

NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 13, 2020 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairperson Debbie Bell called the meeting to order at 9:30 a.m.

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

INVOCATION

Bryan Sanford, of Wellspring Vineyard Church, gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / September 22, 2020
2. Approval of Bills for \$2,964,026.49
3. Ratification of signature on change orders for the Airport remodel project
4. Approval of Department of Local Affairs grant application for the Gray & Black Market Marijuana Enforcement Grant Program
5. Authorization of Chairman's signature as the signing authority with the Colorado Department of Local Affairs/Division of Housing for the Single Family Owner Occupied Housing Rehabilitation Program
6. Schedule Public Hearing: November 10, 2020 at 10:00 a.m.
 - a. CUP 98-008 Spotted Burro Pit Major Modification
Requesting approval of a Major Modification of CUP 98-008 Spotted Burro to add 33.6 acres of area for a gravel pit operation. The properties are located off of County Road 123, East of County Road 67 and are within the Agriculture Forestry Zone District.
 - b. Adoption of the 2018 International Building Code
 - c. Proposed 2021 Fremont County Budget

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:

a. County Clerk's Monthly Report

County Clerk Grantham gave his report for the month of September 2020, which can also be found on the County website at www.fremontocom.

Commissioner McFall moved to accept the County Clerk's Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

b. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave her report, which can be found on the County website at www.fremontco.com.

Commissioner Bell urged all businesses or non-profits within Fremont County who experienced hardships due to COVID-19, to visit www.fremontco.com for an application for relief funds. She said it is fairly simple, you just have to be able to prove any expenses.

Commissioner Bell said that there would be a ribbon cutting ceremony on the night of October 13, 2020 for the new building the County purchased on East Main Street in Canon City, which will house Fremont County Search and Rescue, the wildfire team trucks, the Emergency Management Department, and Noxious Weed Department.

Commissioner McFall mentioned that the County is in stage 1 fire restrictions.

Commissioner Payne said that they Commissioners along with County Manager Bryant attended their quarterly luncheon with the City of Canon City and the City of Florence. He said the communication between all of the agencies has greatly improved and everyone is working well together.

County Clerk Grantham said that ballots were mailed out yesterday, Columbus Day. He said that while Post Offices were closed, the distribution center was open. He also reminded everyone that since his office is issuing ballots, the 100-foot limit is in place. No hats, clothing, or masks that have a candidate or question on the ballot. He also listed all 5 drop box locations.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

There were none.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. Approval of UCHealth Lifeline Critical Care Transport Ambulance License Representative: Mykel Kroll, Emergency Management Director

Emergency Management Director Kroll explained that UCHealth did not have their new ambulance when he was doing the rest of the ambulance inspections, and that is why this is before the Board now. He said everything was in order and he recommends approval for ALS (Advanced Life Support) and Critical Care, with their license expiring at the end of April 2021 when all of the other licenses come due.

Commissioner Payne moved to approve the UCHealth Lifeline Critical Care Transport Ambulance License. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

2. Request for approval of assignment of Fremont County Airport Land Lease for Hangar 1 from ProAv Hangars R.E., Inc. to ProAv Hangar 1, LLC.
Representative: Wes Brandt, Airport Manager

County Airport Manager Brandt said that they received a request from Mike Allard, of ProAv Hangars R.E., Inc to change the name on the lease to ProAv Hangar 1, LLC to change the business structure of his business. He said all paperwork is in order and does recommend approval.

Commissioner McFall moved to approve the assignment of the Fremont County Airport Land Lease for Hangar 1. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

3. Award bid for a Construction Manager/General Contractor for the Fremont County New Courtroom and Improvement Project
Representative: Sunny Bryant, County Manager

County Manager Bryant said that they received 3 separate bids for this project. After reviewing the bids, it is recommend to award the bid to HW Houston. This company would be able to start sooner and finish quicker. The total grant is for \$550,000.00 and the cost of the project will not exceed that amount.

Commissioner McFall moved to award the bid for a Construction Manager/General Contractor to HW Houston for the Fremont County New Courtroom and Improvement Project. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

4. Resolution amending the March 2019 edition of the Fremont County Personnel Policies and Procedures Manual, Chapter 5, Classification and Compensation Plan; Chapter 6, Working Conditions; and Chapter 7, Leave
Representative: Tammy Childs, Assistant County Manager

Assistant County Manager Childs said that chapter 5 section 5.06, section 6.20d, section 6.32, and section 7.12 were all updated. These were minor housekeeping fixes and nothing major changed.

Commissioner Payne moved to approve Resolution #53. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

5. Appointment of a new member to the Fremont County Tourism Council to fill a vacant position with a three-year term ending December 31, 2023

Commissioner McFall said that there was 1 letter of interest submitted.

Commissioner McFall moved to appoint Rebecca Johns for a three year term, ending on December 31, 2023. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

Commissioner Bell recessed the meeting at 9:53 a.m.

Commissioner Bell called the meeting to order at 10:00 a.m.

PUBLIC HEARINGS

1. SRU 20-007 Desert Concrete Pumping

Requesting approval of a Special Review Use, Department File # SRU 20-007 Desert Concrete Pumping for a Contractor's yard for a concrete pumping business. The proposal includes a shop and watchman's quarters. The 4.65 acres site is located off of 10th Street in Penrose, near Highway 115 and is within the Agriculture Rural Zone District. (Resolution #54)

Representative: Dr. Angela Bellantoni

Commissioner Bell opened the Public Hearing at 10:00 a.m.

Dr. Angela Bellantoni said that the property was purchased in October of 2019. This is a concrete pumping business and they service Fremont County, Salida, and Pueblo. There are 5 trucks. Three will be housed at this location and the other two will be at the other locations in Salida and Pueblo, unless they are in need of repair. There is a metal building that is 60' x 100'. It will be used for repairs, maintenance, and housing of the trucks. The contractor's yard will be fenced. They are requesting a 500 gallon diesel tank on a stand. She said that all clients must provide an area for the cleanout of the trucks, it will not be onsite. There will be a total of 11 parking spots.

Planning and Zoning Director Garrett said that the application is complete and all requirements have been met. There are 2 contingency items and 2 waiver requests. He does recommend approval.

Commissioner Bell closed the Public Hearing at 10:08 a.m. There was no public comment.

Commissioner Payne moved to approve Resolution #54. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

2. SRU 20-005 Black Hills Energy Hogback Station

Requesting approval of a Special Review Use, Department file #SRU 20-005 Black Hills Energy Hogback Station for a substation that will include a 115kV ring bus for connecting three 115kV line terminals; two 115/69kV transformers, one now, one future and two future 115kV line terminals. The 40.28 acres site is located off County Road 69 in Canon City, near Highway 50 and is within the Agriculture Forestry Zone District. (Resolution #55)

Representative: Cristin Cochran

Cristin Cochran, on behalf of Black Hills Energy, gave her presentation. She explained that this project will increase reliability and reduce down times from hours to minutes if there is an outage. She said that this substation will backup power to Canon City and help provide power to the Penrose Substation, if it is approved. She said the Planning Commission recommended approval of this application on September 1, 2020. She said a substation needs to be within a 3-4 mile radius of a load center to be effective. She said that adding the Hogback Substation will reduce the amount of downtime from outages to minutes instead of hours.

Commissioner McFall asked how this one substation would be able to help the others if they are not able to operate on their own.

Cristin Cochran said that since there would be two main sources, one from Pueblo and one from Canon West, if the one from Pueblo is cut, the Hogback Substation would still be able to inject power into the loop coming from the line in Canon West.

Seth Boutilier, of Black Hills Energy, said that the Hogback Substation by itself will not fix this problem. It will increase some reliability and if both the Hogback Substation and the North Penrose Substation are functional, it will supply Penrose with a second source of energy. However, until they find a way from the Penrose Substation to the Pueblo

County line, there will not be two lines into the system. There is no line from the Canon West Substation to the Hogback Substation.

Commissioner McFall asked how the Hogback Substation would help if no other substations or lines are completed.

Cristin Cochran said that it there will be transformers installed that can take the 115 current and drop it down to 69 current that can then be injected into the Canon City loop. However, if the line to Pueblo is cut, power will go down. She went on to say that the proposed area to the fence is about 3 acres. She said the tips of the substation will be visible to the residents from the southwest. She also said that the bulk of the substation will not be visible because the equipment is 15 feet tall or less and blocked by the surrounding hills. She said that it will return approximately \$107,000.00 in property taxes.

Commissioner Bell asked, if approved, when would construction start and how long the project would take.

Cristin Cochran said that construction would begin this year, depending on weather. They would start with site grading that would take about 6 weeks to complete. Once the site is ready, it will take about 6 months to complete, again depending on weather. She said that one of the delays they have run across is the delay in ordering transformers.

Commissioner Payne asked for clarification on the tax revenue of \$107,000.00 and if fees would increase to Black Hills Energy to cover this.

Cristin Cochran said no, this was just the property taxes on the land.

Commissioner Bell opened the Public Hearing at 10:50 a.m.

Planning and Zoning Director Garrett said that the application is complete and all requirements have been met. There are 2 contingency items and 2 waiver requests. He does recommend approval.

Commissioner Bell went over some notes for the procedures for public speakers.

Mick Marchello, of Canon City, Colorado, spoke against SRU 20-005 and asked if property taxes were going to rise because of this. He also asked if landscaping could be provided.

Cristin Cochran said that she was not qualified to comment on property taxes and that they are not planning on having water on the site to take care of landscaping, they will be capping the well.

Dillon Marchello, of Canon City, Colorado, spoke against SRU 20-005 and asked what recourse they have.

Commissioner Bell said that they cannot provide legal advice and suggested to seek legal counsel.

Dillon Marchello asked what the Board's position or duty was in this situation.

Commissioner Bell explained that in any situation, the Board's duty is to understand the issues and balance their decision on public needs, personal property rights, and any other components that come into play.

Larry Swisher, of Canon City, Colorado, spoke against SRU 20-005 and wanted to mention that he believes there are two transmission lines coming into the Canon City plant.

Seth Boutilier said that there are two lines, one is a 115 line and one is a 69 line and does not have the capability to feed the load in Canon City. He also wanted to clarify that the Hogback project alone is not a viable project to Black Hills Energy.

Commissioner Bell closed the Public Hearing at 11:07 a.m.

Commissioner McFall said he appreciated the clarification of everything, but that facts need to either be straight or not.

Commissioner Bell said that they have to look at this permit separately and wholly, as opposed to the Penrose Substation which will be separate and whole, and as opposed to transmission lines. They cannot consider them altogether, but only what covers this permit.

Commissioner Payne moved to approve Resolution #55. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

3. SRU 20-006 Black Hills Energy North Penrose Station

Requesting approval of a Special Review Use, Department file #SRU 20-006 Black Hills Energy Penrose Station for a substation, that will include a 115kV six-position ring bus for connecting two 115 kV line terminals, two 115/13.8kV transformers, one now, one future and two future 115kV line terminals. The substation will also operate a 115/13.8kV 30/40/50 MVA transformer and associated 3000-amp main bus switch gear enclosure to improve reliability and electric supply in the Penrose area. The 22.43 acres site is located off of K Street in Penrose, near Highway 115 and is within the Agriculture Rural Zone District. (Resolution # requested)

Representative: **Cristin Cochran**

Commissioner Bell went over the procedures and the rules and guidelines for the Public Hearing, including time limits for speakers.

Commissioner Bell opened the Public Hearing at 11:12 a.m.

Cristin Cochran, on behalf of Black Hills Energy, gave her presentation. She explained that this project will increase reliability and reduce down times from hours to minutes if there is an outage. She said the Planning Commission recommended approval of this application on September 1, 2020. The site was selected because of its proximity to the load center. Voltage drop was taken into count when selecting this site, as well. The North Penrose site must be within 3-3.5 miles from the Penrose Substation to achieve maximum coverage and reduce voltage drop. She clarified that this will not complete the loop back to Canon City until the entire project is completed.

Commissioner McFall wanted to know why the permit is for future construction 10-15 years down the road and not right now.

Cristin Cochran said that they are anticipating increased electrical demand and would require more equipment at this site.

Commissioner McFall asked why all the pictures were taken with an obstruction in the way.

Cristin Cochran said that without trespassing, these were the views. The bulk of the equipment is blocked.

Commissioner McFall said that it may be blocked from the north, but not the south, east or west.

Cristin Cochran continued with the presentation. She said that it will return approximately \$66,340.00 in property taxes. She said this site is the best location that will provide the best service for the community as a whole.

Commissioner Bell clarified that if approved, the Hogback Substation would supply power to the North Penrose Substation and no further until the project to supply power from the plant in Pueblo is complete. But, that this project alone does add value to the area by giving Penrose a second source of power.

Commissioner McFall asked about the voltage drop from the Hogback Substation to the North Penrose Substation.

Cristin Cochran said that since the line from the Hogback Substation to North Penrose will be a 115 line, there will be less voltage drop.

Commissioner McFall also wanted to know why the North Penrose Substation had to be within the 3 mile range of the current Penrose Substation if the Hogback Substation was already feeding it more voltage.

Seth Boutilier explained that since this is a 115 step-down line that is being installed, it has to be within the 3 mile range. He said that is the reason they are not using the East Canon Substation, because it is too far away. To be effective and not lose voltage, it has to be within a certain range. He said that with having a North Substation and a South Substation in Penrose, it will allow them to overlap and if one goes out, the other one will still cover the area.

Commissioner Payne asked if they were “putting the cart before the horse”. He asked if it would be better to ask for the lines first and then the substations.

Seth Boutilier said that no, the Hogback and Penrose project are good, regardless if anything else goes through in the future. It fixes an existing issue in Penrose today. It does not fix the issue in Canon City. Once the route is established from North Penrose to the Pueblo County line, they will present that at another time. If they get lines in before the substations and the substations don't get approved, then they are back to square one.

Planning and Zoning Director Garrett said that the application is complete and all requirements have been met. There are 2 contingency items and 2 waiver requests. He does recommend approval.

Commissioner McFall asked if the access permit had been obtained.

Planning and Zoning Director Garrett said that they have submitted an application for the vacation of the lot line.

Steven Mulliken, of Colorado Springs, Colorado, an attorney representing three separate groups, spoke against SRU 20-006. He gave his presentation. He said that they submitted a petition in opposition for this SRU, signed by 933 residents. He said that this will not be compatible or harmonious to the K Street neighbors, that it will adversely impact scenic Highway 115, and that the Board should deny it because they do not know the full extent of the proposed development and location of the lines. They feel the application is premature.

Janet Jordan, of Penrose, Colorado, spoke against SRU 20-006. She said that the substation would be viewable by 87% of the property perimeters and the natural landscaping only obscures 13%. She also said that she believes property values may go down as much as 23%.

Commissioner Bell asked when the signatures were collected.

Janet Jordan said from spring of 2019 until October of 2020.

Victoria King, of Penrose, Colorado, spoke against SRU 20-006. She said that the power plant will create a 1% chance of fire. She also said she believes this will increase the magnetic field exposure, and levels of noise in the area.

Steven Mulliken, went on with his presentation to say that this will adversely impact the historic and scenic views of Highway 115. He said it does not meet the requirements of Fremont County's Master Plan. He presented the findings from Zach Perdue, from ELEV8, a Visual Assessment Report, showing the substation destroys the current scenic views.

Kevin Hood, on behalf of Cynthia Melchert, both of Penrose, Colorado, spoke against SRU 20-006. He read a statement from Cynthia Melchert concerned about views, future power lines, and property values.

Nancie Wright, of Penrose, Colorado, spoke against SRU 20-006. She is concerned about views, future plans for lines, and property values.

Commissioner Bell reminded the speakers that they are only considering the substation at this time, not any transmissions lines, so only to speak on what is before them today.

Hoshi Mistry, of Penrose, Colorado, spoke against SRU 20-006. He is concerned about property values.

Steven Mulliken, went on with his presentation to say that the Board of County Commissioners gets to make the decision on this issue. He also stated his concerns for property values, health hazards, and the scenic view corridor.

Karen Olmen, of Penrose, Colorado, spoke against SRU 20-006. She asked why Black Hills mentioned mining in their application for this SRU. She is also concerned about the views.

Sandy Crawford, of Penrose, Colorado, spoke against SRU 20-006. She is concerned about future lines, and views. She also said that due to COVID-19, they had to stop obtaining signatures on their petition and that is why they go back to last spring.

Melvin Manrose, of Pueblo West, Colorado, spoke against SRU 20-006. He is concerned of the location and the possibility of leaking fluids and there not being a containment system. He also mentioned there is an example of what this substation will look like in Desert Cove, Pueblo.

David Iko, of Penrose, Colorado, spoke against SRU 20-006. He wanted to know how far the poles are from the substation.

Larry Swisher, of Penrose, Colorado, spoke against SRU 20-006. He spoke about a 69 kV line going from Canon City to Westcliffe.

Justin Jenkins, of Penrose, Colorado, spoke against SRU 20-006. He spoke about the necessity to pump water, not being an emergency issue. He is also concerned about the effects it will have on businesses and tourism in the area.

Michael Wahl, of Penrose, Colorado, spoke against SRU 20-006. He is concerned about the possibilities of fire and what impact a flash flood might have. He is also concerned with the views. He wanted to know if any representatives of Black Hills Energy live within a half of a mile of power lines.

Barbara Elliott, of Penrose, Colorado, spoke against SRU 20-006.

Commissioner Bell closed the Public Hearing at 12:56 p.m.

Cristin Cochran said in response to Janet Jordan's comments that, the substation would be blocked by the landscaping on most sides, and if moved, there would be no coverage.

Seth Boutilier also said that if moved, there would be no coverage, whereas right now, there is some. They have also offered to put up a sign to help with other coverage issues. He also said you would lose service coverage area.

Cristin Cochran said in response to Victoria King's comments that, the transformers have a containment berm. She also said they are fencing the area of 2 acres which contains radiation and noise. She said in regards to the assessment of Zach Perdue, he is correct, you will be able to see the substation, but in her opinion, it is in a good spot, the landscaping offers some blockage. She said in response to Hoshi Mistry's comments, that reliable electricity brings value to your property. She also said all requirements of the fire department have been met.

Commissioner McFall asked why mining was mentioned in their application.

Seth Boutilier said that as a utility company, they are always talking to entities to see if they would like more power. He said they currently do not have any kind of contract with the mine, but they could accommodate later. They anticipate for load growth. If they don't have the need in the future, they don't expand. However, if they do, they are prepared to do so.

Commissioner Bell asked Planning and Zoning Director Garrett, if since their application is for a future 15 year buildout, would their decision today only include buildouts within that 15 year frame, with what is shown on the plan, as presented.

Planning and Zoning Director Garrett said that it would limit any buildouts to what is in the current proposed plan within the 15 years. Anything past that would require a separate application and approval.

Commissioner McFall asked why the original location was going to be Soda Point and then it was changed to North Penrose.

Seth Boutilier explained that the PUC does not site. They just ask for the initial line and it was thought that it would be wrong to leave Penrose out. Soda Point was just a pin on the map, it was never meant to be there.

Commissioner McFall asked about the transformers leaking oil.

Seth Boutilier said they do have a containment system.

Commissioner McFall asked if any of them lived near the area. They responded that they do not.

Commissioner Payne asked who inspects the containment bin.

Seth Boutilier said there are many entities involved, but that it is signed off by an engineer.

Commissioner Bell asked if Desert Cove was a comparable site to compare to this new proposed site.

Seth Boutilier said that for the most part, yes. He said that it does not have the advantage of some natural landscaping to block views like this location does.

Commissioner Bell said that they have had a lot of information to view and go over and that all of the commissioners have been out to the site. She said that it is helpful to table issues so that they can have discussions to create findings. She also mentioned the Public Hearing is closed, so no further comments can be considered.

Commissioner Payne moved to table SRU 20-006 until October 27, 2020 at 9:30 a.m. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye;

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

Commissioner Bell adjourned the meeting at 1:21 p.m.



Clerk to the Board of County Commissioners



RESOLUTION AMENDING THE MARCH 2019 EDITION OF THE FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL, CHAPTER 5, CLASSIFICATION AND COMPENSATION PLAN; CHAPTER 6, WORKING CONDITIONS; AND CHAPTER 7, LEAVE

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 language in Chapter 5, Classification and Compensation Plan, Section 5.06 Payroll Deductions; Chapter 6, Working Conditions, Section 6.20 (D) Information Technology Acceptable Use Policy (Passwords) and Section 6.32, Recording of Hours Worked; and Chapter 7, Leave, Section 7.12 Unpaid Leave, require revision to establish 1) the county will pay employer's share of health insurance premiums for only the first 40 hours of unpaid leave, 2) mandatory health insurance participation for employees hired after April 1, 2020, 3) a password expiration policy, and 4) to require all employees to submit their time records timely and accurately; and

WHEREAS, a copy of the amended Chapter 5, Chapter 6 and Chapter 7 are attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. Amended Policy 5.06 regarding Payroll Deductions, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
2. Amended Policy 6.20(D) regarding Information Technology Acceptable Use Policy, Passwords, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
3. Amended Policy 6.32 regarding Recording of Hours Worked, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
4. Amended Policy 7.12 regarding Unpaid Leave, for 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 Payne moved adoption of the foregoing Resolution, seconded
by Commissioner McFall and approved by roll call vote as follows:

Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Dwayne McFall	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

Date: October 12th, 2020

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

By: [Signature]
Chairman

ATTEST:

By: [Signature]
Clerk to the Board



CHAPTER 5 CLASSIFICATION AND COMPENSATION PLAN

5.01 General Policy

The purpose of the classification and compensation plan is to provide an equitable and systematic basis for classifying job descriptions and determining compensation for County employees while managing the County's human resources and budgetary requirements.

Specific objectives of this plan are to:

- A.) Attract, retain and motivate County employees by offering competitive and equitable compensation for services performed.
- B.) Standardize classification and compensation practices within the County to the extent possible by establishing and maintaining equitable rates of pay for positions based on an evaluation of their essential functions.
- C.) Provide a means of developing and maintaining accurate job descriptions containing essential job functions for every position within the County.
- D.) Provide a standard, logical, practical and defensible system for justifying salary actions.
- E.) Provide some assurance compensation determinations are directly related to a standardized classification process.

5.02 Job Descriptions – Development and Classification

The Human Resource Department is responsible for the maintenance of all job descriptions which are prepared and approved by the appropriate Elected Official or Department Head. Every established County position shall have an accurate job description which contains the following information:

- A.) Department, Sub-department, Job Title, Grade, FLSA Coverage and date approved:
- A sub-department of any department is indicated in this field showing where the position falls within the organizational structure. The job title describes the general nature of the position. Numeric Titles indicate the level of responsibility of the position within the series. For instance, Clerk II indicates a higher level of responsibility and independence to perform the essential job functions than a Clerk I.
- B.) Summary of, and Essential Job Functions – The summary provides a basic overview of the essential job functions. The essential job functions describe tasks and duties required of the position. The tasks and duties should be specific enough to provide management and employee a guide of the essential job functions. The tasks and duties can include essential and non-essential duties fundamental to the position, department and County.
- C.) Qualifications: – Minimum qualifications are listed in this area including education or experience, separated by tier if the position is a tiered position; language skills; mathematical skills; reasoning ability; required certificates, licenses or registrations; specific knowledge, skills and abilities to the position; the minimum

age requirement (if any); background investigation; drug screening; written examination and any other qualifications. All qualifications are intended to be job-related, i.e. skills required to adequately perform the duties of the position. The phrase "or any equivalent combination of education and experience" is included in each description, allowing interchangeable education and experience to meet the necessary qualifications for successful performance of the duties of the position. If any position requires a current and valid Colorado driver's license it will be identified in the job description, including any position requiring regular and recurring use of County vehicles or equipment; or positions with potential use of County vehicles.

D.) Direction Received/Given/Supervisory Responsibilities: - Indicates the reporting relationships including to whom the position reports; how work is reviewed, spot checked or evaluated; identification of supervisory responsibilities and a brief explanation of supervisory duties. If the position requires frequent or infrequent reference to specific manuals, regulations, rules, or laws, this will be identified in a separate paragraph.

E.) Working Conditions – Provides a description of the physical demands of the position such as lifting, carrying, climbing, and other demanding physical conditions. Provides a description of the work environment of the position such as office or outdoor setting, shift work, weekend or holiday schedules, unusual hazards, extreme heat or cold, and potential exposure to toxic substances.

F.) For all job descriptions the Elected Official or Department Head is the submitting official, the Human Resource Director is the reviewing official and the County Manager is the approving official. As job descriptions are reviewed, edited or created, the Elected Official or Department Head submits the description to Human Resources to review the description and complete a classification evaluation. Upon completion of the evaluation the job description is presented to the County Manager for review and approval. Should the evaluation result in a change in grade, or it is a new job description, it is presented to the Board of County Commissioners for review and approval.

G.) All County job descriptions shall conform to the established format.

5.03 Changes in Classification

A.) Reclassification of an existing position:

- 1) Positions may be reclassified only when there are significant changes in the essential job functions, supervisory responsibilities and required qualifications.
- 2) The Human Resource Department shall initiate any reclassification requests from Elected Officials or Department Heads and present the same to the County Manager.
- 3) The County Manager will present reclassification requests resulting in a change in pay grade to the Board of County Commissioners.

B.) Reorganization of an office or department:

- 1) Positions should be reviewed for reclassification when reorganization significantly alters or shifts the responsibilities of one or more positions.

- 2) Procedures for reclassification due to reorganization will follow those outlined above.

C.) Classification of a new position:

- 1) A job description for a new position will be developed by the Elected Official or Department Head and submitted to the Human Resource Department for review and evaluation.
- 2) The Human Resource Department will finalize the classification and present the job description and evaluation statement to the County Manager for review and approval. The County Manager will present the job description and evaluation statement to the Board of County Commissioners for review and approval.

5.04 Compensation Schedule

As part of the budget responsibility of the Board of County Commissioners, it reviews and adopts a compensation classification system, with input from the various Elected Officials which is used to evaluate each County position. All County positions are assigned a pay grade based on the job description, evaluation statement, prevailing rates for comparable positions, changes in the consumer price index and state law when applicable.

Each pay grade is comprised of steps. The Elected Official has the authority to hire a new employee within the range of steps of the position grade. Employees starting above the minimum step rate must possess objective qualifications sufficient to justify a higher starting salary. Elected Officials and Department Heads must obtain approval from the County Manager before deviating from step 1 of the classified pay grade. Employees progress through the steps within the grades based on tenure.

The County considers employee compensation increases annually, primarily based on budgetary constraints. Once the County has established its anticipated compensation increases for the following fiscal year, all employees will receive such increase, including most contracted employees. No employee has a vested or absolute right to an increase in compensation.

5.05 Employee Compensation Payment

Employees are paid bi-weekly. The Director of Finance establishes an annual schedule of paydays for the following year by December first of each year. The schedule is distributed to all employees electronically.

To provide sufficient time for the calculation of earnings, deductions and net pay, Department Heads shall submit bi-weekly payroll information to payroll by the deadline set by the Director of Finance. This typically is the Wednesday following the previous payday.

Employee compensation is paid through electronic direct deposit into an account(s) at the financial institution designated by the employee. Electronic direct deposit is mandatory for all payroll transactions.

5.06 Payroll Deductions

Deductions required by law, such as federal, state, Social Security and Medicare taxes, are withheld from employee compensation each pay period and submitted to the appropriate entities by the County.

Upon completion of twelve (12) months of service, all eligible employees will participate in the retirement fund and are required to contribute the minimum mandatory amount to the retirement fund through payroll deduction each pay period.

Employees hired after April 1, 2020, are required to enroll in a health insurance plan through the county selected vendor.

Employee-authorized optional deductions, such as premiums for dental, vision, voluntary life, short or long disability insurance plans, flexible spending account, savings accounts, loans and other miscellaneous deductions may occur, as offered and approved by the Board of County Commissioners.

5.07 Performance Evaluation Plan

Supervisors are encouraged to have frequent informal communication with their employees to evaluate job performance. The County views the informal process as well as the formal process as effective means of reinforcing consistent quality and productivity in the delivery of services.

To facilitate the formal process, each employee participates with his/her immediate supervisor and the next level supervisor in planning and evaluating performance. The evaluations shall be written, signed by all parties involved and placed in the employee's official personnel file.

New Employees participate in the performance planning and evaluation process after continuous service of six (6) months. This process allows both the employee and supervisor to determine suitability for continued employment and establishment of performance goals and measures. The Sheriff's Office and Department of Human Services will determine to continue or terminate employment during the twelve (12) month evaluation period.

Employees with Greater than One Year of Service participate in annual performance planning and evaluations. These are generally conducted upon reaching an employment anniversary date. The goals and measures established during the evaluation process and any updates made during the evaluation period are used as the basis of evaluation. This provides the employee and supervisor an opportunity to establish the goals and measures for the next period of evaluation. The goals and measures should be established in specific terms, whenever possible, to provide focus and meaningful guidance to the employee. Negative comments should be accompanied by specific assignments or suggestions for performance improvement along with timetables for reevaluation.

Supervisors may address performance issue(s) with a "Special Review" process to address specific concerns, and create an action plan(s) to correct the issue(s) including the time frame to do so, typically not less than sixty (60) days. At the end of a special review period, the employee will be evaluated to discuss the issue(s) and the performance expectations until the next regularly scheduled performance evaluation period.

Employees who change jobs during the year should have a shortened evaluation period from the date they received their new job assignment until the end of their employment anniversary date.

CHAPTER 6 WORKING CONDITIONS

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 3rd and 6th 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.

Passwords will expire annually on all county systems.

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, or reviewing/approving their time clock data, to ensure it accurately reflects time worked and or approved leave which equals their normal work schedule in the pay period by the established and published time lines. Failure to do so may result in non-payment. 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 within the established and published time lines. 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.

CHAPTER 7 LEAVE

7.01 General Policy

All paid and unpaid leave must be reported and recorded for regularly scheduled work hours when actual work is not performed by an employee, regardless of the reason. All paid and unpaid leave is taken and charged in fifteen (15) minute increments.

All requests for leave shall be made in advance of the beginning date and time, except requests for sick leave, jury duty and administrative leave, which shall be made as soon as possible. However, failure to request leave in advance does not eliminate the requirement for all paid and unpaid leave to be properly reported and recorded on the employees' electronic time sheet.

Leave categories:

Administrative Leave	7.02
Bereavement Leave	7.03
Family and Medical Leave	7.04
Holidays, Observance of	7.05
Job-related Injury Leave	7.06
Jury or Witness Duty Leave	7.07
Military Leave	7.08
Sick Leave	7.09
Sick Bank Leave	7.10
Unauthorized Leave	7.11
Unpaid Leave	7.12
Vacation Leave	7.13

The Elected Official or Department Head shall schedule and approve vacation leave to ensure employees have an opportunity to use their earned vacation leave while retaining a sufficient work force to efficiently operate. Elected Officials and Department Heads will make every reasonable effort to allow the use of earned vacation leave upon request so employees are not in a position to lose accrual of leave time.

All paid and unpaid leave will be recorded on each employee's electronic time sheet submission and approved by the designated supervisor every two weeks. The Tyler Computer system, or any other system designated by the County, will be the official record keeping system for pay and leave submissions.

Employees who experience a serious illness or injury, lasting three (3) or more days, are required to submit a leave request under the Family and Medical Leave Act. All paid and unpaid leave will be used concurrently with the FMLA requirements and the rolling 12-month period, including workers compensation cases if the employee is expected to be off duty for more than fourteen (14) days. Refer to the individual leave category Policies below for further details.

Periods of unpaid status will result in a pro-ration of accrued leave categories.

7.02 Administrative Leave; Paid and Unpaid

Administrative leave is a general term for temporary removal from performing job duties. Administrative leave, with or without pay, can be ordered for an employee who is to leave the worksite and not return for a specified period of time, for a specific reason and when it is in the best interests of the County. Time designated as paid Administrative Leave will not be charged against the employee's paid leave.

When an employee is absent from work on administrative leave for investigation of misconduct, the job position will be held open, until it is determined through the process of investigation or disciplinary action, the employee will be separated from employment. The employee will return to the same job position if the employee is cleared of allegations after investigation. A temporary employee may be used while an employee is on administrative leave.

It is within the discretion of the Elected Official or County Manager to approve or deny Administrative Leave. Department Heads may not approve or deny Administrative Leave.

Administrative Leave, paid or unpaid, may be granted for the following reasons, this list is not all inclusive:

- 1) Closing of one or more County buildings due to inclement weather, threat of hazard or other dangerous conditions;
- 2) Allowance of time off for an employee exempt from overtime accrual and compensation, when such employee has worked hours in excess of the normal 40 hour work-week;
- 3) Situations when the employee has exhausted available and appropriate paid leave, but additional leave time is necessary due to exceptional, emergency or extraordinary circumstances;
- 4) During an investigation for allegations of misconduct, misbehavior, poor work performance, any other action or activity which may warrant disciplinary action;
- 5) During an investigation for allegation of policy or law violations;
- 6) During an investigation for allegations of engaging in distracting or disruptive behavior toward other employees; or
- 7) An employee who has been the recipient of physical or emotional distress by another employee(s) while a solution is sought.

Employees placed on paid, or unpaid administrative leave for #4, 5 or 6 above, shall remain available to cooperate in the investigation by responding to requests for information and questions arising during the investigation. Failure of the employee to remain available or cooperate may result in termination for failure to cooperate.

Employees placed on paid administrative leave during an internal investigation into allegations of misconduct, violations of law or engaging in distracting/disruptive behavior is limited to 160 hours. If the investigation is being conducted by an outside agency, paid administrative leave is also limited to 160 hours. If the investigation is incomplete following the 160 hour limit, the employee will be placed on unpaid administrative leave not to exceed 480 hours at which time the Elected Official or County Manager must make an employment decision on the employee.

Employees placed on unpaid administrative leave are responsible for making arrangements to pay the employee's share of premiums for health, dental, life and other benefits which normally are deducted from regular pay. All employee premium payments are due by the end of each month of unpaid status. Employees may opt to temporarily cancel benefits while in an unpaid status. The effective date of said election will be the end of the month. The effective date of reinstatement of benefits will be the 1st of the month following return to paid status.

Although administrative leave may be imposed in situations involving alleged employee

misconduct and investigation of the same, the imposition of administrative leave is not a disciplinary action. Employees who are terminated from employment due to exceeding the 480 hour limit and are subsequently cleared of all wrong doing may apply for reinstatement but will not receive back pay compensation.

In extraordinary, emergency or exceptional circumstances unique to an employee and not related to workplace performance or conduct, an Elected Official or the County Manager may elect to grant unpaid administrative leave, up to 160 hours per calendar year.

7.03 Bereavement Leave

Regular full-time employees may take bereavement leave for the loss of an immediate family member. Immediate family member is defined as a spouse, civil union partner, child, parent, sibling, grandparent and grandchild. Special consideration may be given for the death of a person whose close association with the employee was similar to any of the immediate family relationships specified above.

Bereavement leave may be used to plan and attend the funeral, or for estate business prior to and following the funeral. Employees are eligible for a maximum of 40 hours for each immediate family member. Bereavement leave, of up to 4 hours, may be granted to attend the funeral of a co-worker. Bereavement leave of one (1) work day, may be granted to act as a pallbearer at a funeral.

Should an employee require additional leave beyond the 40 hours, they may request use of accrued vacation leave and compensatory time. Sick leave and unpaid leave may be requested if all other accrued vacation leave has been exhausted. Use of vacation, compensatory, sick and unpaid leave shall be granted at the discretion of the Supervisor.

7.04 Family and Medical Leave Act (FMLA)

Employees who experience a serious illness or injury, or one of a family member (as defined), requiring an extended or intermittent absence from performing their duties are entitled to unpaid leave not to exceed 12 workweeks in a twelve (12) month period. The employee must meet all required criteria and submit the appropriate request with a medical certification to the Human Resource Department prior to the beginning date of the leave. However, if an employee fails to submit the appropriate request prior to the beginning date of the leave, a request must be presented as soon as practicable and the leave already taken will be reflected as FMLA if meeting all criteria.

Any employee who anticipates the need for leave under the FMLA should submit the appropriate leave request and medical certification form to the Elected Official, Department Head and the Human Resource Department. All requests and medical certifications, as well as any provided updates will be confidentially maintained solely by the Human Resource Department.

The County requires employees who are projected to be absent for more than three (3) days due to a serious illness or injury, or one of a family member, to submit an FMLA request with supporting medical certification. This requirement includes workers compensation if the employee is expected to be absent for more than fourteen (14) days. All leave taken runs concurrently with FMLA, not to exceed 480 hours.

A.) Eligibility:

To be eligible under FMLA, an employee must have been employed by the County for at least twelve (12) months and performed at least 1,250 hours of work during the 12-month period immediately preceding the start of the leave.

B.) Qualified Leave Reasons:

The County will grant FMLA leave to eligible employees for the following reasons:

- 1) The employee's serious health condition;
- 2) The birth and care of the employee's child;
- 3) Placement with the employee of a child for adoption or foster care;
- 4) Care of the employee's spouse, domestic or civil union partner, child or parent with a serious health condition;
- 5) Qualifying exigencies arising from the employee's spouse, domestic or civil union partner, child or parent's active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation; or
- 6) Care of the employee's spouse, domestic or civil union partner, child or parent who is an active member of the Armed Forces (including National Guard or Reserves) when the person has a serious injury or illness, , limited to a total of 26 workweeks of unpaid leave during a "single 12-month period."

Leave for the birth and care, or placement and care of a child must conclude within 12 months of the birth or placement of the child.

C.) Definitions

- 1) Serious Health Condition : An illness, injury, impairment or physical/ mental condition requiring:
 - a) Inpatient care in a hospital, hospice or residential medical care facility; or
 - b) Continuing treatment by a health care provider.
- 2) Continuing treatment , in broad terms:
 - a) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery there from) of more than three consecutive calendar days (and any subsequent treatment period of incapacity involving the same condition) OR involving treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion resulting in a regimen of continuing treatment under the health care provider's supervision;
 - b) A period of incapacity due to pregnancy or prenatal care;
 - c) A period of incapacity or treatment for such incapacity due to a chronic serious health condition requiring periodic visits for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity (i.e., asthma, diabetes, epilepsy, etc.);
 - d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (i.e., Alzheimer's, severe stroke, terminal stages of a disease); or
 - e) A period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition resulting in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (i.e., chemotherapy, physical therapy or dialysis).

- 3) Parent: The biological parent of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child.
- 4) Child: A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in the place of a parent, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
- 5) Health Care Provider: A physician, dentist, podiatrist, clinical psychologist, optometrist or other similar medical professional who is authorized to practice medicine or surgery in the state in which the individual practices his/her profession and who is authorized to treat the condition for which the employee is being treated. In cases limited to treatment consisting of manual manipulation of the spine to correct a subluxation, medical certification may be provided by a chiropractor.
- 6) Medical Certification Form is defined as the Department of Labor Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act), WH-380-E, form; or the Department of Labor Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act), WH-380-F, form.

D.) Notice Requirements

Employees seeking FMLA leave are required to submit their request and medical certification forms to the Human Resource Department at least 30 days prior to the requested period of leave. Where advance notice is not possible, such as a medical emergency, notice should be given as soon as practicable. Failure to give advance notice where foreseeable may delay or postpone the commencement of the leave.

E.) Notice to the Employee and Elected Official or Department Head

When an employee has properly submitted their request and medical certification, the Human Resource Department will provide a response using designated FMLA forms within five days of receiving the written request.

The Human Resource Department will provide written notification to the Elected Official or Department Head of the approved FMLA request and the procedures to be followed during the approved FMLA time frame.

F.) Certification of a Serious Health Condition

Medical certification on the established Department of Labor FMLA form from a health care provider is required, whether the serious health condition is the employee's or an eligible family member's. Failure to provide a signed certification may result in a delay or denial of the employee's leave. The medical certification must be provided within fifteen (15) calendar days of the County's request, but preferably at the same time the employee requests leave under FMLA. The County may, under certain circumstances require recertification of a medical condition, generally for leave which is expected to extend beyond thirty (30) days. The employee is responsible for providing updates to the Human Resource Department while on FMLA Leave.

G.) Length of Leave

Eligible employees who have submitted a properly completed FMLA request with associated documentation are entitled to a maximum of twelve (12) weeks of unpaid leave during any 12-month period. The county uses the "rolling" 12-month period measured backward from the date an employee first uses FMLA leave. Employees who meet the criteria under FMLA, may use additional hours gained due to the passage of time. Each time an employee takes FMLA leave, the remaining leave entitlement equals the balance of the twelve (12) workweeks, or 480 hours, which was not used during the rolling 12-month period.

Where both spouses, domestic or civil union partners are employed by the County, they are entitled to a combined total of 12 workweeks of FMLA for the birth and care of their newborn child, or care and placement of a child for adoption or foster care.

In limited circumstances and with a properly submitted and approved request for FMLA, including medical certification, employees may take intermittent leave or leave based on a reduced work schedule. Intermittent leave or leave for a reduced schedule may be taken whenever medically necessary to care for a seriously ill family member or for the employee's own serious health condition.

H.) Substituting Paid Leave

An employee who takes FMLA leave for any authorized reason, is required to use accrued paid leave, including vacation, sick leave, compensatory time, floating holiday (as available) and wellness day (as available) concurrently with FMLA leave. Employees who meet the criteria for the sick leave bank (Policy 7.13) may use the allotted hours from the bank following separate application and approval. The County will designate an employee's use of accrued leave as FMLA leave based on the information provided by the employee. Should the employee have a need for unpaid leave under FMLA it will be designated as FMLA and counted towards the 12 work week period, or 480 hours.

I.) Benefits during Leave

The County will maintain the employee's health and life insurance coverage and the employee shall continue to pay their portion of the benefit costs. The County may recover, on a pro rata basis, premiums it paid to maintain health coverage for an employee who fails to return to work following FMLA leave. Should an employee be placed in an unpaid FMLA status, the employee is responsible for contacting payroll to establish a payment method for the employee's share of all benefits premiums, including health, dental, voluntary life, and accident plans. The premiums must be paid by the end of the month of coverage.

All leave will continue to accrue during any period of paid FMLA leave. If unpaid FMLA is used, leave will not accrue or will be pro-rated. Accrued leave will resume when the employee returns to a paid status. If FMLA leave is taken on an intermittent basis, leave will continue to accrue on a pro rata basis for actual time worked.

J.) Return to Work

Employees returning from FMLA leave will be reinstated to the same or equivalent position, with equivalent pay, benefits and other terms and conditions of employment. Failure to return to work at the end of the leave may result in termination of employment.

Employees returning to work who experienced a serious health condition may be required to provide a medical certification from a health care provider documenting their fitness to return to

work. Employees who are unable to return to work at the end of the leave should notify the Human Resource Department. Supervisors should contact the Human Resource Department to discuss alternatives prior to taking any action if an employee is unable to return to work. Except as provided in this policy, an employee's use of FMLA leave will not result in the loss of any employment benefit the employee earned before using FMLA leave.

K.) Other Leave Arrangements

If an employee is ineligible for leave under FMLA, the employee may be eligible for other leave categories as discussed in this Chapter. The determination of whether an employee qualifies for FMLA leave will be made at the time leave is requested and a medical certification form is provided.

L.) For More Information

Information can be obtained by contacting the Human Resource Department. In addition, a poster is on the Human Resource bulletin board which includes details regarding eligibility and other requirements of the law. Questions of interpretation under this policy will be resolved by reference to the FMLA and regulations issued by the United States Department of Labor. Employee's rights under this policy shall in no case be less than those afforded by the FMLA.

7.05 Holidays, Observance of

Each year the Board of County Commissioners designates observed holidays for all County employees. The holiday schedule may vary each year as deemed appropriate, or as limited by the County budget.

The following holidays generally will be observed:

- New Year's Day
- Martin Luther King Day (DHS)
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving (DHS)
- Christmas Day

The Board of County Commissioners may provide additional holiday leave as a "Floating Holiday" to all County employees which can be used upon request of the employee and approval by the Elected Official or Department Head. It must be used by the designated date within the year. If employees fail to use the "Floating Holiday" they will lose it and not receive compensation for the lost hours.

Regular part-time employees will receive an equivalent amount of holiday time based on their work schedule (75%, 60%, 50%).

Temporary employees will not receive or be eligible for holiday pay or floating holiday, as designated by the Board of County Commissioners.

Newly hired employees will receive a "pro-rata" number of "Floating Holiday" hours for the balance of the calendar year. Examples: 10 hours of "Floating Holiday" approved for the calendar year. New employee begins work on July 1. Employee will receive 5 hours of "Floating Holiday" for the 6 months remaining in the year. New employee who begins work on or after October 1 would receive 3 hours (one-fourth) of "Floating Holiday" hours.

All employees who separate from the County without using the designated "Floating Holiday" hours will lose the hours without compensation. Should the same employee return to the County within the same year, they will not be eligible for floating holiday hours for the remainder of the year.

Employees of the Sheriff's Office, the Department of Human Services and the Department of Transportation may be required to work on designated holidays. An Employee working on a designated holiday shall receive additional hour-for-hour compensation (double time) for holiday pay, up to a maximum of 8 hours or 10 hours based on the designated holiday schedule for their assigned department unless paid leave is requested and approved during the pay period. All employees must be in a paid status on the day immediately preceding or following the designated holiday to be eligible to receive holiday pay.

7.06 Job Related Injury Leave Unpaid Workers Compensation Leave

An employee who suffers an on-the-job injury must complete the "Employee Notice of Injury Report", the Medical Release form, the designated medical provider form and provide it to the supervisor. The supervisor must complete the "Supervisor Accident Report" and provide the employee with a copy of the "first fill card" which gives direction to the pharmacy should the employee need a prescription filled. All completed forms shall be submitted to the Human Resource Department for processing.

An employee on injury leave or unpaid workers compensation shall receive the statutory benefits available under the Colorado Worker's Compensation Act, Colorado Revised Statute Title 8 and Fremont County Personnel Policies and Procedures.

An employee who is incapacitated from an on-the-job injury and cannot perform their assigned job functions for more than three (3) days will be placed on unpaid workers compensation leave. Incapacitation must be supported by a physician's statement.

The Colorado Worker's Compensation Act requires temporary total disability (TTD) benefits paid to employees when they are unable to perform their job functions due to an on-the-job injury or illness. TTD is payable following a three (3) regular working day waiting period (which does not begin until the day AFTER the injury occurred). TTD is not payable for the waiting period unless the period of incapacitation lasts longer than fourteen (14) calendar days from the date of injury, beginning with the day after the injury.

An employee who sustains an incapacitating on-the-job injury and as a result cannot perform job functions, may use accrued paid leave for the three (3) working day waiting period. If incapacitation exceeds fourteen (14) days the employee may request restoration of leave for the three (3) working day waiting period in exchange for payment to the County of the Worker's Compensation benefits paid to the Employee for the waiting period. A request for restoration of leave must be in writing and accompanied with payment to the County within 30 days from the date of injury.

Unpaid Workers Compensation Leave is granted when:

- 1) A report of accident form has been initiated by the employee and provided to the supervisor.
- 2) The injured employee or Human Resources has a physician's report from the County's Designated Workers Compensation Physician concerning their medical condition or treatment.
- 3) Determination of accommodation based on the physician's report has been made by the Elected Official, Department Head or supervisor, in conjunction with Human Resources. Unpaid workers compensation leave is authorized if the employee cannot be accommodated in the workplace consistent with their medical restrictions.
- 4) Periodic reviews of physician's reports of the injured worker's status are received, reviewed and discussed.
- 5) When an injured employee is incapacitated, based on the physician's report and expected to remain off work for more than three (3) days.
- 6) Workers Compensation will pay the employee TTD while in an unpaid status.
- 7) An injured employee may opt to use accrued paid leave (vacation, sick, holiday, compensatory time) for up to 1/3 of their time off while in this status to cover the cost of benefits.

During the time an injured employee is incapacitated the County will continue to contribute the County share of the health and life insurance premium for a maximum of twelve weeks in any twelve (12) month rolling period.

The employee is responsible for making premium payments to the County for the employee's share of health insurance premiums if paid compensation is insufficient to cover the cost (as stated in #7 above). If an injured employee has voluntary benefits (dental insurance, voluntary life insurance, or any other optional benefits) the employee is responsible for making premium payments to the County for these benefits to continue. Payment is due no later than the last working day of the month of coverage. If the employee fails to make the premium payment(s) when due, the County may exercise its right to cancel benefits for non-payment of premium(s).

An injured employee shall not accrue vacation or sick leave while on injury leave or unpaid workers compensation. If the employee is released to return to modified duty, if available, whether on a full time or part time basis, the employee is required to comply with the requirements of the offered modified duties. If the injured employee returns to work on a part-time basis leave will accrue on a pro-rated basis.

The injured employee must provide any assistance requested for completion of the necessary forms needed by the County or its insurance carrier.

During the period an employee is on unpaid workers compensation leave, the employee must keep the Human Resource Department informed of medical status at least once per week.

The County will make every effort to return injured employees or those suffering from a work related illness, to full or partial duty as soon as possible. Modified duty, if available, may be used to accommodate work restrictions as listed on a physician's report. When necessary or possible an injured employee may be placed in a position in a different department of the County on a temporary basis. All offers of modified duty will be provided in writing by the County and either accepted or declined by the employee.

An injured employee will be entitled to return to the employee's former position when released to full duty within the time limits prescribed. The period while an employee is on injury leave, or unpaid workers compensation, shall not constitute a break in service for the employee. Any appointment made to a position vacated by an injured employee shall be temporary.

An employee on unpaid workers compensation leave who is not released by the physician to return to work, for any reason, within a rolling twelve week period (as calculated under FMLA) will be terminated from employment with Fremont County as prescribed in Chapter 11. Termination of service under this provision will in no way affect continuation of payments under the Worker's Compensation Act, or eligibility for future re-employment with the County.

If an injured employee is expected to be incapacitated for more than 14 days, due to their injury or illness, the employee is required to complete the "Employee Request for Leave under FMLA" form and provide the WH-380-E, Employee Medical Certification" form to the Human Resource Department. The employee's time records will reflect an FMLA identifier for all leave taken, whether paid or unpaid.

7.07 Jury Duty and Court Leave

Regular full-time and part-time employees shall receive their regular hourly rate of pay, not to exceed their normal work day hours, while serving as a juror or responding to a jury summons, or while placed on court leave to serve as a witness in their official capacity.

Jury Duty: The employee is required to provide a copy of the jury summons to the Elected Official or Department Head upon receipt. If the employee is required to report to the courthouse on the designated date and time indicated on the jury summons they will be placed on jury duty leave. If the employee is released from the court after reporting, the employee will provide the Elected Official or Department Head a form provided by the court stating the time released from the jury summons for proper recording on the employee's payroll record.

If the employee is selected as a juror they shall notify the Elected Official or Department Head as soon as possible. The employee will be placed on jury duty leave for the time served as a juror. Should there be a break in the trial, the employee is required to return to work during any breaks.

Court Leave: If an employee is served a subpoena, or receives a written directive by a proper authority, to appear in an official capacity as a party or witness in a case involving Fremont County, the employee will be placed on court leave for the time spent away from work. The employee must notify the Elected Official or Department Head immediately upon becoming aware of the required court appearance and provide a copy of the written documentation to support such an appearance.

An employee involved in litigation, whether as a party or witness for their own case or for another proceeding is ineligible for court leave and shall use accrued vacation leave, compensatory time, holiday float leave (if available), wellness leave (if available) or unpaid leave for such required appearances. The employee must notify the Elected Official or Department Head immediately upon becoming aware of the required court appearance and provide a copy of the written documentation to support such an appearance.

7.08 Sick Leave

Sick leave for regular full-time employees shall accrue four (4) hours per pay period.

Sick leave for regular part-time employees shall accrue on a pro-rated basis in conjunction with their regularly scheduled part-time schedule.

Sick leave shall be granted to an employee for illness or injury which incapacitates them for duty, for the illness or injury of an immediate family member which requires the employee's presence for care, or to travel to and from, within reason, a medical appointment. Within reason is defined as a reasonable amount of time to drive to, attend and return from a medical appointment.

In cases of illness or injury which prevent an employee from reporting for duty as assigned the employee is required to make notification to the supervisor prior to the beginning of their shift. This notification can be made in any means identified by the supervisor and will be confirmed by the supervisor. Any means can be by telephone, email or text as directed by the department.

Employees may be required to present a release to duty from a medical provider following an illness or injury. Should an employee fail to provide the requested release the sick leave may be charged to vacation leave or unpaid leave.

Immediate family member is defined as the employee's spouse, domestic or civil union partner, child or parent. Parent is defined as the biological parent of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child. Child is defined as a biological, adopted, foster or step child, a legal ward or a child for whom the employee stood in the place of a parent, who is under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability. Special consideration for use of sick leave will also be given to any other person whose close association with the employee was similar to any of the immediate family relationships defined within this section.

At the discretion of the Elected Official, Department Head or Supervisor, sick leave claimed for either the day or days immediately preceding or immediately following scheduled days off, or sick leave used for three (3) consecutive days, shall be supported with an acceptable medical certification of illness or injury and signed by a physician or medical professional. The medical certification should not include a diagnosis of an illness, but must clearly state the employee's illness prevented the employee from performing their assigned duties. Should an employee be requested and fail to provide medical certification the absence shall be charged against the employee's accrued vacation leave, compensatory time or unpaid leave.

Should an Elected Official, Department Head or supervisor determine an employee is abusing sick leave through a pattern of usage (including, but not limited to, sick leave regularly requested in conjunction with weekends or holidays, same day of week repetitively without explanation, too many days taken in a short period of time or sick leave taken without indication of illness or injury) the employee may be required to submit medical certification for all sick leave used, regardless of duration or be subject to disciplinary action.

Sick leave accrues at the end of the pay period and is available to an employee to use immediately upon accrual.

Sick leave will not accrue when an employee is on unpaid leave, whether for an entire pay period or portion thereof; if an employee is on unpaid leave for a portion of a pay period, sick leave accrual will be pro-rated. Sick leave will not accrue for the first pay period if the employee works only a portion of such pay period. There will be no restriction on the use of sick leave during the

employee's probationary period.

Elected Officials and Department Heads shall ensure all sick leave taken is properly documented when approving time worked for employees. All County employees have access to their pay and leave information through Employee Self Service (ESS). It is the employee's responsibility to review pay and leave information for accuracy. Should a discrepancy exist, the employee shall notify the Elected Official, Department Head or Supervisor within fourteen (14) days. If the employee fails to notify the County of any alleged discrepancy, payroll records shall be presumed correct, conclusive and binding for all purposes.

Any appointment made to a position vacated by an employee on sick leave shall be temporary. The employee will be entitled to reinstatement in the position upon return to work within the time limits established by County policy. A period of extended sick leave shall not constitute a break in service for the employee. If, an employee is unable to return to work, for any reason, after twelve work weeks as calculated under FMLA, employment will be terminated.

The maximum accrual of sick leave shall not exceed 500 hours. Employees who reach the maximum limit of 500 hours in a given pay period will not accrue any additional sick leave. Accrued sick leave is not compensable to the employee at the time of separation from employment.

Seasonal or temporary employees will not accrue sick leave.

7.09 Sick Leave Bank

The Sick Leave Bank is established to assist Fremont County employees who have exhausted their available accrued paid leave time, including compensatory, sick leave, vacation leave or other available options, during the course of an illness or injury supported by medical certification. The policy is established specifically for the use of Fremont County employees and is based on the donation of sick leave hours by Fremont County employees.

The Sick Leave Bank is based on a voluntary contribution of eight (8) hours per member, per year. Employees who do not contribute to the Bank are not participants in the Bank and are ineligible for Sick Leave Bank hours.

- A.) Open enrollment for new employees will be during the first month of employment, eligibility and eight (8) hour contribution occurring after six (6) months of employment.
- B.) Open enrollment for existing employees will be held in December each year with the required eight (8) hours contribution being deducted in January.

New enrollees must complete an enrollment form and contribute eight (8) hours of sick leave.

Existing members will not be required to contribute an additional eight (8) hours if the Sick Leave Banks' hours exceed 5,000.

If an enrollee does not have the required contribution available at the time the contribution is due, the employee's enrollment will be deemed invalid. If there are extenuating circumstances which are supported by medical certification, the contribution may be delayed.

A.) Program Requirements

- 1) The Sick Leave Bank is funded initially by an enrollee's contribution of eight (8) hours of accrued sick leave, which is deducted from the enrollee's accrued balance and credited to the Bank.
- 2) No participant has a vested right to sick leave days based solely on the contribution. A participant wishing to apply for hours from the Bank must complete an application and provide a medical certification to the Human Resource Department. The number of hours granted will be determined on a case-by-case basis after a review of the application, medical certification and the employee's available accrued leave balances.

B.) Eligibility

Sick Leave Bank hours can be requested and approved for an extended or catastrophic illness, surgery or injury of the employee, which shall include incapacitation due to childbirth or high risk pregnancies supported by medical certification. Pregnancies without extended inpatient care, routine surgeries, common illnesses (cold, flu), cosmetic procedures, sprains, strains or tears, or other common conditions shall not be a qualifying medical necessity for hours to be granted under this program except in cases of critical or serious complications. It is not available for a "bonding" period between an employee and a newborn child or adopted child unless a medical necessity is demonstrated through medical certification. The medical certification must establish the employee is incapacitated to perform their duties.

C.) Medical Certification

Defined as a written document signed by a medical professional which provides specifics on the medical condition and the employee's incapacitation to perform work duties. A properly completed FMLA Medical Certification may be substituted.

D.) Criteria

- 1) Sick Bank hours may not be granted for elective surgery or illness of any member of the employee's family or during any period an individual is receiving disability benefits from Social Security, a retirement plan, long or short term disability or during any period of time an individual is receiving workers compensation wage benefits.
- 2) Sick Bank hours must be used on a continuous basis after all other accrued leave has been exhausted. Any hours granted may be applied retroactively from the time the employee entered a unpaid status. Intermittent use may be appropriate based on medical certification and the circumstances surrounding the approval but cannot exceed a 60 day time period.
- 3) At the discretion of the Elected Official or Department Head, Sick Bank hours may be denied if the requesting employee has been counseled, warned or reprimanded for their excessive use or misuse of accrued sick leave in the previous twelve months.
- 4) Bank hours are carried over from year to year. Information for the annual open enrollment will contain instructions on how to remain an active participant, such as making an additional contribution. All new enrollees during open enrollment are required to contribute eight (8) hours of accrued sick leave. To be eligible for participation, an employee must make the required contribution in January or the enrollment will be invalid.
- 5) Contributed hours to the Sick Leave Bank are not refundable. If the program is terminated at any time, any hours remaining in the bank shall be equally divided among the participants as of the time of termination, taking into consideration the maximum number of sick leave an employee can accrue.
- 6) Upon separation from the County, a Sick Bank participant will no longer be eligible for sick leave from the Bank.

E.) Conditions governing the granting of sick leave hours from the Bank:

- 1) The application and medical certification forms are available through the Human Resource Department or on the Employee Self Service site and are separate from requests for FMLA. However if an employee has requested, provided the required FMLA medical certification form and been approved, they do not have to provide a separate medical certification.
- 2) If a member is unable to make application the application may be filled out by a representative designated by the member.
- 3) A written and signed medical certification statement which specifies the nature of illness or injury, including incapacitation for work, is required.
- 4) The Elected Official or Department Head must grant approval for time off and may meet with the employee to discuss any problems with the request.
- 5) Sick Bank hours will not be granted until a member has used all accrued paid leave. Employees using Sick Bank hours for an entire pay period will not accrue vacation or sick leave; if using for a portion of any pay period, accrual will be pro-rated.
- 6) Sick Bank hours may not be used to extend or increase the amount of paid sick leave past the maximum amount of leave allowable under the Family and Medical Leave Act.
- 7) The maximum number of hours which may be granted to an individual member is 160 in any twelve-month period.
- 8) The employee or supervisor must inform the Human Resource Department when the member returns to work. Any unused Bank hours will be returned to the Bank.

7.10 Unauthorized Leave

County employees shall obtain prior approval from their supervisor for all absences. If an employee is absent for more than one-half of the scheduled work day without supervisor-approved paid or unpaid leave or other proper authorization, the employee may be terminated for job abandonment. The Elected Official or Department Head may excuse unauthorized leave if unusual, emergency, unexpected or unforeseen circumstances exist and justify the absence.

7.11 Uniformed Service (Military) Leave

The County recognizes service with the Uniformed Services is critical and warranted. Employees who are uniformed members of any of the branches listed below may, from time to time, be required to or have a situation requiring their absence from work for an extended period of time to meet Uniformed Service obligations or to respond to a call to active duty. The County complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 and subsequent amendments, concerning this type of leave. The "uniformed services" consist of the following:

- 1) Army, Navy, Marine Corps, Air Force, or Coast Guard;
- 2) Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve;
- 3) Army National Guard or Air National Guard;
- 4) Commissioned Corps of the Public Health Service.; or
- 5) Any other category of persons designated by the President in time of war or emergency.

The employee is required to provide notice (copy of orders or training schedule) to the Elected Official or Department Head as soon as possible after becoming aware of the requirement or need for Military Leave, unless military necessity prevents the giving of notice; or the giving of notice is otherwise impossible or unreasonable. All employees, other than those whose preservice positions are brief or non-recurrent and who cannot be reasonably expected to continue employment indefinitely or for a significant period, who are called into Uniformed Service, Training or Active Duty will be granted fifteen (15) days, not to exceed 120 hours, per calendar year, of paid military leave and reemployment rights in accordance with applicable federal law. Should the orders or training schedule exceed the paid military leave hours the employee will be granted unpaid military leave.

The County respects the requirements of uniformed service obligation and recognizes the above named military authorities have the sole right to determine the amount of training needed to meet mission or duty requirements. The County reserves the right to work with the employee and their military superiors in complying with the provisions of the Act and other applicable statutes.

7.12 Unpaid Leave

Unpaid leave may be granted to an employee within the discretion of the Elected Official or Department Head. An employee may be granted up to 480 hours of unpaid leave in any twelve month period. Granting of unpaid leave during the probationary period should be limited based on the individual circumstance(s). An employee approved for unpaid leave may be required to use all accrued leave (vacation, compensatory time earned, floating holiday, wellness day (as available)) prior to using any unpaid leave. Sick leave must be used if the request is for medical reasons or otherwise qualifies for use of sick leave.

The employee request and approval of unpaid leave will be for a specific period of time and reason. Upon expiration of the time granted, the employee must return to duty or request an extension. Failure to do so, shall be considered job abandonment, resulting in termination from employment. Documentation of the employee request(s) and approval will be maintained by the employee's department for a period of three (3) years. Notification is required to the Human Resource Department so proper pay codes can be added to an employee's electronic time keeping system.

Should an employee need to request an extended leave of absence without pay, the employee must submit a detailed written request to the Elected Official, County Manager or Department Head at least ten (10) calendar days before the effective date, except in emergency situations. If an employee fails to request and be approved for unpaid leave in advance, the employee may be subject to disciplinary action, up to and including termination.

All requests will be considered on a case-by-case basis taking into consideration the needs of the department, needs of the employee and current employment status such as probationary period and performance.

An employee on unpaid leave will not accrue paid leave or receive County retirement contributions. Payment of the employer's share of health insurance premiums will discontinue or terminate after 40 hours of unpaid leave. Employees may opt to continue coverage by making arrangements to pay both the employee and County share of premiums.

Employees must pre-arrange payment of the employee's share of health, dental and vision insurance, as well as the employer share of such premiums, if applicable. Employees must also pre-arrange for payment of optional deductions for voluntary life insurance premiums, loan

payments and other automatic withdrawals from the employee's compensation. Pre-arrangements can be made through the Human Resource Department or payroll. Premiums must be made by the due dates or benefits will be temporarily terminated. Employees may have the option of temporarily cancelling benefits while on unpaid status. Terminated or cancelled plans will begin immediately upon returning to paid status.

An employee who takes approved unpaid leave shall be reinstated to the same pay grade upon return to employment. Any appointment made to a position temporarily vacated by an employee on unpaid leave shall be temporary. Properly authorized unpaid leave shall not constitute a break in employment service with Fremont County.

7.13 Vacation Leave

Vacation leave for regular full-time employees shall accrue as follows:

0 to 60 months: 4 hours each pay period = 104 hours per year

61 months to 120 months: 6 hours each pay period = 156 hours per year

121 months and above: 8 hours each pay period = 208 hours per year

All employees are limited to a maximum vacation leave carryover of 240 hours.

Vacation leave for regular part-time employees shall accrue on a pro-rated basis in conjunction with their regularly scheduled part-time schedule with a maximum limit of 240 hours.

Vacation leave will not accrue when an employee is on unpaid status. Should an employee be approved to use a portion of unpaid status during a pay period, vacation leave will accrue on a pro-rated basis. Employees who are placed on administrative leave – unpaid for the entire pay period, or a portion thereof, will not accrue leave or it will be pro-rated based on the number of paid hours.

Vacation leave accrues at the end of the pay period and is available for use immediately upon accrual. Employees who reach the maximum limit of 240 hours in a given pay period will continue to accrue throughout the calendar year, however any leave not taken, in excess of 240 hours, prior to December 31 will be lost when the carryover process is completed January 1.

Use of vacation leave shall be governed by departmental or office policy and subject to approval of the employee's Elected Official, Department Head or Supervisor. Every reasonable effort should be made to allow employees who are projected to lose vacation leave to use it prior to December 31.

All County employees have access to their pay and leave information through Employee Self Service (ESS). It is the employee's responsibility to review pay and leave information for accuracy. Should a discrepancy exist, the employee shall notify the Elected Official, Department Head or Supervisor within fourteen (14) days. If the employee fails to notify the County of any discrepancy, payroll records shall be presumed correct, conclusive and binding for all purposes.

Employees shall be entitled to full compensation for a maximum of 240 hours of accrued vacation leave at the time of separation from employment.

Seasonal or temporary employees will not accrue vacation leave.