reason must immediately return any County property in their possession to the appropriate County department. It is the responsibility of Elected Official or Department Head, or their designee, to ensure all separating employees return County property, such as identification cards, badges, uniforms, keys, tools, and manuals. If a separating employee fails to return any County property their final paycheck may be withheld until the property is returned or the value of the property may be withheld from the employee's paycheck.

Willful acts or acts of gross negligence in the care or use of County property may be grounds for disciplinary action, up to and including termination.

#### **6.40 Vehicle Policy**

Employees using County vehicles to conduct County business must possess a current and valid Colorado driver's license with the appropriate class or grade for the particular vehicle or equipment and present an acceptable Motor Vehicle Record (MVR), or release to obtain the MVR, every three (3) years to Human Resources. This requirement may be waived with a written justification from the Elected Official or Department Head.

A.) Motor Vehicle Records. Employees will not be allowed to operate any County owned vehicle or equipment if any of the following are evident on their MVR in the past seven (7) years:

- 1) A documented suspension, revocation, cancellation or denial of driving privileges in Colorado or any other State;
- 2) Failure to report an accident;
- 3) Hit and run;
- 4) Reckless driving;
- 5) Accumulation of more than seven (7) points excluding points for defective or unsafe vehicle; or
- 6) Any conviction for Driving Under the Influence, Driving While Ability Impaired, Driving Under the Influence of Drugs or Driving While Ability Impaired by Drugs.

The Elected Official, Department Head, County Manager and Human Resource Director will jointly evaluate the MVR and determine the impact on the employee's ability to perform their essential functions should the MVR indicate any of the above. If it is determined the employee cannot perform their essential functions it may result in disciplinary action, up to and including termination.

B.) Use of County Vehicle or Equipment. The County has a vehicle fleet which is to be used for County business by County employees. Assignment, operation and use of a County owned vehicle is for official business only. Incidental personal use may occur only when travel plans remain consistent, such as stopping at a shopping center which

is on the established route. Individuals who are not County employees are permitted to ride with a County employee only for official business and may require a completed waiver unless the non-County employee is serving in their official capacity for a County purpose.

- 1) If a County vehicle is available and an employee opts to use their personal vehicle for official business purposes they may not be eligible for mileage reimbursement.
- 2) All County vehicles are to be returned with a full tank of gasoline. Employees will be issued a fuel card when they pick up the vehicle, if they are not assigned one.
- 3) All County vehicles are to be returned clean and operational. Employees are responsible for reporting any mechanical issues to the Fleet Supervisor upon return.
- 4) No use of tobacco products is allowed in a County owned vehicle or equipment.
- 5) If travel requires use of toll lanes or roads using license plate tolls, the bill will be charged to the appropriate department upon receipt.
- 6) If travel requires the use of paid parking, the employee will be reimbursed the cost of parking charges, or they may use an assigned P-Card.
- 7) Employees who receive a parking violation or moving traffic violation while using a County owned vehicle or equipment will not be reimbursed for such charges, fines or fees.
- 8) Employees who may be required to use their personal vehicle for County business, either due to lack of fleet vehicles or by choice, will not be reimbursed for damages or deductibles related to the operation of their personal vehicle.

C.) Take-Home County Owned Vehicles. In limited situations employees may be assigned a vehicle to travel from their residence to work for enhancement of emergency response or to ensure effectiveness and efficiency in responding to other unusual circumstances.

- 1) County vehicles shall not be taken home by employees who live outside the boundaries of Fremont County.
- 2) Elected Officials or Department Heads will review the assignment of take-home vehicles annually and provide an updated list to the County Manager.
- 3) A comprehensive list of take-home vehicles will be maintained by the County Manager. This list will contain the vehicle type, make, fleet number, department, employee's name and address.
- 4) No assignment of a take-home vehicle shall be considered without justification from one or more of the following criteria:
  - i. Employee is subject to frequent service calls requiring the use of the vehicle to conduct official business during off-duty hours three or more times per week (average).
  - ii. Employee is required to respond to emergencies during off-duty hours and the vehicle is necessary for proper response, which occurs three or more times per week (average). Emergency is defined as unforeseen circumstances requiring immediate action.
  - iii. Employee is required to use specialized equipment which is only available in a County owned vehicle and is not available within a thirty

(30) minute time period and which occurs three or more times per week (average).

- 5) Occasionally an employee may be assigned a take-home vehicle or equipment due to special circumstances. This must be requested and approved by the Elected Official or County Manager.
- 6) Take-home vehicles are a taxable fringe benefit as defined by the Internal Revenue Code. Fremont County will determine the actual value of this fringe benefit and include it as taxable income to the employee, reported on the W-2 Form. Elected Officials and Department Heads must communicate with the County Manager to ensure this fringe benefit is accurately reported.
- 7) Employees may occasionally use a County vehicle for commuting from residence to work, or work to residence if the employee is preauthorized due to early or late arrival to the identified official business.
- 8) Take-home vehicles are not meant to transport other County employees to and from work, unless an emergency situation is present.

Exception: Patrol, Investigations and Command Staff of the Sheriff's Office are assigned take-home vehicles based on the need of the Sheriff and all of Section C above is met. These employees must be immediately available to perform their law enforcement duties.

Elected Officials or Department Heads will keep an up to date list of County vehicles assigned to their departments for specific uses, or to specific individuals, with assigned or potential driver's information. This list will be provided to the County Manager, or designee, bi-annually or as requested.

#### **6.41 Violence & Firearms in the Workplace**

The safety and security of County employees and customers are very important. Any act, or attempted act of violence including threats, threatening behavior or any related conduct by or against another employee or a customer which disrupts the work of an employee or the County's ability to execute its mission will not be tolerated.

Any person who makes threats of violence, exhibits threatening behavior, engages in violent acts or related conduct on County-owned or leased property may be removed from the premises pending the outcome of an investigation. Threats of violence, threatening behavior, or other acts of violence or related conduct off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include but are not limited to threats made by telephone, fax, electronic or conventional mail, or any other communication medium.

No employee of the County is authorized to possess a firearm or handgun in the workplace, or while performing duties for the County unless specifically authorized by law or is necessary for the performance of, and within the scope of, specific job duties. Possessing a valid concealed weapons permit is not a grant of legal authority to carry or possess a firearm in the workplace. The Colorado Peace Officers Act (§16-2.5-101, et seq., CRS) is a grant of legal authority for carrying or possessing a firearm in the workplace, for those who are employed and working in a peace

officer position. County employees, including Elected Officials and Department Heads for whom carrying or possessing a firearm or handgun is a necessary job requirement, shall have this requirement expressly stated in their job description.

County employees are not prohibited from carrying a weapon in the employee's privately owned vehicle for personal protection, whether or not the vehicle is parked on County property.

Employees are responsible for notifying their Elected Official, Department Head or the Human Resource Department of any violation of this policy which they witnessed, were subjected to, or have knowledge of. Employees are to report any behavior they witness which a reasonable person would regard as threatening or violent when such behavior or conduct is job related, has potential to occur on County-owned or leased property or is connected with County employment.

County employees should report any individual who:

- 1) Uses threats, intimidation or manipulation toward management or co-workers;
- 2) Displays paranoid behavior, feelings of being victimized, or believes others are conspiring against them;
- 3) Displays unwarranted anger towards those who offer constructive criticism, or incites fear amongst co-workers;
- 4) Has been terminated or released from County employment, and appears to be focused more on the position they previously held (e.g., maintains unwelcome contact with current employees), rather than on pursuing other employment; or
- 5) Has been recently charged or convicted of a violent crime and is employed by the County.

Each employee who receives a temporary or permanent protective or restraining order which lists or may apply to County-owned or leased premises as a protected area is required to provide their Elected Official or Department Head with a copy of such order.

Any report of violations of this Policy shall be made to the Human Resource Office, County Manager, Elected Official or other appropriate supervisory personnel.

Employees in violation of this policy will be subject to disciplinary action, up to and including termination. The County may pursue criminal prosecution through law enforcement and the District Attorney. If the person displaying inappropriate behavior is a member of the public, the response may include barring the person(s) from County-owned or leased premises, termination of business relationships or pursuit of criminal prosecution.

If a threat is made towards an employee of the County from a citizen, the individual who intercepted, or received, the threat will send notification to the affected employee and to the Human Resource Department for consideration of sending a message to all County employees to ensure employees conducting business within the County, who may encounter the citizen, are aware of the threatening behavior. This notification can be accomplished through electronic means, unless the situation dictates otherwise.

#### **6.42 Work Schedule/Tour of Duty**

The work period shall consist of five (5) consecutive days, with the exception of the Sheriff's Office law enforcement personnel which shall consist of a fourteen (14) consecutive days. Shifts will normally consist of eight (8) hours, ten (10) hours or twelve (12) hours of work in one day. All employees shall be scheduled for a regular shift and each shift shall have a starting and stopping time. Temporary employees may be scheduled to work irregular hours. Irregular hours may also be scheduled to meet unique operating requirements. Elected Officials or the County Manager shall have the authority to adjust the work week, days and hours of employees to achieve the efficient functioning of their respective offices.

The County Administration building, Department of Transportation, Airport and Public Health will consist of either a five (5) day/eight (8) hour workday or a four (4) day/ten (10) hour workday as determined by the Elected Official, County Manager or Department Head.

The Sheriff's Office will consist of either a five (5) day/eight (8) hour workday, a four (4) day/ten (10) hour workday, or a fourteen (14) day work period/twelve (12) hour workday as determined by the Sheriff.

The Department of Human Services will consist of either a five (5) day/eight (8) hour workday or a four (4) day/ten (10) hour workday as determined by the Elected Official, County Manager or Director.

Flex time is allowed for unusual situations on a non-recurring basis. Flex time cannot exceed a twelve (12) hour work day and must be flexed within the work week ensuring not to exceed a forty (40) hour work week without prior approval from the Elected Official or Department Head.

#### **6.43 Workers Compensation and Accidents**

Any employee who suffers an on-the-job injury must report the injury to their Elected Official or Department Head and complete the "Employee Notice of Injury" form, available in the Human Resource Department, on the Electronic Time Keeping website and in the employee's department.

All injuries, regardless of extent of the injury or if immediate medical attention was sought, must be reported in writing within four (4) days of the date of injury. Should the employee fail to report the injury within four (4) days, they must as soon as possible to enable the County to report all injuries to the insurer. Failure to report injuries may result in loss of certain worker's compensation benefits or other disciplinary action. In the event the injured employee is unable or incapable of reporting the injury due to the severity, a fellow employee or the supervisor must report the injury.

The supervisor of the injured employee must complete the "Supervisor Accident Report" form in conjunction with the "Employee Notice of Injury" form. All forms are to be submitted to the Human Resource Department promptly.

Injured workers are to acknowledge, by signing, the "Designated Medical Providers" and "HIPAA

Medical Release” forms their understanding of physicians to be seen for work related injuries or illnesses and required communication between the physicians, the County and the insurance provider. Injured workers will also be provided the “First Fill Card” by the Department Head or supervisor which provides the pharmacy with the information necessary to fill prescriptions.

#### **6.44 Building Policy - Animals and Pets**

Fremont County is responsible for assuring the health and safety of all employees and members of the public. In keeping with this objective, the County does not permit employees or members of the public to bring their household pets or other animals into County Buildings. Animals may pose a threat of infection and may cause allergic reactions in other employees. Some employees may feel threatened or be distracted by the presence of animals, particularly dogs. In addition, the County wishes to prevent pets from fouling the office space or damaging company property.

An employee who requires the help of a service animal (defined by 28 CFR 36.104 as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability") will be permitted to bring a service animal to the office, provided that the animal's presence does not create a danger to others and does not impose an undue hardship upon the company.

All dogs must be leashed at all times. All animals must be in the continuous full control of their owners. They should be in the physical presence of the owner, in the owner's office, or in the space around the owner's desk at all times. Owners are expected to clean up, completely and immediately, after their animals.

This policy shall not prohibit animals and pets in County buildings for legitimate county purposes involving animals, such as 4-H sponsored activities, pet vaccination clinics, and similar activities.

A County employee, member of the public, or employee of another agency or the State of Colorado who brings an animal to a County building is completely and solely liable for any injuries to a person, or any damage to property caused by the animal. Any repair or cleaning/maintenance costs incurred by an animal will be charged in full to the owner.

The County may, at its discretion, require the animal owner to maintain a liability insurance policy covering damage or injuries caused by the animal while at the office. The company may specify minimum coverage amounts under such a policy, and may require the owner to pay for such coverage.

The County shall not be liable for loss of, or injury to, any animal brought to a County Building without authorization or to an office in a County building.