



# PERSONNEL POLICIES & PROCEDURES MANUAL

## WASHINGTON COUNTY, COLORADO

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## *EMPLOYEE ACKNOWLEDGEMENT*

This employee Personnel Policy and Procedure Manual contains important information about your employment at Washington County. The Personnel Policy and Procedure Manual also contains general guidelines relating to employee benefits and responsibilities which are not intended to be forever binding between you and the County as of the date you sign this acknowledgement.

Your employment relationship with Washington County is voluntary and by signing below, you acknowledge that there is no guaranteed term of employment. Accordingly, either you or Washington County can terminate the employment relationship "at will", i.e. with or without cause at any time, subject only to federal or state protected rights against discrimination or sexual harassment.

Since the information, policies, and benefits described herein are necessarily subject to change, by signing below you acknowledge that revisions to the Manual may be made from time to time and that you will be subject to any such revision that may occur. Revisions to this manual may supersede, modify, or eliminate existing policies. Only the Board of County Commissioners, with the approval of the other elected officials of Washington County, has the ability to adopt any revisions to the policies in this Manual.

**THIS PERSONNEL POLICY MANUAL IS NOT AN EMPLOYMENT CONTRACT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OR ANY OTHER ELECTED OFFICIAL AND THEIR RESPECTIVE EMPLOYEES AND SHOULD NOT BE CONSTRUED OR RELIED UPON TO CREATE EITHER AN EXPRESS OR IMPLIED EMPLOYMENT AGREEMENT FOR ANY DEFINITE TERM. WASHINGTON COUNTY ADHERES TO THE CONCEPT OF "AT WILL" EMPLOYMENT WHICH MEANS THAT EITHER THE COUNTY OR AN EMPLOYEE MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE, WITHOUT ANY LIABILITY AS A RESULT OF THE TERMINATION.**

**I HAVE RECEIVED A COPY OF THE WASHINGTON COUNTY PERSONNEL POLICY AND PROCEDURE MANUAL AND I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO ADHERE TO THE POLICIES CONTAINED HEREIN AND TO ANY AND ALL FUTURE REVISIONS APPROVED FOR INCLUSION IN THE MANUAL.**

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE'S NAME (TYPED OR PRINTED)

**WASHINGTON COUNTY**  
*PHI AUTHORIZATION*

***EMPLOYEE AUTHORIZATION TO RELEASE PHI***

PERSONAL HEALTH AUTHORIZATION ("PHI") TO WASHINGTON COUNTY ("the County") TO RELEASE HEALTH AND/OR MEDICAL INFORMATION UNDER COLORADO AND FEDERAL PRIVACY LAWS ("AUTHORIZATION")

I, \_\_\_\_\_, (NAME OF PERSON) understand that, in order to manage and administer my employee compensation and benefits, it is necessary for Washington County (and limited individuals designated by Washington County) to have access to, and be able to use or disclose my health and/or medical information from time to time.

As a condition of my continued employment, and in order to receive any and all employee benefits from Washington County, I agree as of the date of this AUTHORIZATION, to authorize the County, and any of its designated representatives, to have access to and be able to use or disclose my health and/or medical information for administrative purposes deemed reasonable at the time the health and/or medical information is used or disclosed. I understand that this is a new law and that each such use or disclosure may or may not be subsequently upheld by court decisions. I nevertheless authorize good faith use of my health and medical information for these purposes, whether or not a subsequent court decision determines each individual use to be valid.

I understand that if I am not an employee of the County, that a copy of this form must be signed by all persons receiving any of the listed benefits from county elected officials in order to receive those benefits. By my refusal to sign this AUTHORIZATION, I am waiving my right to receive those benefits whether or not I am an employee.

**Permission to Use and Disclose Information:**

I understand that this authorization includes reasonable use and/or disclosure of my personal health and medical information to manage and administer my compensation and benefits includes, but is not limited to, County use of said information for administering the following employee benefits: health insurance coverage if available; dental insurance coverage if available; vision insurance coverage if available; retirement benefits if available; payments and/or proceeds from any and all insurance policies as available; workers' compensation benefits if available; short or long term disability benefits if available; management or administration of my use of sick leave, administrative leave, Family and Medical Leave Act leave, or optional grants of the use of vacation, holidays or personal leave for health reasons; and my right to return to work after an absence under any leave granted.

I further understand that this authorization also includes the reasonable use and/or disclosure of my personal health and medical information for all pre-employment testing, post-employment testing, physical fitness tests or exams, determination of fitness for duty or return to work exams, drug and alcohol tests under any policy and procedure adopted by my employer.

I understand that this authorization also includes the use and/or disclosure of my personal health and medical information in making determinations under the Americans with Disability act regarding my ability to perform the essential conditions of my job with or without reasonable accommodations, and in making determinations of reasonable accommodations; but only if I have requested, in writing, accommodations or special consideration as a person with a disability under the ADA.

This authorization is not intended to allow the County or its representatives to release information in violation of any other law or regulation, but merely to allow routine administration of these benefits without violating HIPAA. This authorization does not take the place of separate authorizations deemed necessary by the County Attorney to access or evaluate specific additional PHI that may not be encompassed under this administrative release.

The following individuals and/or organizations may receive and/or disclose any health or medical information in my files for purposes of managing and administering the benefits listed above.

1. *County insurance and/or workers' compensation contact (s)*
2. *Elected officials and supervisors in the direct line of authority responsible for making decisions about the individual's employment benefits*
3. *County Privacy Officer or designated representatives*
4. *County Attorney*
5. *Any outside consultant deemed necessary for the proper administration of said employee benefit plans or employee complaints, in the sole and exclusive determination of the BOCC; provided that consultant signs a privacy agreement with County.*

**Right to Revoke:**

I understand that I have the right to revoke this authorization at any time by notifying the County in writing at 150 Ash, Akron, CO 80720. I understand that the revocation is only effective after it is received and logged by the County. I understand that any use or disclosure made prior to the revocation under this authorization will not be affected by a revocation.

I understand that after this information is disclosed federal law might not protect it and the recipient might re-disclose it.

I understand that my initial and continued employment and position are subject to my agreement to this authorization, and any additional authorization requests.

I specifically agree to submit any dispute over the use or disclosure of my medical or health information to mediation by an outside consultant designated by the County, in the unlikely event that said dispute cannot be resolved within the county administrative process provided for such disputes.

I acknowledge that I have read and understand the attached HIPAA complaint process for the County, which I agree to follow.

I understand that my rights under any applicable collective bargaining agreement have been determined not to be in conflict the County's obligations under state and federal law or, if in conflict, that state and federal laws will control.

I understand that I am entitled to receive a copy of this AUTHORIZATION.

I understand that this AUTHORIZATION will expire when I revoke it in writing or when my refusal to sign this AUTHORIZATION or a subsequently required PHI Authorization makes it impractical for the County to continue my employment. In that case, the County will provide me or my personal representative with written notice of my termination; said termination not to be effective until that notice is delivered to me or my personal representative at my last known address.

Signature of Individual: \_\_\_\_\_ Date: \_\_\_\_\_

Signature indicating receipt by County Representative: \_\_\_\_\_

*NOTE: If a personal representative signs on behalf of an individual, a copy of the document authorizing that relationship should be filed with this form.*

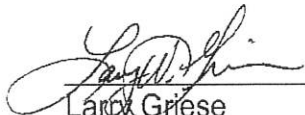
*NOTE: A copy of this form must be signed by all persons receiving any of the above listed benefits from county or elected officials in order to receive those benefits.*


**UNANIMOUS APPROVAL AND ACCEPTANCE**

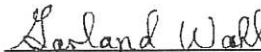
**BY the ELECTED OFFICIALS OF WASHINGTON COUNTY relating to this  
PERSONNEL POLICY and PROCEDURE MANUAL  
AND THE CLASSIFICATION AND COMPENSATION PLAN.**

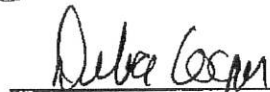
We, the undersigned elected Washington County officials, acknowledge receipt of a copy of the revised Washington County Personnel Policy and Procedure Manual and the Classification and Compensation Plan heretofore initially adopted by the Board of County Commissioners at a regular meeting of the Board on the 13th day of October 2009. Said manual was unanimously approved by the elected officials at that time and we hereby accept the same as binding upon the employees of each of our respective offices in accordance with C.R.S., Section 30-2-104. Such approval and acceptance shall be ongoing and pursuant to the Manual any and all amendments will be reviewed by the elected officials prior to adoption of same.

The Personnel Policy and Procedure Manual was developed to describe and to outline the policies, programs, benefits and obligations of those Washington County Employees who are covered by the Manual. Employees should familiarize themselves with the contents of the Manual to address employee benefit matters and / or issues relating to employment.

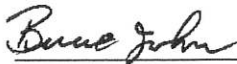
 10-13-2009  
\_\_\_\_\_  
Larry Griese Date  
Washington County Assessor

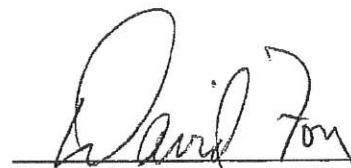
 10-13-2009  
\_\_\_\_\_  
Larry Kuntz Date  
Washington County Sheriff

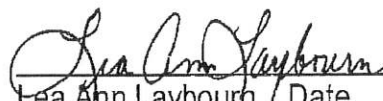
 10-13-2009  
\_\_\_\_\_  
Garland Wahl Date  
Washington County Clerk

 10-16-2009  
\_\_\_\_\_  
Debra Cooper Date  
Washington County Treasurer

**Board of County Commissioners**

 10-13-2009  
\_\_\_\_\_  
Bruce Johnson, Date  
Commissioner

 10-13-09  
\_\_\_\_\_  
David Foy Date  
Chairman, BOCC

 10-13-09  
\_\_\_\_\_  
Lea Ann Laybourn Date  
Commissioner



*CHAPTER 1*  
*ORGANIZATION DESCRIPTION*

COUNTY GOVERNMENT ORGANIZATION

Washington County is a political subdivision of the State of Colorado. By and through its elected officials the business of the County is conducted in conjunction with the appointment of various County officials and the employment of persons within the various offices and departments of the County.

*CODE OF ETHICS*

Consistent with the public trust placed in government, all employees of Washington County, Colorado should aspire to the highest standards of behavior and conduct at work on a daily basis, in accordance with the following:

1. Serve the public with respect, concern, courtesy, and responsiveness;
2. Demonstrate the highest standard personal integrity, truthfulness, and honesty and shall through personal conduct inspire public confidence and trust in the county system;
3. Recognize that personal gains from public service are limited to respect, recognition, salary, and normal employee benefits;
4. Shall not use public service to bestow any preferential benefit on anyone related to the public official or employee by family, business or social relationship;
5. Shall not disclose or use or allow others to use confidential information acquired by virtue of county system employment for private gain;
6. Shall not accept any fee, compensation, gift, payment of expense, or any other thing of monetary value, under circumstances in which the acceptance may result in:
  - (a) An undertaking to give preferential treatment to any person;
  - (b) Any loss of complete independence or impartiality; or
  - (c) The making of a governmental decision outside official channels.
7. Shall not engage in outside employment unless the outside employment is undertaken in accordance with the Washington County Personnel Policy;
8. Shall not use County time, property, equipment or supplies for private gain or partisan political purpose except as consistent with county facility use policies.
9. Support equal access and employment opportunities in the county system by all citizens regardless of race, color, religion, sex, national origin, age, physical or mental disability, creed, ancestry or any other characteristic protected by law.

## *INTRODUCTORY STATEMENT*

This handbook is designed to acquaint you with Washington County and provide you with information about working conditions, employee benefits, and some of the guidelines affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Washington County to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or employment question that may arise. As Washington County continues to grow, the need may arise, and the elected officials of Washington County reserve the right to revise, supplement, or rescind any portion of the handbook from time to time as it may deem appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or Washington County to end an employment relationship for any reason at any time. Every effort will be made to notify employees of such changes to the handbook as they occur, either through their elected officials or department heads.

## *ADDITIONS / DELETIONS / CHANGES*

To make the Personnel Manual viable and to comply with changes in the law, it may be amended from time to time. Additions, deletions and / or changes are made in the following manner.

A. Amendments to the Personnel Manual may be initiated by:

- 1) The Board of County Commissioners. (BOCC)
- 2) An Elected Official or department head through submission of proposed changes in writing to all Elected Officials or department heads. The Elected Officials and appointed department heads meet monthly where proposed changes can be discussed.
- 3) The Employee Review Committee

B. When an amendment to the manual is proposed, all Elected Officials or department heads will review it for appropriateness and consistency in relation to current manual provisions and other relevant practices and regulations at their regularly scheduled monthly meeting.

C. After review, those amendments found to merit further consideration for inclusion in the manual will be formally approved by the Board of County Commissioners by the adoption of a Resolution to that effect and distributed to all Elected Officials and department heads for distribution to all employees.



## *CHAPTER 2*

### *NATURE OF EMPLOYMENT*

This employee Personnel Policy and Procedure Manual contains important information about your employment at Washington County. The Personnel Policy and Procedure Manual also contains general guidelines relating to employee benefits and responsibilities which are not intended to be forever binding between you and the County as of the date you begin employment with the County.

Your employment relationship with Washington County is voluntary and by agreeing to be employed by the County, you acknowledge that there is no guaranteed term of employment. Accordingly, either you or Washington County can terminate the employment relationship "at will", i.e. with or without cause at any time, subject only to federal or state protected rights against discrimination or sexual harassment.

Since the information, policies, and benefits described herein are necessarily subject to change, by entering into the employment relationship you acknowledge that revisions to the Manual may be made from time to time and that you will be subject to any such revision that may occur. Revisions to this manual may supersede, modify, or eliminate existing policies. Only the Board of County Commissioners, with the approval of the other elected officials of Washington County, has the ability to adopt any revisions to the policies in this Manual.

Individual Elected Officials, Department Heads or appointed officials do not have the authority to otherwise alter or change this manual or create an employment contract verbally or in writing which differs from this manual.

Washington County recognizes that sound personnel policies and guidelines are an essential part in the process of good employer-employee relationships. This manual establishes general guidelines to serve as standards for employees, elected officials, department heads and appointed officials. By establishing these standards, the County intends to simultaneously provide for the well-being of County employees and promote effective and efficient County operations.

Individual departments may have additional policies due to the unique statutory or operating requirements of their department such as the Washington County Sheriff's Office, but these policies are required in addition to and not in place of this manual.

The Board of County Commissioners and other Elected Officials have the authority to direct the daily operations of their respective offices as provided for by the statutes of the State of Colorado. Included in this authority is the power for the Board of County Commissioners to appoint and remove all department heads, officials and / or other individuals who directly report to the Board. Further the other Elected Officials have the authority to appoint and remove personnel in their departments either as provided for by the Statutes of the State of Colorado and / or this manual.

## **EMPLOYEE RELATIONS**

Washington County is committed in striving to offer work conditions, wages, and benefits to its employees which are competitive with those offered by other employers in this area. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

In order to foster an open working relationship, the Board has appointed an Employee Review Committee with employee representatives from every department and office. Employees volunteer to represent their department in matters that are of concern to all employees. It is their responsibility to bring employee's concerns to the whole committee for discussion and recommendation to the Board. New employees are encouraged to discuss ways to make County employment more meaningful with their representative as well as their supervisor.

## **EQUAL EMPLOYMENT OPPORTUNITY**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Washington County will be based on merit, qualifications, and abilities. Washington County does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, physical or mental disability, creed, ancestry or any other characteristic protected by law. Washington County is an Equal Employment Opportunity Employer.

Washington County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or present a direct threat to the safety of the individual or public at large. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination or retaliation of employment.

## **IMMIGRATION LAW COMPLIANCE**

Washington County is committed to employing only United States Citizens and Aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Washington County within the past three years, or if their previous I-9 is no longer retained or valid.

It shall be a condition of employment with Washington County that the employee shall have a valid social security card or other federal identification number as required by law upon hiring. The employee shall allow the County to make a photocopy of said social security card for its employee personnel records. The employee's name, as it appears on the Social Security card, will be used for all County records.

## **EMPLOYMENT APPLICATIONS**

It is the general policy of Washington County to accept application forms only in the event of a vacancy. Application forms for most County Departments and Offices can be obtained in the Commissioners Office. The Washington County Sheriff and the Washington County Nursing Home have separate applications that are available at those locations.

Washington County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information of data may result in Washington County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Generally all applications received by the County are held for one year after a position has been filled. After that time they are shredded or otherwise destroyed.  
(Effective 10/13/09)

## **FINAL EMPLOYEE SELECTION PROCESS**

Appointment  
Completion of Necessary Forms

The final decision to hire any individual shall be the responsibility of the appropriate Elected Official. For department heads or other Officials whom report to the Board of County Commissioners, the department head or Official shall recommend an appointment to the Board, who will have the final decision in extending an offer of employment.

The hiring process begins when the appropriate Elected Official or the Board extends an offer of employment to any individual and the appropriate Elected Official or department head notifies the unsuccessful applicants that another individual has been hired. Upon extension of an offer to any individual and their acceptance, successful applicants shall be directed to contact the Payroll/Finance Officer, prior to beginning employment. The Board will not pay persons who begin working prior to completion of the employment process, due to the potential violations of several federal and / or state withholding requirements, worker's compensation insurance requirements, health insurance requirements, etc. It shall be the responsibility of the Elected Officials or Department Heads to adhere to this policy in furtherance of upholding appropriate laws. The Payroll/Finance Officer shall report any violations of this Policy to the Board for remedial action, if required.

In order to complete the hiring process as stated above, the individual must complete the necessary payroll forms and submit same to the Payroll/Finance Officer. The Payroll/Finance Officer shall develop a necessary checklist of federal, state and county requirements which shall be available to Elected Officials and Department Heads who request same. Upon an applicant completing the process with the Payroll/Finance Officer, Elected Official, Department Head or their designee shall be notified that the hiring process has been completed and the successful applicant may begin their employment.

#### **AGE OF EMPLOYMENT**

The minimum age of employment with Washington County shall be eighteen (18) except for youth programs sponsored by the County, and except 207(k) (Sheriff's Office) deputies must be 21 years of age.

#### **EMPLOYEE MEDICAL EXAMINATIONS**

To help assure that employees are able to perform their duties safely, medical examinations may be required after an offer of employment.

Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals at the Washington County Clinic and performed at Washington County's expense. If an employee chooses to have his or her required examination at a facility other than the Washington County Clinic, it will be at the employees expense. *(Updated 10/13/09)*

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know according to HIPAA regulations. *(Updated 10/13/09)*

Other examinations may be required for determining an employee's ability to perform the essential functions of a particular job. Other examinations may also be given to all applicants who have been selected for final consideration by the hiring authority.

#### **POLYGRAPH EXAMINATIONS**

Polygraph examinations may be used by the Sheriff's Office in its hiring procedures. The polygraph operator will be licensed and tested by an approved licensing authority.

#### **EMPLOYMENT REFERENCE AND SECURITY CHECKS**

To ensure that individuals who join Washington County are well qualified and have a strong potential to be productive and successful, Washington County reserves the right to check the employment references of any applicant.

Elected Officials or Department Heads will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

Washington County reserves the right to perform security checks or investigations on individuals being considered for certain sensitive positions. Such position include, but not limited to, those involving the handling of money, sensitive documents, and working in areas with prisoners, law enforcement personnel and positions with access to criminal records.

## **ORIENTATION**

New employees are given the employee personnel manual at the time they are hired which explains the County organization, the pay system, employee benefits, overtime and leave policies, retirement benefits, continuation of health benefits authority, and other areas of general interest. *(Updated 10/13/09)*

Elected Officials and Department Heads are responsible for detailed job requirements orientation, and for other particular or peculiar situations in their departments.

New employees will be furnished copies of policy and informational documents required by law or required by County regulations. Under normal circumstances, new employees will be given their information during the first three (3) days of employment. Each employee shall sign a form upon completion of the orientation, indicating receipt of the personnel policy and other policy documents as may be determined by the Board of County Commissioners.

## **INTRODUCTORY PERIOD**

### **PROBATIONARY (INTRODUCTORY) PERIOD (Effective 10/13/09)**

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether their position with Washington County meets the expectations of both parties. Washington County uses this period to evaluate employee capabilities, work habits, and overall performance.

Either the employee or Washington County may end the employment relationship at any time during the probationary period, with or without good cause shown or advance notice to the employee. Washington County maintains an "at will" status in relation to all employment matters.

The total probationary period for Washington County is six (6) months. The first 90 days of the probationary period is considered the **introductory** period. Upon the commencement of employment with Washington County, new employees are eligible for County benefits, with certain restrictions. The employee shall begin to accrue vacation and sick leave benefits from the date of hire based on the following schedule:



- a. Sick and vacation time will begin accruing at 8 hours per month beginning the first full month after the employee's hire date. If an employee is hired on or before the 15<sup>th</sup> of the month then the sick and vacation time begin in the month the employee is hired.
- b. If an employee is hired on the 16<sup>th</sup> of the month or after then the sick and vacation time begin the first day of the month following the hire date.
- c. Health care benefits will follow the same schedule as the sick and vacation for counting the first month of the waiting period after the hire date. From the 1<sup>st</sup> to the 15<sup>th</sup> of the month, you count the month as the first month. If the hire date is the 16<sup>th</sup> or after the next month is the first month of the waiting period.
- d. Employees are eligible for Health care benefits on the first day of the fourth month after the hire date.
  - i. Example: If the employee is hired March 3<sup>rd</sup>, he is eligible for insurance June 1<sup>st</sup>; if he is hired March 24<sup>th</sup> he is eligible for insurance July 1<sup>st</sup>.

Even though the sick and vacation time accrue from the beginning of employment, vacation time and sick leave benefits do not become effective or vest unless and until the employee has successfully completed the three (3) month introductory period. Any absence for personal vacation time or sick time is not compensated by Washington County during the introductory period. If an employee terminates employment for any reason in the first three (3) month introductory period, no sick or vacation compensation will be paid.

All new and rehired employees are required to complete the probationary period which is six (6) months from the effective date of hire. Any significant absence, as may be granted by the employee's supervisor, may extend the introductory period by the length of any approved absence. If the employee's supervisor determines that the designated introductory period is insufficient to allow for a thorough evaluation of the employee, the introductory period may be extended upon written notice to the employee. A written evaluation by the Supervisor or Department Head or Elected Official may be placed in the employees personnel file at the end of the probationary period.

If an employee terminates after the introductory period but before the end of the probationary period the employee will be paid for any unused vacation time but will not for compensated for accrued sick time.

#### **ACCESS TO PERSONNEL FILES**

Washington County maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. Access to personnel files is limited pursuant to CRS 24-72-204 (3) (a).

Personnel files are the property of Washington County, and access to the information they contain is restricted. Generally, only supervisors and management personnel of Washington County who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their own file should contact the Personnel office. With reasonable advance notice, employees may review their own personnel files in Washington County Personnel office and in the presence of an authorized Administration employee appointed by the Washington County Commissioners to maintain the files. *(Updated 10/13/09)*

## **PERSONAL DATA CHANGES**

It is the responsibility of each employee to promptly notify Washington County of any changes in personal data. Personal mailing addresses, telephone numbers, numbers and names of dependents, individual to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times. If any personal data has changed, employees must notify the Washington County Personnel office and the Elected Official or the Department Head within ten (10) working days. Before an official change of name can be made, the employee must show proof the change has been filed with the Social Security Administration.

## **OUTSIDE EMPLOYMENT**

Employees may hold outside jobs as long as there is no conflict with assigned working hours and they meet the performance standards of their job with Washington County. All employees will be judged by the same performance standards and will be subject to Washington County's scheduling demands, regardless of any existing outside work requirements.

Employees must notify their Elected Official or Department Head of the following:

- A: Name of secondary employer
- B: Job description or type of work to be performed
- C: Scheduled hours of work

If Elected Officials or Department Heads determine that an employee's outside work interferes with performance or the ability to meet the requirements of Washington County as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to retain employment with Washington County.

Employees may not engage in outside business activities during their County working hours.

## **CONFLICTS OF INTEREST**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within

which Washington County wishes to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with outside firms must be conducted within a framework established and controlled by the Elected Officials of Washington County. Business dealings with outside firms should not result in unusual gains from those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific approval from the Elected Official or Department Head.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of Washington County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to the appropriate Elected Official of Washington County as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Washington County does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Washington County.

Failure to disclose a conflict of interest may be grounds for immediate termination and the employee may be charged according to Colorado statutes.

## **NEPOTISM POLICY**

### **(APPLIES ONLY FROM 4-18-06 FORWARD TO FUTURE HIRES, ETC.)**

Members of an elected official's or employees family or household, or a significant other of such elected official or employee cannot be employed within the same office or department, if such employment will result in one relative, household member or significant other exercising direct supervision over the other.



No elected official shall appoint a relative, household member or significant other to an appointed position where that individual shall serve at the pleasure of the elected official. This would include temporary, part time or consultant positions.

Under no circumstances will the County allow any working relationship where one household or family member or significant other of an elected official or department head monitors the elected official or department head's control, use, or expenditure of public monies.

## **NON-DISCLOSURE**

The Public Records Act provides for many documents to be "open" for public review. However, the protection of certain records and confidential information is vital to the interests and the success of Washington County and is required in some instances by law.

No County employee shall disclose confidential information entrusted to or acquired by the employee by virtue of employment with the County, nor shall any employee use said information, or permit others to use it, in the furtherance of a private intent. Any program, policy, technological development or procedure developed by an employee in conjunction with their current or prior position with Washington County becomes the property of Washington County.

Any employee who improperly uses or discloses confidential information will be subject to disciplinary action, up to and including termination of employment and legal action, even if he or she does not actually benefit from the disclosed information.

## **INTERDEPARTMENTAL TRANSFERS**

Current employees are eligible to transfer from one County department or office to another County department or office; however any such transfer is subject to certain restrictions.

1. Employees who desire to apply for any vacant position in another department or office should notify their current department head or elected official of their desire to apply for an advertised vacant position.
2. The transferring employee must meet the minimum qualifications as established for the position sought.
3. If the position sought does not provide equivalent or comparable compensation, the transferring employee will be compensated for the position at the advertised salary and not his or her current salary.
4. In relation to paragraph 3 supra, the employee's County retirement match shall be recalculated to their new salary level. In addition, all

currently offered benefits such as accrued vacation or sick hours, health and dental benefits, etc. will be transferred with the employee to the new office or department.

5. A formal application should be completed by the employee and forwarded to the department or office advertising the vacancy by the deadline established by that department or office.

6. Although the County supports the concept of promotion from within and in some cases will advertise a position "in house" prior to advertising a vacancy, the elected officials maintain the discretion to hire the best qualified candidate and no assurance can be given that current employees will be given preference to any vacant position within another department or office.

7. Any employee who transfers to another office or department shall be subject to an additional introductory period in the new position, and understands that this is current County policy.

## *CHAPTER 3*

### *EMPLOYMENT CATEGORIES*

Every person employed, appointed or under contract with Washington County will be classified into one of the following categories:

#### **REGULAR FULL-TIME**

REGULAR FULL-TIME employees are those persons who generally work on a weekly basis throughout the year. Washington County has created a classification system for the various offices and departments and full time employees will generally fall within one of these three classification systems i.e. "1950" employees, "2080" employees and / or "2223" employees. Generally, full time employees are eligible for all Washington County's benefits as may be determined by the Board of County Commissioners, subject to the terms, conditions, and limitations of each benefit program.

#### **REGULAR PART-TIME**

REGULAR PART-TIME employees are those persons who generally work on a weekly basis throughout the year and who do not meet full time equivalency pursuant to law. Part-time employees receive all legally mandated benefits such as the employer paid portion of Social Security and Worker's Compensation insurance, however they are not provided with all other Washington County benefit programs.

#### **TEMPORARY**

TEMPORARY employees are those persons who are hired to temporarily provide additional personnel support for the various County offices and departments such as to assist in the completion of a specific project or to work on an intermittent and/or unpredictable basis. Temporary employees receive all legally mandated benefits such as the employer paid portion of Social Security and Workers' Compensation insurance, however they are not provided with all other Washington County benefit programs.

#### **APPOINTED OFFICIALS / DEPARTMENT HEADS**

APPOINTED OFFICIALS / DEPARTMENT HEADS are those persons who may or may not be considered employees. These persons are appointed by the various elected officials pursuant to their statutory powers and serve at the pleasure of the elected official(s) who appointed them. They are afforded an annual contract, and if appointed, have the benefits as may be set forth within their individual employment contracts.

#### **VOLUNTEERS**

VOLUNTEERS are those persons who perform vital functions in relation to the operation of County government and contribute to the many operations of the County. Volunteers are defined as persons who perform an act for the benefit of a public entity

at the request of and subject to control of such public entity, generally without compensation. Volunteer Board and Commission Members may be persons appointed by elected officials pursuant to their statutory powers and include any individual who volunteers to perform services for Washington County without promise, expectation, or receipt of compensation for services rendered except for meeting or duty expense stipends such as given to Planning Commission members or Ambulance EMT's. These individuals are not considered employees of the County under federal and state law and are not subject to income tax withholding. Any payment of expenses in excess of IRS guidelines for reporting will require that the County provide these individuals with an annual 1099 Form.

The County affords liability insurance coverage to all volunteers who are serving pursuant to an appointment by the County and while performing volunteer services for the County, so long as they are acting within the scope of their appointment and under the direction of County officials.

#### **INDEPENDENT CONTRACTOR**

INDEPENDENT CONTRACTOR are those persons who enter into a written agreement with the County for a limited specific time period for a specific job function and / or project that is deemed necessary by the elected officials of the County. Only an elected official may enter into such an agreement and the Board of County Commissioners must approve same. Independent contractors are not considered employees for any purpose. They are not subject to wage withholding or provided any county benefits. All independent contractors will receive an IRS Form 1099 at the end of year and will be responsible for any and all taxes related to any service for which they are provided remuneration.

A contract with an Independent Contractor shall be drawn up by the County Attorney's office and approved by the Board of County Commissioners. These contracts will be monitored for budget compliance on a periodic basis by the Financial Director. Payment for services rendered by an Independent Contractor will be made in accordance with Accounts Payable procedures.

## *CHAPTER 4*

### ***FAIR LABOR STANDARDS ACT DEFINITIONS***

*(Resolution 130-2010 effective 10-5-2010)*

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws.

An employee's EXEMPT or NONEXEMPT status may be changed only upon written notification. The definitions of NONEXEMPT, EXEMPT and NON-COVERED are as follows.

#### **NONEXEMPT EMPLOYEES**

NONEXEMPT EMPLOYEES: All employees except those specifically designated as EXEMPT by the Board of County Commissioners or an Elected Official and NON-COVERED employees.

#### **EXEMPT EMPLOYEES**

EXEMPT EMPLOYEES: All administrative, executive and professional employees defined as exempt under the F.L.S.A.

#### **NON-COVERED EMPLOYEES**

NON-COVERED EMPLOYEES: All Elected Officials, the personal staff of the Elected Official, political appointees as defined by statute and case law, legal advisors, bona fide volunteers, independent contractors, prisoners and other non-covered employees as may be defined by the Act from time to time.

#### **TIME KEEPING**

Accurately recording time worked is the responsibility of every non-exempt employee and the Elected Officials under whom they are employed. Federal and state laws require Washington County to keep an accurate record of time worked in order to calculate employees pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination

of employment.

It is the employee's responsibility to sign his or her time record to certify the accuracy of all time recorded. The appropriate Elected Official or Department Head will review and then sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record. *(Resolution 130-2010 effective 10-5-2010)*

## **PAY PERIODS**

The majority of County employees are paid monthly on the last working day of the month. The County reserves the right to set the cutoff date for each payment cycle.

Newly hired employees that have a start date after the deadline for payroll information to be submitted to the payroll office will not receive their first full payroll check until the next regular payroll cycle. Although direct deposit is the preferred method for issuance of payroll warrants, new employees who are unable to obtain a banking account shall certify to the Finance Officer in writing of their inability to utilize direct deposit. Those current employees who heretofore for whatever reason do not wish to utilize direct deposit may continue to receive payroll warrants. *(Resolution 147-2010 effective 12-8-2010)*

Some departments in the county such as the Nursing Home are paid on a bi-monthly schedule. The deadlines for pay cycles and paycheck distribution is determined by the special circumstances of that department as approved by the Board of County Commissioners. *(Resolution 130-2010 effective 10-5-2010)*

## **ADMINISTRATIVE PAY CORRECTIONS**

Washington County takes reasonable steps to ensure that employees receive the correct remuneration in each monthly warrant issued and that employees are paid promptly on the scheduled payday. Although paychecks may be paid at any time during the last working day of each month, they may not be available until after 3:00 p.m. on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Elected Official or appointed Department Head so that corrections can be made as quickly as possible. In the event of an error a supplemental warrant will be issued the following week, after discovery of any error.

## **PAY DEDUCTIONS**



The law requires that Washington County make certain deductions from every employee's compensation. Among these are applicable federal and state withholding taxes. Washington County also must deduct Social Security taxes on each employee's earning up to a specified limit that is called the Social Security "wage base." Washington County matches the amount of Social Security taxes paid by each employee. In addition, Washington County reserves the right to deduct from the employee's compensation any other legally required or mandated deductions, such as Federal Medicare withholding, garnishments, child support payments, etc.

Washington County offers additional employee benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their monthly paychecks to cover the costs of participation in these voluntary employee benefit programs.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Washington County Finance / Payroll Officer or your supervisor can assist in having your questions answered.

Upon termination of employment, employees must return any and all County equipment, supplies or items to the County prior to receiving their last paycheck. Employees agree, as a condition of employment, that the County reserves the right to deduct the reasonable cost of any missing or damaged equipment, materials or other items of County property that were assigned to the employee and are unaccounted for, or returned in a damaged condition as of the date of termination. In addition, unpaid amounts for participation in voluntary employee benefit programs such as the cellular telephone service will be deducted. Such deductions shall be made from the net amount due and owing an employee and a detailed description of the applicable deductions will be given the employee by the appropriate elected official or appointed department head.

## **PERFORMANCE EVALUATION**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation will be conducted at the end of an employee's introductory period and at least annually thereafter. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

In order to make this evaluation process more uniform and equitable, a performance appraisal system has been adopted whose purposes are:

1. To be used as a tool to assist in providing for the career development of the employee.
2. To be used as a foundation to counsel an employee to superior performance.

3. To inform an employee of how well he/she is doing and to suggest needed changes in attitude, skill or job knowledge, if necessary.
4. To provide systematic judgments to justify promotions, transfers, terminations and salary recommendations.

Performance evaluations shall be conducted **at least annually** for all employees. Circumstances that would necessitate more frequent evaluations include but are not limited to the following.

1. Whenever a working relationship changes substantially such as in the case of a transfer, promotion, demotion, etc.
2. There may be a circumstance when a supervisor feels an interim review should be made a matter of record due to a decline in performance. This should occur after the supervisor has discussed substandard performance with an employee, but the performance did not improve.
3. There may also be a circumstance when an interim performance review should be completed due to outstanding performance. Such performance should also be made a matter of record.

The evaluator will normally be the supervisor who assigns work to the employee, reviews completed work, grants time off, and initiates recommendations concerning the person being evaluated. If, because of rotational or temporary assignments, an employee works outside of his/her usual department or works for more than one supervisor, the Elected Official or department head will designate the employee's evaluator.



## *CHAPTER 5*

### *HIPAA PRIVACY POLICY*

#### **PRIVACY OF PERSONAL HEALTH INFORMATION**

This policy shall apply to all elected officials, department heads, appointed officials, county employees, volunteers, and all funded individuals, department boards, or functions falling under the budget authority or supervisory authority of the Board of County Commissioners.

The county intends by this policy to ensure compliance with all federal and state rules regarding the privacy of information, without regard to the source or type of information. These rules include but are not limited to the Federal Privacy Act provisions applicable to counties (5 U.S.C. 501 et seq.), the Health Insurance Portability and Accountability Act, the privacy exceptions under the Colorado Open Records Act, and all other acts and laws governing any functions assigned to county government by federal or state agencies including the Standards for Privacy of Individually Identifiable Health Information in the federal law known as HIPAA. These may include laws and rules applicable to public health, social services, law enforcement, detention, employee records, credit protection, and other functions performed by the county.

Improper disclosure of medical records including personal health information is strictly forbidden and constitutes a criminal offense under Colorado law. C.R.S. 18-4412 provides that any person who, without proper authorization, knowingly obtains a medical record or medical information with the intent to appropriate the medical record or medical information to his or her own use or to the use of another, who steals or discloses to an unauthorized person a medical record or medical information, or who, without authority, makes or causes to be made a copy of a medical record or medical information commits theft of a medical record or medical information.

#### **PHI PROCEDURES MANDATED BY LAW**

To effectuate this policy with respect to Personal Health Information (PHI), the county has appointed a Privacy Officer, has adopted this set of Policies and Procedures, will post Privacy Notices on all employee bulletin boards at county facilities, and will investigate and log each reported privacy breach regarding PHI and take steps to prevent any further erosion of privacy for all personal health information regardless of location or manner of storage or transmission.

Commencing on April 14, 2003, and thereafter, any individual who believes that their personal health information has been created, transmitted, or used in violation of HIPAA may report the alleged improper use to the County Privacy Officer who shall make and retain a log of each such report, and either investigate and take all necessary steps to protect against any future use of the PHI or to a designated departmental privacy officer, who shall undertake all assigned duties including reporting it to the County Privacy Officer. The log shall be retained continuously for 6 years under HIPAA rules.

## **PRIVACY OFFICER**

The county privacy official shall be appointed annually by the Board of County Commissioners at the annual reorganization meeting. The County Privacy Officer's duties shall include all necessary tasks to insure that the county remains in compliance with HIPAA, including but not limited to:

1. Monitoring and implementing the county's privacy procedures through training, supervision and follow-through with all county personnel;
2. Receiving, investigating, and resolving complaints regarding potential breaches of privacy;
3. Maintaining a log of such incidents that complies with HIPAA; and
4. Reporting on such duties to the Board of County Commissioners not less than once per year.
5. Ensuring the proper postings of a currently valid Notice per HIPAA.

## **POSTING OF NOTICE**

The Notice of HIPAA Privacy identified below as Appendix A shall be posted within each County Elected Office or Department so as to be visible to all employees within said office or department and upon on all employee bulletin boards (if such exist) and at such other county facilities as necessary to advise county personnel as defined herein.

***APPENDIX A TO HIPAA PRIVACY POLICY***

**Notice of Privacy Protections for Personal Health Information (PHI)  
Definition of "Protected**

**Health Information" or "Personal Health Information"**

Hereafter, when referring to personal health information, protected health information, or medical records under any of the applicable laws, this policy shall use the term PHI. In this policy, "PHI" shall mean personal health information, and shall include any medical records or personal health information is covered by any of these laws and specifically including all information which is or may be individually identified "Protected Health Information" as defined in all parts of HIPAA, including 45 CFR 160 et seq.

To effectuate this policy with respect to PHI, the Board of County Commissioners has appointed a Privacy Officer; has adopted a Policy as stated above, will provide necessary directives to elected officials and department heads to implement the requirements of the policy; will post this Notice in all Washington County facilities; and will hereafter investigate and log each reported privacy breach regarding PHI and take steps to prevent any further breach of privacy relating to any Washington County employee.

Any individual who believes that their personal health information has been created, transmitted, or used in violation of HIPAA may report the alleged improper release to the County Privacy Officer within 7 days of learning of said release. The County Privacy Officer shall make a log of the report, and either investigate and take all necessary steps to protect against any future use of the PHI or request a designated departmental privacy officer to undertake an investigation including reporting the results of the that investigation to the County Privacy Officer, who shall undertake a final corrective action.

The county expects all of its employees, officers and volunteers to refrain from any conduct which would unnecessarily infringe upon County personnel privacy rights, including privacy of their PHI. All employees, including supervisors, are expected to procure a signed release of information from the individual whose PHI is involved.

If any person, including elected officials, department heads, or employees who handle personnel matters, is unsure of whether or not the discussion or release of PHI would be a violation of a person's privacy rights, they are expected to consult with the County Privacy Officer or County Attorney before releasing any information.

***(END OF POSTED NOTICE)***

## COMPLAINT PROCESS

Any individual alleging that their personal protected health information, "PHI", has been used or disclosed improperly (i.e., in violation of HIPAA) by any elected official, department head, employee or volunteer of the County should file an internal privacy complaint within 7 calendar days of receiving knowledge of the potential wrongful disclosure.

The complaint must be filed with the County Privacy Officer, identified above, or with the privacy officer appointed for the individual county department, if any such appointment is made. Such complaint must be made in writing on the county-specified form.

Retaliation against any person filing, investigating, cooperating with an investigation, or providing evidence for an investigation under this complaint process is strictly prohibited. An internal complaint may be amended or filed for alleged HIPAA retaliation.

The County Privacy Officer will ensure that the complaint is logged, investigated, and responded to in a manner which will be designed to prevent potential improper disclosures of PHI in the future. This process will include a finding in each instance of whether or not an alleged improper disclosure was "substantiated" by the evidence taken as a whole, or whether the alleged improper disclosure was "unsubstantiated" by the evidence taken as a whole. The individual who has allegedly been harmed by the disclosure shall not have any substantive or procedural interest in the determination of the matter, other than as a factual witness, nor in the actions taken to prevent any potential disclosures in the future.

Whether substantiated or unsubstantiated, each complaint and related information shall be preserved in a log which complies with HIPAA rules. Substantiated improper disclosures or uses of PHI and violations of the anti-retaliation policy may subject individuals who violate this policy to disciplinary action, up to and including termination, depending on the frequency and severity of the substantiated violations and the potential damage which could result or could have resulted from the disclosure or use, and the evaluation by the Privacy Officer as to whether such action is the best response available under the circumstances to prevent future disclosures.

## ***AMERICAN WITH DISABILITIES ACT.***

### **Policy:**

Washington County supports the objectives of the Americans with Disabilities Act to ensure equal opportunity for individuals with disabilities in public accommodations, programs, activities and services that the County provides. Washington County is committed to providing reasonable accommodations to ensure equitable access to our facilities, programs and services for all citizens. This policy outlines our commitment to comply with the Americans with Disabilities Act and provide barrier-free access to County programs, services and activities and reasonable accommodations for Washington County employees.

The Americans with Disabilities Act was signed into law on July 26, 1990 and became effective July 26, 1992. The purpose of the ADA is to ensure that people with disabilities are afforded the same rights and privileges as non-disabled people. The ADA prohibits discrimination on the basis of disability in state and local government services and public accommodation and commercial facilities. In addition, the County will comply with section 504 of the Rehabilitation Act of 1973 to the extent applicable.

Title II of the Americans with Disabilities Act, or ADA, prohibits discrimination against qualified individuals by public entities in the operation of all services and programs offered by a governmental entity. It is the policy of Washington County that all facilities, programs and services are accessible and usable by disabled individuals, unless providing access results in undue hardship to the County or causes fundamental alteration of the programs and services. It also is the County's policy that members of the public or County employees not experience discrimination or harassment based upon disability.

### **SCOPE OF POLICY**

The guidelines outlined in this policy apply to members of the public accessing Washington County programs, services and facilities. It also includes employees who are or become disabled while employed by the County.

### **DEFINITIONS**

1. **Accessibility.** As it pertains to County facilities, programs and services, the ability to gain physical access to County buildings, sidewalks, parking, telephones, the Washington County Event Center and other various programs and services, offered by the County as a political subdivision of the State of Colorado.
2. **Accessibility Process.** An organized procedural system that is documented, maintained and in place to answer citizen questions and address complaints pertaining the accessibility of County facilities, programs and services.
3. **ADA Coordinator.** Employee designated with the responsibility of facilitating

and coordinating all ADA issues and requests regarding access problems or concerns for Washington County.

4. **Americans with Disabilities Act (ADA).** Public law 101-336, enacted July 26, 1990, which "prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation.
5. **Auxiliary Aids.** Assistive devices that allow persons with impaired sensory, manual or speaking skills to gain an equal opportunity to benefit from and participate in programs, services, etc. Examples of auxiliary aids include, but are not limited to, telecommunications device for the deaf (TOO), sign language interpreters, assistive listening headsets, readers, large print materials, easy grip utensils and Braille signs.
6. **Disability.** With respect to an individual, means:
  - a) A physical or mental impairment that substantially limits one or more of the major life activities of such individual; or
  - b) A record of such impairment; or
  - c) Being regarded as having such impairment.
7. **Reasonable Accommodation.** Reasonable steps that the County can take to allow a disabled citizen or customer access to Washington County programs, facilities and services. Reasonable accommodation includes, but is not limited to, providing auxiliary aids and services and other actions taken to enable qualified individuals with disabilities to perform the essential functions of the position they hold while employed by the County.
8. **TDD.** Telecommunications Device for the Deaf. A device that allows conversation to take place over the telephone by sending typed messages through phone lines to the TOO screen.

## PROCEDURES:

### Requests for Reasonable Accommodations

Individuals who are disabled may request reasonable accommodation to assist the individual in accessing County facilities, programs or services. No one will be turned away because of a disability, and no one will be charged for reasonable accommodations. An individual is considered a person with a disability if he or she has:

- 1) A physical or mental impairment that substantially limits one or more major life activities;
- 2) Having a record of such an impairment;
- 3) Being regarded as having such impairment.

Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Examples of auxiliary aids or services that may be provided as a reasonable accommodation include, but are not limited to: extra staff assistance, readers, interpreters, assisted listening devices, TOO machines, electronic mail, audio tapes, computer CDs, paper and pen.

In anticipation of accommodation requests, Washington County will identify resources in the county that could provide reader/scribe, note taking, and other



disability-related services. Washington County will respond to requests for reasonable accommodations in a timely manner that will not result in an unreasonable delay or an unreasonable denial of services.

It is the responsibility of disabled citizens or employees to seek available assistance, to make his or her needs known to County staff, and to give adequate time for the County to make reasonable accommodations. County employees should assist and advise individuals who request reasonable accommodations. Individuals who require reasonable accommodation to access facilities, programs or services should contact either the:

- 1) County department providing the facility, program or service and advise the Elected Official or the Department Head of the individual's needs;
- 2) The County's ADA Coordinator at 970.345.2701. The ADA Coordinator will direct your concerns to the appropriate department or elected official.

Washington County employees who may require reasonable accommodations should contact their elected official or department head.

## *CHAPTER 6*

### ***EMPLOYEE BENEFITS***

Eligible employees at Washington County are provided a wide range of benefits. A number of the programs (such as Social Security, Workers' Compensation, and Unemployment Insurance) cover all employees in the manner prescribed by law.

Benefit eligibility is dependent upon a variety of factors, including employment category. Each benefit will be described in this section. Details of many of these programs can be obtained from the elected official or department director.

The following benefit programs are available to eligible employees:

- Benefits Continuation (COBRA)
- Deferred Compensation Plan
- Health/Dental/Vision Insurance
- Holidays
- Liability Insurance
- Life Insurance
- Short-Term Disability
- Retirement Plan
- Sick Leave Benefits
- Social Security
- Unemployment Compensation
- Vacation Benefits
- Workers' Compensation
- AFLAC

Some benefit programs require contributions from employees, as well as contributions from Washington County.

#### **BENEFITS CONTINUATION (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Washington County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage..

Washington County's insurance carrier provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage in Washington County's health insurance plan. The notice contains important information about the employee's rights and obligations. (*Updated*



## **DEFERRED COMPENSATION**

Employees may voluntarily participate in any County sponsored deferred compensation plan as established by the Board of County Commissioners. Such funds are governed by all rules and regulations established by the Internal Revenue Service, Code Section 457.

## **HEALTH INSURANCE**

Washington County provides an optional group health insurance program consisting of medical, dental, vision, short-term disability and life insurance coverage for all regular full-time, certain part-time employees and introductory employees after three months of initial employment. The County's rate of contribution for these policies is determined annually by the Board of County Commissioners, based upon the Budget and the cost and availability of insurance policies obtainable by the County.

The rate of contribution by the County is determined on the basis of employees only. Those employees who elect to cover a spouse and / or children have to contribute to the cost of coverage for their spouse and children; however two persons who are married and employed by Washington County are eligible for health coverage discounts.

The dental and vision insurance is available at a very competitive rate for those employees who desire this coverage. The County obtains the group rating for this insurance, but does not contribute toward its purchase.

Term life insurance (currently \$20,000.00) and the short term disability insurance, in an amount approved by the Board is paid by the County for each full time and certain part time employees.

Under the Affordable Health Care Act employees are eligible for Health care benefits within ninety days after the hire date on the first day of the month in which the ninety day period concludes. *(Effective 9/24/2013)*

After the waiting period, an employee must elect to be covered and is required to notify the Finance Director for the County of their desire to be covered and what, if any, optional plans they have elected to participate in. *(Updated 9/24/2013)*

All employees may change their insurance packages during the annual enrollment period for the forthcoming year. Employees will be advised of the dates and times of enrollment by the Finance Director. Changes in eligibility may allow program changes before the annual open enrollment date. Check eligibility with the Commissioner's office if you have a change in your current insurance coverage eligibility such as a birth of a child, marriage, added dependent, etc. *(Updated 9/24/2013)*

County contributions toward health insurance will continue for so long as the County is able to secure reasonable coverage for its employees, in the sole discretion of the Board of County Commissioners.

Coverage is continued for those employees who are on leave under the Family Medical Leave Act or approved injury leave. However, coverage ends the last day of the month after the termination of the employment relationship with Washington County, whether said termination is voluntary or involuntary.

Washington County employees whose employment relationship has ended with the County and who have been covered under the County health plan, may be eligible for continued health coverage under the provisions of the " Consolidated Omnibus Budget Reconciliation Act of 1986" (COBRA), as amended. This optional coverage paid for by the employee will be available at the time of termination.

### **HOLIDAY BENEFITS**

Washington County offers a paid holiday benefit to eligible employees. . The Board of County Commissioners establishes the annual Holiday benefits at the County Reorganization meeting which is held on the second Tuesday of January (Resolution 19-YYYY).. They reserve the right to vary or change holiday benefits as they deem appropriate.

If a designated holiday falls on a Saturday or Sunday the Board of County Commissioners will determine which day will be observed for the holiday.

If an employee is utilizing vacation or sick leave benefits and a holiday falls during that employee's leave, the holiday benefit will be provided in lieu of the vacation or sick leave benefit that would otherwise have applied.

If an eligible employee is required to work on any of the aforementioned holidays, he or she will be compensated for hours worked in accordance with the Overtime / Compensatory policy (see Chapter 8 Overtime / Compensatory Time) policy. Part – time employees of the eligible for Holiday pay benefits. In addition, paid hours for holidays will be counted as hours worked for the purposes of determining whether overtime/compensatory time is due any employee.

If an employee is on administrative leave without pay, or utilizing Family Medical Leave Act benefits (see Chapter 7), or disability benefits (see Chapter 6) or is receiving worker's compensation benefits (see Chapter 6), they or she will not be paid for the holiday.

### **SHORT TERM DISABILITY PROGRAM**

## **SHORT TERM DISABILITY POLICY SELF INSURED THROUGH COUNTY**

The Board of County Commissioners of Washington County hereby determines to self insure the short term disability policy as currently offered to full time employees so as to continue this benefit at a reduced cost to the County. This provides eligible County employees with a safety net in the unfortunate event of a long term illness or accident that is not work related in an effort to have those employees return to work without facing a devastating financial crisis.

### **SCOPE**

The short term disability policy will be available to all full-time County employees who are eligible to participate in the program.

### **RESPONSIBILITIES**

The Board of County Commissioners will be responsible for authorizing this benefit on an as needed basis. Beginning in January of 2007 the benefit will provide any eligible full time employee 50 per cent of their department monthly base salary, which will increase to 75 per cent of the employee's monthly base salary beginning in 2008 and remain such beginning in 2009 and thereafter. In no event will this benefit ever exceed 75 per cent of the employee's monthly base salary and that salary amount will be capped at a maximum of \$4,000.00 per month for any eligible employee. Short term disability payments to eligible employees are only available as hereinafter set forth and are not payable for any workman's compensation claim. The benefits will only be given after any employee exhausts all available vacation and sick time and if, enrolled in the Employee Sick Bank, those added hours as approved by the Employee Review Committee. The maximum benefit per employee shall be 4 months and eligible employees are only allowed this benefit once every three (3) years. This Benefit may be changed at any time without or without notice to the employees by adoption of a resolution to that effect by the Board of County Commissioners. Consent of eligible employees is not required. Since this benefit, which is not required to be given, is intended to reward long term employees of the County, only those full time employees who have been employed more than three (3) years from the date of the disability are eligible for this benefit. In addition, a Family Medical Leave application (FMLA) must be submitted in conjunction with the Short Term Disability application.

### **PROCEDURES**

**DEFINITIONS.** As used in this Policy:

1. **EMPLOYEE** means a person who:
  - a. is directly employed on a full-time basis; and
  - b. is compensated for such services by salary or wages.
2. **ACTIVELY AT WORK, ACTIVE WORK or ACTIVE SERVICE** shall mean the active expenditure of time and energy in the services of Washington County. However, an Employee shall be deemed to be Actively at Work on each day of a

regular paid vacation or on a regular non-working day, if they were Actively at Work on the last preceding working day.

3. **ACCIDENTAL INJURY** means bodily Injury caused by a source outside the body requiring treatment for trauma rather than for sickness-related conditions. The accident must occur to the Employee whose Injury is the basis of claim, but said claim is not work related or subject to the filing of a workman's compensation claim.
4. **SICKNESS** means Sickness or disease, which causes Disability to an Employee and commences after the employee is employed by Washington County, therefore pre-existing conditions are not subject to benefit payments hereunder.
5. **DISABILITY** means the complete inability of the Employee to perform any and all duties pertaining to their job.
6. **COMMENCEMENT DATE** means the day on which benefit payments begin.
7. **MAXIMUM BENEFIT PERIOD** means the maximum number of months for which benefits will be payable on account of any one (1) period of Disability. This shall not exceed 4 calendar months at the benefit levels as set hereinabove.
8. **PHYSICIAN** means a person who is licensed to practice medicine or osteopathy.
9. **PREGNANCY** means the existence of the condition beginning at the moment of conception and terminating with the delivery of the child or other termination of such condition.

**NON-ASSIGNABILITY** The benefits provided under the Policy are not assignable.

**DISCLOSURE AUTHORIZATION** Each Employee, by making application for this benefit, shall have authorized Washington County and any Physician, nurse or Hospital to furnish the County full information and records or copies of records relating to the diagnosis, treatment or care relating to an application for benefits. Such authorization shall be treated as a waiver of all provisions of law forbidding them from disclosing such information and records to Washington County.

**BENEFITS** Subject to the provisions of this Policy, if Accidental Injury or Sickness results in Disability requiring the regular care of a Physician, commencing while the Employee is eligible under this Policy, Washington County will pay to the Employee the applicable monthly salary as set forth hereinabove, subject to applicable withholding as required by law and those personal withholding benefits as elected by the employee, not to exceed the Maximum Benefit Period.

**PREGNANCY BENEFITS** Subject to the provisions of the Policy, if Pregnancy, results in Disability and requiring the regular care of a Physician, Washington County will pay to the Employee the applicable benefits under this policy, but not exceeding the Maximum Benefit Period. **However, those pregnancies which may require Physician ordered rest and / or work reduction and / or lifting restrictions, etc. normally during the third term and not requiring immediate medical intervention such as caesarian section at birth or post birth operative surgery do not qualify as a Disability for which benefits will be granted. It is the intent of this policy to only cover an unforeseen sickness, disease, or accident as defined hereinabove and not cover the normal consequences of a pregnancy requiring work hours reduction, lifting restrictions, etc., during the course of the pregnancy.**

**COMPLICATIONS OF PREGNANCY** Coverage is provided under this Policy:

- a. for a Sickness or disease which is a complication of Pregnancy or childbirth in the same manner as any other similar Sickness or disease is covered under this Policy; or
- b. for an accident which occurs during the course of Pregnancy or childbirth in the same manner as any other similar accident is covered under this Policy.

**REFERENCE TO THE SCHEDULE OF BENEFITS** When reference is made to benefits payable, such term shall mean the monthly amount of salary payable as set forth hereinabove. When reference is made to "Commencement Date", such term shall mean the day the Board determines to begin benefit payments as hereinabove set forth. When reference is made to "Maximum Benefit Period", such term shall mean the number of months benefits are payable as set forth hereinabove.

**SUCCESSIVE DISABILITIES** Except in the case of Disabilities due to Pregnancy, this benefit shall only be available to employees once every three year period as set forth hereinabove. All periods of Disability related to any one (1) Pregnancy shall be considered one (1) Disability.

**LIMITATIONS AND EXCLUSIONS** Benefits shall not be payable for:

- a. any Disability for which the Employee is not under the regular care and attendance of a Physician; or
- b. any Disability due to Sickness which is covered by, or upon proper claim could be covered by, any Workers' Compensation or Occupational Disease Law, or due to Injury arising out of or in the course of any employment for wage or profit; or
- c. any Disability resulting from Pregnancy, except to the extent that benefits are specifically provided herein for such Disability; or



- d. any Disability resulting from the Employee's participation in the commission of, or attempt to commit, an assault or felony; or
- e. any Disability resulting from intentionally self-inflicted Injury, while sane or insane.

## **RETIREMENT PLAN**

Washington County is a member of the Colorado County Officials and Employees Retirement Association Retirement Plan (CCOERA). The Board of County Commissioners currently offers one of their retirement programs for eligible full-time employees and elected officials through a contract with CCOERA. All full-time employees after one year of employment are required to participate in the plan.

The employee is required to contribute three percent of their annualized salary and the County will contribute an equal three percent. After 5 years of continuous participation in the plan, 100 % of the County's contribution to the employee becomes vested to the employee. In the event that an employee terminates their employment with the County after participating in the plan, but before the 5 year participation vesting period, the employee will retain ownership of their contributions to the plan plus 20 % of the County's contributions per full year of plan participation and 1/12 multiplied by 20 % of the County contribution for each full month of eligible service between full years as determined by the plan documents.

For example, if an employee leaves after 40 months of plan participation (which would mean that they worked for the County for 52 months), they would retain all of their contributions, plus 60 % of the County's contributions for the three full years of participation, plus 1/12 of 20% for 4 months of additional employment after their 3<sup>rd</sup> full year prior to leaving the County.

## **SICK LEAVE**

Full-time employees or certain contract employees are authorized paid sick leave in minimum increments of one-half hour. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of an immediate family member. Immediate family member is defined as spouse, child, parent, sibling or grandparents or grandchildren.

Employees who are unable to report to work due to illness or injury to himself or herself or an eligible family member should personally notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be requested verifying the need for sick leave benefits and the length of time that may be needed to return to work. Such verification may be requested as a condition to receiving sick leave benefits. The county reserves the right to request a doctor's statement under other circumstances which may indicate



abuse of sick leave. Failure to notify the County under this or the preceding paragraph, may result in job abandonment and termination pursuant to Chapter 10 of this Manual.

In the event of an extended illness, the maximum number of sick leave hours an employee may utilize is the total number of hours they have accumulated to date, unless additional hours are granted pursuant to the Washington County Sick Leave Bank Policy.

Sick time will begin accruing at 8 hours per month beginning the first full month after the employee's hire date. If an employee is hired on or before the 15<sup>th</sup> of the month then the sick time begins accruing in the month the employee is hired. If an employee is hired on the 16<sup>th</sup> of the month or after then the sick time begins accruing the first day of the month following the hire date. . The maximum number of hours an employee may accumulate is 640.

Upon a voluntary resignation or retirement, an employee will be paid twenty five percent (25%) of unused sick leave, provided the employee has completed the six (6) month probationary period. If an employee is terminated from employment with the County, no payment will be made for accumulated sick leave hours. (*Effective 10/13/09*)

Upon exhaustion of sick leave benefits and any accrued vacation time, an employee may apply for short term disability benefits in conjunction with benefits afforded under the Family Medical Leave Act (FMLA).

## **SICK LEAVE BANK**

### **WASHINGTON COUNTY SICK LEAVE BANK POLICY AND PROCEDURE**

The Board of County Commissioners hereby determines that it is in the interest of the County to create a Sick Bank Policy whereby those employees who desire to participate will contribute a minimum of one sick leave day for the first year of participation to the sick bank to aid those participating employees of the County who either through an extended illness or injury to themselves or an immediate family member may receive their regular County salary for an additional period of time. This program shall be voluntary. The program will be administered by the Washington County Employee Review Committee. The maximum additional sick leave hours to be given to any employee who participates in the program shall be 160 hours in any twelve months period. Any hours given to the employee sick bank shall be non-refundable upon termination of employment.

### **PROCEDURES**

1. Any employee who desires to participate in the sick leave bank is required to contribute a minimum of eight (8) sick leave hours for each calendar year of participation. An employee will indicate their participation by voluntarily signing a form to the effect that they will participate in the program. Current eligible employees as of January 1 of any given year may do so only in January. New hires, ineligible as of January enrollment period of any given year, may enroll in the month of June so long as they have completed their introductory period. (Updated 3/18/2014)

2. Once the sick leave day(s) are given by the employee to the bank, the employee may not claim that day for personal purposes unless granted by the employee review committee.

3. The sick leave bank shall be administered by the Washington County Employee Review Committee who shall be responsible for granting any and all bank benefits. They shall also be responsible for any and all record keeping to determine which employees in the various departments are participating in the bank. They shall monitor contributions from the employee participants and shall report any sick day deductions or donations to the appropriate elected official or department head for proper recording on the participating employee's time sheet. They are not required to grant the maximum hours to any employee and shall file a summary report of all disbursements with the Board of County Commissioners.

4. An employee who participates in the program, and has or will exhaust his or her accrued sick and vacation benefits because of his/her extended illness or injury, (or the injury or illness of an immediate family member), may apply for use of the sick leave bank. A participating employee may only apply for the amount of sick leave needed for the current payroll period. The employee may apply for additional sick leave hours in following payroll periods if needed (up to the 160 hours maximum). After an employee has utilized 160 hours (the maximum allowed under this policy), they are not eligible to apply for any additional hours for a period of twelve months from the last date sick bank hours were given by the committee. The intent of the aforementioned is to ensure that the sick leave bank hours are only awarded for the time actually needed by the employee for the current payroll period. This amendment is intended to avoid abuse of the sick leave bank by controlling the hours awarded for each payroll period. The application shall be signed by the applicant's Elected Official / Department Head to verify that the employee has or will exhaust their accrued sick leave and vacation benefits for the current period and has not abused any sick leave benefits. In addition to the Elected Official / Department Head sign off, the employee will be required to provide a note from their physician stating the employee's need for additional recovery time and the approximate number of days suggested by said physician. The employee review committee will review the application and by majority vote, grant the amount of sick leave bank hours that it deems appropriate to said employee based upon various factors, including but not limited to, the number of hours available in the bank, the severity of the injury or illness, and other such factors as they may so determine. In no event shall the hours awarded by the committee be less than the contribution made by the employee. If the employee does not use the entire awarded sick bank hours in the year awarded, they shall donate the hours back to the

sick leave bank. (revised 10/25/2011 Reso 131-2011)

5. Annually, the Employee Review Committee shall review the hours remaining in the sick leave bank. If a participating employee requests sick bank hours and the bank does not have enough hours, the Employee Review Committee shall conduct an emergency meeting and the committee representatives from the various offices and departments shall survey participating employees within their respective office or department as to whether or not participating employees will voluntarily contribute additional leave hours to the bank.

*(Updated 3/18/2014)*

## **SOCIAL SECURITY**

Social Security or F.I.C.A. is a federal insurance program which provides retirement, health and disability benefits. All employees contribute to this insurance through payroll deduction. Washington County makes a matching contribution. Employees must have a social security number, or proof that they have applied for a number, when they are hired. All changes of name must be reported to the Social Security Administration prior to change in County records.

## **TRAINING**

Washington County may provide educational reimbursement and payment for attendance at seminars or conferences if the attendance by a County Official, appointed official, department head or employee is work related. This benefit is subject to annual appropriations as may be determined the Board of County Commissioners.

Annually, each elected official or department head shall submit a line item for training, conference and / or seminar attendance. Overall educational reimbursement approval for any department, office or elected official shall be through the adoption of the final budget. During the following fiscal year, expenditures from this line item will be at the discretion of the appropriate elected official or department head.

Training is defined as seminars, workshops, conferences and other education training programs that are job-related, promote career development by gaining technical information to enhance a person's ability to better perform their job function on behalf of the County.

Other than seminar or conference attendance any and all educational reimbursement shall be predicated upon obtaining a passing grade in the coursework undertaken and in the event that any person shall fail or otherwise receive a non-passing grade, the County may seek reimbursement for those amounts paid to the employee for the coursework taken. By accepting payment for such coursework, employees must agree to this policy or otherwise not submit a request for advance reimbursement.

In addition, reimbursement for coursework taken is subject to a person's

continued employment with the County. It is not appropriate for the citizens of the County to fund educational training for individuals to enhance their job performance and not have the expectation that the person so benefited will continue to serve the County.

Therefore, any amounts advanced for educational reimbursement shall be subject to a prorated return over the period of one year. For example, if a person completes educational coursework and leaves the County six months later, they shall be responsible for reimbursing the County one – half of the amount for said coursework. By accepting advance payment for such coursework, employees must agree to this policy or otherwise not submit a request for coursework reimbursement.

All payments for registration fees, lodging, meals and transportation for seminars or conferences must be in accordance with the "Washington County Travel Policy".

### **VACATION BENEFITS**

Washington County offers a paid vacation benefit to eligible employees. This benefit is only available to full time employees.

Vacation time will begin accruing at 8 hours per month beginning the first full month after the employee's hire date. If an employee is hired on or before the 15th of the month then the vacation time begins accruing in the month the employee is hired. If an employee is hired on the 16th of the month or after then the vacation time begins accruing the first day of the month following the hire date.

Even though the vacation time accrues from the beginning of employment, vacation time does not become effective until the employee has successfully completed the three (3) month introductory period. Any absence for personal vacation time is not compensated by Washington County during the introductory period. If an employee terminates employment for any reason in the first three (3) month introductory period, no compensation will be paid for accrued vacation time.

Eligible full-time employees will accrue vacation time at the rate of one day per month. Introductory employees will accrue vacation benefits but this benefit is not available for use unless and until the employee has successfully completed the introductory period. In the event that an employee leaves the County before the minimum six month probationary period (see Chapter 2 - Probationary period) that employee will only receive vacation leave payment for the number of months the employee was eligible to receive this benefit at the rate of one day per month, provided the employee has completed the three (3) month introductory period.

Eligible full-time employees may carry over a maximum of 48 hours of earned vacation time benefits for the next succeeding year and those hours must be used by December 31st of the succeeding year. Sick and vacation hours will be reported to the Personnel office with each payroll period on a form approved by the Payroll director. This will be recorded monthly by the Payroll director so there is always a current balance of each employee's accrued vacation and sick time.

The amount of paid vacation leave employees receive each year increases with the length of their employment as shown in the following schedule: (One day equals 8 hours)

Beginning the 1st year through the 4th year employee receives 12 Days  
Beginning the 5th year through the 9th year employee receives 13 Days  
Beginning the 10th year through the 14th year employee receives 15 Days  
Beginning the 15th year through the 19th year employee receives 17 Days  
Beginning the 20th year through the 24th year employee receives 19 Days

25 Years and over 21 Days

In the event that an employee leaves Washington County during the course of the year, vacation benefits are paid only through the final month of employment. (One day equals 8 hours) (*Resolution 130-2010 effective 10-5-2010*)

## **WORKER'S COMPENSATION**

Any employee who becomes incapable of performing his/her essential job functions as the result of a job-related injury or illness incurred within the scope of employment with Washington County shall be considered to be on injury leave until he/she is able to resume his/her essential job functions. An employee on injury leave, whether full time or part time injury leave, shall receive the statutory benefits available under the Worker's Compensation Act of Colorado, C.R.S. 8-40-101, et.seq.

The Workmen's Compensation Act of Colorado currently compensates an employee with a job related injury or illness award of 2/3 of the employee's average weekly wage up to a maximum benefit determined annually as provided by law.

No compensation is payable for the first three (3) days of disability unless the period of disability exceeds two weeks.

An employee on injury leave may be compensated for the three (3) working day waiting period if he/she chooses, by utilizing compensatory time, sick leave or vacation as available in that order. The employee must sign an authorization form to allow Washington County to utilize said leave time for this purpose. These forms are available from the Finance Officer. Introductory period employees are not allowed to utilize compensatory time, sick leave, or vacation time because although said benefits accrue from the date of hire, they do not vest unless and until the employee completes the introductory period.

Worker's Compensation benefits can only be authorized or obtained when:

1. An employee files a Written Notice of Injury to Employer. These forms are available in the Commissioners Office or from the Worker's Compensation Coordinator at the Justice Center or Nursing Home. Employees must immediately report any accident or injury to their Department Head or Supervisor. Both the employee and the supervisor must fill out the forms in the Workmen's Compensation Report of Injury packet to report an incident to our carrier. This Notice must be given to Washington County within four (4) working days of any accident or injury. (*Updated 10/13/09*)

2. Failure to promptly report any accident or injury may result in a loss or reduction of benefits.



3. Employees are entitled to reasonable and necessary medical, surgical and hospital treatment for any and all injuries. The County has the right in the first instance to select the initial medical provider and these providers are listed annually within the Board of County Commissioner's reorganization resolution which is adopted on the second Tuesday of January of each year.

4. The County utilizes the Colorado County Workers' Compensation Pool as the insurance carrier for Washington County. Although the County handles the claim initially, it is the Pool's discretion and responsibility to administer the claim. They may select additional or different medical personnel to provide treatments, etc. They may deny a claim if it has been determined that the injury was not job related.

Washington County will continue to contribute the County share of the employee's health/dental/vision and life insurance premiums for a maximum of four (4) calendar months after the date of the injury or accident. The date of the injury or the accident through the end of that particular month is counted as the first month regardless of whether the injury occurred on the 1<sup>st</sup> day of the month or the 31<sup>st</sup> day of that month.

The employee will be responsible to make payments for the employee's share of the health/dental/vision and life insurance premium during the four (4) continued benefit months.

An employee shall not accrue vacation or sick leave while on injury leave.

During the period that an employee is receiving worker's compensation benefits, it is his / her responsibility to keep their elected official or department head informed of his/her medical status on a weekly basis.

The employee will be entitled to his/her former position if he/she is able to return to work within one hundred twenty (120) calendar days from the date of the injury or accident. The period while an employee is on injury leave shall not constitute a break in service for the employee. Prior to returning to work, Washington County may require the employee's physician to certify that the employee will be able to fully resume their job functions, by meeting the physical demands of the position as determined by the County.

If an employee is unable to return to work within one hundred twenty (120) calendar days from the date of the injury or accident, they will be dismissed from employment with Washington County. Termination of service under this provision will in no way affect continuation of payments under the Workmen's Compensation Act.



## *CHAPTER 7*

### *LEAVE TYPES*

#### **ADMINISTRATIVE LEAVE**

For any time off from work due to an injury, accident or illness not related to Worker's Compensation, the employee must take compensatory time, sick leave, vacation leave, or arrange for a leave without pay, pursuant to the Family Medical Leave Act or unpaid administrative leave as may be granted by the appropriate elected official or department head with the approval of the Board of County Commissioners. Upon utilizing sick, vacation, compensatory leave and any additional administrative leave granted and if the employee is not able to return to work within the expiration of all available leave, he/she may be dismissed from employment by the appropriate elected official or department head.

#### **BEREAVEMENT LEAVE**

If an employee wishes to take time off due to the death of an immediate family member, the employee must notify his or her elected official / department head immediately. Up to five (5) working days will be granted to allow the employee to attend the funeral and make necessary arrangements associated with the death. Any employee may, with the elected official / department head's approval, request the use of any available paid sick or vacation leave benefit for time off as necessary.

Washington County defines "immediate family" for bereavement purposes as the employee's spouse, parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Leave may also be granted for other individuals whose association with the employee was similar to any of the above relationships if approved by the Elected Official or Department Head.

#### **FUNERAL LEAVE POLICY**

#### **COUNTY PERSONNEL CLOSING OF COUNTY FACILITIES**

It has come to the attention of the Board of County Commissioners that a Policy should be implemented in relation to funeral leave for County personnel funerals and the closing of the County Courthouse in relation to funeral attendance. It is in the interest of the Board to recognize that long-term personal or working relationships with persons who have died need to be acknowledged and out of respect, County facilities should be closed. Therefore the Board hereby establishes uniform procedures to implement a county personnel funeral leave Policy.

## *PROCEDURES*

Upon the death of a County employee when a funeral is to be held during normal working hours, the Board will excuse any employee who desires to attend the funeral service for a maximum period of three hours. Those employees who do not desire to attend the services will be required to remain at work.

Other Washington County Elected Officials shall determine whether or not to close their offices for a funeral; however the Board will declare the overall closure of the Courthouse or other County facilities under their jurisdiction during the services, except for law enforcement or other emergency services.

Permission to attend any service must be granted by the appropriate Elected Official / Department Head and those employees who have permission to attend shall be paid for the hours during their attendance.

### **FAMILY AND MEDICAL LEAVE**

In compliance with Federal Law, Washington County employees are eligible for taking a leave of absence for up to twelve (12) workweeks of unpaid leave during any twelve (12) month period for any of the following reasons:

- For the birth and care of the newborn child of the employee
- For the adoption or foster care of a child
- To care for an immediate family member (spouse, child or parent) with a serious health condition, or
- To take medical leave when the employee is unable to work because of a serious health condition.

In addition due to recent amendments to the Act, an employee may take up to 26 weeks to care for a member of the armed services who is undergoing rehabilitation, medical treatment or recuperation, therapy, as an outpatient and / or is on the temporary disability retired list (H.R. 4986)

*Effective 10/13/09*

Parental Involvement in K-12 Education Act, covered employers must allow their full-time "non-supervisory" and/or "non-executive" employees up to 6 hours per month (to a maximum of 18 hours in an academic year) of unpaid leave to participate in academic activities.

Alternatively, employers and employees may agree to allow the employee to take paid leave to attend the academic activity and require the employee to work the amount of hours of paid leave taken within the same work week. Part-time employees are also eligible for leave in an amount pro-rated to the number of hours worked.

Employers may deny leave requests in cases of emergency or other situations that may endanger a person's health, safety or in a situation where the absence of the employee would result in a halt of service or production. Employers may require that

the leave be taken in no longer than three-hour increments and that the employee provide at least one week advance notice of the activity.

Employers may also require that the notice be accompanied by written verification from the school of the academic activity. However, exceptions exist for situations where the employee is not aware of the need for leave in advance. In such cases, *the* employee should provide notice as soon as he/she is aware of the need, and provide the necessary written verification upon return to work.

The Act does not require that *such* leave be paid. An employee or employer may elect to substitute accrued paid vacation leave, sick leave, personal leave or other paid leave for the unpaid leave required under the Act. Employers that provide little or no leave must note their obligations under the statute.

In relation to pregnancies, a leave may be taken before, during or after the birth of the child. A father may also take leave if after the birth of the child he has responsibility for the care of either the child or the mother.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involved inpatient care, periodic visits for treatment or continuing treatment by a health care provider. Additional regulations available in the Commissioners Office define "continuing treatment" and "periodic treatments" which will be explained to any employee seeking a leave.

In order to be eligible for leave under the Act, employees must have been employed for twelve (12) months prior to seeking a leave and worked 1,250 hours during the twelve (12) months prior to seeking a leave. However the twelve (12) months of employment need not be consecutive. Washington County will post general notices explaining the FMLA's provisions in various county facilities and employees are encouraged to contact the Commissioners Office or their Elected Official if they have any questions relating to a proposed leave under the Act.

In order to apply for leave the County will require documentation as to the reason for the request. An application form is required to be submitted by the employee and those forms will be available in the Commissioners office. If the employee has obvious notice such as an impending birth, the employee should give at least thirty (30) days notice prior to the due date. If the leave is requested for unforeseen illness, injury, etc. notice should be given as soon as practicable. In relation to a leave for medical reasons, the County may require a physician's statement that a leave is necessary for medical reasons. The Board and / or the appropriate Elected Official will then inform any employee within five (5) days of receipt of the request as to whether or not the request is granted as an FMLA leave. If the County designates the leave as an FMLA leave, the employee will be so informed in writing.

If the reason for the leave is a medical condition of the employee seeking the leave, the County will require a medical certification from the employee's medical provider that the employee is physically and mentally fit to return to duty if the leave requested is less than the twelve (12) week maximum under the Act. In addition, if the employee is seeking less than the twelve (12) week maximum leave for any other reason, the County will provide the return date for work and failure of the employee to

return to work at the appropriate date will be considered abandonment of their employment pursuant to Chapter 10 of the Washington County Personnel Policy and Procedure Manual.

Washington County has provided additional benefits to employees who qualify under the FMLA. The sick bank policy administered by the Employee Review Committee allows employees to participate in receiving benefits under this voluntary program in case of medical emergencies. This Policy protects employees who participate in the program by being able to extend wages through an accident or injury up to a maximum of 120 hours of additional eligible sick time. This policy is set forth in Chapter 8 of the Personnel Policy and Procedure Manual and should be reviewed prior to requesting an FMLA leave.

In addition, to assist employees who are eligible for certain FMLA benefits, the County has a self insured, short term disability policy which during the course of 12 weeks (or 4 months according the Policy) will provide 75 per cent of the employee's salary to an individual for an injury, illness or a serious health condition. With the exception of normal pregnancies which are not covered for either the mother or the father or for the care of a qualified family member, if an employee qualifies for an FMLA leave for a serious medical condition, the short term disability policy lessens the hardship of having the leave be unpaid.

Due to the necessity of the County to limit extended leaves as the workforce allocation by departments is not substantial enough to accommodate such extended leaves, employees seeking short term disability benefits under the County's policy due to medical reasons that qualify for such disability leave, an application for FMLA must also be made as a precondition to seeking benefits under the short term disability policy. In other words, the FMLA leave and the short term disability leave which provides remuneration during the leave should be considered complimentary to each other and not available in relation to the extension of available benefits to extend the maximum employment period for which a position must be held open. Since the short term disability policy is an optional benefit and not required by any federal or state mandate, the County will not honor requests for this benefit unless it is applied for in conjunction with the request for an FMLA leave.

#### **JURY and WITNESS LEAVE**

Regular full-time and part-time employees shall not lose regular employment pay or time while serving on jury duty. If the dollar amount received for jury duty is less than the County salary, the County shall pay full salary upon receipt of payment given the employees for the jury duty as set out below.

An employee called to a jury panel shall notify the Elected Official or Department Director in advance and shall be excused from work to report for this duty. If the employee is not selected as a juror or witness, he or she shall return to work without delay. If the employee is selected as a juror he or she shall notify his or her Elected Official or Department Director as soon as possible. An employee shall be granted jury leave with pay for the period required to serve on jury duty. An employee shall be paid on the basis of straight time hourly rate of pay not to exceed eight (8) hours per day when so engaged as a juror. (Only those moneys received

for such duty performed during employee's scheduled shift shall be signed back to the County if the employee has been paid for the normal workday).

When in accordance to a subpoena or by direction of proper authority, an employee appears in an official capacity as a witness in a case involving Washington County, he or she shall be granted Court leave with pay. The employee shall be paid on the basis of straight time hourly rate of pay not to exceed eight (8) hours per day when so engaged as a witness.

An employee, who is involved in his own litigation and not in his /her official capacity, shall not be entitled to pay for the time missed for the employee's litigation. The employee may be allowed to use annual leave, compensatory time, or leave without pay for any days needed for such an event. The employee shall notify the employer immediately upon his/her becoming aware of the Court date so that proper scheduling may occur.

#### **MILITARY LEAVE**

Employees granted a Military Leave of Absence are re-employed and paid in accordance with the laws governing Veterans Re-employment Rights.

#### **VOTING LEAVE**

Washington County encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule.



## *CHAPTER 8*

### *WORK CONDITIONS AND RULES*

#### **EMPLOYEE CONDUCT AND WORK RULES**

To ensure orderly operations and provide the best possible work environment, Washington County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. Each Elected Official is responsible for employee conduct and work rules or guidelines. Employment with Washington County is "at will" and may be terminated at any time, with or without cause, and with or without advance notice. Washington County requires all Elected Officials to conduct a Pre-termination meeting with any employee before being terminated.

#### **ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, Washington County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Washington County. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

#### **DRIVERS LICENSES**

If a driver's license or a Commercial Drivers License is a requirement for a given job, the employee must have a valid Colorado driver's license of a type required for that particular job.

1. It is the responsibility of any employee who operates a county vehicle to report any and all moving traffic violations to his/her immediate supervisor, who in turn, shall notify the Elected Official or Department Head and the Board of County Commissioners.

2. If an employee fails to notify his or her immediate supervisor about the loss or possible loss of license and drives a County vehicle, the employee may be subject to immediate termination. In the event that a license is suspended and the employee has properly notified his or her immediate supervisor, that employee may be placed on unpaid administrative leave pending the final outcome of the State Department of Motor Vehicle decision regarding the status of that person's license.

3. Employees who lose their license and the license is a requirement of the job, will be terminated by Washington County.

*(revised 5/3/11 Reso 91-2011)*



## DRUG AND ALCOHOL USE

It is policy of the elected officials of Washington County to provide an alcohol and drug-free, healthful and safe work environment. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug and alcohol abuse will seriously impair an employee's physical and mental health, and thus their job performance.

Therefore, any employee while on duty for Washington County may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescription medicine is permitted on duty, but only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner so as not to endanger other individuals in the workplace. An employee who must use an over the counter or prescription drug that causes adverse side effects or may affect the ability to perform work in a safe and productive manner must notify his or her elected official or department head.

Under no circumstances shall an employee under the influence of alcohol, illegal drugs and / or prescription drugs that may impair one's ability to operate a County vehicle or County road and bridge equipment, attempt to and / or proceed to operate vehicles or other County road and bridge equipment. Violations may result in immediate termination of employment. In relation to prescribed medications, employees operating vehicles and / or road and bridge equipment shall notify their supervisor if the prescribed medications contain warnings regarding the diminished ability to operate vehicles while taking the prescribed medication. Failure to do so, may result in immediate termination of employment.

Notwithstanding the aforementioned, it has been determined that under Colorado law the right to use medical marijuana does not constitute the use of a prescribed medication. Pursuant to the C.R.S. 12-22-303, marijuana is defined as a controlled substance and doctors may not prescribe marijuana under state law to marijuana registry card holders as a prescription drug but can indicate that marijuana may benefit a "debilitating condition". In addition the sale and use of marijuana under federal law is prohibited and is considered a crime under most circumstances. (revised 10/25/2011 Reso 131-2011)

The constitutional amendment approved by the voters states in Article XVIII, Section 14 (10) (b) "nothing in this section shall require any employer to accommodate the medical use of marijuana in any work place". Therefore, based upon current Colorado court decisions and regulatory interpretations such as the Department of Labor in relation to unemployment compensation, Washington County has a "zero tolerance policy" in relation to the use of marijuana, even in those cases where said employee may possess a valid Colorado Registry Card, and this "zero tolerance policy" applies to all employees, not just those operating county vehicles or equipment. Under this policy an employee will be terminated immediately in the event it is substantiated that said employee has tested positive for or is under the influence of marijuana, and the County will not consider rehabilitation as set forth hereinabove. (revised 10/25/2011 Reso 131-2011)

As an implied condition of employment, some County departments have the legal authority to impose pre-employment drug testing and after employment, random drug testing to assure continued compliance with this policy. The Washington County Sheriff's Office, the Washington County Nursing Home, the Washington County Road and Bridge Departments and the Washington County Ambulance Service have intra-departmental policies relating to pre-employment drug testing and random drug testing after employment. Employees within those departments should consult with the appropriate elected official or department head for departmental policy.

As a condition of continued employment, upon reasonable suspicion that an employee is in violation of this policy, the appropriate elected official may require that an employee undergo a drug test. Department heads or appointed officials reporting to the Board of County Commissioners must obtain Board approval prior to requiring an employee to submit to a random drug test. Prior to any actual test, the employee will be given a summary of the facts supporting the requirement that they submit to testing. Upon being provided this factual summary, if the employee refuses to submit to the testing, they may be subject to disciplinary action, up to and including immediate termination of employment.,

Any employee operating a County owned vehicle, will be given a drug test and possibly an alcohol test after being involved in a vehicular accident. Depending on the nature of the accident and the type of license the employee holds one of two types of tests may be given. NON-DOT Regulated test or DOT Regulated test. Employees must report all accidents to supervisor or elected official immediately or as soon as possible following the accident. Failure to do so may result in disciplinary action. *(Updated 10/13/09)*

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of disciplinary action may participate in rehabilitation or treatment programs through Washington County's health insurance benefit coverage in accordance with the current benefit plan.

In order to assure compliance with this policy and in order to promote a safe workplace environment, Washington County encourages all employees to report potential violations of alcohol or drug abuse by fellow employees to their immediate supervisor. Any such report made will be treated confidentially and the reporting employee can be assured that no retaliation will be taken against them. Finally, employees with questions about this policy or issues related to drug or alcohol use in the workplace should voice their concerns with their supervisor without fear of reprisal.

## **ELECTRONIC MAIL POLICY**

It is the policy of Washington County to encourage the use of Electronic Mail (Email) throughout the County in conducting County business. Electronic mail is an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later

retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global network. In relation to the utilization of Email by county employees, the following guidelines and procedures are applicable.

#### **PROCEDURES:**

1. All County electronic mail systems are owned by the County and are intended for the purpose of conducting official County business.
2. Employees should have no expectation of privacy when using County computers and sending or receiving electronic mail transmissions. Any and all such transmissions may be a public record under the public records law and may be subject to public inspection under Colorado Revised Statutes 24-72-203.
3. Certain uses of County computers, including but not limited to pornography, obscenity, harassment, solicitation, gambling and using a County assigned Email address to purchase items and / or otherwise cause the County system to receive unwarranted spam Emails may result in disciplinary action up to and including termination.
4. The appointed technology / computer person for Washington County shall be responsible for the implementation and operation of the Email system on behalf of the Board of County Commissioners and other elected officials. In order to protect the integrity of the County system, he or she shall monitor communications when requested and report results to the appropriate elected official.
5. In order to keep County electronic mail systems secure, employees may not leave terminals "signed on" when not in use or unattended for an extended period of time and / or leave their password available in an obvious place near their terminal or share their password with anyone except their supervisors or elected official.
6. The County recognizes that any and all Email transmissions may be a public record. Therefore, all Email transmissions that have reduced to hard copy and filed shall be considered a public record unless otherwise protected by Colorado Revised Statutes 24-72-204 or 305. Although Email transmissions may be public records, the County will not require that copies be made by any employee for record keeping purposes, nor will the County require that Emails be stored or maintained for any definite time or future retrieval.

#### **EMERGENCY CLOSINGS**

At times, emergencies such as severe weather, natural disaster, or power failures can disrupt County operations. In extreme cases, these circumstances may require the closing of work facility as deemed necessary by the Board of County

Commissioners. In the event that such an emergency occurs during non working hours, Elected Officials and Department Heads will be contacted by a member of the Board of County Commissioners.

When operations are officially closed due to emergency conditions, the time off from scheduled work for regular full time or regular part time will be paid. Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay. Employees who are not scheduled to report to duty on the day of an emergency closing will be paid as previously approved.

Employees who, for personal reasons, wish to leave work early during severe weather conditions may do so with the permission of their supervisor and will be charged compensatory time or vacation time for the period they are absent from work.

The Board of County Commissioners may close County facilities or suspend County operations due to emergency conditions, special occasions, or pursuant to law.

#### **GIFTS, GRATUITIES AND BRIBERY**

No County employee shall receive any compensation, gift, payment or expense, reward, gratuity, or anything of value from any source except Washington County for any matter or proceeding connected with or related to the duties of such employees, unless provided by law.

This provision is not intended to restrict the usual social amenities, ceremonial gifts, or insubstantial advertising gifts. Should an employee receive any compensation, gift, expense money, reward, gratuity or anything of value within the framework of this meaning that cannot be practically returned, it shall be turned over to the appropriate County funds or property.

No employee shall accept, make an offer or agree to confer any pecuniary benefit with the intent to influence his/her vote, opinion, judgment, exercise of discretion or any other action in his/her capacity as an employee of Washington County. Such an action by an employee is grounds for immediate termination of employment.

#### **LIABILITY COVERAGE AND LEGAL REPRESENTATION POLICY**

**A. Civil Actions.** Any employee who is named as a party to any litigation as an employee of Washington County or a department or office of Washington County shall immediately notify the Board of County Commissioners and the County Attorney's Office by delivering to the Commissioner's Office a complete copy of all documents served upon the employee. The County Attorney's office shall notify the employee within fifteen (15) days pursuant to C.R.S. 24-10-110(4), as to whether or not the county will defend the employee in such action.

Generally, Washington County provides liability coverage for any elected official, department head, appointed official, supervisor and / or employee acting within the scope of their employment and for actions undertaken at the request of an elected official, department head, appointed official and / or a supervisor.

However, the county reserves the right to seek indemnification from any employee for an act deemed to be outside of the employee's scope of employment or for any willful and wanton act or intentional act on the part of the employee named in any litigation. Subject to applicable constitutional, statutory and contractual provisions, if any, the county may also refuse to represent said employee at its discretion or may discontinue such representation at its discretion by proper withdrawal and notification as allowed by and required by court rule or by statute.

**B. Criminal Actions.** An elected official, department head, appointed official, supervisor and / or employee generally will not be represented by the County or reimbursed attorney's fees for a criminal action brought against them except for extraordinary circumstances which will be determined by the Board of County Commissioners on a case by case basis.

Simple traffic violation citations such as speeding, running a stop sign, etc. given to a County employee while operating a County vehicle or a piece of Road and Bridge equipment or using their vehicle for County business shall generally be the sole responsibility of that individual as each individual is responsible for obeying all state or federal traffic laws.

Any employee who is named as a defendant in a criminal case shall immediately notify the Board of County Commissioners and the County Attorney's Office by delivering to the Commissioner's Office a complete copy of all documents served upon the employee. The County Attorney's office shall notify the employee within fifteen (15) days pursuant to C.R.S. 24-10-110(4), as to whether or not the county will defend the employee in such action.

#### **LIFE-THREATENING ILLNESSES IN THE WORKPLACE**

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. Washington County supports these endeavors as long as employees are able to meet acceptable performance standards and so long as their job performance does not pose an imminent risk of harm to others. As in the case of other disabilities, Washington County will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs or to transfer them to an appropriate available position.

Medical information on individual employees is treated confidentially. Washington County will take reasonable precautions to protect such information from



inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

## **ON CALL**

The period of time during which an employee is on call on the employer's premises or close thereto, or other conditions stipulated by the employer that result in the employee being unable to use his/her time effectively for his/her own purpose shall constitute hours worked and be compensable time in accordance with Fair Labor Standards Act (FLSA).

The period of time during which an employee is not required to remain in the employer's premises, but is required to wear a pager, or leave word at his/her home or with his/her department as to where the employee can be reached does not constitute hours worked and shall not be deemed compensable time.

## **OUTSIDE COMPLAINTS**

When any citizen or person outside the County government makes a charge or complaint against any employee, the charge shall be documented and forwarded to the appropriate Elected Official or Department Director for resolution.

Outside complaints should be resolved as expeditiously as possible.

## **OVERTIME/COMPENSATORY TIME**

### **WORK SCHEDULES**

The normal work week is based on a forty hour schedule. In relation to the Sheriff's Office, some employees are subject to shift employment as determined by the Sheriff. In relation to other departments, there are two classifications of employees. Road and Bridge employees are employed under a system referred to as "2080 Employees". All other departments within the County are employed under a system referred to as the "1950 Employees". Elected Officials and/or Department Heads will advise employees of the times their schedules will normally begin and end. Temporary employees may be scheduled to work irregular hours, as determined by the appropriate Elected Official and/or Department Head.

An Elected Official or Department Head may adjust the work schedule for an employee as circumstances may dictate.

### **WORK PERIOD**

The work week for determining overtime compensation for any particular period is Sunday from 12:01 a.m. through Saturday at 12 midnight.



In determining overtime compensation, the time considered as "worked" will include holidays as approved by the Board at the annual reorganization meeting in January. Paid holidays are an extra paid day of work regardless of whether or not an employee actually worked. For purposes of overtime compensation, the County does not consider vacation leave, sick leave, or compensatory time or any unauthorized leave as hours worked in the calculation of whether or not overtime compensation shall be accrued.

Normal working hours for employees at most County facilities shall be determined by the Board of County Commissioners at the annual reorganization meeting in January. Generally, the hours the Courthouse is open to the public is from 8:00 A.M. to 4:30 P.M. Monday through Friday, with the exception of Holidays, is the normal work week, or such other times as declared by the Board of County Commissioners.

Under some circumstances, the appropriate Elected Official and/or Department Head may establish a flextime schedule for employees. In relation to Department Heads, any and all flextime schedules must be approved by the Board of County Commissioners.

## **OVERTIME COMPENSATION**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

### **Non-exempt employees**

When necessary an employee is expected to work overtime upon request as a condition of employment. Non-exempt employees are compensated for all hours worked over forty (40) per week. Shift personnel are to follow departmental guidelines. Non-exempt employees must be compensated for all overtime worked either with pay or compensatory time. Washington County adheres to the policy that any such overtime compensation shall be taken as compensatory time, not overtime pay. All overtime work must be authorized by the employee's immediate supervisor. Unauthorized overtime must be compensated; however, employees working unauthorized overtime are subject to disciplinary action. Overtime pay is based on one and one-half (1½) times the employee's base hourly rate.

If compensatory time is accrued instead of overtime compensation, certain restrictions apply. Employees may accrue up to sixty (60) hours of compensatory time at any one time. Any compensatory time in excess of sixty (60) hours will be paid out to the employee. Upon termination all accrued compensatory time will be paid out to the employee. Utilization of compensatory time must be approved by an employee's

supervisor and can be denied in circumstances where the employee's absence would unduly disrupt operations.

### **Exempt employees**

Exempt employees are not entitled to overtime compensation either in cash or compensatory time. However, the County does allow exempt employees to earn casual time. Casual time credit is based upon time that has actually been worked in excess of the forty (40) hour work week. Time earned will be based on an hour for hour basis for all hours in excess of forty (40) per week. Exempt employees may be entitled to take up to a maximum of forty (40) hours of accumulated casual time during a given year. Casual time may only be taken when authorized in advance and at the discretion of the appropriate Elected Official and/or Department Head. Exempt employees will not be paid for any accumulated casual time upon separation from County employment. Casual time will be accrued annually from January 1 to December 31. It must be used during this period or it will be lost. It cannot be carried over to the next fiscal year. This section does not apply to the Human Services Department Child Department staff who are reimbursed currently for "on call" duties.

### **ADDITIONAL GUIDELINES FOR OVERTIME COMPENSATION**

Elected Officials and/or Department Heads shall make every effort to schedule and allow compensatory time to be taken by the employee prior to the end of the quarter following the date that the compensatory time has been accrued.

If a nonexempt employee is transferred and/or appointed to an exempt position, the employee may transfer any accrued compensatory time earned up to and including the accumulation limit of 60 hours.

### **RECORD KEEPING REQUIREMENTS**

1. All overtime records shall be maintained by the appropriate Elected Official and/or Department Head on county forms prepared for that purpose. Said forms shall contain such necessary information as to provide an accurate accounting of all compensatory time accrued by employees within said office/department, and provide space for the approval signature of the appropriate Elected Official and/or Department Head.

2. In relation to other elected officials, copies of the approved overtime compensation/compensatory time forms shall be submitted to the County Budget Officer quarterly for record keeping purposes only. In relation to departments or offices reporting to the Board of County Commissioners, said forms shall be submitted monthly to the County Budget Officer. The Budget Officer will provide the Board copies of all forms received. In relation to Department Heads or Appointed Officials, if the Board has any questions regarding said submittal, the Budget Officer shall schedule a meeting

time between the Department Head or Appointed Official and the Board.

3. During the annual budget process, the County Budget Office shall prepare a report for the Board which summarizes all compensatory time accrued by the various departments and offices for the current fiscal year to be utilized by the Board for budget purposes for the ensuing fiscal year.

4. Failure to comply with these procedures may result in budgetary adjustments for the ensuing fiscal year.

#### **PARKING**

The County owns and / or maintains various parking lots which are provided for the general public and employee parking. Handicap parking as required by law are provided in conformance with the American with Disabilities Act. Other than those designated spaces, general public and employee parking is available on a first come, first served basis.

The County assumes no liability for vehicles parked within or upon County owned or maintained lots, including but not limited to, fire, theft of personal items, perils such as hail or wind damage and / or personal liability for any vehicles parked upon County lots.

#### **PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the image Washington County presents to the public. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who come to work inappropriately dressed or without proper safety equipment as may be required for their position will be required to return home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

#### **WORK SITES**

Employees are subject to the requirements of each elected official or department head in relation to office décor which may include requirements for maintaining their work site in a neat, safe and orderly fashion. Offensive or sexually oriented material shall not be allowed within any work space and / or County facility.

#### **POLITICAL ACTIVITIES**

The Board of County Commissioners encourages County employees in matters of responsible citizenship and does not by these provisions intend to interfere with the conduct of County employees engaged in political activities, so long as said activities are confined to hours when the employee is not on duty and further provided that said activities not impair the employee's efficiency at their particular job in the County government.

Employees are not to campaign in their official County uniform, or while on duty. Employees whose principal employment is in connection with federal financed activities are subject to the following federal requirements as a condition of such employment.

1. Non-exempt employees may not use their official authority or influence for the purposes of interfering with or affecting the results of elections or nominations for office.
2. In addition, they may not coerce, attempt to coerce, command, or advise other non-exempt employees to pay, lend or contribute anything of value to a party, committee, organizations, agency, or person for political purposes.

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 his/her political affiliation, beliefs or philosophy as a condition of present, continued or future employment with his/her 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.

Any County employee may be a candidate for a partisan political office provided that the involvement does not interfere with his or her job. If involvement is necessary during normal working hours, the individual shall take vacation leave or if approved pursuant to policy, leave without pay. Employees whose salary comes in part or in whole from federal government sources are subject to the Hatch Act and its revisions.

#### **POLITICAL CONTRIBUTIONS AND SUPPORT**

No employee shall be caused to pay any contributions to any political matter whatsoever.

Employees shall not be required to work for, or to participate in, the support of any political candidate during their off-duty hours.

#### **PROBLEM RESOLUTION**

##### **EMPLOYEE GRIEVANCE PROCEDURE**

Washington County is committed to providing full and part time employees a process whereby problems and complaints can be addressed to enhance the working environment. Part of this commitment is to encourage an open and frank atmosphere in which complaints, suggestions, or questions receive a response from Washington County supervisors and department heads.

Washington County strives to ensure fair and honest treatment of all employees. The Elected Officials will endeavor to assure that their supervisors, deputies, and department heads treat all employees fairly and with mutual respect. Therefore, these procedures establish a uniform methodology to provide a structured grievance process for use in Washington County.

## **I. Grievance Procedures**

1. If an employee disagrees with established rules of conduct, county policies, or county practices, they can express their concerns through this problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with County officials if said complaint is given in a reasonable, business-like manner, or if the employee utilizes this procedure to resolve a conflict.
2. An employee shall first attempt to resolve conflicts informally and directly with their immediate supervisor, department head, or elected official.
3. If a conflict cannot be resolved informally, then the employee should proceed as follows:
  - a. If the employee reports directly to an elected official, they should forward in writing to the elected official a statement of concern which remains unresolved. The elected official will respond in writing within ten (10) working days to the statement. The written response will address the issues and the elected officials position on the issue. This response will be considered the official position of Washington County and no further action shall be taken with regard to the statement of concern.
  - b. If the employee reports to a supervisor or department head, they should forward in writing to the appropriate individual a statement of concern which remains unresolved. The supervisor or department head shall respond in writing within ten (10) working days to the statement. The written response will address the issues and the position of the supervisor or department head.
  - c. If the employee is dissatisfied with the written response of the supervisor or department head, they may appeal to the elected official to whom the supervisor or department head reports. The appeal shall be made in writing within seven (7) working days of the decision. The appeal should detail the employee's opinion as to why the supervisor's or department head's resolution is unsatisfactory.
4. Upon receipt of an appeal pursuant to 3.c, the elected official shall undertake the following action:
  - a. A review of the statement of concern and the written response of the supervisor or department head will be made.



- b. If deemed necessary, an investigation will be undertaken to substantiate the contents of the statement of concern, the supervisor's response or the merits of the appeal.
- c. The elected official will issue a written response within ten (10) working days of the receipt of the appeal. This response will be considered the official position of Washington County and no further action shall be taken with regard to the statement of concern.

## **II. Additional Related Procedures**

1. **Disciplinary Actions.** This policy does not apply to any disciplinary actions taken by department heads or supervisors.
2. **Employees Not Subject to these Procedures.** These procedures do not apply to Introductory Period, Hourly Employees, Appointed Department Heads pursuant to C.R.S. 30-11-107, the County Attorney appointed pursuant to C.R.S. 30-11-118, the Budget Officer appointed pursuant to C.R.S. 29-1-104, appointed deputies of elected officials or the Sheriff's deputies, the appointed undersheriff pursuant to C.R.S. 30-10-504, or Volunteers as defined within this Manual.
3. **Definition of Board of County Commissioners.** For purposes of these procedures, elected official as applied to the Board of County Commissioners means the entire Board and not any one Commissioner.
4. Notwithstanding the aforementioned **Employee Grievance Procedure**, any employee who witnesses or is aware of any unethical, immoral or illegal activity within their department or office shall report same to the County Administrator immediately and under no circumstances if the activity is substantiated or determined to be of a nature that may create potential liability to Washington County, its elected officials, appointed officials and / or other employees, be fearful that such reporting will result in reprisal, disciplinary actions and / or dismissal by their current supervisor. Such reporting shall always remain confidential pending an investigation and review by the County Attorney and the Board of County Commissioners. Any results from the investigation and review will not be shared with the reporting employee.
5. **Public Relations.** Every employee is expected to be courteous and considerate when dealing with members of the public and should represent the interests of the County to the best of their ability. In cases where a member of the public dealing with Washington County personnel becomes irritable or irrational, no disciplinary action will be taken against any employee who simply indicates that they are unable to serve that person and refers that person to his or her supervisor or elected official.



## **REST AND MEAL PERIODS**

Each full-time workday, employees are provided with two rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time. The County reserves the right to assign said breaks so as to properly continue serving the public. The employee who works over 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 per four hours worked. Rest periods shall be utilized as defined herein, and ARE NOT TO BE ADDED TO THE LUNCH PERIOD, OR TAKEN AT THE BEGINNING OR END OF THE SCHEDULED WORK DAY.

All full-time employees are provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Whenever possible, the lunch period shall be scheduled in the middle of the work shift and shall be a minimum of 30 minutes in length. Additional lunch periods of 1/2 hour may also be given to employees who work at least 4 hours overtime in one day. The Elected Official or Department Director at his/her discretion may opt to schedule employees for a 1/2 hour lunch period.

## **SAFETY (LOSS PREVENTION)**

To assist in providing a safe and healthful work environment for employees and the public, Washington County has established a workplace safety program. This program is a top priority for Washington County. Its success depends on the alertness and personal commitment of all.

Washington County provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor or with another supervisor or manager. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, fail to

remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

### Reporting of Accidents and Injuries

1. Industrial Accidents;

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor in writing. The appropriate supervisor must complete a form to verify the work related injury and submit the completed form. Such reports are necessary to comply with laws and initiate workers' compensation benefits procedures. In the event the employee is unable or incapable of reporting the accident due to the severity of the injury, a fellow employee or witness of the injury should make the report.

2. Auto (Motor Vehicle) Accidents:

All automobile accidents shall be reported immediately to the employee's supervisor. The supervisor should contact the County Attorney's Office for immediate advice regarding the accident.

3. Traffic Violations:

All employees who receive citations for moving or parking violations will be responsible for payment of the fine and court costs. If a Court appearance is necessary, the employee must handle the situation on his or her own time. The amount of time the employee is away from his or her work is to be taken from compensatory time due the employee or annual leave.

### SECURITY INSPECTIONS

Washington County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, Washington County prohibits the possession, transfer, sale, or use of such materials on its premises. County requires the cooperation of all employees in administering this policy including consent, by an employee, to searches of any county property or any personal property on county property.

### SEXUAL AND OTHER UNLAWFUL HARASSMENT

Washington County is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

## **DEFINITION OF SEXUAL HARASSMENT**

Unwelcome sexual advances, either verbal or physical where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individuals' employment;
2. Submission to or rejection of such conduct by an individual is used as the basis of employment decision affecting such individual; or
3. Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her supervisor.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

## **SOLICITATION**

In an effort to assure a productive and harmonious work environment, persons not employed by Washington County may not solicit or distribute literature in the workplace at any time for any purpose.

Washington County recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty for purposes of this policy.)

## **SMOKING/TOBACCO USAGE**

In keeping with Washington County's intent to provide a safe and healthful work environment, smoking/tobacco usage is prohibited throughout the workplace, to include lobbies, hallways, stairwells, elevators, rest rooms, lounges, cafeterias or snack bars, conference rooms, public areas, and county owned vehicles. Smoking is permitted outdoors on county properties and designated areas.

This policy applies equally to all employees and the public. Washington County employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

## **UNIFORMS**

Uniforms are not supplied by the County except for specific jobs with the County. There generally is no County uniform. County employees shall present a well-

groomed, tasteful appearance depending upon their relative job titles.

Exceptions:

Sheriff's Office: Uniform allowances and requirements for the Sheriff's office are included in personnel policies applicable to that office.

#### **USE OF PHONE AND MAIL SYSTEMS**

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

In the event of an emergency or life threatening call, employees should immediately dial 911 and notify the Board of County Commissioners, County Attorney, or Facilities Director.

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

Employees may be required to reimburse Washington County for any charges resulting from their personal use of the telephone.

All employees of the Sheriff's Office and Attorneys and Investigators in the District Attorney's Office must have a working telephone in their residence unless relieved of this responsibility by the Sheriff or District Attorney.

The use of Washington County paid postage for personal correspondence is NOT permitted.

## *CHAPTER 9*

### *TRAVEL POLICY*

#### **COUNTY TRAVEL EXPENSES**

Washington County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance and pursuant to procedures as defined in this manual.

Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Washington County as outlined in this policy. Employees are expected to limit expenses to reasonable amounts.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by Washington County may not be used for personal use without prior approval.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non business travel are the responsibility of the employee.

Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

#### **APPROVAL FOR TRAVEL**

County business travel includes all travel outside of Washington County. Normally, travel is incurred to attend a regional meeting or for training, conferences, or workshops.

County officers and employees may perform travel and be reimbursed for all expenses related thereto when such travel is budgeted and accomplished in an official capacity during conduct of official county business, and has initial approval of the Elected Official or Department Director and final approval from the Board of County Commissioners.

## **TRAVEL FOR OTHER PURPOSES**

### **GENERAL POLICY**

Washington County encourages its Elected Officials and department or other management level employees to participate in state and national organizations that directly benefit Washington County. In cases where Washington County employees become officers or directors of state or national organizations and travel is required in connection with those duties, support for that travel in the form of administrative leave and/or the expenses incident to travel will be allowed only when such membership proves to be a direct benefit to the county.

Acceptance of an office or a committee assignment in a state or national organization that will require the use of county time or resources shall be approved by the appropriate Elected Official with the concurrence of the Board of County Commissioners.

### **TRAVEL TIME**

Travel time on behalf of the County by a non-exempt or exempt employee during non-work hours is compensable under the Fair Labor Standards Act as hours worked.

Home to work travel time is not compensable as hours worked.

### **REIMBURSEMENT OF TRAVEL COST**

Mileage will be paid at rate set by the Board of County Commissioners.

Travel expense reimbursements must be accompanied by Travel Expense Form and receipts.

## **COUNTY VEHICLE POLICY**

### **1. LIABILITY INSURANCE**

Washington County is insured for its primary automobile coverage through the CTSI liability program. All County vehicles are insured under this program. Each department and employee is charged with the responsibility of safe use and operation of County property, including motor vehicles. Since the Board of County Commissioners is responsible for the administration of the liability insurance program, all accidents or vehicle operational issues shall be reported to the Board immediately upon knowledge or occurrence. There is no governmental immunity in relation to the operation of a motor vehicle under current Colorado law. Thus it is important that all County employees who operate a County owned vehicle adhere to the standards of this policy.



## **2. USE OF COUNTY OWNED VEHICLES**

Only authorized employees of Washington County may operate County-owned vehicles. Where transport of a non-County passenger is anticipated, prior approval must be obtained through the Board of County Commissioners or the appropriate elected official, unless the purpose for transporting non-County personnel is departmentally related, such as the Sheriff's office or Human Services. In the event that transporting non-County personnel (other than business-related activity) is granted, the passenger will be required to sign and deliver to the appropriate elected official a Waiver and Release of Liability prior to riding as a passenger in the County vehicle. If a County employee unexpectedly needs to transport a non-County passenger for non-business related purposes; a waiver must be properly executed prior to transport and subsequently delivered to the appropriate elected official. Waiver forms should be kept in every County owned vehicle.

Under no circumstances should a non-County employee be allowed to drive a County owned vehicle because they are not insured as a driver.

In the event that an employee is involved in a situation in which non-County persons need assistance due to vehicle trouble, etc., the employee should utilize their vehicle radio or a cell phone to seek assistance. If a car radio or cell phone is not available, the employee should proceed to the nearest telephone to seek assistance for the stranded motorist. In the event that emergency circumstances require transporting a person, caution must be exercised. Such transported persons may later allege aggravations of any accident injuries and / or property damage to their vehicle caused by a County employee providing assistance.

County vehicles must be secure at the conclusion of the workday. Vehicles should be parked in well-lit areas and locked. Any possessions or equipment must be stored in the trunk of the vehicle, or otherwise secured. The County is not responsible for the loss of personal property left unattended in County vehicles.

County vehicles are not allowed to be driven home by employees, unless prior approval is secured from the appropriate elected official.

Under no circumstances may a County owned vehicle be driven out of state, unless approved by the appropriate elected official.

County vehicles involved in accidents when an employee is not within the course or scope of their employment may not be covered for property damage, under the County's liability insurance program.

Smoking is not allowed in any County owned vehicle.

*(Revised 5/3/2011 Reso 91-2011)*

## **3. QUALIFICATIONS OF DRIVERS**

All operators of County owned vehicles are required to have a properly issued Colorado Driver's license with appropriate certifications prior to and during the course of their employment with Washington County.

Road and Bridge employees must obtain a Class A certification within three months of their employment, and continue to maintain that certification throughout their employment.

When a County position requires that an employee maintain a properly issued Colorado Driver's license and that employee's license is suspended and/ or revoked and / or not renewed for any purpose, that employee may be terminated from County employment. Such termination is not for disciplinary reasons, but rather that holding a valid driver's license is a condition of employment that must be met.

#### **4. VEHICLE ALLOCATION**

The Board of County Commissioners will annually review the use of County owned vehicles assigned to elected officials and / or departments for use by employees carrying out departmental duties. The Board will annually determine, through the budget process, vehicle allocations to be made to the various offices and departments.

Each department which operates a County owned vehicle shall establish a vehicle rotation system and provide same to the Board with suggested guidelines for the retirement of current vehicles, based upon mileage, wear and tear, age, etc. and provide same to the Board to aid in the budget process by providing a uniform vehicle replacement program. This program shall be administered by the Washington County Budget Officer.

The Board of County Commissioners is responsible for assigning County vehicles to the various departments. The County currently has one pool vehicle which is generally used by the Washington County Assessor's office. This vehicle will be available to other departments on an as needed basis on days other than Monday.

The Board of County Commissioners shall be responsible for establishing procedures for the general maintenance of County owned vehicles and for providing acceptable supplies of gas, oil, etc.

#### **5. ACCIDENT REPORTING**

##### **A. General Information**

In the event that a County employee is involved in a motor vehicle accident, regardless of the severity, the appropriate law enforcement department should be called to the scene to prepare a report. If possible, also notify the appropriate elected official immediately.

If a County vehicle is disabled as a result of an accident, or if a County vehicle breaks down and becomes inoperable, the appropriate elected official should be notified for further instructions.

## **B. Actions at the Scene of an Accident**

Check for injuries, if you are qualified in CPR / first aid you may choose to lend assistance. If injuries are claimed, call the 911 operator immediately.

If the County owned vehicle is in the traveled right of way, protect the scene to prevent further collisions. Use flares or other warning devices. The vehicle should not be moved until after police arrive unless it presents a hazard to other traffic.

**DO NOT ADMIT LIABILITY OR DISCUSS THE ACCIDENT OR THE CIRCUMSTANCES OF THE ACCIDENT WITH ANYONE EXCEPT THE POLICE OFFICERS, YOUR SUPERVISOR, OR THE COUNTY ATTORNEY'S OFFICE. ANY AND ALL REQUESTS FOR INFORMATION, CLAIMS FOR DAMAGES, OR STATEMENT'S REGARDING THE ACCIDENT SHOULD BE FORWARDED TO THE COUNTY ATTORNEY'S OFFICE.**

The exception to this procedure is if you are in your personal vehicle on County business. You need to advise your insurance carrier and may share any information with your insurance company they may require.

Exchange names, addresses and insurance information with the other driver, if another driver is involved. Ask for names, addresses, and telephone numbers of any witnesses present at the scene.

## **C. Accident follow-up Procedures**

The employee may also have to complete and mail to the State of Colorado a Report of Motor Vehicle Accident. A copy of this report should be sent to the County Attorney's Office. This information, as well as the police report is used to defend employees and Washington County in the event of litigation.

## **6. VEHICLE NEGLIGENCE AND ABUSE**

County-owned vehicles that require repairs due to neglect, abuse or damage not reported by an employee will be reported to the Board of County Commissioners or the appropriate elected official.

If it is determined that an employee has negligently or intentionally caused damage to a County owned vehicle, that employee will be subject to disciplinary action, including termination of employment. (revised 10/25/2011 Reso 131-2011)

## *CHAPTER 10*

### *SEPARATION OF EMPLOYMENT*

Separation of employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment is separated:

**RESIGNATION**—voluntary employment separation initiated by an employee

**TERMINATION**—involuntary employment termination initiated by the organization

**LAYOFF**—involuntary employment separation initiated by the organization for non disciplinary reasons

**RETIREMENT**—voluntary employment separation initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

On behalf of employees, Washington County offers a competitive retirement plan for employees in addition to Social Security, as discussed in Chapter 6. Although not required as Washington County adheres to an “employment at will” philosophy, the County would request that any employee who desires to retire provide notice to the appropriate Elected Official or Department Head in advance so that the County may begin recruitment for the vacated position.

Pursuant to the current retirement plan documents, those employees who have vested retirement benefits should contact the third party Plan Administrator to determine how they may want their accumulated benefits disbursed. (See Chapter 6 – Retirement Plan.)

Elected Officials and / or Department Heads should be notified of any impending retirement by their employees, however all retirements should be forwarded to the Finance / Payroll Department for proper processing.  
(Resolution 130-2010 effective 10-5-2010)

#### **RESIGNATION**

Resignation is a voluntary act initiated by the employee to separate employment with Washington County. Although advance notice is not required, Washington County requests at least two weeks to ten working days written resignation notice from all employees prior to the effective date of resignation.

All resignations will be documented by the Elected Official or Department Director. The separating employee shall receive a final warrant for all uncompensated time worked, unused vacation, and unused sick leave in accordance with current payroll procedures.

Prior to an employee's departure, an exit interview will be scheduled to discuss

the reasons for resignation and the effect of the resignation on benefits.

## **DISMISSAL**

### **DISMISSAL OF REGULAR FULL TIME AND PART TIME EMPLOYEES PROCEDURES**

Washington County maintains an "at will" status in relation to all employment matters. As stated within the **Employee Acknowledgement Form**, the Personnel Policy Manual is not an employment contract nor should it not be construed or relied upon to create either an express or implied employment contract. Unfortunately, certain instances may require the dismissal of an employee. The final authority to dismiss an employee rests with the appropriate elected official to whom the employee ultimately reports, which is why they may review actions to terminate employees taken by their supervisors, deputies, and / or department heads. These procedures establish a uniform methodology to provide a structured termination process. These procedures are an effort to maintain fair and equitable treatment of the employees subject to these procedures. These procedures do not apply to any disciplinary action that does not result in the termination of the employee.

#### **Dismissal Procedures**

1. No part time or full time Washington County employee will be dismissed until he/she has been notified by a deputy, a supervisor, a department head or an elected official in writing of the intent to terminate said employee. The appropriate aforementioned person shall inform the employee of the grounds for the recommended dismissal and will give the employee a reasonable opportunity to respond to the intent to terminate when said written notice is given.

Some elected offices within Washington County have fewer than five (5) employees. Under these circumstances, the elected official themselves will make the final determination based upon personal observations and / or actions of the employee and their decision to terminate will be final as of that date. However, the employee will still be given the grounds for dismissal in writing and give the employee a reasonable opportunity, at that time, to respond to the intent to terminate.

2. The employee may request a pre-termination hearing, if anyone other than an elected official, has issued an intent to terminate. The employee must request the pre-termination hearing within three (3) scheduled working days of the intent to terminate notice.

- a. If the employee does not request the pre-termination hearing within three (3) scheduled working days, then all further employee rights under this section shall be deemed to have been waived by the employee.
- b. If the employee makes a timely request for a pre-termination hearing, then the appropriate elected official shall conduct the pre-termination hearing within ten (10) scheduled working days of the receipt of the request for

hearing. The appropriate elected official shall review the initial decision in order to determine if there is any competent evidence to support the recommended dismissal. The elected official shall issue a decision in writing affirming, modifying, or reversing the dismissal recommendation. The decision shall be rendered within five (5) working days of the hearing, unless extraordinary circumstances require additional time.

3. The following procedures shall apply to the hearing before an elected official:

- a. When a request for a hearing is received, the elected official shall arrange the date and time of the hearing with the employee and the deputy, supervisor, or department head.
- b. The elected official shall have the authority to establish hearing dates and to make all the necessary procedural rules. The hearing shall be strictly confined to whether there is any competent evidence to support the dismissal recommendation and whether or not Federal or State laws, or County personnel rules, regulations, or procedures were compromised by the employee.
- c. The parties shall exchange exhibits and witness lists at least five (5) working days prior to the commencement of the hearing.
- d. Pertinent information not privileged under law in the possession of the County shall be made available to the employee at his/her request.
- e. The employee may be represented by legal counsel at the hearing.
- f. The elected official will issue a written decision within fifteen (15) working days after the close of the hearing. The elected official's decision shall set forth findings of fact, conclusions and a recommendation to either affirm or reverse the dismissal recommendation. The elected official's decision shall be final and shall terminate any rights of the employee under this policy. If the elected official does not affirm a dismissal recommendation, back pay and associated benefits may be restored, if applicable.
- g. All hearings conducted by the elected official shall be confidential, unless otherwise requested by the employee or employees to be open pursuant to C.R.S. 24-6-402.
- h. The County Attorney shall represent the County and the County shall be responsible for its legal costs, and the employee shall be responsible for paying his/her legal costs, if any.
- i. An official stenographic transcript of the hearing may be made at the request of the employee prior to the hearing. Any employee requesting a stenographic transcript shall pay the cost, except if the County requests a



copy of the transcript the entire cost of the stenographic transcript shall be shared equally by both parties.

4. Employees Not Subject to these Procedures. These procedures do not apply to Introductory Period, Regular Part Time, or Temporary Employees, Appointed Department Heads pursuant to C.R.S. 30-11-107 or other statutes, the County Attorney appointed pursuant to C.R.S. 30-11-118, the Budget Officer appointed pursuant to C.R.S. 29-1-104, appointed deputies of elected officials or the Sheriff's deputies, the appointed Undersheriff pursuant to C.R.S. 30-10-504, or Volunteers as defined within this Manual. (revised 10/25/2011 Reso 131-2011)

#### **Additional Related Procedures**

1. **Investigatory Leave Pending Pre-Termination Hearing.** An elected official or his or her designee shall have the power and authority to place an employee on a leave of absence with pay pending an investigation that may result in discipline, up to and including dismissal.
2. **Incarceration of Employee.** An employee who is incarcerated and unable to work will be placed on leave without pay immediately.
3. **Disciplinary Actions Other than Dismissal.** This policy does not apply to any disciplinary actions taken by department heads, supervisors, or deputies that do not result in a recommendation of dismissal.
4. **Employees Not Subject to these Procedures.** These procedures do not apply to Introductory Period, Hourly Employees, Appointed Department Heads pursuant to C.R.S. 30-11-107, the County Attorney appointed pursuant to C.R.S. 30-11-118, the Budget Officer appointed pursuant to C.R.S. 29-1-104, appointed deputies of elected officials or the Sheriff's deputies, the appointed undersheriff pursuant to C.R.S.30-10-504, or Volunteers as defined within this Manual.

#### **Miscellaneous Related Procedures**

1. **Job Abandonment.** Any full or part time employee who does not contact his/her supervisor, department head or elected official and remains absent from his/her duties for three (3) working days shall be deemed to have voluntarily resigned from Washington County as of the last day on which he or she worked. The resignation will be processed without the employee's request or signature. The resignation documentation will be mailed to the address of record of the employee. The employee will not be eligible for re-employment within Washington County government for five (5) years of the effective date of the resignation.
2. **Disqualification from Employment.** If a classified employee is required to maintain a certificate and/or license in order to perform his/her job functions, such certificate or license shall be a condition of employment.

Failure to possess this certificate or license shall result in a disqualification from employment. Under these circumstances, which are not a dismissal from employment for disciplinary or other reasons, a full or part time employee may not file any appeal pursuant to these procedures.

3. **Definition of Board of County Commissioners.** For purposes of these procedures, elected official in relation to the Board of County Commissioners means the entire Board and not any one Commissioner.

## **RETIREMENT**

It is the intention of the County of Washington through the County Retirement Plan and Social Security to provide for continual pay of retirees in accordance with the provisions of the Plan.

Retiring employees should advise their Elected Official or Department Director and the Retirement Plan Administrator of their intent to retire at least thirty (30) days ahead of their desired retirement date. Retirement is effective only on the first day of a calendar month.

County employees separating from County employment for reasons other than retirement may have the option of leaving retirement contributions in the retirement plan in accordance with the terms of the Plan.

## **LAY OFF REDUCTION IN LABOR FORCE**

If it becomes necessary to lay off employees due to lack of funds, change in department status, reorganization or any other reason, the appropriate Elected Official will make recommendations as to the lay off. The analysis will include the types of activities to be reduced, departmental organizational changes, specialties needed, which individuals or job classes of personnel are to be laid off, when the lay off should occur, etc. After the analysis to decide which employees will be laid off is completed, the following will generally apply:

The Elected Official has the option to lay off employees as deemed necessary and appropriate. However, in conducting this lay off, the following items should be taken into account, in the following order:

- a. Performance of the employee
- b. Special abilities the employee may possess
- c. Total time employed by the County

A full or part-time regular employee being laid off will receive a ten (10) days notice prior to the actual lay off date unless the layoff is of a temporary nature (one month or less) due to a cause that could not be foreseen, or for budget reasons.

Regular employees that have been laid off from County service will be eligible for rehire under the following provisions:

If, within 60 days from the date of layoff, an opening of the same classification becomes available within the same department from which the person was laid off and the person laid off is fully qualified for the opening, that person shall be rehired to fill the opening. If more than one person was laid off, the rehire shall be in reverse order of lay off. If all persons were laid off on the same date, the criteria for lay off shall be used as the criteria for rehire. An employee being rehired shall be notified by certified mail sent to the employee's most current address. The employee will be allowed ten (10) days from the date of mailing to return to work.

Should it become necessary to lay off employees due to lack of funds, change in department status, reorganization or any other reason, the Elected Official shall make the final decision as to the procedures, extent and conduct of the lay-off.

### **RECALL**

After a reduction in force (RIF—layoff) the County may wish to recall employees to work. In recalling the employee from a previously lay off, employees for identical tasks in the same department unit, office or subdivision, regular employees shall be rehired in inverse order of layoff, this is, the last employee laid off shall be the first employee rehired.

The Notice of Recall shall be in writing to the last known address of the employee as shown in the County personnel records. The employee shall have twenty-four (24) hours after receipt of the notice to accept or reject the recall request. If not accepted within that time, the employee shall lose all recall rights to that job category and/or job classification refused or rejected.

If the employee is recalled within six (6) months of the layoff, the employee shall regain the anniversary date held at the time of layoff for purposes of vacation, sick leave and other County benefits.

If not recalled within six (6) months, all recall rights will terminate.

### **DEATH OF AN EMPLOYEE**

In the event of the death of an employee, the final check shall be made payable to the employee and mailed to the place of residence or delivered to next of kin.

The appropriate Elected Official or Department Director will prepare a final Personnel Action Notice Form as soon as possible after notification of death of an employee.

The Elected Official or Department Director will advise the beneficiary as to insurance procedures for death claims and also if the employee was covered by the Retirement Fund.

### **SEPARATION PAY**

The employee's final check shall not be paid to an employee until all County

property has been returned and County Separation Sign-out Form has been completed and given to the personnel office.

Upon separation, an employee shall be entitled to the following separation benefits as otherwise described in this policy document.

### **UNUSED VACATION LEAVE**

A regular full time employee shall be paid for the unused vacation time he or she may have accumulated prior to separation if the employee has completed the three (3) month introductory period. Employees who terminate prior to the three (3) month period do not receive pay for accrued vacation time since vacation time does not vest until the beginning of the fourth full month of employment (See chapter 2.) (*Effective 10/13/09*)

### **UNUSED SICK LEAVE**

A regular full time employee shall be paid twenty five percent (25%) of unused sick leave, provided the employee has completed the six (6) month probationary period. Sick and vacation time do not vest until the first day of the fourth full month of employment. If an employee is terminated from employment with the County, no payment will be made for accumulated sick leave hours (See chapter 2.) (*Effective 10/13/09*)

## **PRIOR AMENDMENTS**

### **DISMISSAL OF REGULAR FULL TIME AND PART TIME EMPLOYEES PROCEDURES**

(Replaces process for termination found in Chapter Ten)

Approved 10/31/2002

Resolution 2002-90

Effective 11/1/2002

(Revised policy in Chapter 10)

Approved 10/25/11

Resolution 131-2011

Effective 10/25/2011

### **INTRODUCTORY PERIOD**

(Replaces policy found in Chapter Two)

Approved 10/31/2002

Resolution 2002-90

Effective 11/1/2002

### **PROBLEM RESOLUTION EMPLOYEE GRIEVANCE PROCEDURE**

(Replaces policy found in Chapter Eight)

Approved 10/31/2002

Resolution 2002-90

Effective 11/1/2002

### **COUNTY VEHICLE POLICY**

(New policy to be inserted under Chapter Nine following Reimbursement of Travel Cost)

Approved 10/31/2002

Resolution 2002-90

Effective 11/1/2002

### **PERSONAL FLOATING HOLIDAY**

(Replaces Fair/Rodeo found in Chapter Six)

Approved 1/14/2003

Resolution 2003-17

Effective 1/14/2003

### **HIPPA**

(New policy to be inserted under a new Chapter Five)

Approved 4/8/2003

Resolution 2003-62

Effective 4/8/2003

**OVERTIME/ COMPENSATORY TIME POLICY**

(Replaces policy found in Chapter Eight)

Approved 4/8/2003

Resolution 2003-63

Effective 4/8/2003

**ADMINISTRATIVE PAY CORRECTIONS**

**PAY DEDUCTION**

(Replaces policy found in Chapter Four)

Approved 7/8/2003

Resolution 2003-78

Effective 7/8/2003

**BEREAVEMENT LEAVE**

(Replaces policy found in Chapter Seven)

Approved 7/22/2003

Resolution 2003-83

Effective 7/22/2003

**EMPLOYEE SELECTION PROCESS**

(Replaces policy found in Chapter One)

Approved 9/31/03

Resolution 2003-108

Effective 9/31/03

**EMPLOYEE ACKNOWLEDGEMENT FORM**

(Replace Acknowledgement)

Approved 12/31/03

Resolution 2003-142

Effective 12/31/03

**SICK LEAVE**

(Replace policy in Chapter 6,7 and 10)

Approved 1/30/04

Resolution 2004-50

Effective 1/30/04

**HEALTH INSURANCE POLICY**

(Replace policy in Chapter 6)

Approved 6/30/04

Resolution 2004-91

Effective 6/30/04

**Federal Affordable Care Act**

Resolution 117-2013



Approved 9/24/2013  
Effective 9/24/2013

**NATURE OF EMPLOYMENT AND EMPLOYEE RELATIONS POLICIES**

(Replace policy in Chapter 2)

Approved 6/30/04

Resolution 2004-92

Effective 6/30/04

Resolution 85-2012 Employee under 18

Deleted from Manual effective 5/29/12

**PATIENT ABUSE POLICY (REPEALED)**

(New policy in Chapter 10

Separation of Employment- Additional Related Provisions

New Paragraph 5)

Approved 9/7/04

Resolution 2004-137

Effective 9/7/04

Deleted from Manual effective 5/1/08

**COUNTY SICK LEAVE BANK POLICY AND PROCEDURE**

(New policy in Chapter Six)

Approved 10/9/04

Resolution 2004-151

Effective 1/1/05

**WORKER'S COMPENSATION**

(Replace policy in Chapter Six)

Approved 9/20/05

Resolution 145-2005

Effective 9/20/05

**ADMINISTRATIVE LEAVE**

(Replace policy in Chapter Seven)

Approved 9/20/05

Resolution 145-2005

Effective 9/20/05

**DELETED FROM MANUAL  
INJURY LEAVE ON DUTY/OFF DUTY**

Leave Without Pay

Religious Leave

Unauthorized Leave

Approved 9/20/05

Resolution 145-2005

Effective 9/20/05

**AMERICAN WITH DISABILITIES ACT**

(New policy under Chapter Five)

Approved 3/7/06

Resolution 65-2006

Effective 3/7/06

**NEPOTISM POLICY**

(New Policy in Chapter 2)

Approved 4/18/06

Resolution 88-2006

Effective from 4/18/06

**EMPLOYMENT CATEGORIES**

(Redefined in Chapter 3)

Approved 9/19/06

Resolution 148-2006

Effective 9/19/06

**LIABILITY COVERAGE AND LEGAL REPRESENTATION**

(Replaces current Policy in Chapter 8)

**PARKING**

(Replaces current Policy in Chapter 8)

**PERSONAL APPEARANCE**

(Replaces current Policy in Chapter 8)

**WORK SITES**

(Replaces current Policy in Chapter 8)

Approved 10/31/06

Resolution 161-2006

Effective 10/31/06

**SHORT TERM DISABILITY**

(Replaces current Policy in Chapter 6)

Approved 1-15-07

Resolution 45-2007

Effective 1-15-07

**ELECTRONIC MAIL POLICY**

(New Policy in Chapter 8)

Approved 1/31/07

Resolution 52-2007

Effective 1/31 /07

**EDUCATIONAL REIMBURSEMENT**

(Replaces current Policy in Chapter 6)

Approved 4/10/07

Resolution 82-2007

Effective 4/10/07

## **INTERDEPARTMENTAL TRANSFERS**

(New Policy in Chapter 2)

Approved 5/31/07

Resolution 101-2007

Effective 5/31 /07

## **SICK LEAVE BANK**

(Replaces current Policy in Chapter 6)

Approved 8/14/07

Resolution 133-2007

Effective 8/14/07

(Revised policy in Chapter 6)

Approved 10/25/11

Resolution 131-2011

Effective 10/25/2011

(Revised policy in Chapter 6)

Approved 03/18/2014

Resolution 65-2014

Effective 03/18/2014

## **RETIREMENT PLAN**

(Replaces current Policy in Chapter 6)

Approved 2/12/08

Resolution 64-2008

Effective 2/12/08

(Revised policy in Chapter 6)

Approved 10/5/2010

Resolution 130-2010

Effective 10/5/2010

## **DRUG AND ALCOHOL USE**

(Replaces current Policy in Chapter 8)

Approved 4/30/08

Resolution 88-2008

Effective 4/30/08

(Revised policy in Chapter 8)

Approved 10/25/11

Resolution 131-2011

Effective 10/25/2011

## **SHORT TERM DISABILITY**

(Replaces current Policy in Chapter 6)

Approved 9-28-08

Resolution 146-2008

Effective 9-28-08

## **FAMILY MEDICAL LEAVE ACT**

(Revised policy in Chapter 7)

Approved 4/28/09

Resolution 89-2009

## **VACATION BENEFITS**

(Revised policy in Chapter 6)

Approved 10/5/2010

Resolution 130-2010

Effective 10/5/2010

Effective 4/28/09

## **FAIR LABOR STANDARDS ACT (FSLA)**

(Revised policy in Chapter 4)

Approved 10/5/2010

Resolution 130-2010

Effective 10/5/2010

## **PAY PERIODS**

(Revised policy in Chapter 4)

Approved 12/7/2010

Resolution 147-2010-referenced to 130-2010

Effective 12/8/2010

## **DRIVERS LICENSES**

(Revised policy in Chapter 8)

Approved 5/3/2011

Resolution 91-2011

Effective 5/3/2011

## **USE OF COUNTY OWNED VEHICLES**

(Revised policy in Chapter 9)

Approved 5/3/2011

Resolution 91-2011

Effective 5/3/2011

(Revised policy in Chapter 9)

Approved 10/25/11

Resolution 131-2011

Effective 10/25/2011

## **HOLIDAY BENEFITS**

(Revised policy in Chapter 6)

Approved 3/5/2013

Resolution 65-2013

Effective 3/5/2013

**PROBLEM RESOLUTION – PUBLIC RELATIONS**

(Revised policy in Chapter 8)

Approved 7/23/2013

Resolution 109-2013

Effective 7/23/2013

