AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Policy Update; Gunnison County Employee Handbook

Action Requested: Motion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Please see the attached change summary relative to the Employee Handbook (Policy #4.3.1). Clean and Redline versions of the Handbook are also attached.

Fiscal Impact: N/A

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 3/27/2019 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/27/2019

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 4/2/2019

Revised April 2015

Gunnison County Employee Handbook
Modification Summary
April 2, 2019 Draft Version

Page	Section	Summary
9	1-11; Duty-Related Court Notices and Appearances	This section was created at the request of the CAO to provide guidance to any employee who may receive legal notices/communications relative to their official duties.
10	2-4(a)(2); Sick Leave Bank Board; Staff	This section was updated to reflect the current practice of electronic voting.
11	3-4(d); Employment Status Definitions; Interns	This section was created at the request of HR to provide guidance to departments that may wish to utilize student interns. The language was provided by CTSI.
14	4-2(a); Overtime/Compensatory Time; General Workweek/Workperiod	This section was modified at the request of HR to provide flexibility to those departments that may need to designate an alternate day of the week as the start of the work week.
14	4-2(e); Overtime/Compensatory Time; Inclusion of Paid Leave	This section was modified to limit potential abuse of or confusion about the policy.
18 37-40	4-3(i)(7)a-b; Fringe Benefits; Sick Leave; Sick Leave Transfers 7-1, 7-2; Separation from Employment; Voluntary, Involuntary	These sections were modified to reflect a change in policy, which will allow separating employees to donate accumulated sick leave hours to the Sick Leave Bank. Donations will be limited to only those hours for which the separating employee would otherwise have been eligible to receive cash payment. These sections were also modified to reflect the above policy change.
18	4-3(i)(7)c; Fringe Benefits; Sick Leave; Sick Leave Transfers; Application Procedure	This section was modified to reflect a change in policy, which will limit sick leave transfers to only those employees who have been employed by the County for a minimum of six months. The new policy language also limits the number of hours initially transferrable to employees who have been employed by the County for 6-12 months to 80 hours.
21	4-3(k)(8); Fringe Benefits; Workers' Compensation; Continuation of Benefits	This section was modified to provide clarity.
28	5-3(a); Drug and Alcohol Policy	This section was modified to provide clarity.
30	5-6(c); Conflict of Interest; Compensation and Gifts	This section was modified to provide clarity. The current dollar amount allowed by the State of Colorado Independent Ethics Commission was also updated.
31	5-9(f)(3); Vehicle, Private Aircraft and Personal Tool Usage; Use of Motor Pool and Personal Vehicles; Training	This section was added to address the rising cost of accident-related expenses incurred while employees utilize vehicles for County business. This same language will be added to stand-alone Policy 4.3.3 (Motor Pool and Personal Vehicle Policy).
33	5-10(d); Travel; Out-of-State Travel Approval	This section was modified to include a requirement to submit the request form.

Employee Handbook

Gunnison County, Colorado

Effective April 2, 2019

Photo courtesy of Linda Nienhueser

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PURPOSE and INTENT of the GUNNISON COUNTY EMPLOYEE HANDBOOK

A. GENERAL

THE GUNNISON COUNTY EMPLOYEE HANDBOOK IS DESIGNED TO ACQUAINT EMPLOYEES WITH EMPLOYMENT BY GUNNISON COUNTY. THESE POLICIES ARE NOT ALL INCLUSIVE, BUT RATHER ARE INTENDED AS A SUMMARY. THIS OCTOBER 2, 2018 EDITION REPLACES ALL PREVIOUSLY ISSUED EDITIONS OF THE GUNNISON COUNTY EMPLOYEE HANDBOOK AND THE GUNNISON COUNTY PERSONNEL POLICIES.

B. EMPLOYMENT AT-WILL

EMPLOYMENT BY GUNNISON COUNTY IS AT-WILL. EMPLOYMENT OF AN EMPLOYEE WITHOUT A WRITTEN CONTRACT FOR A SPECIFIED DURATION MAY BE TERMINATED BY EITHER GUNNISON COUNTY OR THE EMPLOYEE WITHOUT CAUSE AND WITHOUT NOTICE

C. THE EMPLOYEE HANDBOOK DOES NOT CREATE A CONTRACT

THE GUIDELINES IN THIS EMPLOYEE HANDBOOK, AND ANY WRITTEN OR ORAL STATEMENT BY SUPERVISORY PERSONNEL, DO NOT CONSITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

D. AUTHORITY TO ENTER INTO CONTRACTS OF EMPLOYMENT

NO REPRESENTATIVE OF GUNNISON COUNTY, OTHER THAN THE BOARD OF COUNTY COMMISSIONERS (FOR THE COUNTY MANAGER AND THE COUNTY ATTORNEY) AND THE COUNTY MANAGER (FOR DEPARTMENT DIRECTORS AND OTHER CONTRACTED EMPLOYEES), HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD; SUCH AN AGREEMENT MUST BE IN WRITING.

E. INTERPRETATION AND MODIFICATION

THE PERSONNEL POLICIES WITHIN THIS HANDBOOK ARE NOT INTENDED TO ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. EXCEP**T FOR THE "AT-WILL" NATURE OF THE EMPLOYMENT,** GUNNISON COUNTY RESERVES THE RIGHT TO INTERPRET AND MODIFY THESE PERSONNEL POLICIES WITHOUT PRIOR NOTICE WHEN DEEMED NECESSARY **BY THE COUNTY IN THE COUNTY'S SOLE** DISCRETION **IN ORDER TO FULLY PROTECT THE COUNTY'**S INTERESTS, THE INTEREST OF THE PUBLIC, AND TO MORE FULLY PROTECT THE SAFETY OF THE PUBLIC, INCLUDING EMPLOYEES GOVERNED BY THIS POLICY.

F. BUDGET

NOTHING CONTAINED IN THIS EMPLOYEE HANDBOOK SHALL BE CONSTRUED TO AUTHORIZE DEPARTMENTS TO EXCEED THEIR APPROPRIATED BUDGETS.

1. GENERAL WORKPLACE CONDITIONS

1-1 **Equal Employment Opportunity (EEO).** Gunnison County is dedicated to the principles of equal employment opportunity. Gunnison County does not discriminate against applicants or employees or permit harassment or inappropriate conduct on the basis of age 40 and over, race, sex, pregnancy, color, religion, national origin, disability, genetic information, sexual orientation (including transgender status), military status, or any other status protected by federal, state or local law.

1-2 **Unlawful Harassment.** Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other applicable status protected by state or local law will not be tolerated. This policy applies to all employees including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

1-3 **Sexual EEO Harassment.** Gunnison County prohibits sexual harassment and inappropriate sexual conduct. Sexual harassment and inappropriate sexual conduct can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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

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

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

This policy applies to all employees, as well as non-employees such as volunteers, customers, clients, vendors, consultants, etc., when on County property and present for County business, except that the County expressly disclaims any liability for the behavior of such persons who are beyond the County's control.

IMPORTANT: Any complaint of perceived sexual harassment must be immediately reported to both the appropriate department head and Human Resources Manager.

1-4 **Workplace Violence.** It is the commitment of Gunnison County to strive to maintain a work environment that is free from violent behavior. The County will not tolerate violent behavior or the threat of violent behavior involving an employee or a member of the public at any County place of business or against any County property. Such behavior will result in disciplinary action and potential criminal charges.

Violent behavior is defined as the infliction or threat of any bodily injury, harmful psychological contact or the destruction or abuse of property. This includes but is not limited to intimidating, threatening or hostile behaviors; jokes or offensive comments which are veiled, conditional, direct, written or verbal; physical abuse; vandalism; arson; sabotage; and/or the use or carrying of weapons of any kind without authorization.

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

1-5 **Workplace Accommodations for Nursing Mothers.** Gunnison County will make reasonable efforts to accommodate the following:

- Reasonable break time will be allowed for employees to express breast milk for their children.
- Appropriate private accommodations (other than a restroom) within close proximity to the employee's workstation for up to two years after the child's birth.

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- The space must have access to an electrical outlet, a chair, and table, and follow privacy protocols such as a locking door or signage.
- Mothers are responsible for their own breastfeeding equipment and supplies.
- A clean water source will be in close proximity to the lactation space for employees to wash hands and to clean any breast pump equipment.
- Staff will provide a welcoming atmosphere of support and tolerance for breastfeeding employees.

1-6 Pregnancy Accommodation. Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the County will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the County's business operations.

The County may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.

The County will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

1-7 Accommodations of Disabilities and Religious Practices. The County will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the County or cause a direct threat to health or safety. The County will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the County.

1-8 Complaint Resolution Process. Occasionally, employee behavior may fall short of the County's standards or expectations. In those types of instances, employees who believe they have been aggrieved by such behavior should follow these steps:

1. Notify and discuss the matter with his/her immediate supervisor in a timely manner so that the supervisor has the opportunity to resolve any concerns or misunderstandings.
2. If the employee believes that the solution offered by the supervisor is not satisfactory, or if the employee believes that addressing the issue with the supervisor is inappropriate, because, for example, the supervisor was involved in the behavior that fell short of County standards or expectations, then the employee may notify and discuss the matter with his/her department head.
3. If the employee believes that the solution offered by the department director is not satisfactory, then the employee may discuss the matter with Human Resources.
4. If the employee believes that the matter remains unresolved to their satisfaction, the employee may submit a written complaint to the County Manager for review and final decision. At the discretion of the County Manager, the Deputy County Manager or other designee may occasionally be asked to perform an investigation of a matter prior to final decision by the County Manager. If the County Manager is the direct supervisor, the employee should instead contact the County Attorney.

To request assistance with these and other types of issues, employees may access the Employee Assistance Program (see Section #4-3(d) for more information) at any time. Supervisors may also contact Human Resources for assistance with coordinating counseling for an employee via the Employee Assistance Program.

1-9 Anti-Retaliation Policy. Gunnison County prohibits retaliation against an employee for filing a complaint under the Complaint Resolution Process or for assisting in a complaint investigation. If an employee perceives retaliation for making a complaint or for participating in an investigation of a complaint, the employee should follow the Complaint Resolution Process outlined above. The situation will be promptly investigated and appropriate action taken, which could include disciplinary action against the retaliating employee, up to and including termination. Employees cannot shield themselves from the potential consequences of their own misconduct by reporting an issue. If it is determined by the County that an employee has made false accusations against another employee as part of this process, appropriate action will be taken against such employee, which could include disciplinary action, up to and including termination.

1-10 Safety and Emergency Policies. Pursuant to C.R.S. §24-33.5-709 (Local Disaster Emergencies), Gunnison County Resolution #2017-19 (a Resolution Amending Gunnison County Emergency and Disaster Management

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Procedures), Resolution #2006-17 (a Resolution Adopting the National Incident Management System (NIMS)), and the Gunnison County Emergency Operations Plan, all employees are responsible for the following:

- National Incident Management System (NIMS) / Incident Command System (ICS) – employees will maintain the appropriate level of competence.
- Continuity of Operations Plans (COOPs) – employees will work with their department heads to help ensure appropriate orientation and training regarding an employee's roles and responsibilities outlined in their respective department's COOP.
- Response and Recovery Trainings – employees will participate in trainings and exercises as assigned by their respective department heads.
- Safety Officers – any employee who has been designated by his or her department head to serve as the Safety Officer for their department/suite shall orient and help train fellow employees with regard to established preparedness and safety procedures.

1-11 Duty-Related Court Notices and Appearances. Any County employee who, in his or her official capacity, receives a summons, subpoena or other official court papers, shall notify the County Attorney's Office and shall provide to the County Attorney's Office, as soon as is possible, copies of all such papers. With the exception of the Sheriff and his or her deputies, no County employee is permitted to appear in any court proceeding in his or her official capacity without first notifying the County Attorney's Office in advance of such proceeding.

2. ORGANIZATION and ADMINISTRATION

2-1 Administration of Personnel System.

(a) County Manager. The County Manager or his/her designated representative, in consultation with other departments and, where appropriate, the Office of the County Attorney, supervises the administration of human resource services including, but not limited to:

- Human resource management;
- Resolution of personnel issues and complaints;
- Maintaining compliance with the organization's policies and state/federal employment law;
- Development and maintenance of the job classification system, salary administration, fringe benefit administration, recruitment, training and related activities for the organization.

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

2-2 Covered Entities. The policies in this handbook apply to all County employees, unless otherwise expressly stated within this handbook. These policies also apply to contracted employees, unless a contract with the contracted employee expressly states otherwise. Where this policy conflicts with a written contract with a contracted employee, the written contract shall prevail.

2-3 Personnel Actions and Employee Records.

(a) Personnel Records. Human Resources maintains the official personnel file for each employee, with the exception of certain documents maintained by the Sheriff's Office that are related to Sheriff's Office employees that are governed by the Colorado Criminal Justice Records Act (CCJRA) and all Department of Transportation required drug/alcohol testing records that are maintained by the department that ordered the required testing. It contains formal documentation on employees' employment and salary history. If you wish to review your official personnel file, contact Human Resources. It is important for you to provide Human Resources with current information regarding: Name, address, telephone, insurance changes, tax exemptions, emergency contacts, and other relevant information. Formal individual personnel records are maintained by Human Resources. Failure to keep personnel information updated may result in a loss of benefits by an employee.

(b) Time and Leave Records. Employees are responsible for submitting completed and accurate time records to their supervisors. These records shall also be deemed to be a portion of the employee's central personnel file.

2-4 Sick Leave Bank Board. It is the role of the Board to evaluate sick leave transfer requests, as requested by Human Resources (see Section 4-3(i)).

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(a) Members. The Board is comprised of five members, as outlined below.

(1) Commissioner. By virtue of their elected positions, one member of the Board of County Commissioners, or their designee, shall serve on the Sick Leave Bank Board. During the first regular BOCC meeting of each year, the BOCC will designate this member.

(2) Staff. A total of three at-large staff members shall serve in staggered two-year terms, without limit to the number of terms. Regular terms begin on January 1st and end on December 31st. An election shall be held annually following the below protocol:

a. Notice. No later than November 1st of every year, notice of such election will be made by Human Resources via email. Intent to be included on the ballot must be made, in writing, to Human Resources by close of business on the 3rd Friday in November.

b. Ballots. The candidates will be listed alphabetically (by last name) on the ballot, and ~~a ballot will be included in the November paychecks~~ballots will be distributed electronically.

c. Voting. ~~A ballot box will be placed in the Elections office, and ballots may be deposited there~~Voting will be accomplished electronically through the close of business on the 3rd Friday in December. ~~One representative from each of the Elections office, the County Attorney's Office and the Sheriff's Office~~Human Resources shall count ballots on the first working day following the close of election, and ~~. Human Resources will verify that any~~ the willingness of any write-in candidates ~~are willing~~ to serve on the Board will be verified prior to considering those votes. The winners of such election will be those who received the highest number of votes to fill the number of open positions, and Human Resources will announce the results by email.

d. Vacancies. In the event that any staff-elected member must relinquish his/her position on the Board before the end of their appointed term, the County Manager will appoint an employee to serve in that person's stead for the remainder of the designated term. The County Manager will also appoint employees to fill vacancies that occur due to an insufficient number who seek election to the Board.

(3) County Manager Appointee(s). The County Manager shall be responsible for appointing a non-elected department head to the Board at the end of the incumbent member's two-year term, without limit to the number of terms served.

3. EMPLOYMENT and CLASSIFICATION SYSTEM

3-1 Recruitment.

(a) Public Notices. All open positions must be listed on the County website for the duration of their application-acceptance periods, which are established by the applicable hiring supervisors. Additional noticing (i.e., newspaper and online advertisements, use of a recruitment firm, etc.) may also be accomplished, if applicable and requested for any specific vacancy.

(b) Internal. Internal-only recruitments are not permitted. Any current employee who wishes to apply for any open position is encouraged to apply for the position following the established procedure (see Section 3-6(b)).

(c) Prior Applicant Pool. Gunnison County reserves the right to fill a position from a prior applicant pool, but may only do so within 12 months of the prior public notice for the open position. In this type of instance, additional public notice of the open position is optional and at the discretion of the hiring manager.

3-2 Hiring Relatives.

No employee in a supervisory position shall be a relative (see glossary for definition) of an employee for whom: 1) They have supervisory and/or managerial responsibilities; 2) They have audit or financial approval authority; or 3) The relationship presents a potential or real conflict with the County's interests. If conflicting circumstances arise through a change in family status or living arrangement, department heads should consider management alternatives in consult with and final approval of the County Manager.

3-3 Reemployment.

Any employee seeking re-employment with the County after resignation may do so by applying for an open position. Re-employment is based on the same County needs and qualifications as are

considered in the employment of any other applicant. If rehired, the individual must meet the minimum qualifications for the position. If rehired, previous periods of benefit-eligible County employment will be included for the purpose of earning longevity-based County benefits unless otherwise denied by a benefit plan document. Any person involuntarily terminated from the County will not be considered for reemployment.

3-4 Employment Status Definitions. Finalization of a change to an employee's status, as well as their associated benefit eligibility, is dictated by the effective date shown on the employee's approved Personnel Action Form.

(a) Regular Status. Either the employee or Gunnison County may end the employment relationship at any time, for any reason without advance notice.

(1) Full-Time Status. Full-time status is designated to an employee who is employed to work from 30 to 40 hours per week. Any employee working at least 30 hours per week or at least 1,560 hours per year in a regular position is currently eligible for the fringe benefits that the County then currently offers. Compensation for absences due to vacation, sick leave, personal leave and holidays will be calculated on a prorated basis according to the number of hours worked per year.

(2) Scheduled Part-Time Status. Scheduled part-time status is designated to an employee who is employed to work a set number of hours per week that shall consist of at least 1,040 hours annually but fewer than 1,560 hours annually. Employees assigned this status are currently eligible for the fringe benefits that the County then currently offers, with the exception of group medical, dental, vision and life insurance coverage. Compensation for absences due to vacation, sick leave, personal leave and holidays will be calculated on a prorated basis according to the number of hours worked per year.

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

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

(b) Temporary Status. Temporary status is the designation of an employee who is hired in a job established for a specific assignment or for a defined period of time, typically not to exceed six months or 26 weeks of continuous service unless otherwise contracted to perform services. Temporary employees are currently ineligible, except as required by law or the terms of any written contract between the County and the temporary employee for benefits.

(c) Auxiliary. In auxiliary programs such as Sheriff's Reserve, work study, internships and others, where compensation may be paid, participants shall not be entitled to County benefits, unless approved as part of the specific auxiliary program by the Board of County Commissioners or County Manager, and shall not be covered by the policies in this handbook.

~~(c)~~(d) Interns. The following general guidelines, which are based on information in C.R.S. 8-40-302, can be used to determine workers' compensation coverage for individuals participating in a bona fide cooperative-education or student-internship program sponsored by an educational institution for providing on-the-job training for students. If a student is a paid intern, the County will provide workers' compensation coverage. If a student is an unpaid intern, the educational institution sponsoring the student shall insure the student through their workers' compensation and liability insurance. The educational institution and the County can agree that the employer will provide coverage if the educational institution provides the employer with a reasonable level of compensation to insure students participating in on-the-job training.

3-5 Classification System. Gunnison County has developed a basic compensation plan for Gunnison County employees. In your position at Gunnison County, you may be eligible for salary increases based upon your job performance, your position's location in its salary grade, and other factors.

(a) Position Title. Every regular position in the County shall be given a position title.

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(b) Job Description. Each position title shall include a position description of essential duties/responsibilities, physical requirements and desired minimum qualifications.

(c) Pay Grade. All positions except the County Manager, the Deputy County Manager and the County Attorney, shall have an assigned pay range, known as a pay grade, which contains the minimum and maximum pay established for the position.

(d) Comparability. Positions having similar duties and responsibilities and requiring similar skills shall be given the same position title. Position titles shall be assigned pay grades and salary ranges based upon the skills and duties of the position and/or the current level of compensation for comparable jobs.

(e) Market Pay Grade Adjustments. Human Resources shall, on an on-going basis by department, conduct a market survey of position(s) similar to County positions to ascertain if such position(s) are paid on a comparable basis and are properly graded, in the opinion of management. Department heads may also request that Human Resources perform surveys on an as-needed basis.

(1) Salary Range Adjustments. The County Manager will determine if and when adjustments will be made to the Compensation Plan's salary structure. Salary adjustments for elected officials are determined according to Colorado statutes.

(2) Regrade. If an individual position's pay grade is changed, due to market indicators and approved by the County Manager, it will be placed in a new grade subject to the following limitations:

a. Higher Grade. When a position is raised to a higher pay grade, the incumbent's salary will increase at least to the minimum or hiring salary of the new grade. The appropriate department head will recommend the step placement in the new grade according to experience and qualifications in comparison with other employees' backgrounds in the same job.

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

(f) Merit Increases. All classified employees will begin employment at the entry level of the appropriate grade in the Compensation Plan unless, in the opinion of management, there is an appropriate reason for placing the employee higher in the steps. This placement must be approved by the County Manager or his/her designated representative. The County Manager or a designated representative shall have final approval for all merit increases pursuant to the review process established.

(1) Entry Level. When an employee begins at the entry level, upon the successful completion of six months of employment and with the appropriate authorization, the employee will receive a merit increase to step one of the grade. If a six-month employment merit increase is awarded to step one of the grade, the next eligible merit increase with the appropriate authorization, will be awarded at the successful completion of the first year of employment.

(2) Hired Above Entry Level. If an employee begins employment at a step higher than entry level, a one-step increase after successful completion of the first six-month period will not be awarded. An employee who begins employment above entry level will be eligible for a one-step salary increase upon successful completion of the first year of employment.

(3) Annual. All classified employees will be eligible for a one-step salary increase based on merit upon reaching his or her annual increase eligibility date subject to a satisfactory review of the employee's performance.

(g) Step Adjustments of More than One Step. The appropriate department head shall make a request to the County Manager on a Personnel Action Form stating the reason for the request. The County Manager shall have final approval for all salary adjustments of more than one step pursuant to the review process established, with recommendations on the Personnel Action Form from the Finance Director for budgetary compliance.

(h) Reclassification of Positions. When the duties and responsibilities of a position have materially changed, a position reclassification may occur. No reclassification shall be proposed solely for the purpose of effecting a pay grade change or promoting or demoting an employee.

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3-6 Demotion, Transfer and Assignment of Temporary Duty.

(a) Demotion. An employee may be demoted at any time for misconduct (see Section 6) and/or failure to perform position duties satisfactorily. When an employee is demoted to a lower position, the employee shall be paid at a rate within the approved range for the lower position. The rate of pay shall be recommended by the appropriate department head taking into consideration the circumstances surrounding and the reasons for the demotion. Final approval for a demotion and subsequent rate of pay shall be made by the County Manager. The review process, set forth in Section 6-2(d) shall be applicable to and govern demotions.

(b) Transfer. Any current employee who applies for an open position may be transferred, subject to meeting the minimum qualifications for the new position. The County Manager shall make final approval for all transfers.

(1) Department to Department. An employee shall not be eligible for transfer to another department until at least two years of employment in their current department, unless both department heads and the County Manager agree that an early transfer would be in the best interest of the organization. Whenever an employee transfers to another department, their performance review period is reset to the date of the transfer. The employee's original hire date, however, shall not change, and the employee shall retain all accumulated benefits, provided they are within the established criteria set forth in the then current Personnel Policies. Arrangements for accumulated benefits as of the transfer date shall be set forth on a Personnel Action form and shall be approved by the previous department head and the new department head.

(2) Within the Same Department. An employee shall not be eligible for transfer to another jobsite or district within the same department until at least two years of employment at their current jobsite or district, unless the employee's department head approves, in writing, an early transfer after determining whether it would be in the best interest of the department. Whenever an employee transfers to another position, their performance review period is reset to the date of the transfer. The employee's original hire date, however, shall not change, and the employee shall retain all accumulated benefits, provided they are within the established criteria set forth in the then current Personnel Policies.

(c) Assignment of Temporary Duty. The County may require an employee to assume responsibilities in addition to or different from those defined in their job description as necessary on a temporary basis. No temporary adjustment in pay is required for the assumption of such temporary duties for a period less than 30 days, after which the employee shall be compensated at the appropriate pay grade and step as recommended by the department head and approved by the County Manager with recommendations from the Finance Director for budgetary compliance.

4. COMPENSATION and BENEFITS

4-1 Pay. Employees are paid once each month (one pay period) on the last regular working weekday of the month.

(a) Hourly or Monthly Salary. Gunnison County will determine, in the opinion of management, which non-exempt positions' paychecks will be computed on an hourly rate and which exempt and non-exempt positions will be computed on a monthly salary rate. The Federal and State wage and hour laws and regulations shall control all determinations regarding exempt and non-exempt status for all County employees, regardless of the department in which they work.

Salaried exempt employees will regularly receive a predetermined amount of compensation each pay period. Salaried non-exempt employees will receive a predetermined amount of compensation each pay period, in addition to compensation (at 1.5 times their regular rate via compensatory time or pay) for any hours worked in excess of 40 per week during the pay period. The County is committed to complying with salary-basis requirements which allows properly authorized deductions.

If you believe an improper deduction has been made to your salary, you should immediately report this information to the Finance office. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed.

4-2 Overtime/Compensatory Time. The County will pay overtime, or allow the accrual of compensatory

time if applicable, for all hours worked over 40 hours in a workweek. Gunnison County is not required to compensate for overtime after eight hours in a day or on the sixth or seventh consecutive day of work.

(a) General Workweek/Workperiod. A Fair Labor Standards Act (FLSA) workweek is a fixed, regularly recurring period of 168 hours – that is, seven consecutive 24-hour periods. Law Enforcement employees may have a separate work period established from at least 7-28 consecutive days. A typical work period will begin at 12:01 a.m. on Sunday and continue to run for the then most currently established number of days (24-hour periods), though individual departments may designate an alternate day of the week as the start of the work week, subject to County Manager approval.

(b) Authorization to Work Overtime. All non-exempt employees are required to get supervisor pre-approval for overtime. Unauthorized overtime work is not allowed, and repeated disregard of the rule requiring pre-approval for overtime hours is reason for disciplinary action.

(c) Calculations.

(1) Non-Exempt Employees. Gunnison County compensates non-exempt employees for overtime in compensatory time off on a 1-for-1.5 basis for all hours worked over 40 hours in a workweek up to a maximum accrual of 80 hours unless otherwise approved by the County Manager. A non-exempt employee, who has accrued compensatory time, must have authorization to use the compensatory time, but shall be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt County operations by more than a mere inconvenience. The County reserves the right to control compensatory time accumulation by requiring an employee to take time off during designated periods defined by the appropriate department head.

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

(3) Law Enforcement. Employees of the Sheriff's Office engaged in law enforcement may be compensated at one and one-half times the employee's regular hourly rate of pay for overtime calculated on a "work period" basis. A "work period" may be from 7-28 consecutive days in length. Law enforcement personnel must receive overtime after 171 hours worked during a 28-day period. For work periods of at least seven, but less than 28 days, overtime compensation is required when the number of hours worked exceeds the number of hours which bears the same relationship to 171 as the number of days in the work period bears to 28. The compensation may be in money or compensatory time.

(d) Maximum Compensatory Time. Gunnison County's policy is to limit the accumulation to 80 compensatory time hours (53-1/3 hours worked), therefore no employee shall earn or accumulate more than a total of 80 hours of compensatory time, unless approved in advance by the County Manager. Compensatory time accrued must be used prior to paid vacation time when voluntary leave is taken, unless otherwise approved by the County Manager.

(e) Inclusion of Paid Leave. Paid leave hours that were scheduled and approved at least three business days prior to the start of the general workweek/workperiod (i.e., paid holidays, personal leave, vacation, sick, compensatory time, etc.) are considered as hours actually worked for the purposes of computing overtime. However, any unscheduled paid leave hours (i.e., unscheduled sick leave or compensatory time) taken during a general workweek/workperiod, are not considered as hours counted toward overtime.

4-3 Fringe Benefits. Fringe benefits are monetary and non-monetary benefits provided to employees by the County including, but not limited to, medical, dental, vision, life insurance, holidays, sick leave, vacation leave, flex/comp program, discounted health club membership, Employment Assistance Program, and a retirement program. These benefits and any future benefits are provided solely at the discretion of the County and may be modified, amended or revoked in whole or in part at any time.

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(a) Insurance.

(1) Health Coverage: Medical, Dental and Vision. The County currently provides the opportunity for participation in group insurance to all eligible employees.

a. Cost. The County pays a determined amount of the monthly premium for the participant or the participant plus dependent coverage. The participant must pay the difference.

b. Flexible Compensation. Flexible compensation is a benefit by which employees may deduct eligible group insurance premiums and other medical-related expenses as well as child care expenses from their paychecks on a pre-tax basis. Employees should see Human Resources for specific information about this program.

c. Eligibility and Coverage. The insurance plan requirements include, but are not limited to:

1. Eligibility Status. An employee must work at least 30 scheduled hours per week and/or 1,560 hours per year or be a County elected official to be eligible for coverage under the group health plans.
2. Eligibility Date. New employees are eligible for coverage on the first day of the month following the date of employment.
3. Enrollment Deadline. A new employee must elect or decline coverage by completing the required forms within 30 calendar days of the date of employment.
4. Involuntary Termination of Group Coverage. Insurance benefits for a participating employee and enrolled dependent(s) will end on the employee's last active day of employment or when the employee no longer meets the eligibility requirements.
5. Change in Status/Open Enrollment. Any eligible employee who chooses not to enroll during an annual open enrollment period or new employee 30 day open enrollment period, will be required to wait until the next annual open enrollment period unless the employee experiences a mid-year qualifying change of status. Qualifying change of status events are listed in the Medical Plan Document found on the County website or contact Human Resources.
6. Information. For more information about these plans, please refer to the Summary Plan Descriptions on the County website or contact Human Resources. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

(2) Life. The County currently offers basic life insurance and supplementary life insurance.

a. Eligibility Status. Life insurance is offered to employees who work at least 30 scheduled hours per week and/or 1,560 hours per year or are a County elected official.

b. County Share. The County pays a determined amount of the monthly premium and the employee must pay the difference.

c. Eligibility Date. Enrollment dates and eligibility requirements are the same as those for health insurance. If an employee chooses not to elect life coverage at the time of employment, life coverage may be denied if requested at a later date.

d. Information. For more information about these plans, please refer to the Summary Plan Description on the County website or contact Human Resources. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

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

(4) **Workers' Compensation**. The total cost of each employee's Workers' Compensation insurance premium is paid solely by the County on behalf of the employee. See Section #4-3(k) for specific details related to Workers' Compensation Insurance.

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

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will be included when computing overtime (see Section 4-2).

(1) Schedule. The Board of County Commissioners annually adopts the schedule of compensated holidays. Department heads shall have the discretion to provide an alternate holiday work schedule for employees consistent with departmental needs.

(2) Computation. Essential personnel who are required to work on a holiday shall be compensated as follows:
- Eight hours for the holiday (or prorated amount for eligible employees working less than full time); plus
- Time actively at work, which may or may not result in the calculation of overtime for the workweek/workperiod (see Section 4-2).

(c) Retirement Program.

(1) Social Security Administration Contributions. The County pays all required Social Security and Medicare tax contributions.

(2) Retirement Plan Contributions:

a. Association. The County is a member of the Colorado County Officials and Employees Retirement Association. The bylaws of the Retirement Association shall govern eligibility for retirement benefits.

b. Participation. Participation in the retirement program is a mandatory condition of employment for all employees who work at least 1,040 hours per year. If eligible, the employee must complete the required enrollment forms for membership in the Retirement Association within 30 calendar days of the date of employment. For additional information on the County's retirement program, contact Human Resources.

c. Benefit. The County matches a determined percentage of:
   1. The mandatory contribution in the 401(a) plan; and
   2. The optional contribution in the 457 plan.

d. Information. For more information about these plans, please refer to the Summary Plan Description on the County website or contact Human Resources. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

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

(e) Flex-Time Workweek. Subject to Policy #1.2.9.3 (Standard Hours of Operation), a department head may establish, upon final approval from the County Manager, a flex-time workweek for any of his/her employees. Any flex-time workweeks created will ensure that established office days and hours maintained so that customer access is not impeded, and no more than 40 hours are worked in a regular workweek by a non-exempt employee. In opting for such a schedule, the established flex-time workweek will be used for determination of overtime.

(f) Breaks and Lunch Times. The appropriate department head will determine departmental standards regarding length and scheduling of breaks and lunch times for their employees, with any office closure limited as outlined in Policy #1.2.9.3 (Standard Hours of Operation). However, if a break is intended to be less than 20 minutes, it is normally paid time and if a break is intended to be free from duties for 30 minutes or more, it is unpaid time.

(g) Training. In addition to all required safety-related training, Gunnison County intends that its employees continue to train and develop in job-related skills. The County-paid training may consist of the following elements:
- Mandatory Training. Mandatory development as defined by laws, statutes, or County policies.
- General Training. General education developed to increase employee effectiveness.
- Job-Skills Training. Special or technical education unique to a specific position or employee group.
- Authorization. With advance approval by the appropriate department head, the cost of above training types may be considered a County expense.

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- Employee Responsibility. If an employee leaves employment from Gunnison County within one year of the most recent date of completion of training, the employee may be responsible for reimbursing the County for the subject training costs.

(h) Vacations.

(1) Earning Rate.

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

Hire date through the end of year 4:	6-2/3 hours per month
Start of year 5 through the end of year 8:	8 hours per month
Start of year 9 through the end of year 15:	10 hours per month
Start of year 16 through the end of year 20:	12 hours per month
Start of year 21 through separation:	14 hours per month

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

c. Elected Officials. Elected officials shall not be entitled to receive the benefit of paid vacation as outlined herein. Any County employee who becomes an elected official shall be paid for vacation accumulation while an employee, prior to taking office (see Section 7-1).

(2) Approval. Vacation time must be earned before taken, and an employee must receive supervisor approval of their vacation request prior to use of the vacation time. Compensatory time accrued must be used prior to paid vacation time when voluntary leave is taken, unless otherwise approved by the County Manager.

(3) Scheduling. A department head may require an employee to use vacation time pursuant to a schedule or by a certain date for business needs of the department.

(4) Maximum Accrual. Employees are not eligible to earn any additional vacation once they have reached their maximum accumulation. The allowable maximum vacation accumulation for eligible employees working less than a 40-hour workweek shall be prorated according to the number of hours worked per year. Vacation does not accrue during any leave without pay or a suspension. The maximum vacation accumulation for full-time employees shall be:

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

(i) Sick Leave.

(1) Credit. Currently, employees in full-time positions working a 40-hour workweek are credited sick leave with pay at the rate of 8 hours for each full month of service. Eligible employees working less than a 40-hour workweek shall accumulate sick leave on a prorated basis according to the number of hours worked per year. Employees in scheduled (non-benefit) part-time positions, intermittent part-time positions or temporary positions are not eligible for paid sick leave. Sick leave does not accumulate during any leave without pay or during a suspension. A County holiday shall not be counted as a day of sick leave.

(2) Use. An employee may use sick leave with pay for absences necessitated by non-job related injury, illness or disability, and for dental, medical or optical care of the employee. Sick leave with pay may also be used for the birth of the employee's child, in order to care for the new baby (from birth to one year of age) and for placement of a child with the employee for adoption/foster care, or any other reason that qualifies for FMLA leave in accordance with the Family and Medical Leave Act. An employee may also use sick leave with pay for absences necessitated by injury, illness, disability, dental, medical or optical care of a member of their immediate family or any other reason that qualifies for FMLA leave in accordance with the Family and Medical Leave Act. At the discretion of the appropriate department head, sick leave may also be used to attend funerals. With approval by the appropriate department head an employee may use up to 16 hours (or equivalent proration) per year of sick leave as personal leave. Examples of personal leave range from

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leave for financial or legal appointments, to leave for the employee's birthday, or may include various other personal reasons.

(3) Reporting. In order to be eligible for sick leave with pay, employees must report, to their supervisor, their inability to attend work due to personal or family illness or injury. This must be done prior to the beginning of the employee's work schedule on the first day of their absence or as soon thereafter as reasonably possible. The employee must keep their supervisor informed of their expected date of return. The employee must furnish a medical certificate or other applicable documentation regarding the use of more than two consecutive days of sick leave, including attendance at funerals, if requested to do so by their department head. Such documentation, if requested, must be provided within three work days from the date of request.

(4) Accumulation. There is no limit to the amount of sick leave an employee may accumulate. However, an employee may not use sick leave for purposes other than those set forth in this paragraph (i). Any misuse of sick leave will be cause for disciplinary action up to and including termination.

(5) Elected Officials. Elected officials shall not be entitled to receive sick leave as outlined herein. Any County employee who becomes a County elected official shall be paid for sick leave accumulated while an employee prior to taking office pursuant to the limits outlined in Section 7-1).

(6) Insufficient Sick Leave Balances. In the event that an employee has an insufficient sick leave balance to cover any absence(s) from work due to illness as defined below, the time lost will be deducted from the employee's accrued compensatory time and then vacation leave balances or, if these balances are still not sufficient, deducted as leave without pay. If an employee expends or expects to expend all sick, vacation and compensatory time prior to the conclusion of the illness requiring absence from work, the employee may apply for a sick leave transfer, per the process outlined in paragraph (7) below. An employee must expend all accrued leave balances prior to the use of any hours authorized for transfer.

(7) Sick Leave Transfers. The Internal Revenue Service (IRS) allows for donation of accrued sick leave without negative tax consequences to the donor in instances of medical emergency, defined as "a medical condition of the employee or a family member (spouse, child or parent) that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available, apart from the leave-sharing plan", or extended time off following the loss of a spouse, child or parent. A leave transfer application for pregnancy or maternity leave will not be considered unless the pregnancy and/or birth of a child resulted in a medical emergency.

Currently, any benefit-eligible County employee may make voluntary donations of accumulated sick leave to the Sick Leave Bank to assist employees who are in need of additional sick leave time over and above their vacation, sick leave, holiday and comp time balances. This practice does not constitute a change to Section 4-3(i), but is a method of assisting employees experiencing a medical emergency, as defined by the IRS, or bereavement following the death of a spouse, child or parent. All paid leave granted to the recipient employee is considered wages and is subject to Federal Insurance Contributions Act (FICA) withholding, Federal Unemployment Tax Act (FUTA) withholding and other required tax holdings. Donor employees may not claim an expense, a tax deduction or a charitable contribution for any of the leave that they donated to the Sick Leave Bank.

a. Donations. Each January, Human Resources may request donation of sick leave from eligible employees, and donations will be accepted until January 31st. Upon separation, employees may donate any portion or all of their accumulated sick time to the Sick Leave Bank, limited to the number of hours the employee is eligible to receive cash payment (see Section 7 for more information). In the event that the Sick Leave Bank balance falls below an adequate level at any given time during the year, the Sick Leave Bank Board may request that Human Resources issue additional donation requests. Donors may not request transfer of their donated hours to specific employees, all donated hours are immediately transferred to the Sick Leave Bank, and donor employees forfeit their right to reclaim the hours for any reason.

b. Donation Limitations. County employees should strive to maintain a sick leave balance capable of meeting the demands of expected absences (i.e., general

illnesses, routine medical needs, vacations, pregnancy, etc.). Thus, only employees with sick leave balances of at least 160 hours (equivalent to 20 standard eight-hour shifts) and separating employees may donate to this program according to the below limitations:

Donor Employee's Accumulated Sick Leave Balance	Maximum Annual Allowed Donation
159 or less hours	No donation possible
160-480 hours	24 hours
481+ hours	48 hours
N/A (separating employees only)	Limited to those hours that the employee would have otherwise been entitled to receive cash payment.

c. Application Procedure. An employee desiring to receive a transfer should submit an application for additional sick leave to their supervisor at least 10 working days prior to the use of all of his/her available leave time, or as soon as reasonably possible. If an employee is unable to make such application, the application may be completed by a family member or a representative. Application forms are available in Human Resources and on the County website. Applications and transfers will be kept confidential; however, the applicant accepts that his/her private health-related information and request will be discussed by the Sick Leave Bank Board members and any other members of management who may be consulted to fully evaluate the application.

1. The application will be reviewed by the supervisor and department head. If approved, it will be forwarded to Human Resources for evaluation by the Sick Leave Bank Board (See Section 2-4).
2. The Sick Leave Bank Board will then review the request and make a determination, by majority vote, regarding authorization of a sick leave transfer.
   i. Under Six (6) Months of Sick-Leave Benefitted Employment. These employees are not eligible for transfers of sick leave hours from the Sick Leave Bank.
   ii. More than Six (6) but Less than 12 Months of Sick-Leave Benefitted Employment. These employees are eligible to receive up to 80 hours of leave from the Sick Leave Bank. Additional hours for these employees may be authorized upon full depletion or imminent full depletion of the original transfer and any additionally earned leave, only by unanimous approval of the Sick Leave Bank Board members.
   ~~i.~~iii. After 12 Months of Sick-Leave Benefitted Employment. These employees are eligible to receive up to ~~Not more than~~ 173.33 hours (equivalent to a full-time monthly pay period) of leave ~~may be initially authorized~~. Additional hours for these employees may be authorized upon full depletion or imminent full depletion of the original transfer and any additionally earned leave, only by unanimous approval of the members of the Sick Leave Bank Board.
~~2.~~3. Actual transfer of sick leave hours to an eligible employee may be less than the full amount authorized, if less is taken or if the Sick Leave Bank balance remains insufficient to cover authorized transfers after all donations are received. If the Sick Leave Bank is insufficient to cover authorized transfers, the receiving employee will need to take leave without pay for the duration of their absence.

d. Criteria for Determination of Authorization for Transfer.

1. An employee should have made a conscientious effort to accumulate leave time balances that are sufficient, in the Sick Leave Bank Board's opinion, to meet the demands of expected absences.
2. An employee's request for additional sick-leave time beyond the initial 173.33 hours should, in the opinion of the Sick Leave Bank Board, reflect an unexpected circumstance, extended recovery or life-threatening situation.
3. While an employee may apply for a transfer prior to the use of all of his/her combined available accumulated compensatory time, holiday time, sick leave, personal leave and vacation time, all of those combined hours must be exhausted prior to the final transfer and utilization of

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donated hours made possible by this program.

(j) Personal Leave. Eligible employees may use up to 16 hours of sick leave, if approved in writing by the department head, on an annual basis to be used for any purpose. Personal leave for less than full-time employees may be granted on a prorated basis.

(k) **Workers' Compensation.**

(1) Eligibility. Employees who suffer job-related injuries or disease may be entitled to workers' compensation benefits for medical expenses and lost wages, in accordance with State law.

(2) Verbal Report. Employee must verbally report the injury or disease to their supervisor immediately. Alcohol and drug testing may be required if the employee's own actions or omissions could possibly have caused the accident that led to injury. Failure to report the injury and to timely submit to testing, if required, could result in discipline or discharge.

(3) WARNING:

IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE OF YOUR INJURY MUST BE GIVEN TO EMPLOYER WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT, PURSUANT TO SECTION 8-43-102(1), COLORADO REVISED STATUTES. DELIVER THE NOTICE TO HUMAN RESOURCES.

IF THE INJURY RESULTS FROM YOUR USE OF ALCOHOL OR CONTROLLED **SUBSTANCES, YOUR WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE** REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION 8-42-112.5, COLORADO REVISED STATUTES.

(4) Treatment. Gunnison County has the right to require that employees are treated by a treating physician selected from a list of physicians designated by employer. Failure to use a physician from the designated list may result in loss of medical benefits. Contact Human Resources to arrange an appointment with the designated treating physician.

(5) Limited Duty. The treating physician may recommend that an injured employee return to work on limited duty. In such event and at the discretion of Gunnison County, the County may require the employee to return to work performing duties within the medical restrictions even if such work is different than the employee's regular job duties. An employee's refusal of limited duty while on non-FMLA designated Workers' Compensation leave may result in termination of temporary disability benefits and is a basis for discipline or discharge. If an employee is entitled by law to FMLA leave, refusal of limited duty will reduce the employee's Workers' Compensation benefits by up to 50%, but such refusal will not be a basis for discipline or discharge.

(6) Family and Medical Leave. Family and Medical Leave will run concurrently with any eligible on-the-job Workers' Compensation leave.

(7) **Compensation during Workers' Compensation Absences.** Workers' compensation insurance benefits may compensate you if you are unable to work or may work only a reduced schedule. If you are unable to work as the result of a work-related injury or occupational disease, compensation (wage replacement) benefits will be based on 2/3 of your average weekly wage up to a maximum set by law. If you return to work with reduced wages while on modified duty or with a reduced schedule, workers' compensation insurance will pay 2/3 of the difference between the average weekly wage at the time of the injury and the part-time earnings. No compensation is payable for the first three days' disability unless the period of disability exceeds two weeks.

If workers' compensation insurance does not cover the first three days of lost work, the employee will receive his/her full salary or wages from the County during the initial three calendar days of leave following the date of the injury/illness (or the first 24 hours of leave for an employee on an approved modified schedule).

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

County is in addition to the non-taxable 66-2/3% of wages payment that the employee receives from the Workers' Compensation Insurance carrier.

(8) Continuation of Benefits. Employees who are on leave for a workers' compensation injury with County compensation will continue to be eligible for all County benefits that they currently receive when actively at work. While on unpaid leave without County compensation, employees may receive workers' compensation benefits, but employees will not accrue vacation and sick leave. Also, as with all other types of unpaid leave, holidays, jury duty and personal leave are not granted and no contributions are made to the retirement plan, and the employee will not receive accumulation of seniority or any other employment benefits.

(9) Reporting Medical Status. During leave for a workers' compensation injury or illness, an employee must keep their supervisor informed of their medical status in regard to their ability to return to work. The County reserves the right to request periodic reports regarding the employee's medical status from the designated medical provider.

(I) Family Medical Leave Act and Military Family Leave.

(1) Eligibility Requirements for FMLA Leave. An employee who has been employed for at least one year and for at least 1,250 hours during the preceding 12-month period is eligible for Family Medical Leave Act leave.

(2) Acceptable Uses of Family Medical Leave. Eligible employees will be granted Family Medical Leave for a maximum of 12 weeks during a single 12-month period for the following reasons:

a. Incapacity due to pregnancy, prenatal medical care, childbirth;
b. To care for the employee's child after birth, or placement for adoption or foster care;
c. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
d. Serious health condition that makes the employee unable to perform the employee's essential job duties.
    1. Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.
    2. Continuing Treatment. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a healthcare provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

(3) Acceptable Uses of Military Family Leave. Eligible employees with a spouse, child or parent who experiences a qualifying event directly related to being deployed to a foreign country may take up to:

a. Active duty Military Family Leave. 12-weeks of leave in a single 12-month period to address certain qualifying exigencies. Qualifying exigencies may include:
    1. Attending certain military events;
    2. Arranging for alternative childcare;
    3. Addressing certain financial and legal arrangements;
    4. Attending certain counseling sessions;
    5. Attending post-deployment reintegration briefings.
b. Military Caregiver Leave: 26-weeks of leave in a single 12-month period to care for an employee's parent, child, spouse or next of kin in the following instances:
    1. They are caring for a current member of the Armed Forces, National Guard or Reserves who has a serious injury or illness incurred or aggravated in the line of duty on active duty.
    2. They are caring for a veteran who was a member of the Armed Forces, National Guard or Reserves at any time during the period of five years preceding the start of treatment, recuperation or therapy.
    3. The injury or illness for which the service member is undergoing medical

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treatment, recuperation or therapy is on outpatient status, or is on the temporary disability retired list and must make the service member medically unfit to perform his or her duties. In the case of a veteran, the qualifying illness or injury must have been incurred or aggravated in the line of duty and manifests itself before or after the service member became a veteran.

(4) Leave Granted. Family Medical Leave and Military Family Leave will use the same measurement for a single 12-month period. The 12-month period is measured backward from the last date an employee uses FMLA leave. There are exceptions: For a birth or placement of a child for adoption or foster care, the entitlement period will expire 12 months from the date of the birth or placement.

FMLA leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Leave due to qualifying exigencies (e.g., emergencies) may also be taken on an intermittent basis. For a birth or adoption, intermittent leave can only be taken if the employee and the appropriate department head agrees to such an arrangement. Employees taking intermittent or reduced-schedule leave based on planned medical treatment and those taking intermittent or reduced-schedule family leave with the department head's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

When Gunnison County employs both spouses, they may only take 12 weeks between them for leave related to the birth, foster placement, or adoption of a child, or to take care of a sick parent. However, each spouse is eligible for a separate entitlement of leave to care for each other, their children or themselves.

(5) Substitution of Paid Leave for Unpaid Leave. While on Family Medical Leave or Military Family Leave, the County requires employees to use accrued paid leave, unless collecting Gunnison County Workers' Compensation benefits. FMLA leave is without pay when paid leave benefits are exhausted. Exception: Employees may request that up to 40 hours of paid leave benefits remain in their account when unpaid leave begins.

Compensatory time off accrued in lieu of the payment in cash of FLSA-required statutory overtime pay is not a form of accrued personal leave, nor is it identified in FMLA as an accrual that may be substituted for unpaid FMLA leave. A County employee may elect, subject to County Manager approval, to use accrued paid vacation leave, personal leave, sick leave and compensatory time off for an absence that would otherwise qualify as a reason for taking FMLA leave. If the employee does so, the County may not designate the absence as FMLA leave and thereby reduce the employee's FMLA leave entitlement.

(6) Benefits and Protections. During FMLA leave, the County maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the County for payment of insurance premiums during leave.

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

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

(7) Employee Responsibilities. If there is any circumstance that may qualify for the use of FMLA leave, an employee or their supervisor/manager must provide the completed FMLA paperwork to Human Resources 30 days in advance of the need to take FMLA leave when the need is foreseeable. When a 30-day notice is not possible, the employee or their supervisor/manager must provide notice as soon as practicable and generally at a minimum

must comply with their supervisor's normal notification requirements for unexpected leave.

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

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

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

(8) Employer Responsibilities. The County will provide up to 12 weeks or up to 26 weeks (for Military Family Leave) of unpaid, job-protected leave to employees who meet the eligibility requirements above.

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

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

(9) Return to Work Following Leave. Before returning to work, an employee who has taken FMLA leave for a personal medical condition must present proof that they are physically able to return. This should be done by presenting a "Release to Work" form or any equivalent, completed by the attending physician. Release to Work forms may be obtained from Human Resources. The Release to Work form must state that the employee can return to his/her regular work schedule and resume performance of all the essential duties required in the employee's position, or can return to his/her position on a restricted or modified-duty basis, as defined by the attending physician, resuming performance of all the essential duties required in the employee's position with reasonable accommodation. Gunnison County reserves the right to deny modified or restricted duty. Employees on leave must contact Human Resources at least two business days before their planned return to work.

(10) Failure to Return from Leave. The failure of an employee to return to work upon the expiration of an FMLA leave of absence will subject the employee to possible termination unless an extension is granted prior to the return date. An employee may also request additional sick leave (see Section 4-3(i)).

(11) Unlawful Acts. FMLA makes it unlawful for the County to:

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

(12) Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the organization. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

(m) Disability Leave.

(1) Long-Term Disability. In the case of long-term disability, upon the recommendation of the appropriate department head and approval of the County Manager, disability leave may

be extended. In such instances, a written statement from the attending physician indicating the employee's medical condition and anticipated date of return may be requested by Human Resources. The approximate date that the employee will return to work shall be communicated in writing by the employee to the appropriate department head.

(2) Continuation of Benefits. Employees who are on approved disability leave with pay will continue to be eligible for all County benefits that they normally receive when on regular status. On approved unpaid leave, vacation and sick leave will not accrue, and holidays, jury duty and personal leave will not be granted. The County will not make any contribution during the leave without pay period for retirement or group insurance programs. The employee may be entitled to continue participation in all group insurance programs during the leave provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from Human Resources.

(3) Failure to Return to Work. An employee who fails to return to work at the end of authorized leave may be disciplined, which can include termination.

(n) Reemployment after Disability or Injury. A former employee separated from Gunnison County due to disability or work-related injury, and who has received a full release from his/her attending physician that the former employee is physically and mentally capable of performing the duties outlined in the position description, may be considered for position vacancies by entering the recruitment process. See Section 3-3 for more information.

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

Under Colorado law, the County will grant service members military leave without loss of wages for up to 15 days in the leave year established by the employer; and to maintain seniority, status, efficiency rating, vacation, sick leave, and other benefits of the service member for those days. Should military leave extend beyond 15 days, the provisions of other veterans statutes, including federal laws governing the rehire of veterans, continue to apply to public sector employers. (C.R.S. 28-3-601).

Under federal law, in addition to the 15 days of paid leave provided by Colorado law, if you are a member of the U.S. Armed Forces Reserve or the National Guard, or you are performing other protected uniformed service, you are granted an unpaid leave of absence when called for active or inactive duty training.

This time is granted in addition to earned vacation time. However, if you desire to use your vacation time for this purpose, you may voluntarily do so if you make a request in writing.

If you are called to serve in a branch of the U.S. Armed Forces for an extended period, you may be reinstated, in accordance with the provisions of the law, upon returning to the Company after separation from military service.

The Company prohibits retaliation against any employee for taking time off under this policy. If you believe there has been a violation of our retaliation standard, please contact the Human Resources Department.

(p) Domestic Abuse Leave.

(1) Eligibility. Employees who have been employed by the County for more than 12 months, and who are victims of the following events: Domestic violence or abuse, stalking, sexual assault, or any other related crime are eligible for three working days off in any 12-month period. The 12-month period is measured backward from the last date an employee uses domestic abuse leave. Such leave is without pay, except to the extent accrued paid leave is available as set forth in paragraph (3) below.

(2) Use of Leave. The employee may use the leave for the following reasons: Seeking a civil protection order to prevent domestic abuse; as a result of domestic abuse, stalking, sexual assault or any other crime involving domestic violence; obtaining medical care or mental health counseling for themselves or their children to address physical or psychological injuries arising from the act or crime; making his/her home secure from the perpetrator or seeking new housing to escape the perpetrator; seeking legal assistance to address the issues and attending and preparing for court-related proceedings arising from the act or

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crime.

(3) Paid Leave Substitution. Gunnison County will require employees to use accrued paid leave before leave without pay will begin.

(4) Notice Requirements. Employees must provide written verification of the need for leave. Verification can be in the form of a police report, a court order, or documentation from a medical professional, domestic violence advocate, health care provider or counselor stating that the employee is in some way a victim of domestic violence unless it is a case of imminent danger to the health or safety of the employee, an employee seeking such leave from work must provide his or her employer with appropriate advance notice.

(q) Community Role/Leave for Volunteer or Public Purpose.

(1) **Effect on Employee's Job and County Interests.** Professional, charitable and civic organizations provide an excellent avenue for developing relationships with others and taking an active interest in the community is a practice of good citizenship. Employees are encouraged to participate in such activities, but participation in community affairs must not conflict with the employee's job duties or responsibilities to the County.

(2) Participating in Professional, Charitable and/or Civic Activities. Normally, time spent participating in professional, charitable and/or civic organizations and activities should be outside of the employee's working hours and is not considered hours worked for pay purposes. However, if an employee is serving in a volunteer capacity for a circumstance that requires the local volunteer fire department or a Gunnison County Sheriff's Reserve officer be present, the employee's time away from their regular duties will be considered hours worked for pay purposes, if approved by the employee's supervisor prior to the absence. Also, time spent in work for charitable, public or similar purposes in the capacity of County representative, at the County's request or under its direction or control is considered hours worked for pay purposes. Under these circumstances, reasonable hours worked and expenses incurred may be reimbursed by the County under the same rules and regulations governing regular work situations. All voluntary employee participation in community affairs involving time away from the job is subject to prior written supervisor approval.

(3) Political Activity. See Section 5-8 for more information.

(r) Court Leave.

(1) Court Leave Granted. An employee who is required to appear as a potential juror or serve as a juror shall be granted Court leave to serve in that capacity. Leave will be with pay for all hours that fall during the employee's regular work schedule. Employees will be granted a maximum of 10 working days of paid court leave per calendar year. For required service resulting in absence from work beyond this 10-day limit, an employee will be expected to use the employee's accrued time benefits or enter a leave without pay status.

(2) Pay During Court Leave. Any employee, except a Sheriff's Office employee, who has received payment from the State of Colorado for their services during a court case and who has been granted Court leave with pay from the County, shall turn over to the County any fee paid by the Court, with the exception of pay for travel which may be retained by the employee. For required service beyond the 10-day limit explained above, employees will not be required to turn over any fee paid to them by the Court.

5. EMPLOYEE CONDUCT

5-1 Electronic Communications and Public Records. Gunnison County has established policies with regard to access and disclosure of electronic communications created, sent or received by County employees using the County's electronic communications systems. This includes telephone, voicemail, email, internet, social media, or any other form of electronic communication, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval.

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

(a) County Property. The electronic communications systems hardware and software are County property. Electronic communication systems include, but is not limited to, desktop computers, laptop computers, tablets, smart phones, facsimile machines, document scanning devices, and similar such equipment owned, operated or maintained by the County. Employees have no reasonable expectation of privacy in any communication sent or received through County electronic communications systems.

(b) Records. Record retention of public records applies to all records, including those that exist in electronic form. Pursuant to applicable open records laws, Gunnison County strives to assist the public in locating and reviewing any specific electronic records unless such records are specifically exempted from disclosure by law. Thus, all records, including those of elected officials, are potentially subject to public disclosure.

(c) Use. To ensure the appropriate use of electronic communications systems, all employees shall use the County's software and hardware for official, County-business related purposes only.

(1) Software. The County will allow only County-authorized software to be stored or executed on its computers. Recognition is given to the unique needs of particular departments and programs; however, the software must be approved for compatibility by the IT Department prior to installation. Software installed with the intention of protecting devices and peripherals, such as anti-virus software, shall not be removed or disabled unless authorized by the IT Department. All software license agreements and copyright laws shall be adhered to and copies of license agreements provided to the IT Department.

(2) Email, Social Media and Internet Use. Email, social media and internet access must be used in a manner that maintains public trust and confidence in the County. Email and internet access are provided for the County's official public business. Examples of appropriate use of email, social media and the internet are as follows:

a. Facilitating Communications. Facilitating communications and transfers of documents between employees, citizens and others concerned with County business.
b. Accessing Data. Accessing databases and files to obtain work-related reference material or to conduct work related research.
c. Expediting Administrative Duties. Expediting administrative duties in direct support of work-related functions.
d. Professional Development. Communicating with individuals or professional organizations regarding professional and career development.
e. Personal Use. As with telephones, email and internet access are intended for fast and efficient communications. However, personal use of email, social media and the internet should be limited in the same manner as local telephone calls so as not to interfere with the employee's duties. Any opinions stated on personal emails or social media sites will be clearly marked as personal opinions and not necessarily the opinion of Gunnison County. Personal use of electronic communications systems will be determined by the appropriate department head.

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

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

(e) Privacy and Security. Employees should have no expectation of privacy regarding the use of electronic media through electronic communications systems hardware and software owned by the County. Any information or data contained in any electronic system owned by the County is available to the County at all times and may be subject to audit, intercept, access and disclosure for reasonable purposes, including discipline by the County. In addition, the County reserves the right to monitor, including monitoring in real time, any use of electronic media through electronic communications systems

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hardware and software owned by the County.

(1) Public Record. Correspondence of an employee in the form of email and/or social media may be a public record under applicable public records laws and County policies.

(2) Access. The County reserves the right to implement the use of electronic tools that monitor and/or restrict the transmission of email and the use of the internet. Further, the use of passwords for security does not guarantee confidentiality. No unauthorized password protection or encryption mechanism may be used without prior approval of the employee's supervisor or the IT Department. Notwithstanding the County's right to retrieve and read any electronic communication messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees may not retrieve or read any electronic communication messages that are not sent or copied to them unless authorized to do so. Employees shall not use a code or password, access a file or system, or retrieve any stored information of other users, unless the employee is authorized by his/her supervisor, the County Manager, or the County Attorney to do so.

(f) Disciplinary Action. Violation of these policies may subject an employee to discipline up to and including termination.

5-2 Smoking Prohibition – County Facilities and Vehicles. Tobacco use remains the leading cause of preventable disease and death in the United States. According to the United States Surgeon General, there is no safe level of exposure to secondhand smoke. Research indicates that a majority (70%) of tobacco users want to quit, and policies that prevent smoking have been shown to increase productivity while reducing employee medical costs and time lost due to sick days.

(a) Smoke. Particles released into the air from pipes, cigars, cigarettes and/or electronic smoking devices.

(b) Smoking. The act of releasing particles into the air from the use of pipes, cigars, cigarettes and/or electronic smoking devices.

(c) Electronic Smoking Devices. Any device that when activated emits a vapor, aerosol, fume or smoke to deliver nicotine or any other substance to the person inhaling from the device, including but not limited to e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, inhalant delivery systems or any other similar product by any other name or descriptor. An electronic smoking device includes any component, part or accessory of such device whether or not sold separately, regardless of nicotine content or any other substance intended to be vaporized or aerosolized for human inhalation during the use of the device.

(d) Facilities. Physical buildings/structures under the control of Gunnison County whether such property is owned or leased.

(e) Perimeter. Gunnison County strives to promote public environments that are free from the effects of smoking. Therefore, smoking and/or the use of electronic smoking devices is not permitted within 30 feet of any Gunnison County facilities by all persons, including but not limited to employees, agents, subcontractors, interns, volunteers and visitors. County employees with the authority to hire subcontractors and vendors are responsible for ensuring that they adhere to this policy.

(f) Smoking During Job Duties. Employees are prohibited from smoking during the performance of their duties. This prohibition does not include lunch breaks and rest periods taken further than the perimeter defined in Section 5-2(e).

(g) Vehicles. Smoking is prohibited within vehicles or equipment leased or owned by the County.

(h) Neighbors. Gunnison County intends to maintain good relationships with its facilities' neighbors. Therefore, trespassing, loitering or littering on neighboring properties to smoke during the course of employment is prohibited.

(i) Cessation Assistance. Gunnison County is committed to supporting employee efforts to quit smoking. Cessation resources and support are available to employees through the County website, the Human Resources office, and the Health and Human Services Department. Employees can also call the Colorado Quitline at 1-800-QUIT-NOW (1-800-784-8669). For the purposes of cessation, the use of FDA-approved nicotine replacement therapy products, including patches, gum or lozenges is permitted under this policy.

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(j) Non-Compliance. Violation of this policy by employees may be cause for disciplinary action up to and including termination.

5-3 Drug and Alcohol Policy. Gunnison County has adopted a drug-free workplace policy with the goal to foster a work environment free from the effects of illegally used or possessed drugs and alcoholic beverages. Abuse of drugs and alcohol impairs employee judgment resulting in increased safety risks, employee injuries and faulty decision-making.

Gunnison County supports treatment efforts related to drug and alcohol abuse. Among other treatment options personally sought by any employee desiring assistance or information, employees may receive consultation, advice and referrals via the Employee Assistance Program (EAP). Information relative to the EAP is available on the County's website and in the Human Resources office.

Important: Some Gunnison County departments may have additional procedures over and above those listed below in order to comply with state or federal rules/regulations/laws. For example, positions requiring the operation of a commercial motor vehicle or aircraft are subject to the most current drug/alcohol regulations and procedures established by the Department of Transportation. Those laws, regulations and procedures will prevail in any conflict with the policies outlined below.

(a) County Premises. Except as expressly permitted in this Section 5-3, employees shall not manufacture, distribute, dispense, possess, use, sell, gift or transfer alcohol or controlled substances on any County premises or worksite at any time, or work after the apparent use of alcoholic beverages or controlled substances, except that an employee may possess or use non-prescription medications if he/she does so to address a medical need that requires treatment during working hours or on County property and in accordance with the manufacturer's or dispensing pharmacy's directions for use of such medication(s). Exception: Possession and consumption of alcohol are permitted on County premises during County-hosted events with prior approval by the County Manager.

(b) Pre-Employment Testing. Employees who are required to perform duties that involve the use of certain equipment or the following of procedures which may have the ability to negatively impact other persons' safety are subject to pre-employment and periodic drug and alcohol testing.

(c) Prescribed Drugs. Excluded from the policy are prescribed drugs when used in the manner, combination and quantity either as directed by a prescribing health care provider or dispensing pharmacy, unless job performance could be affected such that the employee is unable to perform his/her job duties, or poses an undue risk to fellow employees or the public. Employees who must use a non-prescription or prescription drug that may affect their ability to perform work in a safe and/or effective manner must notify their supervisor prior to starting work. The supervisor need not be told what the drug is or what it is being taken for, only how it may affect the employee's work performance. Employees must present a completed Medical Exception Form, available via the County website or Human Resources, to their supervisor when notification is made.

(d) Marijuana. Marijuana, whether for recreational or medical purposes, is not a prescription drug and is considered a prohibited controlled substance under these policies.

(e) Operation of Vehicles and Equipment. At no time will an employee operate a County vehicle, a private vehicle used for County business, or County equipment if the employee is or is reasonably suspected of being impaired by drugs and/or alcohol, as determined by the employee's supervisor, department head, or the County Manager.

(f) Drugs/Alcohol Influence and Violations. All employees are expected to report to work in a fit mental and physical condition to perform their assigned duties. An employee shall not report for work or remain on duty while consuming, possessing or being under the influence of drugs and/or alcohol, except as expressly permitted by this Section 5-3.

If an employee appears to be affected by or under the apparent influence of drugs or alcohol while in the workplace, the employee may be required to submit to drug or alcohol testing. Refusal to submit to requested drug or alcohol testing will be cause for disciplinary action up to and including termination. Employees should also not consume any drugs/alcohol after being required to test and before testing is complete. See Section 5-3(g) and Section 6 for further detail.

Any employee who is convicted of a criminal offense involving drugs or alcohol that occurs in the workplace must notify the County Manager within one business day of such conviction or plea. If an employee is found in violation of this policy, if required testing confirms drug/alcohol use, or if an employee is convicted or pleads guilty or no contest to drug/alcohol related violations while in the

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workplace, they will be subject to disciplinary action up to and including termination.

If an employee has a reasonable basis to suspect that another employee is in violation of this policy, the employee shall report his/her suspicions to his/her supervisor. If the supervisor is not available, the employee shall report the concern to Human Resources. All such reports shall be held in confidence to the extent permitted by law. The supervisor or Human Resources shall take immediate steps to ensure compliance with this policy. Any employee who makes a false report to a supervisor under this paragraph may be subject to discipline, up to and including termination.

(g) Reasonable Suspicion Testing Procedures.

(1) Authority to Test. Gunnison County may require an employee to submit to alcohol or drug consumption testing if the County believes that the employee is or has been under the influence of drugs or alcohol on the job or if work performance appears to be impacted by drug or alcohol use. Gunnison County will pay for the initial testing, and such testing may include not only for drug or alcohol use on the job but also use during off-work hours. Supervisors, or their designated representatives, are authorized to determine, that alcohol or drug testing should be conducted. An employee may be suspected of alcohol and/or drug consumption based on the appearance of symptoms including, but not limited to:

a. Appearance. Flushed complexion, disheveled hair/clothing, tremors, puncture marks, dilated/constructed pupils, profuse sweating, bloodshot eyes, inappropriate wearing of sunglasses, runny nose/sores, dry-mouth symptoms, etc.

b. Behavior. Violation of a safety rule or other unsafe work incident; incoherent, slurred, silent, confused, slowed or whispering speech; confusion, mood swings, euphoria, lethargy, lack of coordination, paranoia, disorientation, etc.

c. Motor Skills with Balance, Walking or Turning. Swaying, falling, staggering, stumbling, reaching for support, etc.

(2) Time Limits and Testing. If determined that there is cause for testing, testing procedures will begin immediately unless circumstances render it impossible or impracticable to do so. The suspect employee will continue in a paid status, but will not return to work until after negative drug and/or alcohol test results are received by their supervisor, or until the employee is directed to do so subsequent to the County Manager's determination of action following any non-negative drug and/or alcohol test results.

(2) Test Results. The suspect employee must provide, via the appropriate Health Insurance Privacy and Portability Act (HIPAA) release form(s), permission for Gunnison County to receive and discuss test results with the testing facility and any subsequent counseling details with the substance abuse counselor, if one has been assigned. Failure to provide this permission will subject the employee to disciplinary action up to and including termination, and the employee will not be permitted to return to work until a determination is made by the County Manager as to what action(s) will be taken. An employee MUST have a current doctor's prescription and MUST be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment. If an employee tests positive and cannot produce a valid current prescription filled prior to and consumed according to physician directions, the test will report a positive result and may require further evaluation.

(3) Delayed/Refused Testing. At the County Manager's discretion, the employee may be suspended with or without pay pending the determination of additional actions, up to and including termination.

(4) Periodic Testing Following a Positive Result. Any employee who has been found to be in violation of this policy may be subject to periodic unannounced testing for up to one year following the most recent violation or a date recommended by their assigned substance abuse counselor, whichever is longer.

5-4 Use of County Property.

(a) Employee Responsibilities. It is the duty of every County employee to protect and conserve County property. All employees shall use County-owned property and equipment for County-approved purposes only. Gunnison County reserves the right from time to time to reasonably search any property owned by the County, with or without notice.

(b) Hard Keys and Access Badges. Pursuant to Policy #5.1.1 (Hard Key and Access Badge Issuance/Replacement/Return), all hard keys and access badges with access to Gunnison County

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facilities are the sole property of Gunnison County, and access to County facilities shall be limited to personnel whose work requires it. Employees who are issued keys or access badges are required to read Policy #5.1.1 and sign the Receipt for Keys or Access Badges form. These documents can be found on the staff intranet.

(c) **Overnight and Long-Term Parking Prohibition.** Pursuant to Policy #5.1.2 (Overnight and Long-term Parking Prohibition), overnight and/or long-term parking of personal vehicles in County parking lots adjacent to County buildings located within the City of Gunnison, specifically those adjacent to the Blackstock Government Center, Family Services Center, County Courthouse and fairgrounds facilities, is not permitted without the prior written approval of Gunnison County.

5-5 Outside Employment.

(a) **Incompatibility.** No County employee shall engage in any outside employment or other activity that is a conflict of interest (see Section 5-6) with the proper discharge of the employee's County office or position. Employment outside the County may be reviewed by the appropriate department head and the employee may have to terminate his/her outside employment activities to maintain their employment with the County.

(b) **Multiple County Positions.** No County employee shall hold more than one position concurrently within the Gunnison County personnel structure without prior approval of the appropriate department head, Human Resources, the Finance Director and the County Manager.

5-6 Conflict of Interest.

(a) **No Conflicts of Interest.** The County shall strive to promote public confidence in government by assuring the people of Gunnison County of the impartiality and integrity of County employees. As such, all employees will strive to ensure that their actions do not present a conflict of interest. The failure to avoid or to address conflicts of interests may be grounds for discipline, up to and including termination.

(b) **Business Interests.** It shall be a conflict of interest for a County employee or a member of the employee's family (see glossary for definition) to have a personal financial interest in any business transaction with or involving the in County, unless such transaction is unrelated to the employee's position and job responsibilities and does not involve the department or office in which the employee works. In the event of such a conflict, the employee shall immediately disclose the financial interest to the appropriate department head or to the County Manager and refrain from engaging in any conduct that could influence or be perceived to influence any County decisions regarding the transaction in which the employee or a member of the employee's family has a financial interest.

(c) **Compensation and Gifts.** Pursuant to Colorado Constitution Article XXIX , C.R.S. §24-18-101 *et seq*, and the State of Colorado Independent Ethics Commission (IEC) guidelines, local government employees and elected officials are prohibited from soliciting, accepting or receiving any gift or other things of value having either a fair market value or aggregate actual cost greater than valued in excess of $~~59~~ 65 (or as adjusted for inflation every four years by the IEC) ~~from any person~~ in any calendar year, with limited exceptions. Gifts may take many forms and can include travel, discounted purchases, favorable loan conditions, etc., and many decisions by the IEC address the issue of whether a given item qualifies as a gift for purposes of Article XXIX. If an individual pays for an item, or otherwise provides consideration, the giving of value in exchange for a thing of value, the item may not qualify as a gift. While family members of covered individuals generally do not fall within the jurisdiction of the IEC, if a gift is given to a spouse or child, it may be prohibited by Article XXIX. For purposes of Article XXIX, gifts may include money, forgiveness of debt, loans, rewards, travel (with some exceptions), promises of future employment (in certain circumstances), favors and services, some forms of honoraria, entertainment, or special discounts not available to others. Exceptions to the gift ban may include campaign contributions; unsolicited items of trivial value (pen, desk set, notepad, calendar, etc.); unsolicited tokens of appreciation (plaque, trophy, etc.); admission to and the cost of food and beverages at a reception, meal or meeting when the individual is participating as a speaker or presenter; travel to conventions or meetings when the offer is made ex officio, is related to the person's official duties, is of benefit to the state, the individual is representing the state, or the state pays dues to the sponsoring organization (other exceptions may apply depending on circumstances); gifts from relatives and friends; or bonuses or other incentives or compensation paid in the course of employment.

5-7 Handling Confidential Information.

No County employee shall disclose confidential information entrusted to or acquired by the employee by virtue of his/her employment with the County. This includes personal health information protected by the Health Insurance Privacy and Portability Act. For purposes of this

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Handbook, "confidential information" is defined as information not otherwise public under applicable laws the disclosure of which could cause material harm to the County, a person seeking to do business with the County, or an elected official or employee of the County, or a private citizen who has provided information to the County that the County is required by law to keep confidential.

5-8 Political Activity. County employees may not engage in political activity (including campaigning, fundraising and other partisan political activities) during on-duty hours involving the use of any County property (i.e., telephones, equipment, supplies, etc.), or that impairs their ability to carry out their duties as County employees. If time spent participating in a political activity requires time off work from the County, an employee must use paid vacation, personal leave, earned compensatory time and/or leave without pay that has been pre-approved by the appropriate department head. An employee cannot engage in partisan campaign or political activity while wearing his/her County uniform or badge, or while possessing any other sign, insignia, or item that would suggest that the employee was engaging in political activity in his/her capacity as a representative of the County. Employees must obtain the prior approval of the County Manager before seeking or accepting appointment to public office that would require extended time off work from the County.

5-9 Vehicle, Private Aircraft and Personal Tool Usage. Any employee on County business must comply with the following rules:

(a) Seatbelts. All operators and passengers of Gunnison County motorized equipment and vehicles, and all operators of personal vehicles used for Gunnison County business are required to use safety belts as equipped for that particular vehicle in accordance with state or federal law.

(b) **Valid Driver's License.** Drivers must have, on their person, a valid driver's license when operating a vehicle.

(c) Observance of Traffic Laws. Drivers and passengers must obey all traffic laws.

(d) Loss of License or Insurance Coverage. If an employee loses his/her driver's license or no longer has insurance coverage as required by law, it must be reported in writing to his/her supervisor immediately.

(e) Out-of-State Travel. All out-of-state travel at the County's expense must be approved by the County Manager in advance of the planned travel (see Section 5-10(d)).

(f) Use of Motor Pool and Personal Vehicles. Except as set forth in this Section 5-9, as well as in Policies #4.3.3 and #4.3.6, employees are required to utilize motor pool vehicles for work-related travel. If an employee is operating a personal or private vehicle in the course of County business, that vehicle is required to have all insurance coverage required by law.

(1) Proof of Insurance. Any employee who uses a personal vehicle in the conduct of County business will be required to provide to the Public Works Department proof of insurance each January and prior to any travel that is eligible for mileage reimbursement. Proof of a valid driver's license will be required at the date of employment, prior to any travel, and if specifically requested at any time by Public Works or Human Resources.

(2) Employee Responsibility. The County is not responsible for any damages or expenses associated with a personally owned vehicle used in the conduct of County business involved in an accident. If an accident does occur, the County will file any employee medical expense claims with the County Workers' Compensation carrier, but the employee should also file a claim with the insurance carrier that covers the vehicle for any vehicle damage and/or expenses for others involved. Employees should inform their insurance agent of the use of their personal vehicle for County business.

~~(2)~~(3) Training. County employees who operate motor pool and/or personal vehicles for County business must attend and complete all driver safety courses currently required by the Public Works Department, and they must have a valid training certificate issued no more than 24 months prior to travel. Additional training may be required for drivers involved in automobile accidents while conducting County business.

(g) Expense Reimbursement. The County will reimburse personal vehicle expenses as set forth in Section 5-10.

(h) County Equipment. Some Gunnison County vehicles are assigned to employees who are

authorized to keep the vehicles parked at their residences overnight. In compliance with IRS guidelines, if an employee uses a motor pool vehicle to commute to or from work, such use shall be treated and calculated as taxable income.

(i) Private Aircraft. Workman's Compensation insurance is not available for County employees who operate aircraft in the course of their employment, and the expense of obtaining special coverage for such employees is excessive. Thus, the operation of private aircraft by County employees in the course of their duties for the County is prohibited. This policy shall not be construed to prevent County employees from utilizing the services of commercial charter aircraft or commercial airlines, nor shall it be construed to prohibit the use of private aircraft for private purposes. This does not apply to the operation of unmanned aerial vehicles (drones).

(j) Personal Tools. Any person's tools, defined as those items necessary in the performance of the duties of any County employee and which are supplied by the employee and remain that employee's personal property, shall be covered by the County's insurance carrier against fire, theft, water damage, loss in vehicular accident, building collapse, or other reasonable damage while used and/or stored in or on County property, including County vehicles. The County shall pay any deductible portion of the insurance coverage, so long as the employee has met all other requirements of this Section 5-9.

The employee is required to exercise normal security in the use and storage of those items. The items must be stored in a locked box or locked storage area, and not left unsecured when not in use or when the shop or storage area, office, etc., is closed for business. When stored on or in a County vehicle, such items shall be kept in a locked container (such as a toolbox, briefcase, etc.) and kept out of sight as much as reasonably possible.

The employee must maintain a detailed written inventory of such items, including replacement values, and provide this inventory to his/her direct supervisor.

It is a prerequisite to any benefit under this policy for the employee to report to the Finance office and County Sheriff any damage, theft or loss of a covered item within three working days of discovery of such damage, theft or loss. It shall remain the employee's right to limit the usage of personal items to any other employees of his/her choice. If an employee loans an item to another employee who loses or otherwise caused the item to be lost, the responsibility for replacement shall not be borne by the County except as otherwise provided in this Section 5-9.

5-10 Travel. Policy #4.3.6 (Travel) outlines Gunnison County's policy related to official business travel. Gunnison County's policy is to utilize County-issued purchasing cards for meal, travel and lodging expenses incurred in the performance of official business. If a department has special circumstances not addressed in these policies, the department head should submit a request for consideration of such circumstances in writing to the County Manager for approval. Failure to obtain any necessary approvals or inability to document expenditures by acceptable receipts may preclude reimbursement of the employee by the County.

(a) Meals.

(1) Within Colorado. Pursuant to IRS regulations, travel-related M&IE are allowable County expenses only when overnight travel is included. M&IE incurred during same-day travel, in-County meals at the beginning or end of travel, tips exceeding 20%, alcohol, and personal charges are not allowable County expenses. Receipts are required, and expenses will be allowed up to the average of IRS's daily M&IE allowance rates for Colorado, which will be identified and posted to the staff intranet and updated annually. This rate will apply to all travel within Colorado.

(2) Outside of Colorado. For out-of-state travel, refer to the current IRS per diem rate chart (posted to the staff intranet) to determine the maximum allowed for M&IE relative to the area of travel. If the travel location does not have a specific M&IE rate assigned, travelers should use the standard rate for the state.

(b) Lodging. The actual cost of a hotel or motel room (single occupancy) will be allowed when incurred in the course of official County-related business travel. Employees should indicate lodging is tax exempt (in Colorado), when making reservations and use their purchasing card for payment of hotel rooms, which includes the tax exemption number, in order to avoid paying sales and/or lodging taxes whenever possible. Employees should use standard business accommodations or lodging similar in cost to standard business accommodations while traveling on official County-related business.

(c) Transportation.

(1) County Fleet and Personal Vehicles. Employees are required to use fleet vehicles from the Public Works Department motor pool for work-related travel, whenever possible. See Section 5-9 for information related to proper vehicle usage, or see the Policy #4.3.3 (Motor Pool and Personal Vehicle Policy) for more information.

(2) Public Transportation. Reasonable commercial ground, air and rental transportation costs will be allowed for official travel between airports, hotels, conferences or meeting places. Receipts must be provided.

(3) Vehicle Rental. Rental car costs for County-related business will be allowed only when other options are not available to accommodate the purposes of the travel. When renting a vehicle for official County travel, employees should not purchase the rental agency loss damage because the County's insurance carrier provides liability coverage with a $500 deductible. In the event of an accident, the employee should contact the County's claim contact.

(4) Airfare. The County will allow airfare costs (airfare and one checked bag) for County-related business. Employees making travel reservations should take care to seek the lowest possible fares by making advance reservations whenever possible. If the employee chooses to travel by car when the employee can fly for less (based on the rate available two weeks prior to the trip), only the lesser-cost figure will be reimbursed. Lodging and meal costs incurred during travel by car will not be reimbursed unless these costs, along with mileage, are less than airfare (if purchased two weeks prior) plus ground travel at the destination.

(d) Out-of-State Travel Approval. The County Manager must approve all out-of-state travel prior to the traveler incurring any related expenses~~. The department head should submit for financial review and recommendation the purpose of the travel, location, total estimated cost, whether or not the costs are included in the department's budget, and the benefit to the County in the request.~~, and a completed Out-of-State Travel Request Form should accompany each request.

5-11 Higher Education Degree, Licensing and/or Certification.

(a) Employee Responsibilities at Date of Employment. Gunnison County employees who are employed in a position for which the job description requires a professional license, particular degree, or certification must present documentation verifying such credentials at the time of application for employment.

(b) Employee Responsibilities Prior to Date of Expiration. If the licensing/certification has an expiration date while the employee is in the employment of Gunnison County, the employee must present the necessary renewal documentation to the appropriate department head prior to any renewal deadline or expiration date.

(c) Violations. Failure to obtain and maintain the necessary licensing/certification by the expiration date may be cause for disciplinary action, up to and including termination (see Section 6). An employee may not provide related services as an employee of the County without required licensing/certification.

5-12 Performance Evaluations. All Gunnison County employees (with the exception of elected officials, the County Manager and the County Attorney) are required to complete an annual individual performance evaluation. When evaluating employees, supervisors should create Individual Success Plans for their subordinate employees based on their job descriptions and the department's Strategic Business Plan measures. Copies of performance evaluations must accompany County Personnel Action Forms and be submitted to Human Resources annually, regardless of whether or not the Personnel Action includes an annual salary merit increase. Copies of each employee's annual performance evaluations are located in their individual personnel files with Human Resources.

5-13 Safety. All Gunnison County employees are required to make safety a vital part of every work effort. Each person is equally responsible for following this policy and for carrying out their work in a safe and proper manner that will protect themselves and their coworkers. All employees should care for and conserve other County resources including equipment, vehicles, building and supplies so that they remain in safe working condition. Further, each employee should inform their supervisor of any job condition or procedure which may be unsafe and a hazard to life, health and/or property.

5-14 Attendance and Punctuality. All employees are expected to be on time and punctual for showing up to work. In addition, regular attendance is considered an essential function and is necessary for the efficient

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operation of the business. Employees who are going to be absent or late must contact their supervisor as soon as possible prior to the start of their shift. Failure to call in when absent may result in discipline up to and including termination.

5-15 Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of Gunnison County, each County employee shall respect and adhere to these fundamental principles of ethical service:

1. Public service is a public trust, requiring employees to place loyalty to the Colorado Constitution, the laws, and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation (see Section 5-6(c) for more information), solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve County property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official County duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State, or local taxes that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

6. DISCIPLINARY ACTION

When management finds an employee's performance to be unsatisfactory or an employee's conduct to be unacceptable, disciplinary action may be taken. Discipline may range from informal discussion with the employee to immediate discharge, depending on the County's opinion of the seriousness of the situation. Any action taken by management in an individual case should not be assumed to establish a precedent with regard to other employees or the same employee in other circumstances.

6-1 Reasons for Disciplinary Action. This list is not exhaustive. The County may take disciplinary or corrective action for any behavior or performance that does not meet County standards and expectations. This list is not intended to and does not create a property interest in employment.

- Violation of a policy within this handbook;
- Violation of a hiring-department rule, regulation or policy;
- Neglect of duty, (wasting time on the job, loafing, abuse of break privileges, etc.);
- Interference with department operations (interrupting the work of others, etc.);
- Failure to perform assigned duties in an efficient and effective manner;
- Failure to obtain and maintain any required licensing/certification;
- Insubordination (refusal to follow directions, abusive behavior, etc.);
- Discourtesy to the public or co-workers;
- Illegal activity on the job or illegal activity that casts reasonable doubt on the employee's ability to perform the job effectively;
- Failure to comply with job privacy and confidentiality standards;
- Abuse of sick leave or other benefits granted by the County;
- Working unauthorized overtime;
- Falsification of County records including, but not limited to, employment applications, work records, timesheets, etc.;
- Repeated tardiness or absenteeism that exceeds the standard set for other employees under similar conditions;

- Damage to, misappropriation of, unnecessarily risk of, or failure to properly maintain or protect County property, equipment, tools, or material;
- Stealing or negligent use of County money or property;
- Deliberate or careless conduct endangering the safety or wellbeing of self, coworkers or the public;
- Fighting or attempting to fight during working hours;
- Being under the influence of alcohol or drugs while on duty (see Section 5-3);
- Violation of County conflict of interest rules (see Section 5-6);
- Misrepresentation of one's authority to the public;
- Abusing one's authority to secure personal gain, benefits or favors;
- Behavior inappropriate to one's position;
- Covert acts intended to undermine established authority;
- Harassment of coworkers or members of the public;
- Dishonesty; and
- Absence from duty without authorization.

6-2 Examples of Disciplinary Action. The County does not adhere to a progressive disciplinary policy. Any form of discipline that in management's opinion is appropriate may be imposed singularly, successively or cumulatively at the discretion of the appropriate department head. The County may use the actions listed below or any corrective action that the County deems appropriate.

(a) Oral Reprimand, Warning, Counseling. Any appropriate department head or designated representative may orally reprimand, give warning to and/or counsel a subordinate employee.

(b) Written Warning. Any appropriate department head or designated representative may warn a subordinate employee in writing. A written warning should include the specific behavior(s) being addressed, the desired outcome, any timelines assigned for evaluation of performance improvement, and the potential consequences of the employee's failure to meet the stated performance improvement measures. The written warning will become part of the employee's permanent personnel file housed in Human Resources.

(c) Suspension. Suspension for up to a maximum of 10 days is a disciplinary action for misconduct or other acts or behavior that can include, but are not limited to, the examples set forth in Section 6-1. During a suspension, an employee is not paid wages and does not accrue vacation, sick leave, holiday or other fringe benefits. An employee placed on suspension status will not lose previously accumulated vacation, compensatory time, holiday or sick leave balances, and may continue coverage on the group insurance program in which he or she was participating prior to suspension as long as the employee's share of the premiums is paid. Length of service credit will also continue through the period of suspension.

The appropriate department head or designated representative may orally suspend an employee, thereby ordering him/her to leave the job site. At the appropriate time, the appropriate department head or designated representative shall provide a written notice of a suspension to the suspended employee, stating the grounds on which the suspension is based. The employee who is placed on suspension shall not come to the work site, call the worksite, or use County property (including but not limited to County electronic mail) unless otherwise instructed by the appropriate department head or designated representative. The employee may contact Human Resources regarding his/her employment.

(d) Review Status. As a result of unacceptable conduct or unsatisfactory performance, an employee may be placed on Review Status and given the opportunity to improve or correct performance or conduct, except in circumstances where, in the opinion of the department head or the County Manager, the type of misconduct involved requires immediate disciplinary action. Behavior that may require immediate disciplinary action includes, but is not limited to, conduct that threatens the public health, safety or welfare of a coworker or citizen, racial, religious or sexual harassment, or conduct which may materially harm the financial or policy interests of the County.

(1) Initial Notice. Any appropriate department head or designated representative may place an employee on Review Status, which the department head or designee initiates by issuing a Personnel Action Form listing the change in status and the period of time that the status will be in effect. The appropriate department head or designated representative shall also contemporaneously prepare a written Performance Improvement Plan and provide a copy to the employee. The Performance Improvement Plan shall contain:
    - The specific employee deficiencies;
    - Substantiation of the deficiencies;
    - Corrective action to be taken;
    - Trainings that might be helpful;

- The deadline for correction of deficiencies; and
- The possible consequences of not making the corrections.

(2) Employee Responsibilities. Once the review period begins, the employee must show immediate and continued improvement in order to avoid further disciplinary action.

(3) Record of Review Status. The initial notice of placement on Review Status, the Performance Improvement Plan, and all written progress reviews will be made a part of the employee's permanent personnel file housed in Human Resources.

(4) Determination. The placement of an employee on Review Status does not prevent Gunnison County from terminating the employee or taking any other appropriate disciplinary action at any time. NOTHING IN THIS SECTION CONSTITUTES AN AGREEMENT OF EMPLOYMENT FOR A SPECIFIC PERIOD OF TIME OR IS INTENDED TO AFFECT THE AT-WILL EMPLOYMENT RELATIONSHIP.

(e) Administrative Leave.

(1) Description. Administrative leave is a term for temporary removal from a job assignment. The most common use of administrative leave occurs when an employee is the subject of allegations of misconduct while on the job. In such instances, administrative leave is used to remove the employee from the situation while investigating the allegations. The County may also place an employee on administrative leave pending the resolution of a criminal case, even when the case is not directly related to the job, or for other reasons at the discretion of the County. While on administrative leave with pay, an employee will receive the same wage as if they were actively at work during regular work hours. On administrative leave without pay, an employee may request that he/she be paid compensation by deducting leave time from his/her compensated absence balances (i.e. vacation, personal and/or compensatory time).

(2) Responsibilities of Employee. The employee who is placed on administrative leave shall not come to the work site, call the worksite or use County property, including but not limited to email, unless otherwise instructed by the appropriate department head or designated representative(s). The employee will not use County property, engage in any County business, or engage in any work-related activities unless authorized by the County. The employee will remain available for questioning by County-appointed investigators.

(3) Continuation of Benefits. Employees who are on administrative leave with pay will continue to be eligible for all County benefits that they normally receive when on regular status. On unpaid administrative leave, vacation and sick leave will not accrue, and holidays, jury duty and personal leave will not be granted. The County will not make any contribution during the leave without pay period for retirement or group insurance programs. The employee may be entitled to continue participation in all group insurance programs during the leave provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from Human Resources.

(f) Unauthorized Leave. An employee who is absent from duty without approval shall receive no wages for the duration of the absence and shall be subject to disciplinary action, up to and including termination.

(g) Demotion. If any disciplinary action includes demotion, that decision may be appealed to the County Manager who will make the final demotion decision in his or her sole discretion.

(h) Termination. See Section 7 for all related definitions, rights, responsibilities and procedures associated with employment termination.

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

7. SEPARATION FROM EMPLOYMENT

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7-1 Voluntary.

(a) Resignation. If an employee desires to end his/her employment relationship with the County, the County requests that the employee provides written notice including the reason(s) for leaving and then give the document to his/her supervisor. The County asks that the resigning employee provide at least two weeks of notice of the intended termination. Such notice allows sufficient time to collect County property, process monies to which the employee may be entitled, convert insurance, and correctly calculate a final paycheck.

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time as set forth in this Section 7-1. Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

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

(3) Sick Leave. All eligible employees shall be paid their accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

~~b.~~c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for all non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of resignation, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(6) Life Insurance. Employees may convert their basic term and/or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

(b) Retirement. Employees may elect to retire in accordance with the provisions of the Retirement Plan. Payment of Retirement Plan benefits shall be governed by the Retirement Plan bylaws (see Section 4-3(c) for more information).

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time as set forth in this Section 7-1. Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(2) Vacation. All eligible employees will be paid for all accumulated vacation at the time of separation from the County at their then current rate of pay.

(3) Sick Leave. All eligible employees will be paid their accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

~~b.~~c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

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(4) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of retirement, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for information regarding such benefits.

(6) Life Insurance. Employees may convert their basic term and/or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

7-2 Involuntary.

(a) Death. Upon the death of a current employee and receipt of proof by affidavit of a claimant's relationship to the deceased employee, Gunnison County will pay wages and compensation due the deceased employee to the deceased employee's spouse if no personal representative of the employee's estate has been appointed. If there is no surviving spouse, Gunnison County may pay the deceased employee's next legal heir when requested by the heir. If a personal representative has been appointed to the deceased employee's estate and requests payment, Gunnison County will pay the representative. The request of the personal representative takes priority over payment to the surviving spouse or legal heir. Gunnison County will not make payment to a surviving spouse or legal heir if Gunnison County knows that a personal representative has been appointed.

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time (see below). Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(2) Vacation. Payment will be made for all accumulated vacation at the time of separation from the County at their then current rate of pay.

(3) Sick Leave. An eligible employee will be paid his/her accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

~~b.~~c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of death, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(6) Life Insurance. Surviving beneficiaries should contact Human Resources for more information.

(b) Permanent Disability. Upon separation from employment by permanent disability, as determined the Social Security Administration, employees will be paid as follows.

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time (see below). Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

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(2) Vacation. Payment will be made for all accumulated vacation at the time of separation from the County at their then current rate of pay.

(3) Sick Leave. An eligible employee will be paid his/her accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

~~b.~~c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of permanent disability, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(6) Life Insurance. Employees may convert their basic term or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

(c) Termination of Employment. With the exception of certain employees of the Sheriff, County-initiated terminations may be for any reason (see Section 6), and no termination is final until approved by the County Manager. In some cases, and for the benefit of Gunnison County, other discipline may be used, prior to or instead of termination, to correct a performance problem. Prior to termination, the possibility of transfer or demotion may be explored by the County, but it is not required. However, at the discretion of the County a single incident of misconduct may result in termination.

(1) Procedure.

a. Intent to Terminate. The employee's department director will complete the Intent to Terminate form (available in Human Resources), and then provide copies of the completed form to the employee, the County Manager and Human Resources.

b. Review by County Manager. The employee may present their perspective to the County Manager, without a right to question their supervisor or other employee(s) during that presentation, who will review all information provided by the employee, the supervisor and/or any other employees involved before making a final termination decision. The decision of the County Manager is final, and there is no appeal process involving any level of the organization, including the Board of County Commissioners.

(2) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time (see below). Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(3) Vacation. Payment will be made for all accumulated vacation at the time of separation from the County at their then current rate of pay.

(4) Sick Leave. Upon termination, an employee will not receive any payment for accumulated sick leave. Terminated employees are not permitted to donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank

(5) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of resignation, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(6) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for

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related information.

(7) Life Insurance. Employees may convert their basic term and/or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

(d) Layoff Due to Reduction in Workforce or Elimination of a Position. An employee may be subject to a non-disciplinary, involuntary termination through a reduction in workforce, reduction in service levels, or elimination of a position. Such terminations may be due to factors such as shortage of funds or lack of work. In such cases, affected employees shall be given as much notice as is practical. The order of reduction in workforce will primarily be determined by performance.

Any individual whose employment is terminated as a result of a reduction in workforce may apply for a position opening available within any hiring department of the County. The employee shall not be automatically entitled to any preference in hiring. If hired, the individual must meet the minimum qualifications for the position. If rehired, previous periods of benefit-eligible County employment will be included for the purpose of earning longevity-based County benefits unless otherwise denied by a benefit plan document.

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time (see below). Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(2) Vacation. Payment will be made for all accumulated vacation at the time of separation from the County at their then current rate of pay or the average hourly rate received by such employee during the last three years of employment, whichever is higher.

(3) Sick Leave. An eligible employee will be paid his/her accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

~~b.~~c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of layoff, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(6) Life Insurance. Employees may convert their basic term and/or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

7-3 Exit Checklist. All employees or their surviving family members shall complete check-out paperwork in Human Resources.

7-4 Return of County Property. An employee leaving County service, for any reason, is responsible for immediate return of all County property obtained or provided during the course of employment.

8. DEFINITIONS and FORMS

8-1 Definitions.

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- ADA: The federal Americans with Disabilities Act, 42 U.S.C. ch. 126 § 12101 et seq.
- Demotion: When an employee is placed in a lower-graded position for failure to perform.
- Department Head: Refers to the County Manager, the County Attorney, the Deputy County Manager, an elected official or any department director who reports to either the County Manager or the Deputy County Manager.
- Elected Official: Refers to a County Commissioner, the Gunnison County Assessor, the Gunnison County Clerk and Recorder, the Gunnison County Coroner, the Gunnison County Sheriff or the Gunnison County Treasurer.
- Employee: A person who is hired to perform services for hourly wage, salary or pursuant to an employment contract for Gunnison County For purposes of these policies, an elected official is considered an employee unless otherwise noted or when there is a conflict with their independent statutory authority.
- Essential Personnel: Staff members who are critical to the continuation of key County operations and services. Essential personnel provide services directly related to the health, safety or welfare of the organization or community. The essential personnel designation must be approved by the applicable department head and by the County Manager.
- Exempt Positions: Positions within the pay plan that are not eligible for overtime pay or accrual of compensatory time.
- Hire Date: Refers to an employee's most recent date of employment (calculated from the first day the employee actively begins working). The hire date does not change during the duration of employment. The hire date(s) will be used to determine an employee's years of service. The most recent date an employee begins actively working plus the dates of any changes in employee status will be used to determine all other County fringe benefits.
- Hiring Department: Department or office that hires or intends to hire an employee.
- Family/Relative: Below are the various definitions for employee family members concerning specific sections of this handbook, per County policy as well as federal and state requirements:
    - Family Medical Leave Act (FMLA), Hiring and Conflict of Interest: Employee's parent, child under the age of 18, adult child who is disabled, spouse, partner in a civil union or registered domestic partner with a serious health condition necessitating that the employee provide physical care or psychological comfort.
    - Active Duty Military Family Leave: Employee's parent, child or spouse who experiences a qualifying event directly related to being deployed to a foreign country.
    - Military Caregiver Leave: Employee's parent, child, spouse or next of kin who suffered a serious injury or illness in the line of duty while on active duty.
    - Sick Leave Transfer Program: Employee's spouse, child or parent who has passed away or has a qualifying medical condition.
- Gunnison County: The county created and established by Colo. Rev. Stat. § 30-5-129 and the employer of all Gunnison County employees.
- Increase Eligibility Date: Anniversary of employee's most recent date of hire, transfer, promotion or demotion.
- Non-exempt Positions: Positions in the pay plan which are eligible for overtime pay.
- Overtime: Refers to time worked over 40 hours during a scheduled workweek.
- Pay Plan: The pay schedule, which lists the pay grade assigned to positions and the pay range assigned to each grade.
- Policies and Processes: Unless otherwise stated, refers to personnel policies and processes that clarify the personnel rules and regulations.
- Position: A group of designated duties and responsibilities that are assigned to an employee.
- Reemployment: Subsequent employment with the County after a period of non-employment by the County.
- Shift: Scheduled set of work hours during a 24-hour period of time.
- Voluntary Leave: Employee requested time away from work resulting from their choice or decision rather than because of external pressure or force.

8-2 Form List.

Name	Available Location
Direct Deposit Authorization Form	Human Resources, Website
Employee Benefit Enrollment Forms	Human Resources, Website
Employee Benefit Change Forms	Human Resources, Website
Employee Benefit Reimbursement Forms	Human Resources, Website
Employee Information Change Forms	Human Resources, Website
Employee's Written Notice of Injury to Employer	Human Resources, Website
Employer's First Report of Injury	Human Resources, Website
Family Medical Leave Application	Human Resources, Website
Fitness for Duty Form	Human Resources, Website
HIPAA Compliant Authorization for Release of Medical Information	Human Resources, Website

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Job Description	Human Resources, Home Department
Job Description Template	Human Resources Word Files
Personnel Action Form	PAF Department Manager User Guide
Sick Leave Transfer Application	Human Resources, Website
Statement of Safety	Human Resources, Website
Timesheet	Home Department, Finance
Travel Reimbursement Forms	Finance, Website
W-4 Form	Human Resources, Website
Workers' Compensation Designated Medical Provider List	Human Resources, Website
Workers' Compensation Forms	Human Resources, Website

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ACKNOWLEDGEMENT OF RECEIPT

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED ~~OCTOBER 2, 2018~~APRIL 2, 2019. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:

- EMPLOYMENT WITH GUNNISON COUNTY IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE ORGANIZATION, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE ORGANIZATION HAS THE SAME RIGHT.

- THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

- THE HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE ME WITH A **SUMMARY OF SOME OF THE ORGANIZATION'S GUIDELIN**ES.

- THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE ORGANIZATION THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

- I RECOGNIZE THAT THE EXECUTION OF THIS ACKNOWLEDGEMENT IS NOT A BINDING AGREEMENT OF EMPLOYMENT.

_____

Printed Employee Name

_____ _____

Employee Signature Date

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Employee Handbook

Gunnison County, Colorado

Effective April 2, 2019

Photo courtesy of Linda Nienhueser

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PURPOSE and INTENT of the GUNNISON COUNTY EMPLOYEE HANDBOOK

A. GENERAL

THE GUNNISON COUNTY EMPLOYEE HANDBOOK IS DESIGNED TO ACQUAINT EMPLOYEES WITH EMPLOYMENT BY GUNNISON COUNTY. THESE POLICIES ARE NOT ALL INCLUSIVE, BUT RATHER ARE INTENDED AS A SUMMARY. THIS OCTOBER 2, 2018 EDITION REPLACES ALL PREVIOUSLY ISSUED EDITIONS OF THE GUNNISON COUNTY EMPLOYEE HANDBOOK AND THE GUNNISON COUNTY PERSONNEL POLICIES.

B. EMPLOYMENT AT-WILL

EMPLOYMENT BY GUNNISON COUNTY IS AT-WILL. EMPLOYMENT OF AN EMPLOYEE WITHOUT A WRITTEN CONTRACT FOR A SPECIFIED DURATION MAY BE TERMINATED BY EITHER GUNNISON COUNTY OR THE EMPLOYEE WITHOUT CAUSE AND WITHOUT NOTICE

C. THE EMPLOYEE HANDBOOK DOES NOT CREATE A CONTRACT

THE GUIDELINES IN THIS EMPLOYEE HANDBOOK, AND ANY WRITTEN OR ORAL STATEMENT BY SUPERVISORY PERSONNEL, DO NOT CONSITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

D. AUTHORITY TO ENTER INTO CONTRACTS OF EMPLOYMENT

NO REPRESENTATIVE OF GUNNISON COUNTY, OTHER THAN THE BOARD OF COUNTY COMMISSIONERS (FOR THE COUNTY MANAGER AND THE COUNTY ATTORNEY) AND THE COUNTY MANAGER (FOR DEPARTMENT DIRECTORS AND OTHER CONTRACTED EMPLOYEES), HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD; SUCH AN AGREEMENT MUST BE IN WRITING.

E. INTERPRETATION AND MODIFICATION

THE PERSONNEL POLICIES WITHIN THIS HANDBOOK ARE NOT INTENDED TO ANTICIPATE **EVERY CIRCUMSTANCE OR QUESTION. EXCEPT FOR THE "AT-WILL" NATURE OF THE EMPLOYMENT,** GUNNISON COUNTY RESERVES THE RIGHT TO INTERPRET AND MODIFY THESE PERSONNEL POLICIES WITHOUT PRIOR NOTICE WHEN DEEMED NECESSARY **BY THE COUNTY IN THE COUNTY'S SOLE** DISCRETION **IN ORDER TO FULLY PROTECT THE COUNTY'S INTERESTS, THE INTEREST OF THE PUBLIC,** AND TO MORE FULLY PROTECT THE SAFETY OF THE PUBLIC, INCLUDING EMPLOYEES GOVERNED BY THIS POLICY.

F. BUDGET

NOTHING CONTAINED IN THIS EMPLOYEE HANDBOOK SHALL BE CONSTRUED TO AUTHORIZE DEPARTMENTS TO EXCEED THEIR APPROPRIATED BUDGETS.

1. GENERAL WORKPLACE CONDITIONS

1-1 **Equal Employment Opportunity (EEO).** Gunnison County is dedicated to the principles of equal employment opportunity. Gunnison County does not discriminate against applicants or employees or permit harassment or inappropriate conduct on the basis of age 40 and over, race, sex, pregnancy, color, religion, national origin, disability, genetic information, sexual orientation (including transgender status), military status, or any other status protected by federal, state or local law.

1-2 **Unlawful Harassment.** Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other applicable status protected by state or local law will not be tolerated. This policy applies to all employees including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

1-3 **Sexual EEO Harassment.** Gunnison County prohibits sexual harassment and inappropriate sexual conduct. Sexual harassment and inappropriate sexual conduct can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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

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

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

This policy applies to all employees, as well as non-employees such as volunteers, customers, clients, vendors, consultants, etc., when on County property and present for County business, except that the County expressly disclaims any liability for the behavior of such persons who are beyond the County's control.

IMPORTANT: Any complaint of perceived sexual harassment must be immediately reported to both the appropriate department head and Human Resources Manager.

1-4 **Workplace Violence.** It is the commitment of Gunnison County to strive to maintain a work environment that is free from violent behavior. The County will not tolerate violent behavior or the threat of violent behavior involving an employee or a member of the public at any County place of business or against any County property. Such behavior will result in disciplinary action and potential criminal charges.

Violent behavior is defined as the infliction or threat of any bodily injury, harmful psychological contact or the destruction or abuse of property. This includes but is not limited to intimidating, threatening or hostile behaviors; jokes or offensive comments which are veiled, conditional, direct, written or verbal; physical abuse; vandalism; arson; sabotage; and/or the use or carrying of weapons of any kind without authorization.

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

1-5 **Workplace Accommodations for Nursing Mothers.** Gunnison County will make reasonable efforts to accommodate the following:

- Reasonable break time will be allowed for employees to express breast milk for their children.
- Appropriate private accommodations (other than a restroom) within close proximity to the employee's workstation for up to two years after the child's birth.

- The space must have access to an electrical outlet, a chair, and table, and follow privacy protocols such as a locking door or signage.
- Mothers are responsible for their own breastfeeding equipment and supplies.
- A clean water source will be in close proximity to the lactation space for employees to wash hands and to clean any breast pump equipment.
- Staff will provide a welcoming atmosphere of support and tolerance for breastfeeding employees.

1-6 Pregnancy Accommodation. Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the County will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the County's business operations.

The County may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.

The County will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

1-7 Accommodations of Disabilities and Religious Practices. The County will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the County or cause a direct threat to health or safety. The County will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the County.

1-8 Complaint Resolution Process. Occasionally, employee behavior may fall short of the County's standards or expectations. In those types of instances, employees who believe they have been aggrieved by such behavior should follow these steps:

1. Notify and discuss the matter with his/her immediate supervisor in a timely manner so that the supervisor has the opportunity to resolve any concerns or misunderstandings.
2. If the employee believes that the solution offered by the supervisor is not satisfactory, or if the employee believes that addressing the issue with the supervisor is inappropriate, because, for example, the supervisor was involved in the behavior that fell short of County standards or expectations, then the employee may notify and discuss the matter with his/her department head.
3. If the employee believes that the solution offered by the department director is not satisfactory, then the employee may discuss the matter with Human Resources.
4. If the employee believes that the matter remains unresolved to their satisfaction, the employee may submit a written complaint to the County Manager for review and final decision. At the discretion of the County Manager, the Deputy County Manager or other designee may occasionally be asked to perform an investigation of a matter prior to final decision by the County Manager. If the County Manager is the direct supervisor, the employee should instead contact the County Attorney.

To request assistance with these and other types of issues, employees may access the Employee Assistance Program (see Section #4-3(d) for more information) at any time. Supervisors may also contact Human Resources for assistance with coordinating counseling for an employee via the Employee Assistance Program.

1-9 Anti-Retaliation Policy. Gunnison County prohibits retaliation against an employee for filing a complaint under the Complaint Resolution Process or for assisting in a complaint investigation. If an employee perceives retaliation for making a complaint or for participating in an investigation of a complaint, the employee should follow the Complaint Resolution Process outlined above. The situation will be promptly investigated and appropriate action taken, which could include disciplinary action against the retaliating employee, up to and including termination. Employees cannot shield themselves from the potential consequences of their own misconduct by reporting an issue. If it is determined by the County that an employee has made false accusations against another employee as part of this process, appropriate action will be taken against such employee, which could include disciplinary action, up to and including termination.

1-10 Safety and Emergency Policies. Pursuant to C.R.S. §24-33.5-709 (Local Disaster Emergencies), Gunnison County Resolution #2017-19 (a Resolution Amending Gunnison County Emergency and Disaster Management

Procedures), Resolution #2006-17 (a Resolution Adopting the National Incident Management System (NIMS)), and the Gunnison County Emergency Operations Plan, all employees are responsible for the following:

- National Incident Management System (NIMS) / Incident Command System (ICS) – employees will maintain the appropriate level of competence.
- Continuity of Operations Plans (COOPs) – employees will work with their department heads to help ensure appropriate orientation and training regarding an employee's roles and responsibilities outlined in their respective department's COOP.
- Response and Recovery Trainings – employees will participate in trainings and exercises as assigned by their respective department heads.
- Safety Officers – any employee who has been designated by his or her department head to serve as the Safety Officer for their department/suite shall orient and help train fellow employees with regard to established preparedness and safety procedures.

1-11 **Duty-Related Court Notices and Appearances.** Any County employee who, in his or her official capacity, receives a summons, subpoena or other official court papers, shall notify the County Attorney's Office and shall provide to the County Attorney's Office, as soon as is possible, copies of all such papers. With the exception of the Sheriff and his or her deputies, no County employee is permitted to appear in any court proceeding in his or her official capacity without first notifying the County Attorney's Office in advance of such proceeding.

2. ORGANIZATION and ADMINISTRATION

2-1 **Administration of Personnel System.**

(a) **County Manager.** The County Manager or his/her designated representative, in consultation with other departments and, where appropriate, the Office of the County Attorney, supervises the administration of human resource services including, but not limited to:

- Human resource management;
- Resolution of personnel issues and complaints;
- Maintaining compliance with the organization's policies and state/federal employment law;
- Development and maintenance of the job classification system, salary administration, fringe benefit administration, recruitment, training and related activities for the organization.

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

2-2 **Covered Entities.** The policies in this handbook apply to all County employees, unless otherwise expressly stated within this handbook. These policies also apply to contracted employees, unless a contract with the contracted employee expressly states otherwise. Where this policy conflicts with a written contract with a contracted employee, the written contract shall prevail.

2-3 **Personnel Actions and Employee Records.**

(a) **Personnel Records.** Human Resources maintains the official personnel file for each employee, with the exception of certain documents maintained by the Sheriff's Office that are related to Sheriff's Office employees that are governed by the Colorado Criminal Justice Records Act (CCJRA) and all Department of Transportation required drug/alcohol testing records that are maintained by the department that ordered the required testing. It contains formal documentation on employees' employment and salary history. If you wish to review your official personnel file, contact Human Resources. It is important for you to provide Human Resources with current information regarding: Name, address, telephone, insurance changes, tax exemptions, emergency contacts, and other relevant information. Formal individual personnel records are maintained by Human Resources. Failure to keep personnel information updated may result in a loss of benefits by an employee.

(b) **Time and Leave Records.** Employees are responsible for submitting completed and accurate time records to their supervisors. These records shall also be deemed to be a portion of the employee's central personnel file.

2-4 **Sick Leave Bank Board.** It is the role of the Board to evaluate sick leave transfer requests, as requested by Human Resources (see Section 4-3(i)).

(a) Members. The Board is comprised of five members, as outlined below.

(1) Commissioner. By virtue of their elected positions, one member of the Board of County Commissioners, or their designee, shall serve on the Sick Leave Bank Board. During the first regular BOCC meeting of each year, the BOCC will designate this member.

(2) Staff. A total of three at-large staff members shall serve in staggered two-year terms, without limit to the number of terms. Regular terms begin on January 1st and end on December 31st. An election shall be held annually following the below protocol:

a. Notice. No later than November 1st of every year, notice of such election will be made by Human Resources via email. Intent to be included on the ballot must be made, in writing, to Human Resources by close of business on the 3rd Friday in November.

b. Ballots. The candidates will be listed alphabetically (by last name) on the ballot, and ballots will be distributed electronically.

c. Voting. Voting will be accomplished electronically through the close of business on the 3rd Friday in December. Human Resources shall count ballots on the first working day following the close of election, and the willingness of any write-in candidates to serve on the Board will be verified prior to considering those votes. The winners of such election will be those who received the highest number of votes to fill the number of open positions, and Human Resources will announce the results by email.

d. Vacancies. In the event that any staff-elected member must relinquish his/her position on the Board before the end of their appointed term, the County Manager will appoint an employee to serve in that person's stead for the remainder of the designated term. The County Manager will also appoint employees to fill vacancies that occur due to an insufficient number who seek election to the Board.

(3) County Manager Appointee(s). The County Manager shall be responsible for appointing a non-elected department head to the Board at the end of the incumbent member's two-year term, without limit to the number of terms served.

3. EMPLOYMENT and CLASSIFICATION SYSTEM

3-1 Recruitment.

(a) Public Notices. All open positions must be listed on the County website for the duration of their application-acceptance periods, which are established by the applicable hiring supervisors. Additional noticing (i.e., newspaper and online advertisements, use of a recruitment firm, etc.) may also be accomplished, if applicable and requested for any specific vacancy.

(b) Internal. Internal-only recruitments are not permitted. Any current employee who wishes to apply for any open position is encouraged to apply for the position following the established procedure (see Section 3-6(b)).

(c) Prior Applicant Pool. Gunnison County reserves the right to fill a position from a prior applicant pool, but may only do so within 12 months of the prior public notice for the open position. In this type of instance, additional public notice of the open position is optional and at the discretion of the hiring manager.

3-2 Hiring Relatives. No employee in a supervisory position shall be a relative (see glossary for definition) of an employee for whom: 1) They have supervisory and/or managerial responsibilities; 2) They have audit or financial approval authority; or 3) The relationship presents a potential or real conflict with the County's interests. If conflicting circumstances arise through a change in family status or living arrangement, department heads should consider management alternatives in consult with and final approval of the County Manager.

3-3 Reemployment. Any employee seeking re-employment with the County after resignation may do so by applying for an open position. Re-employment is based on the same County needs and qualifications as are considered in the employment of any other applicant. If rehired, the individual must meet the minimum qualifications for the position. If rehired, previous periods of benefit-eligible County employment will be included for the purpose of earning longevity-based County benefits unless otherwise denied by a benefit plan document. Any person involuntarily terminated from the County will not be considered for reemployment.

3-4 Employment Status Definitions. Finalization of a change to an employee's status, as well as their associated benefit eligibility, is dictated by the effective date shown on the employee's approved Personnel Action Form.

(a) Regular Status. Either the employee or Gunnison County may end the employment relationship at any time, for any reason without advance notice.

(1) Full-Time Status. Full-time status is designated to an employee who is employed to work from 30 to 40 hours per week. Any employee working at least 30 hours per week or at least 1,560 hours per year in a regular position is currently eligible for the fringe benefits that the County then currently offers. Compensation for absences due to vacation, sick leave, personal leave and holidays will be calculated on a prorated basis according to the number of hours worked per year.

(2) Scheduled Part-Time Status. Scheduled part-time status is designated to an employee who is employed to work a set number of hours per week that shall consist of at least 1,040 hours annually but fewer than 1,560 hours annually. Employees assigned this status are currently eligible for the fringe benefits that the County then currently offers, with the exception of group medical, dental, vision and life insurance coverage. Compensation for absences due to vacation, sick leave, personal leave and holidays will be calculated on a prorated basis according to the number of hours worked per year.

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

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

(b) Temporary Status. Temporary status is the designation of an employee who is hired in a job established for a specific assignment or for a defined period of time, typically not to exceed six months or 26 weeks of continuous service unless otherwise contracted to perform services. Temporary employees are currently ineligible, except as required by law or the terms of any written contract between the County and the temporary employee for benefits.

(c) Auxiliary. In auxiliary programs such as Sheriff's Reserve, work study, internships and others, where compensation may be paid, participants shall not be entitled to County benefits, unless approved as part of the specific auxiliary program by the Board of County Commissioners or County Manager, and shall not be covered by the policies in this handbook.

(d) Interns. The following general guidelines, which are based on information in C.R.S. 8-40-302, can be used to determine workers' compensation coverage for individuals participating in a bona fide cooperative-education or student-internship program sponsored by an educational institution for providing on-the-job training for students. If a student is a paid intern, the County will provide workers' compensation coverage. If a student is an unpaid intern, the educational institution sponsoring the student shall insure the student through their workers' compensation and liability insurance. The educational institution and the County can agree that the employer will provide coverage if the educational institution provides the employer with a reasonable level of compensation to insure students participating in on-the-job training.

3-5 Classification System. Gunnison County has developed a basic compensation plan for Gunnison County employees. In your position at Gunnison County, you may be eligible for salary increases based upon your job performance, your position's location in its salary grade, and other factors.

(a) Position Title. Every regular position in the County shall be given a position title.

(b) Job Description. Each position title shall include a position description of essential duties/responsibilities, physical requirements and desired minimum qualifications.

(c) Pay Grade. All positions except the County Manager, the Deputy County Manager and the County

Attorney, shall have an assigned pay range, known as a pay grade, which contains the minimum and maximum pay established for the position.

(d) Comparability. Positions having similar duties and responsibilities and requiring similar skills shall be given the same position title. Position titles shall be assigned pay grades and salary ranges based upon the skills and duties of the position and/or the current level of compensation for comparable jobs.

(e) Market Pay Grade Adjustments. Human Resources shall, on an on-going basis by department, conduct a market survey of position(s) similar to County positions to ascertain if such position(s) are paid on a comparable basis and are properly graded, in the opinion of management. Department heads may also request that Human Resources perform surveys on an as-needed basis.

(1) Salary Range Adjustments. The County Manager will determine if and when adjustments will be made to the Compensation Plan's salary structure. Salary adjustments for elected officials are determined according to Colorado statutes.

(2) Regrade. If an individual position's pay grade is changed, due to market indicators and approved by the County Manager, it will be placed in a new grade subject to the following limitations:

a. Higher Grade. When a position is raised to a higher pay grade, the incumbent's salary will increase at least to the minimum or hiring salary of the new grade. The appropriate department head will recommend the step placement in the new grade according to experience and qualifications in comparison with other employees' backgrounds in the same job.

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

(f) Merit Increases. All classified employees will begin employment at the entry level of the appropriate grade in the Compensation Plan unless, in the opinion of management, there is an appropriate reason for placing the employee higher in the steps. This placement must be approved by the County Manager or his/her designated representative. The County Manager or a designated representative shall have final approval for all merit increases pursuant to the review process established.

(1) Entry Level. When an employee begins at the entry level, upon the successful completion of six months of employment and with the appropriate authorization, the employee will receive a merit increase to step one of the grade. If a six-month employment merit increase is awarded to step one of the grade, the next eligible merit increase with the appropriate authorization, will be awarded at the successful completion of the first year of employment.

(2) Hired Above Entry Level. If an employee begins employment at a step higher than entry level, a one-step increase after successful completion of the first six-month period will not be awarded. An employee who begins employment above entry level will be eligible for a one-step salary increase upon successful completion of the first year of employment.

(3) Annual. All classified employees will be eligible for a one-step salary increase based on merit upon reaching his or her annual increase eligibility date subject to a satisfactory review of the employee's performance.

(g) Step Adjustments of More than One Step. The appropriate department head shall make a request to the County Manager on a Personnel Action Form stating the reason for the request. The County Manager shall have final approval for all salary adjustments of more than one step pursuant to the review process established, with recommendations on the Personnel Action Form from the Finance Director for budgetary compliance.

(h) Reclassification of Positions. When the duties and responsibilities of a position have materially changed, a position reclassification may occur. No reclassification shall be proposed solely for the purpose of effecting a pay grade change or promoting or demoting an employee.

3-6 Demotion, Transfer and Assignment of Temporary Duty.

(a) Demotion. An employee may be demoted at any time for misconduct (see Section 6) and/or failure

to perform position duties satisfactorily. When an employee is demoted to a lower position, the employee shall be paid at a rate within the approved range for the lower position. The rate of pay shall be recommended by the appropriate department head taking into consideration the circumstances surrounding and the reasons for the demotion. Final approval for a demotion and subsequent rate of pay shall be made by the County Manager. The review process, set forth in Section 6-2(d) shall be applicable to and govern demotions.

(b) Transfer. Any current employee who applies for an open position may be transferred, subject to meeting the minimum qualifications for the new position. The County Manager shall make final approval for all transfers.

(1) Department to Department. An employee shall not be eligible for transfer to another department until at least two years of employment in their current department, unless both department heads and the County Manager agree that an early transfer would be in the best interest of the organization. Whenever an employee transfers to another department, their performance review period is reset to the date of the transfer. The employee's original hire date, however, shall not change, and the employee shall retain all accumulated benefits, provided they are within the established criteria set forth in the then current Personnel Policies. Arrangements for accumulated benefits as of the transfer date shall be set forth on a Personnel Action form and shall be approved by the previous department head and the new department head.

(2) Within the Same Department. An employee shall not be eligible for transfer to another jobsite or district within the same department until at least two years of employment at their current jobsite or district, unless the employee's department head approves, in writing, an early transfer after determining whether it would be in the best interest of the department. Whenever an employee transfers to another position, their performance review period is reset to the date of the transfer. The employee's original hire date, however, shall not change, and the employee shall retain all accumulated benefits, provided they are within the established criteria set forth in the then current Personnel Policies.

(c) Assignment of Temporary Duty. The County may require an employee to assume responsibilities in addition to or different from those defined in their job description as necessary on a temporary basis. No temporary adjustment in pay is required for the assumption of such temporary duties for a period less than 30 days, after which the employee shall be compensated at the appropriate pay grade and step as recommended by the department head and approved by the County Manager with recommendations from the Finance Director for budgetary compliance.

4. COMPENSATION and BENEFITS

4-1 Pay. Employees are paid once each month (one pay period) on the last regular working weekday of the month.

(a) Hourly or Monthly Salary. Gunnison County will determine, in the opinion of management, which non-exempt positions' paychecks will be computed on an hourly rate and which exempt and non-exempt positions will be computed on a monthly salary rate. The Federal and State wage and hour laws and regulations shall control all determinations regarding exempt and non-exempt status for all County employees, regardless of the department in which they work.

Salaried exempt employees will regularly receive a predetermined amount of compensation each pay period. Salaried non-exempt employees will receive a predetermined amount of compensation each pay period, in addition to compensation (at 1.5 times their regular rate via compensatory time or pay) for any hours worked in excess of 40 per week during the pay period. The County is committed to complying with salary-basis requirements which allows properly authorized deductions.

If you believe an improper deduction has been made to your salary, you should immediately report this information to the Finance office. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed.

4-2 Overtime/Compensatory Time. The County will pay overtime, or allow the accrual of compensatory time if applicable, for all hours worked over 40 hours in a workweek. Gunnison County is not required to compensate for overtime after eight hours in a day or on the sixth or seventh consecutive day of work.

(a) General Workweek/Workperiod. A Fair Labor Standards Act (FLSA) workweek is a fixed,

regularly recurring period of 168 hours – that is, seven consecutive 24-hour periods. Law Enforcement employees may have a separate work period established from at least 7-28 consecutive days. A typical work period will begin at 12:01 a.m. on Sunday and continue to run for the then most currently established number of days (24-hour periods), though individual departments may designate an alternate day of the week as the start of the work week, subject to County Manager approval.

(b) Authorization to Work Overtime. All non-exempt employees are required to get supervisor pre-approval for overtime. Unauthorized overtime work is not allowed, and repeated disregard of the rule requiring pre-approval for overtime hours is reason for disciplinary action.

(c) Calculations.

(1) Non-Exempt Employees. Gunnison County compensates non-exempt employees for overtime in compensatory time off on a 1-for-1.5 basis for all hours worked over 40 hours in a workweek up to a maximum accrual of 80 hours unless otherwise approved by the County Manager. A non-exempt employee, who has accrued compensatory time, must have authorization to use the compensatory time, but shall be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt County operations by more than a mere inconvenience. The County reserves the right to control compensatory time accumulation by requiring an employee to take time off during designated periods defined by the appropriate department head.

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

(3) Law Enforcement. Employees of the Sheriff's Office engaged in law enforcement may be compensated at one and one-half times the employee's regular hourly rate of pay for overtime calculated on a "work period" basis. A "work period" may be from 7-28 consecutive days in length. Law enforcement personnel must receive overtime after 171 hours worked during a 28-day period. For work periods of at least seven, but less than 28 days, overtime compensation is required when the number of hours worked exceeds the number of hours which bears the same relationship to 171 as the number of days in the work period bears to 28. The compensation may be in money or compensatory time.

(d) Maximum Compensatory Time. Gunnison County's policy is to limit the accumulation to 80 compensatory time hours (53-1/3 hours worked), therefore no employee shall earn or accumulate more than a total of 80 hours of compensatory time, unless approved in advance by the County Manager. Compensatory time accrued must be used prior to paid vacation time when voluntary leave is taken, unless otherwise approved by the County Manager.

(e) Inclusion of Paid Leave. Paid leave hours that were scheduled and approved at least three business days prior to the start of the general workweek/workperiod (i.e., paid holidays, personal leave, vacation, sick, compensatory time, etc.) are considered as hours actually worked for the purposes of computing overtime. However, any unscheduled paid leave hours (i.e., unscheduled sick leave or compensatory time) taken during a general workweek/workperiod, are not considered as hours counted toward overtime.

4-3 Fringe Benefits. Fringe benefits are monetary and non-monetary benefits provided to employees by the County including, but not limited to, medical, dental, vision, life insurance, holidays, sick leave, vacation leave, flex/comp program, discounted health club membership, Employment Assistance Program, and a retirement program. These benefits and any future benefits are provided solely at the discretion of the County and may be modified, amended or revoked in whole or in part at any time.

(a) Insurance.

(1) Health Coverage: Medical, Dental and Vision. The County currently provides the

opportunity for participation in group insurance to all eligible employees.

a. Cost. The County pays a determined amount of the monthly premium for the participant or the participant plus dependent coverage. The participant must pay the difference.

b. Flexible Compensation. Flexible compensation is a benefit by which employees may deduct eligible group insurance premiums and other medical-related expenses as well as child care expenses from their paychecks on a pre-tax basis. Employees should see Human Resources for specific information about this program.

c. Eligibility and Coverage. The insurance plan requirements include, but are not limited to:

1. Eligibility Status. An employee must work at least 30 scheduled hours per week and/or 1,560 hours per year or be a County elected official to be eligible for coverage under the group health plans.
2. Eligibility Date. New employees are eligible for coverage on the first day of the month following the date of employment.
3. Enrollment Deadline. A new employee must elect or decline coverage by completing the required forms within 30 calendar days of the date of employment.
4. Involuntary Termination of Group Coverage. Insurance benefits for a participating employee and enrolled dependent(s) will end on the employee's last active day of employment or when the employee no longer meets the eligibility requirements.
5. Change in Status/Open Enrollment. Any eligible employee who chooses not to enroll during an annual open enrollment period or new employee 30 day open enrollment period, will be required to wait until the next annual open enrollment period unless the employee experiences a mid-year qualifying change of status. Qualifying change of status events are listed in the Medical Plan Document found on the County website or contact Human Resources.
6. Information. For more information about these plans, please refer to the Summary Plan Descriptions on the County website or contact Human Resources. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

(2) Life. The County currently offers basic life insurance and supplementary life insurance.

a. Eligibility Status. Life insurance is offered to employees who work at least 30 scheduled hours per week and/or 1,560 hours per year or are a County elected official.

b. County Share. The County pays a determined amount of the monthly premium and the employee must pay the difference.

c. Eligibility Date. Enrollment dates and eligibility requirements are the same as those for health insurance. If an employee chooses not to elect life coverage at the time of employment, life coverage may be denied if requested at a later date.

d. Information. For more information about these plans, please refer to the Summary Plan Description on the County website or contact Human Resources. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

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

(4) **Workers' Compensation**. The total cost of each employee's Workers' Compensation insurance premium is paid solely by the County on behalf of the employee. See Section #4-3(k) for specific details related to Workers' Compensation Insurance.

(b) Holidays. Employees in full-time positions working a 40-hour workweek shall be compensated eight hours paid leave time for designated holidays. Eligible employees working less than a 40-hour workweek shall be compensated for paid holidays on a prorated basis according to the number of hours budgeted per year. Employees in scheduled (non-benefit) part-time positions; intermittent part-time positions or temporary positions shall not receive pay for holidays off. The holiday hours will be included when computing overtime (see Section 4-2).

(1) Schedule. The Board of County Commissioners annually adopts the schedule of compensated holidays. Department heads shall have the discretion to provide an alternate

holiday work schedule for employees consistent with departmental needs.

(2) Computation. Essential personnel who are required to work on a holiday shall be compensated as follows:
- Eight hours for the holiday (or prorated amount for eligible employees working less than full time); plus
- Time actively at work, which may or may not result in the calculation of overtime for the workweek/workperiod (see Section 4-2).

(c) Retirement Program.

(1) Social Security Administration Contributions. The County pays all required Social Security and Medicare tax contributions.

(2) Retirement Plan Contributions:

a. Association. The County is a member of the Colorado County Officials and Employees Retirement Association. The bylaws of the Retirement Association shall govern eligibility for retirement benefits.

b. Participation. Participation in the retirement program is a mandatory condition of employment for all employees who work at least 1,040 hours per year. If eligible, the employee must complete the required enrollment forms for membership in the Retirement Association within 30 calendar days of the date of employment. For additional information on the County's retirement program, contact Human Resources.

c. Benefit. The County matches a determined percentage of:
   1. The mandatory contribution in the 401(a) plan; and
   2. The optional contribution in the 457 plan.

d. Information. For more information about these plans, please refer to the Summary Plan Description on the County website or contact Human Resources. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

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

(e) Flex-Time Workweek. Subject to Policy #1.2.9.3 (Standard Hours of Operation), a department head may establish, upon final approval from the County Manager, a flex-time workweek for any of his/her employees. Any flex-time workweeks created will ensure that established office days and hours maintained so that customer access is not impeded, and no more than 40 hours are worked in a regular workweek by a non-exempt employee. In opting for such a schedule, the established flex-time workweek will be used for determination of overtime.

(f) Breaks and Lunch Times. The appropriate department head will determine departmental standards regarding length and scheduling of breaks and lunch times for their employees, with any office closure limited as outlined in Policy #1.2.9.3 (Standard Hours of Operation). However, if a break is intended to be less than 20 minutes, it is normally paid time and if a break is intended to be free from duties for 30 minutes or more, it is unpaid time.

(g) Training. In addition to all required safety-related training, Gunnison County intends that its employees continue to train and develop in job-related skills. The County-paid training may consist of the following elements:
- Mandatory Training. Mandatory development as defined by laws, statutes, or County policies.
- General Training. General education developed to increase employee effectiveness.
- Job-Skills Training. Special or technical education unique to a specific position or employee group.
- Authorization. With advance approval by the appropriate department head, the cost of above training types may be considered a County expense.
- Employee Responsibility. If an employee leaves employment from Gunnison County within one year of the most recent date of completion of training, the employee may be responsible for reimbursing the County for the subject training costs.

(h) Vacations.

(1) Earning Rate.

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

Hire date through the end of year 4:	6-2/3 hours per month
Start of year 5 through the end of year 8:	8 hours per month
Start of year 9 through the end of year 15:	10 hours per month
Start of year 16 through the end of year 20:	12 hours per month
Start of year 21 through separation:	14 hours per month

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

c. Elected Officials. Elected officials shall not be entitled to receive the benefit of paid vacation as outlined herein. Any County employee who becomes an elected official shall be paid for vacation accumulation while an employee, prior to taking office (see Section 7-1).

(2) Approval. Vacation time must be earned before taken, and an employee must receive supervisor approval of their vacation request prior to use of the vacation time. Compensatory time accrued must be used prior to paid vacation time when voluntary leave is taken, unless otherwise approved by the County Manager.

(3) Scheduling. A department head may require an employee to use vacation time pursuant to a schedule or by a certain date for business needs of the department.

(4) Maximum Accrual. Employees are not eligible to earn any additional vacation once they have reached their maximum accumulation. The allowable maximum vacation accumulation for eligible employees working less than a 40-hour workweek shall be prorated according to the number of hours worked per year. Vacation does not accrue during any leave without pay or a suspension. The maximum vacation accumulation for full-time employees shall be:

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

(i) Sick Leave.

(1) Credit. Currently, employees in full-time positions working a 40-hour workweek are credited sick leave with pay at the rate of 8 hours for each full month of service. Eligible employees working less than a 40-hour workweek shall accumulate sick leave on a prorated basis according to the number of hours worked per year. Employees in scheduled (non-benefit) part-time positions, intermittent part-time positions or temporary positions are not eligible for paid sick leave. Sick leave does not accumulate during any leave without pay or during a suspension. A County holiday shall not be counted as a day of sick leave.

(2) Use. An employee may use sick leave with pay for absences necessitated by non-job related injury, illness or disability, and for dental, medical or optical care of the employee. Sick leave with pay may also be used for the birth of the employee's child, in order to care for the new baby (from birth to one year of age) and for placement of a child with the employee for adoption/foster care, or any other reason that qualifies for FMLA leave in accordance with the Family and Medical Leave Act. An employee may also use sick leave with pay for absences necessitated by injury, illness, disability, dental, medical or optical care of a member of their immediate family or any other reason that qualifies for FMLA leave in accordance with the Family and Medical Leave Act. At the discretion of the appropriate department head, sick leave may also be used to attend funerals. With approval by the appropriate department head an employee may use up to 16 hours (or equivalent proration) per year of sick leave as personal leave. Examples of personal leave range from leave for financial or legal appointments, to leave for the employee's birthday, or may include various other personal reasons.

(3) Reporting. In order to be eligible for sick leave with pay, employees must report, to their

supervisor, their inability to attend work due to personal or family illness or injury. This must be done prior to the beginning of the employee's work schedule on the first day of their absence or as soon thereafter as reasonably possible. The employee must keep their supervisor informed of their expected date of return. The employee must furnish a medical certificate or other applicable documentation regarding the use of more than two consecutive days of sick leave, including attendance at funerals, if requested to do so by their department head. Such documentation, if requested, must be provided within three work days from the date of request.

(4) Accumulation. There is no limit to the amount of sick leave an employee may accumulate. However, an employee may not use sick leave for purposes other than those set forth in this paragraph (i). Any misuse of sick leave will be cause for disciplinary action up to and including termination.

(5) Elected Officials. Elected officials shall not be entitled to receive sick leave as outlined herein. Any County employee who becomes a County elected official shall be paid for sick leave accumulated while an employee prior to taking office pursuant to the limits outlined in Section 7-1).

(6) Insufficient Sick Leave Balances. In the event that an employee has an insufficient sick leave balance to cover any absence(s) from work due to illness as defined below, the time lost will be deducted from the employee's accrued compensatory time and then vacation leave balances or, if these balances are still not sufficient, deducted as leave without pay. If an employee expends or expects to expend all sick, vacation and compensatory time prior to the conclusion of the illness requiring absence from work, the employee may apply for a sick leave transfer, per the process outlined in paragraph (7) below. An employee must expend all accrued leave balances prior to the use of any hours authorized for transfer.

(7) Sick Leave Transfers. The Internal Revenue Service (IRS) allows for donation of accrued sick leave without negative tax consequences to the donor in instances of medical emergency, defined as "a medical condition of the employee or a family member (spouse, child or parent) that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available, apart from the leave-sharing plan", or extended time off following the loss of a spouse, child or parent. A leave transfer application for pregnancy or maternity leave will not be considered unless the pregnancy and/or birth of a child resulted in a medical emergency.

Currently, any benefit-eligible County employee may make voluntary donations of accumulated sick leave to the Sick Leave Bank to assist employees who are in need of additional sick leave time over and above their vacation, sick leave, holiday and comp time balances. This practice does not constitute a change to Section 4-3(i), but is a method of assisting employees experiencing a medical emergency, as defined by the IRS, or bereavement following the death of a spouse, child or parent. All paid leave granted to the recipient employee is considered wages and is subject to Federal Insurance Contributions Act (FICA) withholding, Federal Unemployment Tax Act (FUTA) withholding and other required tax holdings. Donor employees may not claim an expense, a tax deduction or a charitable contribution for any of the leave that they donated to the Sick Leave Bank.

a. Donations. Each January, Human Resources may request donation of sick leave from eligible employees, and donations will be accepted until January 31st. Upon separation, employees may donate any portion or all of their accumulated sick time to the Sick Leave Bank, limited to the number of hours the employee is eligible to receive cash payment (see Section 7 for more information). In the event that the Sick Leave Bank balance falls below an adequate level at any given time during the year, the Sick Leave Bank Board may request that Human Resources issue additional donation requests. Donors may not request transfer of their donated hours to specific employees, all donated hours are immediately transferred to the Sick Leave Bank, and donor employees forfeit their right to reclaim the hours for any reason.

b. Donation Limitations. County employees should strive to maintain a sick leave balance capable of meeting the demands of expected absences (i.e., general illnesses, routine medical needs, vacations, pregnancy, etc.). Thus, only employees with sick leave balances of at least 160 hours (equivalent to 20 standard eight-hour shifts) and separating employees may donate to this program according to the below limitations:

Donor Employee's Accumulated Sick Leave Balance	Maximum Annual Allowed Donation
159 or less hours	No donation possible
160-480 hours	24 hours
481+ hours	48 hours
N/A (separating employees only)	Limited to those hours that the employee would have otherwise been entitled to receive cash payment.

c. Application Procedure. An employee desiring to receive a transfer should submit an application for additional sick leave to their supervisor at least 10 working days prior to the use of all of his/her available leave time, or as soon as reasonably possible. If an employee is unable to make such application, the application may be completed by a family member or a representative. Application forms are available in Human Resources and on the County website. Applications and transfers will be kept confidential; however, the applicant accepts that his/her private health-related information and request will be discussed by the Sick Leave Bank Board members and any other members of management who may be consulted to fully evaluate the application.

1. The application will be reviewed by the supervisor and department head. If approved, it will be forwarded to Human Resources for evaluation by the Sick Leave Bank Board (See Section 2-4).
2. The Sick Leave Bank Board will then review the request and make a determination, by majority vote, regarding authorization of a sick leave transfer.
    i. Under Six (6) Months of Sick-Leave Benefitted Employment. These employees are not eligible for transfers of sick leave hours from the Sick Leave Bank.
    ii. More than Six (6) but Less than 12 Months of Sick-Leave Benefitted Employment. These employees are eligible to receive up to 80 hours of leave from the Sick Leave Bank. Additional hours for these employees may be authorized upon full depletion or imminent full depletion of the original transfer and any additionally earned leave, only by unanimous approval of the Sick Leave Bank Board members.
    iii. After 12 Months of Sick-Leave Benefitted Employment. These employees are eligible to receive up to 173.33 hours (equivalent to a full-time monthly pay period) of leave. Additional hours for these employees may be authorized upon full depletion or imminent full depletion of the original transfer and any additionally earned leave, only by unanimous approval of the members of the Sick Leave Bank Board.
3. Actual transfer of sick leave hours to an eligible employee may be less than the full amount authorized, if less is taken or if the Sick Leave Bank balance remains insufficient to cover authorized transfers after all donations are received. If the Sick Leave Bank is insufficient to cover authorized transfers, the receiving employee will need to take leave without pay for the duration of their absence.

d. Criteria for Determination of Authorization for Transfer.

1. An employee should have made a conscientious effort to accumulate leave time balances that are sufficient, in the Sick Leave Bank Board's opinion, to meet the demands of expected absences.
2. An employee's request for additional sick-leave time beyond the initial 173.33 hours should, in the opinion of the Sick Leave Bank Board, reflect an unexpected circumstance, extended recovery or life-threatening situation.
3. While an employee may apply for a transfer prior to the use of all of his/her combined available accumulated compensatory time, holiday time, sick leave, personal leave and vacation time, all of those combined hours must be exhausted prior to the final transfer and utilization of donated hours made possible by this program.

(j) Personal Leave. Eligible employees may use up to 16 hours of sick leave, if approved in writing by the department head, on an annual basis to be used for any purpose. Personal leave for less than full-time employees may be granted on a prorated basis.

(k) **Workers' Compensation.**

(1) Eligibility. Employees who suffer job-related injuries or disease may be entitled to workers' compensation benefits for medical expenses and lost wages, in accordance with State law.

(2) Verbal Report. Employee must verbally report the injury or disease to their supervisor immediately. Alcohol and drug testing may be required if the employee's own actions or omissions could possibly have caused the accident that led to injury. Failure to report the injury and to timely submit to testing, if required, could result in discipline or discharge.

(3) WARNING:

IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE OF YOUR INJURY MUST BE GIVEN TO EMPLOYER WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT, PURSUANT TO SECTION 8-43-102(1), COLORADO REVISED STATUTES. DELIVER THE NOTICE TO HUMAN RESOURCES.

IF THE INJURY RESULTS FROM YOUR USE OF ALCOHOL OR CONTROLLED **SUBSTANCES, YOUR WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE** REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION 8-42-112.5, COLORADO REVISED STATUTES.

(4) Treatment. Gunnison County has the right to require that employees are treated by a treating physician selected from a list of physicians designated by employer. Failure to use a physician from the designated list may result in loss of medical benefits. Contact Human Resources to arrange an appointment with the designated treating physician.

(5) Limited Duty. The treating physician may recommend that an injured employee return to work on limited duty. In such event and at the discretion of Gunnison County, the County may require the employee to return to work performing duties within the medical restrictions even if such work is different than the employee's regular job duties. An employee's refusal of limited duty while on non-FMLA designated Workers' Compensation leave may result in termination of temporary disability benefits and is a basis for discipline or discharge. If an employee is entitled by law to FMLA leave, refusal of limited duty will reduce the employee's Workers' Compensation benefits by up to 50%, but such refusal will not be a basis for discipline or discharge.

(6) Family and Medical Leave. Family and Medical Leave will run concurrently with any eligible on-the-job Workers' Compensation leave.

(7) **Compensation during Workers' Compensation Absences.** Workers' compensation insurance benefits may compensate you if you are unable to work or may work only a reduced schedule. If you are unable to work as the result of a work-related injury or occupational disease, compensation (wage replacement) benefits will be based on 2/3 of your average weekly wage up to a maximum set by law. If you return to work with reduced wages while on modified duty or with a reduced schedule, workers' compensation insurance will pay 2/3 of the difference between the average weekly wage at the time of the injury and the part-time earnings. <u>No compensation is payable for the first three days' disability unless the period of disability exceeds two weeks</u>.

If workers' compensation insurance does not cover the first three days of lost work, the employee will receive his/her full salary or wages from the County during the initial three calendar days of leave following the date of the injury/illness (or the first 24 hours of leave for an employee on an approved modified schedule).

If a full-time or scheduled part-time employee is unable to return to his/her regular work schedule after the initial period of three calendar days (or 24 hours for an employee on a modified schedule), the County may continue to pay the employee 10% of his/her regular rate of pay for up to 176 hours of additional eligible leave time. This payment from the County is in addition to the non-taxable 66-2/3% of wages payment that the employee receives from the Workers' Compensation Insurance carrier.

(8) Continuation of Benefits. Employees who are on leave for a workers' compensation injury with County compensation will continue to be eligible for all County benefits that they

currently receive when actively at work. While on unpaid leave without County compensation, employees may receive workers' compensation benefits, but employees will not accrue vacation and sick leave. Also, as with all other types of unpaid leave, holidays, jury duty and personal leave are not granted and no contributions are made to the retirement plan, and the employee will not receive accumulation of seniority or any other employment benefits.

(9) Reporting Medical Status. During leave for a workers' compensation injury or illness, an employee must keep their supervisor informed of their medical status in regard to their ability to return to work. The County reserves the right to request periodic reports regarding the employee's medical status from the designated medical provider.

(l) Family Medical Leave Act and Military Family Leave.

(1) Eligibility Requirements for FMLA Leave. An employee who has been employed for at least one year and for at least 1,250 hours during the preceding 12-month period is eligible for Family Medical Leave Act leave.

(2) Acceptable Uses of Family Medical Leave. Eligible employees will be granted Family Medical Leave for a maximum of 12 weeks during a single 12-month period for the following reasons:

a. Incapacity due to pregnancy, prenatal medical care, childbirth;
b. To care for the employee's child after birth, or placement for adoption or foster care;
c. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
d. Serious health condition that makes the employee unable to perform the employee's essential job duties.
    1. Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.
    2. Continuing Treatment. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a healthcare provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

(3) Acceptable Uses of Military Family Leave. Eligible employees with a spouse, child or parent who experiences a qualifying event directly related to being deployed to a foreign country may take up to:

a. Active duty Military Family Leave. 12-weeks of leave in a single 12-month period to address certain qualifying exigencies. Qualifying exigencies may include:
    1. Attending certain military events;
    2. Arranging for alternative childcare;
    3. Addressing certain financial and legal arrangements;
    4. Attending certain counseling sessions;
    5. Attending post-deployment reintegration briefings.
b. Military Caregiver Leave: 26-weeks of leave in a single 12-month period to care for an employee's parent, child, spouse or next of kin in the following instances:
    1. They are caring for a current member of the Armed Forces, National Guard or Reserves who has a serious injury or illness incurred or aggravated in the line of duty on active duty.
    2. They are caring for a veteran who was a member of the Armed Forces, National Guard or Reserves at any time during the period of five years preceding the start of treatment, recuperation or therapy.
    3. The injury or illness for which the service member is undergoing medical treatment, recuperation or therapy is on outpatient status, or is on the temporary disability retired list and must make the service member medically unfit to perform his or her duties. In the case of a veteran, the qualifying illness or injury must have been incurred or aggravated in the line of duty and manifests itself before or after the service member

became a veteran.

(4) Leave Granted. Family Medical Leave and Military Family Leave will use the same measurement for a single 12-month period. The 12-month period is measured backward from the last date an employee uses FMLA leave. There are exceptions: For a birth or placement of a child for adoption or foster care, the entitlement period will expire 12 months from the date of the birth or placement.

FMLA leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Leave due to qualifying exigencies (e.g., emergencies) may also be taken on an intermittent basis. For a birth or adoption, intermittent leave can only be taken if the employee and the appropriate department head agrees to such an arrangement. Employees taking intermittent or reduced-schedule leave based on planned medical treatment and those taking intermittent or reduced-schedule family leave with the department head's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

When Gunnison County employs both spouses, they may only take 12 weeks between them for leave related to the birth, foster placement, or adoption of a child, or to take care of a sick parent. However, each spouse is eligible for a separate entitlement of leave to care for each other, their children or themselves.

(5) Substitution of Paid Leave for Unpaid Leave. While on Family Medical Leave or Military Family Leave, the County requires employees to use accrued paid leave, unless collecting Gunnison County Workers' Compensation benefits. FMLA leave is without pay when paid leave benefits are exhausted. Exception: Employees may request that up to 40 hours of paid leave benefits remain in their account when unpaid leave begins.

Compensatory time off accrued in lieu of the payment in cash of FLSA-required statutory overtime pay is not a form of accrued personal leave, nor is it identified in FMLA as an accrual that may be substituted for unpaid FMLA leave. A County employee may elect, subject to County Manager approval, to use accrued paid vacation leave, personal leave, sick leave and compensatory time off for an absence that would otherwise qualify as a reason for taking FMLA leave. If the employee does so, the County may not designate the absence as FMLA leave and thereby reduce the employee's FMLA leave entitlement.

(6) Benefits and Protections. During FMLA leave, the County maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the County for payment of insurance premiums during leave.

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

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

(7) Employee Responsibilities. If there is any circumstance that may qualify for the use of FMLA leave, an employee or their supervisor/manager must provide the completed FMLA paperwork to Human Resources 30 days in advance of the need to take FMLA leave when the need is foreseeable. When a 30-day notice is not possible, the employee or their supervisor/manager must provide notice as soon as practicable and generally at a minimum must comply with their supervisor's normal notification requirements for unexpected leave.

Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family

member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform Human Resources if the requested leave is for a reason for which FMLA leave was previously taken or certified.

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

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

(8) Employer Responsibilities. The County will provide up to 12 weeks or up to 26 weeks (for Military Family Leave) of unpaid, job-protected leave to employees who meet the eligibility requirements above.

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

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

(9) Return to Work Following Leave. Before returning to work, an employee who has taken FMLA leave for a personal medical condition must present proof that they are physically able to return. This should be done by presenting a "Release to Work" form or any equivalent, completed by the attending physician. Release to Work forms may be obtained from Human Resources. The Release to Work form must state that the employee can return to his/her regular work schedule and resume performance of all the essential duties required in the employee's position, or can return to his/her position on a restricted or modified-duty basis, as defined by the attending physician, resuming performance of all the essential duties required in the employee's position with reasonable accommodation. Gunnison County reserves the right to deny modified or restricted duty. Employees on leave must contact Human Resources at least two business days before their planned return to work.

(10) Failure to Return from Leave. The failure of an employee to return to work upon the expiration of an FMLA leave of absence will subject the employee to possible termination unless an extension is granted prior to the return date. An employee may also request additional sick leave (see Section 4-3(i)).

(11) Unlawful Acts. FMLA makes it unlawful for the County to:

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

(12) Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the organization. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

(m) Disability Leave.

(1) Long-Term Disability. In the case of long-term disability, upon the recommendation of the appropriate department head and approval of the County Manager, disability leave may be extended. In such instances, a written statement from the attending physician indicating the employee's medical condition and anticipated date of return may be requested by Human Resources. The approximate date that the employee will return to work shall be communicated in writing by the employee to the appropriate department head.

(2) Continuation of Benefits. Employees who are on approved disability leave with pay will continue to be eligible for all County benefits that they normally receive when on regular status. On approved unpaid leave, vacation and sick leave will not accrue, and holidays, jury duty and personal leave will not be granted. The County will not make any contribution during the leave without pay period for retirement or group insurance programs. The employee may be entitled to continue participation in all group insurance programs during the leave provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from Human Resources.

(3) Failure to Return to Work. An employee who fails to return to work at the end of authorized leave may be disciplined, which can include termination.

(n) Reemployment after Disability or Injury. A former employee separated from Gunnison County due to disability or work-related injury, and who has received a full release from his/her attending physician that the former employee is physically and mentally capable of performing the duties outlined in the position description, may be considered for position vacancies by entering the recruitment process. See Section 3-3 for more information.

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

Under Colorado law, the County will grant service members military leave without loss of wages for up to 15 days in the leave year established by the employer; and to maintain seniority, status, efficiency rating, vacation, sick leave, and other benefits of the service member for those days. Should military leave extend beyond 15 days, the provisions of other veterans statutes, including federal laws governing the rehire of veterans, continue to apply to public sector employers. (C.R.S. 28-3-601).

Under federal law, in addition to the 15 days of paid leave provided by Colorado law, if you are a member of the U.S. Armed Forces Reserve or the National Guard, or you are performing other protected uniformed service, you are granted an unpaid leave of absence when called for active or inactive duty training.

This time is granted in addition to earned vacation time. However, if you desire to use your vacation time for this purpose, you may voluntarily do so if you make a request in writing.

If you are called to serve in a branch of the U.S. Armed Forces for an extended period, you may be reinstated, in accordance with the provisions of the law, upon returning to the Company after separation from military service.

The Company prohibits retaliation against any employee for taking time off under this policy. If you believe there has been a violation of our retaliation standard, please contact the Human Resources Department.

(p) Domestic Abuse Leave.

(1) Eligibility. Employees who have been employed by the County for more than 12 months, and who are victims of the following events: Domestic violence or abuse, stalking, sexual assault, or any other related crime are eligible for three working days off in any 12-month period. The 12-month period is measured backward from the last date an employee uses domestic abuse leave. Such leave is without pay, except to the extent accrued paid leave is available as set forth in paragraph (3) below.

(2) Use of Leave. The employee may use the leave for the following reasons: Seeking a civil protection order to prevent domestic abuse; as a result of domestic abuse, stalking, sexual assault or any other crime involving domestic violence; obtaining medical care or mental health counseling for themselves or their children to address physical or psychological injuries arising from the act or crime; making his/her home secure from the perpetrator or seeking new housing to escape the perpetrator; seeking legal assistance to address the issues and attending and preparing for court-related proceedings arising from the act or crime.

(3) Paid Leave Substitution. Gunnison County will require employees to use accrued paid leave before leave without pay will begin.

(4) Notice Requirements. Employees must provide written verification of the need for leave. Verification can be in the form of a police report, a court order, or documentation from a medical professional, domestic violence advocate, health care provider or counselor stating that the employee is in some way a victim of domestic violence unless it is a case of imminent danger to the health or safety of the employee, an employee seeking such leave from work must provide his or her employer with appropriate advance notice.

(q) Community Role/Leave for Volunteer or Public Purpose.

(1) **Effect on Employee's Job and County Interests.** Professional, charitable and civic organizations provide an excellent avenue for developing relationships with others and taking an active interest in the community is a practice of good citizenship. Employees are encouraged to participate in such activities, but participation in community affairs must not conflict with the employee's job duties or responsibilities to the County.

(2) Participating in Professional, Charitable and/or Civic Activities. Normally, time spent participating in professional, charitable and/or civic organizations and activities should be outside of the employee's working hours and is not considered hours worked for pay purposes. However, if an employee is serving in a volunteer capacity for a circumstance that requires the local volunteer fire department or a Gunnison County Sheriff's Reserve officer be present, the employee's time away from their regular duties will be considered hours worked for pay purposes, if approved by the employee's supervisor prior to the absence. Also, time spent in work for charitable, public or similar purposes in the capacity of County representative, at the County's request or under its direction or control is considered hours worked for pay purposes. Under these circumstances, reasonable hours worked and expenses incurred may be reimbursed by the County under the same rules and regulations governing regular work situations. All voluntary employee participation in community affairs involving time away from the job is subject to prior written supervisor approval.

(3) Political Activity. See Section 5-8 for more information.

(r) Court Leave.

(1) Court Leave Granted. An employee who is required to appear as a potential juror or serve as a juror shall be granted Court leave to serve in that capacity. Leave will be with pay for all hours that fall during the employee's regular work schedule. Employees will be granted a maximum of 10 working days of paid court leave per calendar year. For required service resulting in absence from work beyond this 10-day limit, an employee will be expected to use the employee's accrued time benefits or enter a leave without pay status.

(2) Pay During Court Leave. Any employee, except a Sheriff's Office employee, who has received payment from the State of Colorado for their services during a court case and who has been granted Court leave with pay from the County, shall turn over to the County any fee paid by the Court, with the exception of pay for travel which may be retained by the employee. For required service beyond the 10-day limit explained above, employees will not be required to turn over any fee paid to them by the Court.

5. EMPLOYEE CONDUCT

5-1 Electronic Communications and Public Records. Gunnison County has established policies with regard to access and disclosure of electronic communications created, sent or received by County employees using the County's electronic communications systems. This includes telephone, voicemail, email, internet, social media, or any other form of electronic communication, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval.

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

(a) County Property. The electronic communications systems hardware and software are County property. Electronic communication systems include, but is not limited to, desktop computers, laptop computers, tablets, smart phones, facsimile machines, document scanning devices, and similar such equipment owned, operated or maintained by the County. Employees have no reasonable expectation

of privacy in any communication sent or received through County electronic communications systems.

(b) Records. Record retention of public records applies to all records, including those that exist in electronic form. Pursuant to applicable open records laws, Gunnison County strives to assist the public in locating and reviewing any specific electronic records unless such records are specifically exempted from disclosure by law. Thus, all records, including those of elected officials, are potentially subject to public disclosure.

(c) Use. To ensure the appropriate use of electronic communications systems, all employees shall use the County's software and hardware for official, County-business related purposes only.

(1) Software. The County will allow only County-authorized software to be stored or executed on its computers. Recognition is given to the unique needs of particular departments and programs; however, the software must be approved for compatibility by the IT Department prior to installation. Software installed with the intention of protecting devices and peripherals, such as anti-virus software, shall not be removed or disabled unless authorized by the IT Department. All software license agreements and copyright laws shall be adhered to and copies of license agreements provided to the IT Department.

(2) Email, Social Media and Internet Use. Email, social media and internet access must be used in a manner that maintains public trust and confidence in the County. Email and internet access are provided for the County's official public business. Examples of appropriate use of email, social media and the internet are as follows:

a. Facilitating Communications. Facilitating communications and transfers of documents between employees, citizens and others concerned with County business.
b. Accessing Data. Accessing databases and files to obtain work-related reference material or to conduct work related research.
c. Expediting Administrative Duties. Expediting administrative duties in direct support of work-related functions.
d. Professional Development. Communicating with individuals or professional organizations regarding professional and career development.
e. Personal Use. As with telephones, email and internet access are intended for fast and efficient communications. However, personal use of email, social media and the internet should be limited in the same manner as local telephone calls so as not to interfere with the employee's duties. Any opinions stated on personal emails or social media sites will be clearly marked as personal opinions and not necessarily the opinion of Gunnison County. Personal use of electronic communications systems will be determined by the appropriate department head.

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

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

(e) Privacy and Security. Employees should have no expectation of privacy regarding the use of electronic media through electronic communications systems hardware and software owned by the County. Any information or data contained in any electronic system owned by the County is available to the County at all times and may be subject to audit, intercept, access and disclosure for reasonable purposes, including discipline by the County. In addition, the County reserves the right to monitor, including monitoring in real time, any use of electronic media through electronic communications systems hardware and software owned by the County.

(1) Public Record. Correspondence of an employee in the form of email and/or social media may be a public record under applicable public records laws and County policies.

(2) Access. The County reserves the right to implement the use of electronic tools that monitor and/or restrict the transmission of email and the use of the internet. Further, the use of passwords for security does not guarantee confidentiality. No unauthorized password protection or encryption mechanism may be used without prior approval of the employee's supervisor or the IT Department. Notwithstanding the County's right to retrieve and read any electronic communication messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees may not retrieve or read any electronic communication messages that are not sent or copied to them unless authorized to do so. Employees shall not use a code or password, access a file or system, or retrieve any stored information of other users, unless the employee is authorized by his/her supervisor, the County Manager, or the County Attorney to do so.

(f) Disciplinary Action. Violation of these policies may subject an employee to discipline up to and including termination.

5-2 Smoking Prohibition – County Facilities and Vehicles. Tobacco use remains the leading cause of preventable disease and death in the United States. According to the United States Surgeon General, there is no safe level of exposure to secondhand smoke. Research indicates that a majority (70%) of tobacco users want to quit, and policies that prevent smoking have been shown to increase productivity while reducing employee medical costs and time lost due to sick days.

(a) Smoke. Particles released into the air from pipes, cigars, cigarettes and/or electronic smoking devices.

(b) Smoking. The act of releasing particles into the air from the use of pipes, cigars, cigarettes and/or electronic smoking devices.

(c) Electronic Smoking Devices. Any device that when activated emits a vapor, aerosol, fume or smoke to deliver nicotine or any other substance to the person inhaling from the device, including but not limited to e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, inhalant delivery systems or any other similar product by any other name or descriptor. An electronic smoking device includes any component, part or accessory of such device whether or not sold separately, regardless of nicotine content or any other substance intended to be vaporized or aerosolized for human inhalation during the use of the device.

(d) Facilities. Physical buildings/structures under the control of Gunnison County whether such property is owned or leased.

(e) Perimeter. Gunnison County strives to promote public environments that are free from the effects of smoking. Therefore, smoking and/or the use of electronic smoking devices is not permitted within 30 feet of any Gunnison County facilities by all persons, including but not limited to employees, agents, subcontractors, interns, volunteers and visitors. County employees with the authority to hire subcontractors and vendors are responsible for ensuring that they adhere to this policy.

(f) Smoking During Job Duties. Employees are prohibited from smoking during the performance of their duties. This prohibition does not include lunch breaks and rest periods taken further than the perimeter defined in Section 5-2(e).

(g) Vehicles. Smoking is prohibited within vehicles or equipment leased or owned by the County.

(h) Neighbors. Gunnison County intends to maintain good relationships with its facilities' neighbors. Therefore, trespassing, loitering or littering on neighboring properties to smoke during the course of employment is prohibited.

(i) Cessation Assistance. Gunnison County is committed to supporting employee efforts to quit smoking. Cessation resources and support are available to employees through the County website, the Human Resources office, and the Health and Human Services Department. Employees can also call the Colorado Quitline at 1-800-QUIT-NOW (1-800-784-8669). For the purposes of cessation, the use of FDA-approved nicotine replacement therapy products, including patches, gum or lozenges is permitted under this policy.

(j) Non-Compliance. Violation of this policy by employees may be cause for disciplinary action up to and including termination.

5-3 Drug and Alcohol Policy. Gunnison County has adopted a drug-free workplace policy with the goal to foster a work environment free from the effects of illegally used or possessed drugs and alcoholic beverages. Abuse

of drugs and alcohol impairs employee judgment resulting in increased safety risks, employee injuries and faulty decision-making.

Gunnison County supports treatment efforts related to drug and alcohol abuse. Among other treatment options personally sought by any employee desiring assistance or information, employees may receive consultation, advice and referrals via the Employee Assistance Program (EAP). Information relative to the EAP is available on the County's website and in the Human Resources office.

Important: Some Gunnison County departments may have additional procedures over and above those listed below in order to comply with state or federal rules/regulations/laws. For example, positions requiring the operation of a commercial motor vehicle or aircraft are subject to the most current drug/alcohol regulations and procedures established by the Department of Transportation. Those laws, regulations and procedures will prevail in any conflict with the policies outlined below.

(a) County Premises. Except as expressly permitted in this Section 5-3, employees shall not manufacture, distribute, dispense, possess, use, sell, gift or transfer alcohol or controlled substances on any County premises or worksite at any time, or work after the apparent use of alcoholic beverages or controlled substances, except that an employee may possess or use non-prescription medications if he/she does so to address a medical need that requires treatment during working hours or on County property and in accordance with the manufacturer's or dispensing pharmacy's directions for use of such medication(s). Exception: Possession and consumption of alcohol are permitted on County premises during County-hosted events with prior approval by the County Manager.

(b) Pre-Employment Testing. Employees who are required to perform duties that involve the use of certain equipment or the following of procedures which may have the ability to negatively impact other persons' safety are subject to pre-employment and periodic drug and alcohol testing.

(c) Prescribed Drugs. Excluded from the policy are prescribed drugs when used in the manner, combination and quantity either as directed by a prescribing health care provider or dispensing pharmacy, unless job performance could be affected such that the employee is unable to perform his/her job duties, or poses an undue risk to fellow employees or the public. Employees who must use a non-prescription or prescription drug that may affect their ability to perform work in a safe and/or effective manner must notify their supervisor prior to starting work. The supervisor need not be told what the drug is or what it is being taken for, only how it may affect the employee's work performance. Employees must present a completed Medical Exception Form, available via the County website or Human Resources, to their supervisor when notification is made.

(d) Marijuana. Marijuana, whether for recreational or medical purposes, is not a prescription drug and is considered a prohibited controlled substance under these policies.

(e) Operation of Vehicles and Equipment. At no time will an employee operate a County vehicle, a private vehicle used for County business, or County equipment if the employee is or is reasonably suspected of being impaired by drugs and/or alcohol, as determined by the employee's supervisor, department head, or the County Manager.

(f) Drugs/Alcohol Influence and Violations. All employees are expected to report to work in a fit mental and physical condition to perform their assigned duties. An employee shall not report for work or remain on duty while consuming, possessing or being under the influence of drugs and/or alcohol, except as expressly permitted by this Section 5-3.

If an employee appears to be affected by or under the apparent influence of drugs or alcohol while in the workplace, the employee may be required to submit to drug or alcohol testing. Refusal to submit to requested drug or alcohol testing will be cause for disciplinary action up to and including termination. Employees should also not consume any drugs/alcohol after being required to test and before testing is complete. See Section 5-3(g) and Section 6 for further detail.

Any employee who is convicted of a criminal offense involving drugs or alcohol that occurs in the workplace must notify the County Manager within one business day of such conviction or plea. If an employee is found in violation of this policy, if required testing confirms drug/alcohol use, or if an employee is convicted or pleads guilty or no contest to drug/alcohol related violations while in the workplace, they will be subject to disciplinary action up to and including termination.

If an employee has a reasonable basis to suspect that another employee is in violation of this policy, the employee shall report his/her suspicions to his/her supervisor. If the supervisor is not available, the employee shall report the concern to Human Resources. All such reports shall be held in

confidence to the extent permitted by law. The supervisor or Human Resources shall take immediate steps to ensure compliance with this policy. Any employee who makes a false report to a supervisor under this paragraph may be subject to discipline, up to and including termination.

(g) Reasonable Suspicion Testing Procedures.

(1) Authority to Test. Gunnison County may require an employee to submit to alcohol or drug consumption testing if the County believes that the employee is or has been under the influence of drugs or alcohol on the job or if work performance appears to be impacted by drug or alcohol use. Gunnison County will pay for the initial testing, and such testing may include not only for drug or alcohol use on the job but also use during off-work hours. Supervisors, or their designated representatives, are authorized to determine, that alcohol or drug testing should be conducted. An employee may be suspected of alcohol and/or drug consumption based on the appearance of symptoms including, but not limited to:

a. Appearance. Flushed complexion, disheveled hair/clothing, tremors, puncture marks, dilated/constructed pupils, profuse sweating, bloodshot eyes, inappropriate wearing of sunglasses, runny nose/sores, dry-mouth symptoms, etc.

b. Behavior. Violation of a safety rule or other unsafe work incident; incoherent, slurred, silent, confused, slowed or whispering speech; confusion, mood swings, euphoria, lethargy, lack of coordination, paranoia, disorientation, etc.

c. Motor Skills with Balance, Walking or Turning. Swaying, falling, staggering, stumbling, reaching for support, etc.

(2) Time Limits and Testing. If determined that there is cause for testing, testing procedures will begin immediately unless circumstances render it impossible or impracticable to do so. The suspect employee will continue in a paid status, but will not return to work until after negative drug and/or alcohol test results are received by their supervisor, or until the employee is directed to do so subsequent to the County Manager's determination of action following any non-negative drug and/or alcohol test results.

(2) Test Results. The suspect employee must provide, via the appropriate Health Insurance Privacy and Portability Act (HIPAA) release form(s), permission for Gunnison County to receive and discuss test results with the testing facility and any subsequent counseling details with the substance abuse counselor, if one has been assigned. Failure to provide this permission will subject the employee to disciplinary action up to and including termination, and the employee will not be permitted to return to work until a determination is made by the County Manager as to what action(s) will be taken. An employee MUST have a current doctor's prescription and MUST be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment. If an employee tests positive and cannot produce a valid current prescription filled prior to and consumed according to physician directions, the test will report a positive result and may require further evaluation.

(3) Delayed/Refused Testing. At the County Manager's discretion, the employee may be suspended with or without pay pending the determination of additional actions, up to and including termination.

(4) Periodic Testing Following a Positive Result. Any employee who has been found to be in violation of this policy may be subject to periodic unannounced testing for up to one year following the most recent violation or a date recommended by their assigned substance abuse counselor, whichever is longer.

5-4 Use of County Property.

(a) Employee Responsibilities. It is the duty of every County employee to protect and conserve County property. All employees shall use County-owned property and equipment for County-approved purposes only. Gunnison County reserves the right from time to time to reasonably search any property owned by the County, with or without notice.

(b) Hard Keys and Access Badges. Pursuant to Policy #5.1.1 (Hard Key and Access Badge Issuance/Replacement/Return), all hard keys and access badges with access to Gunnison County facilities are the sole property of Gunnison County, and access to County facilities shall be limited to personnel whose work requires it. Employees who are issued keys or access badges are required to read Policy #5.1.1 and sign the Receipt for Keys or Access Badges form. These documents can be found on the staff intranet.

(c) Overnight and Long-Term Parking Prohibition. Pursuant to Policy #5.1.2 (Overnight and Long-term Parking Prohibition), overnight and/or long-term parking of personal vehicles in County parking lots adjacent to County buildings located within the City of Gunnison, specifically those adjacent to the Blackstock Government Center, Family Services Center, County Courthouse and fairgrounds facilities, is not permitted without the prior written approval of Gunnison County.

5-5 Outside Employment.

(a) Incompatibility. No County employee shall engage in any outside employment or other activity that is a conflict of interest (see Section 5-6) with the proper discharge of the employee's County office or position. Employment outside the County may be reviewed by the appropriate department head and the employee may have to terminate his/her outside employment activities to maintain their employment with the County.

(b) Multiple County Positions. No County employee shall hold more than one position concurrently within the Gunnison County personnel structure without prior approval of the appropriate department head, Human Resources, the Finance Director and the County Manager.

5-6 Conflict of Interest.

(a) No Conflicts of Interest. The County shall strive to promote public confidence in government by assuring the people of Gunnison County of the impartiality and integrity of County employees. As such, all employees will strive to ensure that their actions do not present a conflict of interest. The failure to avoid or to address conflicts of interests may be grounds for discipline, up to and including termination.

(b) Business Interests. It shall be a conflict of interest for a County employee or a member of the employee's family (see glossary for definition) to have a personal financial interest in any business transaction with or involving the in County, unless such transaction is unrelated to the employee's position and job responsibilities and does not involve the department or office in which the employee works. In the event of such a conflict, the employee shall immediately disclose the financial interest to the appropriate department head or to the County Manager and refrain from engaging in any conduct that could influence or be perceived to influence any County decisions regarding the transaction in which the employee or a member of the employee's family has a financial interest.

(c) Compensation and Gifts. Pursuant to Colorado Constitution Article XXIX , C.R.S. §24-18-101 *et seq*, and the State of Colorado Independent Ethics Commission (IEC) guidelines, local government employees and elected officials are prohibited from soliciting, accepting or receiving any gift or other things of value having either a fair market value or aggregate actual cost greater than valued in excess of $65 (or as adjusted for inflation every four years by the IEC) in any calendar year, with limited exceptions. Gifts may take many forms and can include travel, discounted purchases, favorable loan conditions, etc., and many decisions by the IEC address the issue of whether a given item qualifies as a gift for purposes of Article XXIX. If an individual pays for an item, or otherwise provides consideration, the giving of value in exchange for a thing of value, the item may not qualify as a gift. While family members of covered individuals generally do not fall within the jurisdiction of the IEC, if a gift is given to a spouse or child, it may be prohibited by Article XXIX. For purposes of Article XXIX, gifts may include money, forgiveness of debt, loans, rewards, travel (with some exceptions), promises of future employment (in certain circumstances), favors and services, some forms of honoraria, entertainment, or special discounts not available to others. Exceptions to the gift ban may include campaign contributions; unsolicited items of trivial value (pen, desk set, notepad, calendar, etc.); unsolicited tokens of appreciation (plaque, trophy, etc.); admission to and the cost of food and beverages at a reception, meal or meeting when the individual is participating as a speaker or presenter; travel to conventions or meetings when the offer is made ex officio, is related to the person's official duties, is of benefit to the state, the individual is representing the state, or the state pays dues to the sponsoring organization (other exceptions may apply depending on circumstances); gifts from relatives and friends; or bonuses or other incentives or compensation paid in the course of employment.

5-7 Handling Confidential Information.

No County employee shall disclose confidential information entrusted to or acquired by the employee by virtue of his/her employment with the County. This includes personal health information protected by the Health Insurance Privacy and Portability Act. For purposes of this Handbook, "confidential information" is defined as information not otherwise public under applicable laws the disclosure of which could cause material harm to the County, a person seeking to do business with the County, or an elected official or employee of the County, or a private citizen who has provided information to the County that the County is required by law to keep confidential.

5-8 Political Activity. County employees may not engage in political activity (including campaigning, fundraising and other partisan political activities) during on-duty hours involving the use of any County property (i.e., telephones, equipment, supplies, etc.), or that impairs their ability to carry out their duties as County employees. If time spent participating in a political activity requires time off work from the County, an employee must use paid vacation, personal leave, earned compensatory time and/or leave without pay that has been pre-approved by the appropriate department head. An employee cannot engage in partisan campaign or political activity while wearing his/her County uniform or badge, or while possessing any other sign, insignia, or item that would suggest that the employee was engaging in political activity in his/her capacity as a representative of the County. Employees must obtain the prior approval of the County Manager before seeking or accepting appointment to public office that would require extended time off work from the County.

5-9 Vehicle, Private Aircraft and Personal Tool Usage. Any employee on County business must comply with the following rules:

(a) Seatbelts. All operators and passengers of Gunnison County motorized equipment and vehicles, and all operators of personal vehicles used for Gunnison County business are required to use safety belts as equipped for that particular vehicle in accordance with state or federal law.

(b) **Valid Driver's License.** Drivers must have, on their person, a valid driver's license when operating a vehicle.

(c) Observance of Traffic Laws. Drivers and passengers must obey all traffic laws.

(d) Loss of License or Insurance Coverage. If an employee loses his/her driver's license or no longer has insurance coverage as required by law, it must be reported in writing to his/her supervisor immediately.

(e) Out-of-State Travel. All out-of-state travel at the County's expense must be approved by the County Manager in advance of the planned travel (see Section 5-10(d)).

(f) Use of Motor Pool and Personal Vehicles. Except as set forth in this Section 5-9, as well as in Policies #4.3.3 and #4.3.6, employees are required to utilize motor pool vehicles for work-related travel. If an employee is operating a personal or private vehicle in the course of County business, that vehicle is required to have all insurance coverage required by law.

(1) Proof of Insurance. Any employee who uses a personal vehicle in the conduct of County business will be required to provide to the Public Works Department proof of insurance each January and prior to any travel that is eligible for mileage reimbursement. Proof of a valid driver's license will be required at the date of employment, prior to any travel, and if specifically requested at any time by Public Works or Human Resources.

(2) Employee Responsibility. The County is not responsible for any damages or expenses associated with a personally owned vehicle used in the conduct of County business involved in an accident. If an accident does occur, the County will file any employee medical expense claims with the County Workers' Compensation carrier, but the employee should also file a claim with the insurance carrier that covers the vehicle for any vehicle damage and/or expenses for others involved. Employees should inform their insurance agent of the use of their personal vehicle for County business.

(3) Training. County employees who operate motor pool and/or personal vehicles for County business must attend and complete all driver safety courses currently required by the Public Works Department, and they must have a valid training certificate issued no more than 24 months prior to travel. Additional training may be required for drivers involved in automobile accidents while conducting County business.

(g) Expense Reimbursement. The County will reimburse personal vehicle expenses as set forth in Section 5-10.

(h) County Equipment. Some Gunnison County vehicles are assigned to employees who are authorized to keep the vehicles parked at their residences overnight. In compliance with IRS guidelines, if an employee uses a motor pool vehicle to commute to or from work, such use shall be treated and calculated as taxable income.

(i) Private Aircraft. Workman's Compensation insurance is not available for County employees who operate aircraft in the course of their employment, and the expense of obtaining special coverage for such employees is excessive. Thus, the operation of private aircraft by County employees in the course of their duties for the County is prohibited. This policy shall not be construed to prevent County employees from utilizing the services of commercial charter aircraft or commercial airlines, nor shall it be construed to prohibit the use of private aircraft for private purposes. This does not apply to the operation of unmanned aerial vehicles (drones).

(j) Personal Tools. Any person's tools, defined as those items necessary in the performance of the duties of any County employee and which are supplied by the employee and remain that employee's personal property, shall be covered by the County's insurance carrier against fire, theft, water damage, loss in vehicular accident, building collapse, or other reasonable damage while used and/or stored in or on County property, including County vehicles. The County shall pay any deductible portion of the insurance coverage, so long as the employee has met all other requirements of this Section 5-9.

The employee is required to exercise normal security in the use and storage of those items. The items must be stored in a locked box or locked storage area, and not left unsecured when not in use or when the shop or storage area, office, etc., is closed for business. When stored on or in a County vehicle, such items shall be kept in a locked container (such as a toolbox, briefcase, etc.) and kept out of sight as much as reasonably possible.

The employee must maintain a detailed written inventory of such items, including replacement values, and provide this inventory to his/her direct supervisor.

It is a prerequisite to any benefit under this policy for the employee to report to the Finance office and County Sheriff any damage, theft or loss of a covered item within three working days of discovery of such damage, theft or loss. It shall remain the employee's right to limit the usage of personal items to any other employees of his/her choice. If an employee loans an item to another employee who loses or otherwise caused the item to be lost, the responsibility for replacement shall not be borne by the County except as otherwise provided in this Section 5-9.

5-10 Travel. Policy #4.3.6 (Travel) outlines Gunnison County's policy related to official business travel. Gunnison County's policy is to utilize County-issued purchasing cards for meal, travel and lodging expenses incurred in the performance of official business. If a department has special circumstances not addressed in these policies, the department head should submit a request for consideration of such circumstances in writing to the County Manager for approval. Failure to obtain any necessary approvals or inability to document expenditures by acceptable receipts may preclude reimbursement of the employee by the County.

(a) Meals.

(1) Within Colorado. Pursuant to IRS regulations, travel-related M&IE are allowable County expenses only when overnight travel is included. M&IE incurred during same-day travel, in-County meals at the beginning or end of travel, tips exceeding 20%, alcohol, and personal charges are not allowable County expenses. Receipts are required, and expenses will be allowed up to the average of IRS's daily M&IE allowance rates for Colorado, which will be identified and posted to the staff intranet and updated annually. This rate will apply to all travel within Colorado.

(2) Outside of Colorado. For out-of-state travel, refer to the current IRS per diem rate chart (posted to the staff intranet) to determine the maximum allowed for M&IE relative to the area of travel. If the travel location does not have a specific M&IE rate assigned, travelers should use the standard rate for the state.

(b) Lodging. The actual cost of a hotel or motel room (single occupancy) will be allowed when incurred in the course of official County-related business travel. Employees should indicate lodging is tax exempt (in Colorado), when making reservations and use their purchasing card for payment of hotel rooms, which includes the tax exemption number, in order to avoid paying sales and/or lodging taxes whenever possible. Employees should use standard business accommodations or lodging similar in cost to standard business accommodations while traveling on official County-related business.

(c) Transportation.

(1) County Fleet and Personal Vehicles. Employees are required to use fleet vehicles from the Public Works Department motor pool for work-related travel, whenever possible. See Section 5-9 for information related to proper vehicle usage, or see the Policy #4.3.3 (Motor

Pool and Personal Vehicle Policy) for more information.

(2) Public Transportation. Reasonable commercial ground, air and rental transportation costs will be allowed for official travel between airports, hotels, conferences or meeting places. Receipts must be provided.

(3) Vehicle Rental. Rental car costs for County-related business will be allowed only when other options are not available to accommodate the purposes of the travel. When renting a vehicle for official County travel, employees should not purchase the rental agency loss damage because the County's insurance carrier provides liability coverage with a $500 deductible. In the event of an accident, the employee should contact the County's claim contact.

(4) Airfare. The County will allow airfare costs (airfare and one checked bag) for County-related business. Employees making travel reservations should take care to seek the lowest possible fares by making advance reservations whenever possible. If the employee chooses to travel by car when the employee can fly for less (based on the rate available two weeks prior to the trip), only the lesser-cost figure will be reimbursed. Lodging and meal costs incurred during travel by car will not be reimbursed unless these costs, along with mileage, are less than airfare (if purchased two weeks prior) plus ground travel at the destination.

(d) Out-of-State Travel Approval. The County Manager must approve all out-of-state travel prior to the traveler incurring any related expenses, and a completed Out-of-State Travel Request Form should accompany each request.

5-11 Higher Education Degree, Licensing and/or Certification.

(a) Employee Responsibilities at Date of Employment. Gunnison County employees who are employed in a position for which the job description requires a professional license, particular degree, or certification must present documentation verifying such credentials at the time of application for employment.

(b) Employee Responsibilities Prior to Date of Expiration. If the licensing/certification has an expiration date while the employee is in the employment of Gunnison County, the employee must present the necessary renewal documentation to the appropriate department head prior to any renewal deadline or expiration date.

(c) Violations. Failure to obtain and maintain the necessary licensing/certification by the expiration date may be cause for disciplinary action, up to and including termination (see Section 6). An employee may not provide related services as an employee of the County without required licensing/certification.

5-12 Performance Evaluations. All Gunnison County employees (with the exception of elected officials, the County Manager and the County Attorney) are required to complete an annual individual performance evaluation. When evaluating employees, supervisors should create Individual Success Plans for their subordinate employees based on their job descriptions and the department's Strategic Business Plan measures. Copies of performance evaluations must accompany County Personnel Action Forms and be submitted to Human Resources annually, regardless of whether or not the Personnel Action includes an annual salary merit increase. Copies of each employee's annual performance evaluations are located in their individual personnel files with Human Resources.

5-13 Safety. All Gunnison County employees are required to make safety a vital part of every work effort. Each person is equally responsible for following this policy and for carrying out their work in a safe and proper manner that will protect themselves and their coworkers. All employees should care for and conserve other County resources including equipment, vehicles, building and supplies so that they remain in safe working condition. Further, each employee should inform their supervisor of any job condition or procedure which may be unsafe and a hazard to life, health and/or property.

5-14 Attendance and Punctuality. All employees are expected to be on time and punctual for showing up to work. In addition, regular attendance is considered an essential function and is necessary for the efficient operation of the business. Employees who are going to be absent or late must contact their supervisor as soon as possible prior to the start of their shift. Failure to call in when absent may result in discipline up to and including termination.

5-15 Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of Gunnison County, each County employee shall respect and adhere to these fundamental principles of ethical

service:

1. Public service is a public trust, requiring employees to place loyalty to the Colorado Constitution, the laws, and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation (see Section 5-6(c) for more information), solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve County property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official County duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State, or local taxes that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

6. DISCIPLINARY ACTION

When management finds an employee's performance to be unsatisfactory or an employee's conduct to be unacceptable, disciplinary action may be taken. Discipline may range from informal discussion with the employee to immediate discharge, depending on the County's opinion of the seriousness of the situation. Any action taken by management in an individual case should not be assumed to establish a precedent with regard to other employees or the same employee in other circumstances.

6-1 Reasons for Disciplinary Action. This list is not exhaustive. The County may take disciplinary or corrective action for any behavior or performance that does not meet County standards and expectations. This list is not intended to and does not create a property interest in employment.

- Violation of a policy within this handbook;
- Violation of a hiring-department rule, regulation or policy;
- Neglect of duty, (wasting time on the job, loafing, abuse of break privileges, etc.);
- Interference with department operations (interrupting the work of others, etc.);
- Failure to perform assigned duties in an efficient and effective manner;
- Failure to obtain and maintain any required licensing/certification;
- Insubordination (refusal to follow directions, abusive behavior, etc.);
- Discourtesy to the public or co-workers;
- Illegal activity on the job or illegal activity that casts reasonable doubt on the employee's ability to perform the job effectively;
- Failure to comply with job privacy and confidentiality standards;
- Abuse of sick leave or other benefits granted by the County;
- Working unauthorized overtime;
- Falsification of County records including, but not limited to, employment applications, work records, timesheets, etc.;
- Repeated tardiness or absenteeism that exceeds the standard set for other employees under similar conditions;
- Damage to, misappropriation of, unnecessarily risk of, or failure to properly maintain or protect County property, equipment, tools, or material;
- Stealing or negligent use of County money or property;
- Deliberate or careless conduct endangering the safety or wellbeing of self, coworkers or the public;
- Fighting or attempting to fight during working hours;
- Being under the influence of alcohol or drugs while on duty (see Section 5-3);

- Violation of County conflict of interest rules (see Section 5-6);
- Misrepresentation of one's authority to the public;
- Abusing one's authority to secure personal gain, benefits or favors;
- Behavior inappropriate to one's position;
- Covert acts intended to undermine established authority;
- Harassment of coworkers or members of the public;
- Dishonesty; and
- Absence from duty without authorization.

6-2 Examples of Disciplinary Action. The County does not adhere to a progressive disciplinary policy. Any form of discipline that in management's opinion is appropriate may be imposed singularly, successively or cumulatively at the discretion of the appropriate department head. The County may use the actions listed below or any corrective action that the County deems appropriate.

(a) Oral Reprimand, Warning, Counseling. Any appropriate department head or designated representative may orally reprimand, give warning to and/or counsel a subordinate employee.

(b) Written Warning. Any appropriate department head or designated representative may warn a subordinate employee in writing. A written warning should include the specific behavior(s) being addressed, the desired outcome, any timelines assigned for evaluation of performance improvement, and the potential consequences of the employee's failure to meet the stated performance improvement measures. The written warning will become part of the employee's permanent personnel file housed in Human Resources.

(c) Suspension. Suspension for up to a maximum of 10 days is a disciplinary action for misconduct or other acts or behavior that can include, but are not limited to, the examples set forth in Section 6-1. During a suspension, an employee is not paid wages and does not accrue vacation, sick leave, holiday or other fringe benefits. An employee placed on suspension status will not lose previously accumulated vacation, compensatory time, holiday or sick leave balances, and may continue coverage on the group insurance program in which he or she was participating prior to suspension as long as the employee's share of the premiums is paid. Length of service credit will also continue through the period of suspension.

The appropriate department head or designated representative may orally suspend an employee, thereby ordering him/her to leave the job site. At the appropriate time, the appropriate department head or designated representative shall provide a written notice of a suspension to the suspended employee, stating the grounds on which the suspension is based. The employee who is placed on suspension shall not come to the work site, call the worksite, or use County property (including but not limited to County electronic mail) unless otherwise instructed by the appropriate department head or designated representative. The employee may contact Human Resources regarding his/her employment.

(d) Review Status. As a result of unacceptable conduct or unsatisfactory performance, an employee may be placed on Review Status and given the opportunity to improve or correct performance or conduct, except in circumstances where, in the opinion of the department head or the County Manager, the type of misconduct involved requires immediate disciplinary action. Behavior that may require immediate disciplinary action includes, but is not limited to, conduct that threatens the public health, safety or welfare of a coworker or citizen, racial, religious or sexual harassment, or conduct which may materially harm the financial or policy interests of the County.

(1) Initial Notice. Any appropriate department head or designated representative may place an employee on Review Status, which the department head or designee initiates by issuing a Personnel Action Form listing the change in status and the period of time that the status will be in effect. The appropriate department head or designated representative shall also contemporaneously prepare a written Performance Improvement Plan and provide a copy to the employee. The Performance Improvement Plan shall contain:
    - The specific employee deficiencies;
    - Substantiation of the deficiencies;
    - Corrective action to be taken;
    - Trainings that might be helpful;
    - The deadline for correction of deficiencies; and
    - The possible consequences of not making the corrections.

(2) Employee Responsibilities. Once the review period begins, the employee must show immediate and continued improvement in order to avoid further disciplinary action.

(3) Record of Review Status. The initial notice of placement on Review Status, the Performance Improvement Plan, and all written progress reviews will be made a part of the employee's permanent personnel file housed in Human Resources.

(4) Determination. The placement of an employee on Review Status does not prevent Gunnison County from terminating the employee or taking any other appropriate disciplinary action at any time. NOTHING IN THIS SECTION CONSTITUTES AN AGREEMENT OF EMPLOYMENT FOR A SPECIFIC PERIOD OF TIME OR IS INTENDED TO AFFECT THE AT-WILL EMPLOYMENT RELATIONSHIP.

(e) Administrative Leave.

(1) Description. Administrative leave is a term for temporary removal from a job assignment. The most common use of administrative leave occurs when an employee is the subject of allegations of misconduct while on the job. In such instances, administrative leave is used to remove the employee from the situation while investigating the allegations. The County may also place an employee on administrative leave pending the resolution of a criminal case, even when the case is not directly related to the job, or for other reasons at the discretion of the County. While on administrative leave with pay, an employee will receive the same wage as if they were actively at work during regular work hours. On administrative leave without pay, an employee may request that he/she be paid compensation by deducting leave time from his/her compensated absence balances (i.e. vacation, personal and/or compensatory time).

(2) Responsibilities of Employee. The employee who is placed on administrative leave shall not come to the work site, call the worksite or use County property, including but not limited to email, unless otherwise instructed by the appropriate department head or designated representative(s). The employee will not use County property, engage in any County business, or engage in any work-related activities unless authorized by the County. The employee will remain available for questioning by County-appointed investigators.

(3) Continuation of Benefits. Employees who are on administrative leave with pay will continue to be eligible for all County benefits that they normally receive when on regular status. On unpaid administrative leave, vacation and sick leave will not accrue, and holidays, jury duty and personal leave will not be granted. The County will not make any contribution during the leave without pay period for retirement or group insurance programs. The employee may be entitled to continue participation in all group insurance programs during the leave provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from Human Resources.

(f) Unauthorized Leave. An employee who is absent from duty without approval shall receive no wages for the duration of the absence and shall be subject to disciplinary action, up to and including termination.

(g) Demotion. If any disciplinary action includes demotion, that decision may be appealed to the County Manager who will make the final demotion decision in his or her sole discretion.

(h) Termination. See Section 7 for all related definitions, rights, responsibilities and procedures associated with employment termination.

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

7. SEPARATION FROM EMPLOYMENT

7-1 Voluntary.

(a) Resignation. If an employee desires to end his/her employment relationship with the County, the County requests that the employee provides written notice including the reason(s) for leaving and then give the document to his/her supervisor. The County asks that the resigning employee provide at least two weeks of notice of the intended termination. Such notice allows sufficient time to collect

County property, process monies to which the employee may be entitled, convert insurance, and correctly calculate a final paycheck.

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time as set forth in this Section 7-1. Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

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

(3) Sick Leave. All eligible employees shall be paid their accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for all non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of resignation, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(6) Life Insurance. Employees may convert their basic term and/or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

(b) Retirement. Employees may elect to retire in accordance with the provisions of the Retirement Plan. Payment of Retirement Plan benefits shall be governed by the Retirement Plan bylaws (see Section 4-3(c) for more information).

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time as set forth in this Section 7-1. Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(2) Vacation. All eligible employees will be paid for all accumulated vacation at the time of separation from the County at their then current rate of pay.

(3) Sick Leave. All eligible employees will be paid their accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of retirement, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for information regarding such benefits.

(6) Life Insurance. Employees may convert their basic term and/or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

7-2 Involuntary.

(a) Death. Upon the death of a current employee and receipt of proof by affidavit of a claimant's relationship to the deceased employee, Gunnison County will pay wages and compensation due the deceased employee to the deceased employee's spouse if no personal representative of the employee's estate has been appointed. If there is no surviving spouse, Gunnison County may pay the deceased employee's next legal heir when requested by the heir. If a personal representative has been appointed to the deceased employee's estate and requests payment, Gunnison County will pay the representative. The request of the personal representative takes priority over payment to the surviving spouse or legal heir. Gunnison County will not make payment to a surviving spouse or legal heir if Gunnison County knows that a personal representative has been appointed.

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time (see below). Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(2) Vacation. Payment will be made for all accumulated vacation at the time of separation from the County at their then current rate of pay.

(3) Sick Leave. An eligible employee will be paid his/her accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of death, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(6) Life Insurance. Surviving beneficiaries should contact Human Resources for more information.

(b) Permanent Disability. Upon separation from employment by permanent disability, as determined the Social Security Administration, employees will be paid as follows.

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time (see below). Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(2) Vacation. Payment will be made for all accumulated vacation at the time of separation from the County at their then current rate of pay.

(3) Sick Leave. An eligible employee will be paid his/her accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all

accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.

b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.

c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of permanent disability, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(6) Life Insurance. Employees may convert their basic term or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

(c) Termination of Employment. With the exception of certain employees of the Sheriff, County-initiated terminations may be for any reason (see Section 6), and no termination is final until approved by the County Manager. In some cases, and for the benefit of Gunnison County, other discipline may be used, prior to or instead of termination, to correct a performance problem. Prior to termination, the possibility of transfer or demotion may be explored by the County, but it is not required. However, at the discretion of the County a single incident of misconduct may result in termination.

(1) Procedure.

a. Intent to Terminate. The employee's department director will complete the Intent to Terminate form (available in Human Resources), and then provide copies of the completed form to the employee, the County Manager and Human Resources.

b. Review by County Manager. The employee may present their perspective to the County Manager, without a right to question their supervisor or other employee(s) during that presentation, who will review all information provided by the employee, the supervisor and/or any other employees involved before making a final termination decision. The decision of the County Manager is final, and there is no appeal process involving any level of the organization, including the Board of County Commissioners.

(2) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time (see below). Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(3) Vacation. Payment will be made for all accumulated vacation at the time of separation from the County at their then current rate of pay.

(4) Sick Leave. Upon termination, an employee will not receive any payment for accumulated sick leave. Terminated employees are not permitted to donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank

(5) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of resignation, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(6) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(7) Life Insurance. Employees may convert their basic term and/or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

(d) Layoff Due to Reduction in Workforce or Elimination of a Position. An employee may be subject to a non-disciplinary, involuntary termination through a reduction in workforce, reduction in service levels, or elimination of a position. Such terminations may be due to factors such as shortage of funds or lack of work. In such cases, affected employees shall be given as much notice as is practical. The order of reduction in workforce will primarily be determined by performance.

Any individual whose employment is terminated as a result of a reduction in workforce may apply for a position opening available within any hiring department of the County. The employee shall not be automatically entitled to any preference in hiring. If hired, the individual must meet the minimum qualifications for the position. If rehired, previous periods of benefit-eligible County employment will be included for the purpose of earning longevity-based County benefits unless otherwise denied by a benefit plan document.

(1) Final Paycheck. Employees will be paid for all approved time worked during the current pay period, plus any additional amounts owed for accrued vacation, sick leave and compensatory time (see below). Any monies that an employee owes to the County as of the employee's last approved work day will be deducted from their final paycheck.

(2) Vacation. Payment will be made for all accumulated vacation at the time of separation from the County at their then current rate of pay or the average hourly rate received by such employee during the last three years of employment, whichever is higher.

(3) Sick Leave. An eligible employee will be paid his/her accumulated sick leave balance based on the following formulas:

a. Zero through the End of 15 Years of Employment. Employees will be paid for all accumulated sick leave hours (up to 720) x 33-1/3% x their current hourly rate.
b. 16 Plus Years of Continuous Service. Employees will be paid for all accumulated sick leave hours (up to 720) x 50% x their current hourly rate.
c. Donations to the Sick Leave Bank. Upon separation, an employee may voluntarily donate any portion or all of their accumulated sick leave hours to the Sick Leave Bank provided that the employee would otherwise have been entitled to payment for those donated hours as outlined above.

(4) Compensatory Time. Payment will be made for a non-exempt employee's accumulated compensatory time based upon the employee's current hourly rate at the time of layoff, or the average hourly rate received by such employee during the last three years of the employee's employment, whichever is higher.

(5) Retirement. Retirement benefits are managed by the Colorado County Officials and Employee Retirement Account (CCOERA), and employees should contact CCOERA for related information.

(6) Life Insurance. Employees may convert their basic term and/or supplemental life insurance coverage to an individual policy when leaving their employment with the County, and the employee would assume responsibility for payment of all future premiums at that time.

7-3 Exit Checklist. All employees or their surviving family members shall complete check-out paperwork in Human Resources.

7-4 Return of County Property. An employee leaving County service, for any reason, is responsible for immediate return of all County property obtained or provided during the course of employment.

8. DEFINITIONS and FORMS

8-1 Definitions.

- ADA: The federal Americans with Disabilities Act, 42 U.S.C. ch. 126 § 12101 et seq.
- Demotion: When an employee is placed in a lower-graded position for failure to perform.
- Department Head: Refers to the County Manager, the County Attorney, the Deputy County Manager, an elected official or any department director who reports to either the County Manager or the Deputy County Manager.
- Elected Official: Refers to a County Commissioner, the Gunnison County Assessor, the Gunnison County

Clerk and Recorder, the Gunnison County Coroner, the Gunnison County Sheriff or the Gunnison County Treasurer.

- Employee: A person who is hired to perform services for hourly wage, salary or pursuant to an employment contract for Gunnison County For purposes of these policies, an elected official is considered an employee unless otherwise noted or when there is a conflict with their independent statutory authority.
- Essential Personnel: Staff members who are critical to the continuation of key County operations and services. Essential personnel provide services directly related to the health, safety or welfare of the organization or community. The essential personnel designation must be approved by the applicable department head and by the County Manager.
- Exempt Positions: Positions within the pay plan that are not eligible for overtime pay or accrual of compensatory time.
- Hire Date: Refers to an employee's most recent date of employment (calculated from the first day the employee actively begins working). The hire date does not change during the duration of employment. The hire date(s) will be used to determine an employee's years of service. The most recent date an employee begins actively working plus the dates of any changes in employee status will be used to determine all other County fringe benefits.
- Hiring Department: Department or office that hires or intends to hire an employee.
- Family/Relative: Below are the various definitions for employee family members concerning specific sections of this handbook, per County policy as well as federal and state requirements:
    - Family Medical Leave Act (FMLA), Hiring and Conflict of Interest: Employee's parent, child under the age of 18, adult child who is disabled, spouse, partner in a civil union or registered domestic partner with a serious health condition necessitating that the employee provide physical care or psychological comfort.
    - Active Duty Military Family Leave: Employee's parent, child or spouse who experiences a qualifying event directly related to being deployed to a foreign country.
    - Military Caregiver Leave: Employee's parent, child, spouse or next of kin who suffered a serious injury or illness in the line of duty while on active duty.
    - Sick Leave Transfer Program: Employee's spouse, child or parent who has passed away or has a qualifying medical condition.
- Gunnison County: The County created and established by Colo. Rev. Stat. § 30-5-129 and the employer of all Gunnison County employees.
- Increase Eligibility Date: Anniversary of employee's most recent date of hire, transfer, promotion or demotion.
- Non-exempt Positions: Positions in the pay plan which are eligible for overtime pay.
- Overtime: Refers to time worked over 40 hours during a scheduled workweek.
- Pay Plan: The pay schedule, which lists the pay grade assigned to positions and the pay range assigned to each grade.
- Policies and Processes: Unless otherwise stated, refers to personnel policies and processes that clarify the personnel rules and regulations.
- Position: A group of designated duties and responsibilities that are assigned to an employee.
- Reemployment: Subsequent employment with the County after a period of non-employment by the County.
- Shift: Scheduled set of work hours during a 24-hour period of time.
- Voluntary Leave: Employee requested time away from work resulting from their choice or decision rather than because of external pressure or force.

8-2 Form List.

Name	Available Location
Direct Deposit Authorization Form	Human Resources, Website
Employee Benefit Enrollment Forms	Human Resources, Website
Employee Benefit Change Forms	Human Resources, Website
Employee Benefit Reimbursement Forms	Human Resources, Website
Employee Information Change Forms	Human Resources, Website
Employee's Written Notice of Injury to Employer	Human Resources, Website
Employer's First Report of Injury	Human Resources, Website
Family Medical Leave Application	Human Resources, Website
Fitness for Duty Form	Human Resources, Website
HIPAA Compliant Authorization for Release of Medical Information	Human Resources, Website
Job Description	Human Resources, Home Department
Job Description Template	Human Resources Word Files
Out-of-State Travel Request Form	Website
Personnel Action Form	PAF Department Manager User Guide
Sick Leave Transfer Application	Human Resources, Website
Statement of Safety	Human Resources, Website

Timesheet	Home Department, Finance
Travel Reimbursement Forms	Finance, Website
W-4 Form	Human Resources, Website
Workers' Compensation Designated Medical Provider List	Human Resources, Website
Workers' Compensation Forms	Human Resources, Website

ACKNOWLEDGEMENT OF RECEIPT

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED APRIL 2, 2019. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:

- EMPLOYMENT WITH GUNNISON COUNTY IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE ORGANIZATION, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE ORGANIZATION HAS THE SAME RIGHT.

- THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

- THE HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE ME WITH A **SUMMARY OF SOME OF THE ORGANIZATION'S GUIDELINES.**

- THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE ORGANIZATION THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

- I RECOGNIZE THAT THE EXECUTION OF THIS ACKNOWLEDGEMENT IS NOT A BINDING AGREEMENT OF EMPLOYMENT.

_____

Printed Employee Name

_____ _____

Employee Signature Date