



HUERFANO COUNTY EMPLOYMENT MANUAL

Effective December 31, 2023

401 Main Street, Suite 201  
Walsenburg, CO 81089



For employees who are commencing employment with Huerfano County ("Huerfano County" or the "County"), on behalf of Huerfano County, we extend a warm and sincere welcome.

For employees who have been with us, thank you for your past and continued service.

As your Elected Officials, we extend our personal best wishes for success and happiness here at Huerfano County. We understand that it is our employees who provide the services that our constituents and customers rely upon, and who will enable us to create new opportunities in the years to come.

We, the undersigned Elected Officials of Huerfano County, do approve and accept this Employment Manual as binding upon the employees of our respective offices in accordance with 30-2-104, C.R.S.



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Elisha Meadows, Assessor

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Vonnie Valdez, Coroner

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Erica Vigil, Clerk and Recorder

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Bruce Newman, Sheriff

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Debra Reynolds, Treasurer

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Arica Andreatta, Commissioner

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John Galusha, Commissioner

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Karl Sporleder, Commissioner

Record of Changes  
Huerfano County Employment Manual

Date	Section(s)	Description	Resolution
12/19/23	ALL	Initial Adoption	23-54

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# Section 1 – Governing Principles of Employment

## 1-1. Introduction

### Purpose, Intent, and Coverage

This handbook is designed to acquaint employees with the organization to provide some information about employment with the County. The handbook is not all-inclusive but is intended to provide employees with a summary of some of the county's guidelines. This edition replaces any previously issued editions.

At Huerfano County, neither the employee nor the organization is committed to an employment relationship for a fixed period of time. Employment with Huerfano County is at-will. Either the employee, the County, or Elected Official has the right to terminate the employment relationship at any time, for any legal reason. The language used in this handbook and any verbal statements by management are not intended to constitute a contract of employment, either express or implied, nor is there a guarantee of employment for any specific duration.

The contents of this handbook are summary guidelines for employees and therefore are not all inclusive. Except for the at-will nature of the employment, the organization reserves the right to suspend, terminate, interpret, or change any or all of the guidelines mentioned, along with any other procedures, practices, benefits, or other programs of Huerfano County. These changes may occur at any time, with or without notice.

No employee handbook can anticipate every circumstance or question. After reading the handbook, employees that have questions should talk with their immediate Supervisor or human resources.

### Mission Statement

The mission of the Huerfano County Government is to provide services in a matter that is efficient, effective, fair, and respectful while working with other local governments and partners to create an environment that encourages growth, promotes health, and improves the quality of life for all County residents.

### Management Rights

The County Commissioners and other Elected Officials have the authority to direct County operations of their respective offices as provided for by the statutes of the State of Colorado. Included in this authority is the power for the Board of County Commissioners to appoint and

remove Department Heads and other individuals directly responsible to the Board of County Commissioners.

Each department or office of County Government is responsible for handling specific personnel matters in its area in accordance with this handbook. Further included is the authority for other Elected Officials to appoint and remove personnel in their departments in accordance with this handbook or state statutes.

Terminations of employment may result from, but are not limited to, situations involving public or employee safety, situations involving employee conduct and/or violations of the Huerfano County Employee Handbook.

### Changes to this Manual

As needed, Huerfano County, in its sole discretion, may always amend, add to, delete from, or modify the provisions of this manual and may interpret or change its interpretation of any provision outlined in this manual, at any time during the year. Addendums and modifications may be added or made, as needed and approved by the Board.

## **1-2. Americans with Disabilities Act**

In accordance with Title II of the Americans with Disabilities Act of 1990 (“ADA”), Huerfano County and its employees will not discriminate against qualified individuals with disabilities in its services, programs, or activities.

Individuals who believe that they have been discriminated against on the basis of a disability in the provision of services, activities, programs, or benefits of the Huerfano County Government, should contact the ADA Coordinator at

Human Resources  
Huerfano County Government  
401 Main Street, Suite 310  
Walsenburg, CO 81089  
(719) 738-3000, ext. 205

### Employment

Huerfano County is dedicated to equal employment opportunity and prohibits discrimination against applicants or employees on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital or family status, religion, age, national origin, ancestry, pregnancy or childbirth religion, national origin, ancestry, military or veteran

status, genetic information, or any other characteristic protected by applicable state or local laws.

Employee complaints or violations should be made to a Supervisor, Elected Official, Department Head, or to Human Resources. A Supervisor, manager, Department Head, or Elected Official must report instances or allegations of discrimination, harassment, or retaliation to Human Resources immediately.

### Accommodations

If an employee requests an accommodation, the County will work with the employee and Supervisor to make reasonable accommodations that will enable the employee to perform the essential functions of their position. A reasonable accommodation will be provided unless it imposes an undue hardship on the County's business operations or causes a direct threat to health or safety.

1. **Americans with Disabilities Act and Religious Accommodations:** Huerfano County will make reasonable accommodations for qualified individuals with known disabilities and for employees whose work requirements interfere with a religious belief.
2. **Pregnancy Accommodations:** Employees and applicants 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.
3. **Requests for Accommodations:** An employee or applicant who needs a reasonable accommodation may request an accommodation by contacting Human Resources and the employee's Supervisor. 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 their position. The County may require that an employee provide a note from their health care provider detailing the medical advisability of the reasonable accommodation. The County is not required to provide the specific accommodation requested by the employee or applicant, but may offer an alternative accommodation.



The County will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation. 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.

It is not a discriminatory or unfair practice for the County to refuse to hire, to discharge, or to promote or demote an individual with a disability if there is no reasonable accommodation that the County can make with regard to the disability that would allow the individual to satisfy the essential functions of the job and the disability actually disqualifies the individual from the job.

### **1-3. Anti-Discrimination and Harassment Policy**

Huerfano County strives to maintain a work environment free of unlawful harassment. It is Huerfano County's policy to prohibit unlawful discrimination or harassment of any individual by another person on the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital or family status, religion, age, national origin, ancestry, pregnancy or childbirth, religion, national origin, ancestry, military or veteran status, genetic information, or any other characteristic protected by applicable state or local laws.

Unlawful harassment includes any unwelcome verbal or physical conduct or any written, pictorial, or visual communication directed at an individual or group of individuals because of their membership, or perceived membership, in a protected class which is subjectively offensive to the protected individual and is objectively offensive to a reasonable person of the same class.

Harassment does not need to be severe or pervasive if;

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

Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mails, texts, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.

- Physical conduct such as assault or blocking an individual's movements.

This policy applies to all employees including managers, Supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

Employee complaints and violations should be reported to a Supervisor, Elected Official, Department Head, or to Human Resources. Any Supervisor, manager, Department Head, or Elected Official who witnesses or receives a report of such conduct must immediately report instances or allegations of discrimination, harassment, or retaliation to Human Resources.

#### **1-4. Sexual Harassment Policy**

It is Huerfano County's policy to prohibit sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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

All employees are expected to conduct themselves in a professional and business-like manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, emails.
- 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.

Employee complaints and violations should be reported to a Supervisor, Elected Official, Department Head, or to Human Resources. Any Supervisor, manager, Department Head, or Elected Official who witnesses or receives a report of such conduct must immediately report instances or allegations of discrimination, harassment, or retaliation to Human Resources.

## **1-5. Discrimination or Harassment Complaint Procedure**

The County expects employees to make a timely complaint to enable the County to investigate and correct any behavior that may be in violation of this policy. If an employee believes that there has been a violation of the EEO policy, discrimination, harassment, or retaliation based on a protected class, including sexual harassment, the employee may file a complaint with Human Resources, the Elected Official, or Department Head leading their office or department, their Designated Supervisor, or their Supervisor's Supervisor.

Employee complaints and violations should be reported to a Supervisor, Elected Official, Department Head, or to Human Resources. Any Supervisor, manager, Department Head, or Elected Official who witnesses or receives a report of such conduct must immediately report instances or allegations of discrimination, harassment, or retaliation to Human Resources. HR will ensure prompt, reasonable action to investigate and address discrimination, harassment, or retaliation.

All employees are expected to cooperate with HR and any investigators during the course of an investigation of discrimination, harassment, and/or retaliation.

The County prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If you perceive retaliation for making a complaint or your participation in the investigation, please follow the same complaint procedure outlined above and situation will be investigated.

If the County determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including discharge.

All records of complaints will be kept for at least five years.

## **1-6. Drug-Free and Alcohol-Free Workplace Policy**

To help ensure a safe, healthy, and productive work environment for our employees and others, to protect County property, and to ensure efficient and high-quality operations, the County has adopted a policy of maintaining a workplace free of drugs and alcohol.

Additionally, as required to receive certain federal contracts or grants, the county adopts and follows the provisions of the Drug-Free Workplace Act of 1988.

## Prohibitions of Drug and Alcohol Use

It is the goal of the County to foster a work environment free from the behavior altering effects of drugs and alcohol. No employee will report for work or remain on duty while under the influence of or impaired to any degree by alcohol or drugs. Employees may not report to work or be at work with any detectable amount of prohibited drugs or alcohol in their system. Prohibited drugs are defined as illegal drugs or legal controlled substances which are not prescribed to the employee, not used as prescribed, are misused, or which impair the employee to the extent that they cannot safely perform their duties.

The use of prohibited drugs on or off duty, whether on or off county property, is prohibited as it can affect job performance and the confidence of the public. This includes a prohibition of the use of marijuana, regardless of marijuana's legal status in Colorado.

Additionally, Huerfano County prohibits the use, sale, dispensing, manufacture, distribution, or possession of alcohol or drugs on any Huerfano County premises, worksites, or while conducting County business. This prohibition includes County owned vehicles and personal vehicles being used for County business or parked on County property.

## Reporting of Drug-Related Offenses

Any employee who is convicted of, or pleads guilty or no contest, to a drug-related offense, including for manufacturing, distributing, dispensing, using, or possessing any controlled substance must notify the County within five (5) days of such conviction or plea.

Any employee who is convicted of, or pleads guilty or no contest, to an alcohol-related offense, including for driving under the influence. Must notify the County within five (5) days of such conviction or plea.

Depending on the circumstances, the County may be required to notify the State or Federal contracting or granting agencies within ten (10) days of receiving notice of the conviction.

## Substance Testing

1. Pre-employment: All job applicants are required to undergo a post-offer, pre-employment drug screen. All offers of employment are contingent upon the applicant cooperating with and passing the drug screening.
2. Reasonable Suspicion Testing: An employee may be asked to submit to testing for alcohol and/or drugs when the employee is reasonably suspected of being impaired. When a Supervisor or manager has reasonable suspicion to request testing, they should contact Human Resources immediately. Human Resources or another Supervisor or manager that has received reasonable suspicion training

may recommend an employee be tested. Employees are required to cooperate with testing.

3. Post-Accident: In the event of an accident in a County vehicle or on County time, the employee driving the vehicle will be drug tested as soon as practical immediately after the accident.
4. Return to Duty: If an employee is allowed to return to work following a violation of this policy, such as after completing a treatment program, the employee must pass a screen and may be subject to unannounced tests for up to twelve (12) months following the return to work.
5. On-going Testing: Regular or unannounced testing may be required by certain positions and employees are expected to comply with such requirements.

### Violations of Policy

Any employee who violates this policy will be subject to discipline, up to and including termination, and may be required to complete alcohol or drug abuse assistance, counseling, or rehabilitation at the employee's cost. Refusal to take the required testing will result in immediate termination.

While Huerfano County does not provide or offer payment for drug or alcohol counseling or rehabilitation services, services may be available in the community that assist with cost. If you need such services, you may contact Human Resources for assistance in locating a community resource. Additionally, County Health Pool insurance does offer services and you are encouraged to contact your insurance benefit specialist or Human Resources.

## **1-7. Workplace Violence**

Huerfano County has zero tolerance for workplace violence and is committed to providing a safe workplace. This guideline applies to all employees, contract, and temporary employees, visitors, and customers on County property.

### Prohibited Conduct

Employees must not engage in threats or acts of intimidation, aggression, hostile behaviors, physical or verbal abuse, vandalism, sabotage, bullying, harassment, or any other act considered inappropriate to the workplace. For purposes of this policy, a threat includes any attempt at intimidating or instilling fear in others, including but not limited to menacing gestures, flashing of weapons, bizarre or offensive comments or jokes regarding violent events,

or behavior undertaken for the purpose of domination or intimidation. Workplace bullying may include repeated mistreatment through verbal abuse, offensive conduct/behaviors, or work interference.

### Procedures for Reporting a Threat or Act of Violence

Employees are required to immediately report any potentially dangerous situations or acts that could be violations of this policy to any member of management with whom the employee feels comfortable. Managers must inform Human Resources and all threats or acts of violence under this policy will be promptly investigated.

Violence and threats of violence will be reported to law enforcement and all employees are expected to cooperate with county and law enforcement investigations and consistent with an employee's constitutional rights. Employees should directly contact law enforcement, security, and/or emergency services if they believe there is an imminent threat to the safety and health of employees or property. No employee will be subjected to retaliation, intimidation, or disciplinary action as a result of reporting a threat or act of violence in good faith under this policy.

If Huerfano County determines that an employee has violated this policy, Huerfano County will take swift and appropriate corrective action up to and including termination.

If you are a victim of domestic violence, and/or the protected party of a protection or restraining order, please contact your Supervisor or Human Resources for assistance and workplace safety planning.

### Weapons

Illegal weapons under Colorado Law, including illegal knives, are always prohibited on county property or while conducting county business. Definitions of illegal or dangerous weapons prohibited should be found in Colorado Revised Statutes §18-12-101 and 18-12-102.

All firearms and weapons are prohibited in the Huerfano County Judicial Center.

#### *Concealed Weapons*

Employees are not permitted to possess, carry, or use concealed weapons, including concealed firearms, on County property, regardless of whether the person is licensed to carry the weapon.

However, the Sheriff may issue a *limited and revocable* approval to any County employee to carry a concealed firearm on County property or in county vehicles. Employees must provide the Sheriff the firearm for inspection and a valid concealed carry permit. The sheriff will

consider each request individually, including the nature or reason for the request, employee's position, etc. If approved, the Sheriff will provide the employee and Human Resources a written authorization. Human Resources will keep the written authorization and a copy of the authorization and permit in the employee's personnel record. An employee granted this status must always keep the approved firearm on their person or in their immediate area of control while on county property or when the employee is conducting county business. Additional precautions may be taken depending upon the circumstances. County Liability Insurance will **not** cover any incident that involves an employee even if the Sheriff has issued them a limited status approval.

Any violation of this policy may be cause for disciplinary action up to and including termination.

#### *Unconcealed Weapons*

The County prohibits employees from possessing, carrying, displaying, or using unconcealed firearms, including unconcealed or "open carry" firearms, unless there is an explicit work requirement to do so, such as sworn law enforcement.

### **1-8. Workplace Safety and Reporting**

It is Huerfano County's goal to maintain a high standard of employee health and safety. To achieve these high standards, we strive to maintain a safe, healthy, efficient, and productive work environment. Toward this end, we provide training, safeguards, and programs to promote safety and to prevent accidents and damage to property.

Safety is the responsibility of everyone and a top county priority. Every safety precaution should be observed no matter how routine or urgent a job might become. Each employee is responsible for abiding by all applicable safety rules and regulations of the office, department, County, and applicable local, state, and federal laws. It is the employee's responsibility to locate, read, and understand all such rules and regulations, and to ask their Elected Official, Department Head, or Designated Supervisor any questions they have. Every employee is expected to do their job in a manner that ensures their personal safety and that of their fellow employees.

Employees must report safety concerns to their Elected Official, Department Head, Designated Supervisor, or to Human Resources so that concerns can be addressed quickly. Willful disregard of safe work practices will not be tolerated and may be grounds for disciplinary action up to and including termination.

## Section 2 – Operational Policies

### 2-1. Employee Classifications

For the purposes of this manual, all employees fall within one of the classifications below.

**Full-Time Employees:** Employees who have successfully completed the one-year introductory period and regularly work 40 hours per week, or for law enforcement, regularly work 12-hour shifts and a total of 86 hours every two weeks.

**Part-Time Employees:** Employees who regularly work fewer than 32 hours per week who were not hired on an intermittent or seasonal basis.

**Intermittent Part-Time Employees:** Employees who work an irregular number of hours as needed or were hired for a specific short-term project or temporarily. Hours worked are submitted each pay period.

**Limited Term or Temporary Employees:** Employees who are hired for a temporary or termed position, such as a grant-funded position that funds the position only for a set period of time, and may be dismissed, or have their hours reduced when the funding for the position is reduced or eliminated, or if the business need for the position no longer exists.

**Seasonal Employees:** When the County recognizes the need to hire staff for more than 6 months and less than a year, the Board of County Commissioners may make a time-limited appointment.

**Elected Officials:** This term refers to the County positions that are elected including the Board of County Commissioners, the County Assessor, the County Clerk and Recorder, the County Sheriff, Coroner, and the County Treasurer.

**Department Heads:** This term refers to the appointed heads of each county department.

In addition to the above classifications, employees are categorized as either "exempt" or "non-exempt" as required by federal and state laws.

**Exempt employees** are in official, professional, and administrative positions and are not eligible for overtime pay or compensatory time.

**Non-Exempt employees** are eligible for overtime pay or compensatory time.

Each employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.



## **2-2. Employment Records**

Personnel files are kept and maintained by the County Human Resource Department. Personnel files contain personal and confidential information, and access is governed by C.R.S. §24-72-204. Employees may have the right to review their own personnel file upon request. Additionally, Supervisors, Department Heads, or Elected Officials may review personnel files for the employees they supervise or employ.

Employees should keep their personnel file up to date by informing Human Resources of any changes to their address, phone number, marital status, immigration status (such as a visa renewals), and other information that may be used for taxes and benefits, or to reach the employee or emergency contact in case of an emergency. Additionally, employees are encouraged to inform Human Resources of any specialized training or skills acquired. Any requests for accommodation, complaints of discriminatory or unfair employment practices, application forms, or other records related to employment will be kept for at least five years.

## **2-3. Working Hours and Schedule**

Huerfano County business hours are generally from 8:00 am to 4:00 pm, Monday through Friday. Please note, however, that some County departments follow different schedules. Employees are assigned a work schedule and are expected to begin and end work according to the assigned schedule. To accommodate the needs of our business, the Elected Official, Department Head, or Supervisor may change work schedules as needed. Employees are expected to work with their Supervisors and each other to ensure that the business needs of the county are covered during work hours to ensure that members of the public are served during business hours.

To calculate overtime, the Huerfano County workweek begins Sunday at 12 a.m. and ends Saturday 11:59 p.m.

## **2-4. Timekeeping Procedures**

### **Non-Exempt Employees**

Non-exempt employees must record the specific time their work begins and ends (clocking in and out) each day and may round up or down by no more than five minutes. Non-exempt employees must record their actual time worked for payroll and benefits purposes. Non-exempt employees are prohibited from working while clocked out or not tracking time. It is

the employee's responsibility to track their work time each day and must sign time records to certify the accuracy of all time recorded. Each timecard must be approved by the employee's immediate Supervisor and the Department Head or Elected Official or their designee.

Non-exempt employees must clock out when not working for any non-work activities or time, with the exception of up to two fifteen-minute (15) breaks and one thirty-minute (30) paid lunch (for a total of up to one-hour (1 hour) paid break).

Non-exempt employees must not clock in until they are ready to work at their workstation and must not clock out and then continue to work. Work time does not include commuting between your home and designated regular work site. Employees are expected to clock in and out within five (5) minutes of their scheduled shift, or within five (5) minutes of an eight-hour shift, unless a schedule change and/or overtime is preauthorized.

All non-exempt employees will be required to work their regular and full schedule (40 hours for full-time employees; 86 hours / 14 days for Sheriff's Office employees), or must use PTO, compensatory time ("comp"), or sick time to compensate for any time not physically worked. If PTO, comp, or sick time is exhausted the salary for that pay period will be adjusted. Leave without pay must be preapproved absent an emergency.

Travel time, excluding normal home to work and work to home travel, is generally compensable for non-exempt employees. However, travel time does not have to be compensated if the following four conditions are met: (1) Attendance is voluntary; (2) Attendance is outside of normal working hours; (3) The event is not directly job-related; and (4) The employee performs no productive work during this period.

Any overtime must be approved by the Elected Official, Department Head, or Designated Supervisor in advance. See below for overtime and compensatory time policies.

### **Exempt Employees**

Exempt employees must record days worked and record any full or partial days off (three or more hours or regularly repeated absences) and the reasons for leave (such as sick time or PTO) to track accrual and usage of leave. Exempt employees do not need to track exact times of arrival and departure for shifts but are expected to be punctual, to work during full business hours, and to work at least forty hours each week. Exempt employees are not eligible for compensatory or overtime pay.

## All Employees

Altering, falsifying, or tampering with time records is prohibited and subjects the employee to discipline, up to and including termination. Any errors in the time record must be reported immediately to the Elected Official, Department Head, Designated Supervisor, or Human Resources who will attempt to correct legitimate errors. It is the employee's responsibility to sign time records to certify the accuracy of all time recorded. Each timecard must be approved by the employee's immediate Supervisor and the Department Head or Elected Official or their designee.

## **2-5 Flex-Time**

Elected Officials and Department Directors, or their designees, may authorize flexible schedules. Schedules should only be "flexed" within the same work week, or for the sheriff's office and emergency management department, within the same two-week period. Non-exempt employees that have been approved to work a flex time schedule must still track their exact time in and out.

## **2-6. Overtime Pay and Compensatory Time for Non-Exempt Employees**

All overtime must be authorized in advance by the Elected Official, Department head, or their designee. Non-exempt employees are entitled by the Fair Labor Standards Act (FLSA) to overtime compensation at one and one-half times (1.5) their regular rate of pay for all hours worked more than 40 hours per work week. Law enforcement are entitled to overtime compensation for more than 86 hours over 14-days. Time that is paid but was not actually worked, such as sick time, compensatory time, or PTO may not be counted as hours worked in calculating hours worked for purposes of determining if overtime pay is due.

Employees may be eligible to accrue either compensatory time at the rate of 1.5 times the amount of time worked or overtime payments, subject to authorization by the County Administrator or the Elected Official. All compensatory time earned must be utilized within three months following accrual. Employees may not accrue more than 80 hours of compensatory time and compensatory time remaining at the end of a calendar year will be paid out to employees unless Human Resources and the Elected Official or County Administrator specifically authorize otherwise. No annual leave may be taken until the balance of compensatory time earned is less than 80 hours. At no time can any compensatory time exceed the federal allowed maximum of 240 hours (or 480 hours for law enforcement).

Any compensatory hours in excess of these limits must be paid to the employee as overtime. If an employee is reclassified from non-exempt to exempt, they will be paid out any accrued compensatory time at that time.

The Board of County Commissioners may choose to pay all or part of the compensatory time balances at any time. An employee with a compensatory time balance may request payment for the accumulated hours for pay out consideration at any time. Payouts will only be made at the end of a quarter, if funds are available, at the discretion of the Board of County Commissioners. A terminating employee with a compensatory time balance must be paid for all accrued hours using the employee's pay rate at the time of termination.

All compensatory time earned must be utilized within a reasonable amount of time following accrual. Supervisors should endeavor to make sure that employees use their compensatory time, within three months of having earned that time. Excessive amounts of compensatory time are not sustainable for either the County or the employee.

At the written request of a Department Head or Elected Official the Board of County Commissioners may, in their sole discretion, authorize overtime pay for an office or department. Unless specifically authorized by the Board, authorizations expire at the end of quarter.

Human Resources will keep up-to-date records of overtime and compensatory time which identifies the employee, the amount of overtime accrued, and any other information required by State Law and/or the Fair Labor Standards Act. Human Resources will present, at least quarterly, a report to the Board of County Commissioners a report on overtime and compensatory time accruals.

## **2-7. Pay for Exempt Employees**

Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period. The County is committed to complying with salary basis requirements which allows properly authorized deductions.

## **2-8. Pay Increases**

Huerfano County is committed to maintaining salary levels that follow all applicable laws and regulations and are competitive and internally equitable. The recruitment, selection, and

advancement of employees is based on the relative abilities, knowledge, and skills. Huerfano County may award salary increases on a step and grade system and for merit-based performance and sustained performance recognition. The Board of County Commissioners may also, at their discretion, give cost-of-living pay increases, market adjustments, or bonuses. The County strives to give an annual cost of living adjustment based on the Consumer Price Index for Colorado, currently the Denver-Aurora-Lakewood area, whenever possible.

## **2-9. Paychecks**

Employees are paid biweekly.

Payroll stubs itemize deductions made from gross earnings. By law, the County is required to make deductions for Social Security, federal income tax, and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Payroll stubs will differentiate between regular pay received and overtime pay received.

If you believe an improper deduction or an overpayment has been made, you should immediately report this information to County Finance. Reports of errors will be promptly investigated. If it is determined that an improper deduction has occurred, you will promptly be reimbursed. If you have been overpaid, the county will work with you on a plan to reimburse the county.

## **2-10. Direct Deposit**

Huerfano County requires employees to use direct deposit. Authorization forms are available from Human Resources if you need to update your direct deposit information.

## **2-11. Salary Advances**

Huerfano County does not permit advances on paychecks or against accrued paid time off.

## **2-12. Performance Review**

New and reinstated employees are subject to a one-year introductory period.

Formal, written evaluations are typically prepared for all full and part-time employees at the following times:

- One year after the employee's start date or at the end of an introductory period, and annually thereafter.
- When an employee is under consideration for a promotion.
- At any time when performance levels or behavioral difficulties indicate the need for review.

Huerfano County endeavors to conduct a formal performance review annually. However, a positive performance evaluation does not guarantee a bonus, promotion, or continued employment. Similarly, the lack of a formal performance review does not indicate positive or negative performance on its own. Compensation increases and the terms and conditions of employment, including job assignments, classifications, transfers, promotions, and demotions, are determined by and at the discretion of the Elected Official, Department Head, or Designated Supervisor.

In addition to these formal performance evaluations goals, the County encourages employees and Supervisors to discuss job performance on a frequent, regular, and ongoing basis.

## **2-13. Job Postings**

All vacancies, including promotions, reclassifications, and reorganizations must be posted consistently. When a position becomes available, Human Resources will search to fill the position and will assist throughout the hiring process. Some positions may be posted internally only. Vacancies announced to the public are typically advertised on [www.governmentjobs.com](http://www.governmentjobs.com), through the newspaper, and on the billboard in the Huerfano County Courthouse. Other websites and social media may be used as necessary to advertise, especially to recruit from specialized labor markets. While it may vary depending on circumstances, jobs are typically posted for a period of ten (10) days and applications will be accepted through the closing date and time listed on the posting. Human Resources may develop more specific procedures required for hiring processes and employees or applicants who have questions should contact Human Resources.

Huerfano County is an Equal Employment Opportunity Employer. Minimum qualifications will be developed and stated for each position and applicants will be selected accordingly, considering their experience, interest, skills, knowledge, and abilities. Some positions, such as child welfare or adult protective services, may have statutory or regulatory minimum qualifications.

## **2-14. Whistleblower Policy**

Huerfano County recognizes that whistleblower policies are critical tools for protecting individuals who report specific activities believed to be illegal, dishonest, unethical, or otherwise improper, including waste and mismanagement of public funds. The County will not retaliate against a whistleblower.

### **Federal Whistleblower Policy**

As the county is a grantee of federal funds, this section provides notice to employees pursuant to 41 U.S.C. § 4712.

An Employee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of any of the following and to any of the authorized people or entities below.

The disclosure must be based on a reasonable belief that wrongdoing has occurred.

Wrongdoing includes:

1. Gross mismanagement of federal contracts or grants;
2. Gross waste of federal funds;
3. An abuse of authority relating to a federal contract or grant;
4. A substantial and specific danger to public health or safety; and
5. A violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

The disclosures must be made to a person authorized to receive the disclosure:

1. A member of Congress or a representative of a committee of Congress
2. An Inspector General
3. The Government Accountability Office (“GAO”)
4. A federal employee responsible for contract or grant management at the relevant agency
5. An authorized official of the Department of Justice or other law enforcement agency
6. A court or grand jury

7. A management official or other employee of Huerfano County who has the responsibility to investigate, discover, or address misconduct.

### Colorado's Additional Whistleblower Protections

Under Colorado law, employers cannot retaliate against, take disciplinary action, or interfere with, the following examples of protected activities:

1. Providing written evidence regarding actions, policies, regulations, practices, or procedures, including waste of public funds, abuse of authority, or mismanagement of the county that are a matter of public concern.

Exceptions to this include disclosure of information that is:

- a. Known to be false or with disregard for the truth,
  - b. From public records that are closed to public inspection, or
  - c. Is confidential under law and without proper legal authority.
2. Raising reasonable concerns about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety.
  3. Opposing practices, the worker reasonably believes are unlawful under Colorado's Protected Health and Safety Expression and Whistleblowing Law (PHEW); or
  4. Participating or making a charge, testifying, assisting, or participating in any manner in an investigation, processing, or hearing as to any matter the worker reasonably believes to be unlawful under PHEW.

Claims must be reasonable and in good faith to be protected. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. The County does not need to agree with or act on an incorrect concern but cannot fire or otherwise negatively act against an employee who raised a reasonable concern in good faith.

### Procedures

1. If an employee has knowledge of or a concern of illegal or dishonest/fraudulent activity, the employee should contact his/her immediate Supervisor or Human Resources. All reports or concerns of illegal and dishonest activities must be promptly submitted by the receiving Supervisor to Human Resources, who is responsible for investigating and coordinating any necessary corrective action. Any concerns



involving Human Resources should be reported to the County Administrator.

In so far as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense. Anyone who retaliates against the Whistleblower (who reported in good faith) will be subject to discipline, up to and including termination.

2. Employees are encouraged to make reports to the County so that any issues can be addressed immediately. However, if an employee initiates a report to a public body on a matter of public concern under this policy, the employee must first submit a written report concerning the matter to the County Administrator, unless the employee believes with reasonable certainty that the activity, policy, or practice is already known to the County Administrator; or that an emergency is involved.
3. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Crimes against a person or property, such as assault, rape, burglary, vandalism, etc., should immediately be reported to local law enforcement personnel.
4. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally falsely reports wrongdoing will be subject to disciplinary action, up to and including termination of employment.
5. The Whistleblower will receive an update or status report within five business days of the initial report, regarding the investigation, disposition, or resolution of the issue. If the investigation of a report, that was done in good faith and investigated by internal personnel, is not to the Whistleblower's satisfaction, then they may have the right to report the event to an outside investigative agency, subject to state or federal rules and timelines.

## **2-15. On-Call Policy**

Department Heads and Elected Officials may determine that on-call assignments are needed in order to meet their business needs. Human Resources must review and Elected Officials must approve specific on-call procedures prior to their implementation.

On-call duty is an assignment made by an Elected Official or Department Head, outside of an employee's normal work schedule, typically when an employee is required to be available to respond, report to a work site and begin work within a certain amount of time. The employee's response time to calls, or to report in for duty will be reasonable as defined in the department's policy. Compensation provisions for an on-call policy must be reviewed and approved by the Board of County Commissioners.

Employees designated as on-call remain obligated to comply with all County policies and procedures, departmental policies, procedures, rules, regulations, and Supervisory direction, including the Drug-Free and Alcohol-Free Workplace Policy. Employees in an on-call status must be fit for duty at all times and may not drink alcohol or use other controlled substances that may affect their job performance while on call. The employee's response time to calls, or to report in for duty will be reasonable as defined in the department's procedures. Failure to report when on-call subjects the employee to discipline, up to and including termination.

## 2-16. Remote Work Policy

Remote work allows employees to work at an Alternative Work Site for all or part of their work week. Remote work is not possible or appropriate for every position. To work remotely, an employee must make a written request to their direct Supervisor. Requests will be considered on a case-by-case basis, and at the discretion of the employee's Elected Official, Supervisor and/or Department Head. Unless a flexible work schedule is permitted, employees are expected to work and be generally available during the County's core business hours just as if they are working in the office. The Elected Official, Supervisor and/or Department Head will consider factors such as:

- the nature of the job or project requirements;
- whether the nature of the work lends itself to remote work;
- the amount of time to be spent working remotely;
- employee work performance and ability to prioritize to meet deadlines;
- the ability of the employee to work independently and manage their time effectively;
- and
- the impact the arrangement may have on collaboration and coworkers.

The County recognizes two general types of remote work arrangements:

**Occasional Remote Work:** Occasional remote work is infrequent and not regularly scheduled. Requests for occasional remote work are determined on a case-by-case basis. An employee's Elected Official, Supervisor and/or Department Head must approve a

request for occasional remote work and such approval must be documented, which can be done by email. Such a request should be made in advance to the extent possible. Occasional remote work can be revoked at any time by the employee's Elected Official, Supervisor and/or Department Head. Nothing in the approved defined occasional remote work period changes an employee's at-will status or guarantees employment.

**Regular Remote Work:** Regular remote work arrangements are for ongoing remote work and must be approved by the employee's Elected Official or Department Head. Before an employee is permitted to telework on a regular basis, the employee must execute the County's Remote Work Agreement. The arrangement for regular remote work can last for a defined period or is subject to an annual renewal. Regular remote work may be revoked at any time by the employee's Elected Official, Supervisor and/or Department Head. Nothing in the approved defined regular telework period changes an employee's at-will status or guarantees employment.

The Elected Official, Supervisor and/or Department Head may refuse an employee's request for remote work and can end or modify a remote work arrangement at any time based on business need. Remote work is not an employee right. An executed agreement shall be required prior to any regular remote work.

## **Section 3 – Benefits & Leaves of Absence**

### **3-1. Benefits Overview**

In addition to a positive working environment and competitive pay, it is Huerfano County's practice to provide a combination of competitive supplemental benefits to eligible employees. These benefits include paid leave and holidays, insurance, and other plan benefits.

The next few pages contain a brief outline of the benefits programs Huerfano County provides to employees. The information presented here is intended to serve only as guidelines. For the most up-to-date benefit information, please contact Human Resources. Additionally, detailed benefit plan information, including eligibility, exclusions, and coverage provisions, is provided in the summary of benefits and policy coverage documents.

Further, Huerfano County, in collaboration with the Benefit Plan Administrator, retains full discretionary authority to interpret the terms of the plans, as well as a full discretionary authority concerning administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility, and entitlement.

While the County intends to maintain these employee benefits, it reserves the absolute right to modify, amend, or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact Human Resources.

### **3-2. Paid Holidays**

Full-time employees will be paid for pre-approved holidays. The Board reviews and approves holidays for the upcoming year on an annual basis. Typically, Federal holidays are observed for most employees (with an exception for Sheriff's Office and dispatch employees).

Sheriff's Office and dispatch employees do not have paid holidays and instead are granted additional annual leave in lieu of holiday time off.

Holiday hours or annual leave granted in lieu of a worked holiday do not count toward worked hours for overtime purposes.

Employees are eligible to receive paid holidays as provided for by County Resolution per C.R.S. § 24-11- 101, or for a special day of observance designated by the President of the United States, or the Governor of Colorado, and that are approved by the Huerfano County Board of County Commissioners.

When holidays fall on or are observed or celebrated on a regular workday, full-time employees will receive eight (8) hours of regular full-time pay. Part-time employees or employees working an approved flex time schedule get holiday time off for holidays they are regularly scheduled to work, and at the same proportion as their part-time schedule (e.g. an employee scheduled to work 4 hours on a holiday will received 4 hours of paid holiday leave).

Non-exempt employees that are scheduled or pre-approved in writing by their Elected Official to work on New Year's Day, Independence Day, Thanksgiving, or Christmas will be paid at time and a half for their hours worked on that day. This provision applies to the actual date of the holiday and not the observed date.

Holiday leave for future holidays is not paid out to employees at termination.

For the list of currently approved holidays, please contact Human Resources.

### **3-3. Annual Leave**

Huerfano County encourages employees to use their Annual Leave. However, preapproval of vacations and planned leave is required to ensure that county functions are operable.

Employees should work with their Supervisors to schedule leave in advance.

Full-time employees accrue Annual Leave, based on the number of years of service. Annual leave is accrued monthly. Upon termination of employment, regardless of cause, the employee will be paid for their accrued annual leave up to the date of termination.

Annual Leave rolls over from year to year; however, Annual Leave is capped at the employee’s current accrual rate plus 40 hours. No employee is eligible to have more than a maximum of their annual leave plus 40 hours in their Annual Leave bank at any one time. Once an employee reaches this cap, the employee ceases accruing any additional Annual Leave hours until time is used to put the employee back below the maximum accrual amount. Accordingly, employees are encouraged to use all Annual Leave in the same year it accrues to avoid reaching the maximum and no longer accruing leave. Annual Leave continues to accrue during paid time off. Employees are not allowed to use PTO time that they have not already accrued.

Full Time Employees

Years of Service	Annual Leave	Annual Leave Ceiling
1-9 Years	88 – Hours	128 – Hours
10-19 Years	128 – Hours	168 – Hours
20-29 Years	168 – Hours	208 – Hours
30+ Years	208 – Hours	248 – Hours

Full Time Sheriff’s Office and Dispatch Employees  
(Example based on current 12.5 Day Holiday Schedule)

Years of Service	Annual Leave	Annual Leave Ceiling
1-9 Years	188 – Hours	228 – Hours
10-19 Years	228 – Hours	268 – Hours
20-29 Years	268 – Hours	308 – Hours
30+ Years	308 – Hours	348 – Hours

**Conditions of Leave Usage:**

- A. PTO may be taken only when authorized in advance by the Elected Official, Department Head, or Designated Supervisor and when department work requirements allow. The Elected Official, Department Head, or Designated Supervisor may establish periods during which no annual leave may be taken.

Leave without pay may be charged for any leave which was not authorized in advance.

- B. Every effort will be made to grant the employee's PTO preference, consistent with our operating schedule. However, if multiple people request the same time off, the County may choose who may take annual leave during that period and will generally prioritize employees with the longest length of service and/or the employee who submitted the request first. Employees should make every effort to submit requests for annual leave at least two (2) weeks in advance of the requested days off.
- C. Employees who receive notice of layoff or job abolishment are not required to use accumulated annual leave before the effective date of layoff or job abolishment.

### **3-4. Sick or Medical Leave**

Full-time employees working a 40-hour schedule earn paid sick leave at the rate of 10 days per year. Other employees are eligible for sick leave at the amount of one (1) hour for every thirty (30) hours worked. Sick leave may rollover at the end of the year. Sick leave is not a vested benefit and accrued sick leave will not be paid out at separation or termination. Employees may not use more than 80 hours of sick leave in one calendar year without the written approval of their Elected Official or Department Head.

Sick leave accrues during periods of leave with pay, except that sick leave does **not** accrue during sick leave. Sick leave also does **not** accrue during leave without pay or during a suspension without pay of one month or more.

Sick leave begins to accrue on an employee's first day and is available for use as it is accrued.

- A. If sick leave is exhausted, an absence for illness will be charged to annual leave. If annual leave is exhausted, the Elected Official, Department Head, or Designated Supervisor may grant leave without pay.
- B. Employees may not accumulate more than 480 hours of sick leave. Once the sick leave balance reaches the accrual cap, accrual ceases until the balance has been reduced.

If feasible, an employee requesting sick leave must notify their Supervisor at least two hours before the start of the applicable workday or shift, or if medically unable, as soon as practical under the circumstances.

Employees must keep their Supervisor informed of their condition and expected date of return and is required to furnish a medical certificate or other documentation acceptable to Human Resources regarding the use of sick leave after the third day of leave. Documentation may be requested for habitual or repeated absences to prohibit misuse and to ensure FMLA protections and procedures are followed. Misuse of sick leave may be grounds for disciplinary action up to and including termination.

Employees must meet with their Supervisor when they return to work.

### **Permissible Use of Sick Leave**

Paid sick leave may only be used if an employee:

- (1) has a mental or physical illness, injury, or health condition that prevents them from working;
- (2) needs to get preventive medical care, or to get a medical diagnosis, care, or treatment, of any mental or physical illness, injury, or health condition; needs to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in category (2); or
- (3) the employee or the employee's family member has been a victim of domestic abuse, sexual assault or abuse, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation.

### **Supplemental Leave During a Declared Public Health Emergency:**

On the date that a public health emergency is declared, Huerfano County will supplement each employee's accrued sick leave with up to an additional 80 hours for full-time employees and prorated for part-time employees. Medical documentation may be required to use this leave.

This supplemental leave may be used when:

- (1) An employee is self-isolating or excluded from work due to exposure, symptoms, or diagnosis of a communicable illness that is the cause of the health emergency.
- (2) An employee seeks diagnosis, treatment, or care (including preventive care) of such an illness.

- (3) An employee is unable to work due to health condition that may increase susceptibility or risk of such an illness.
- (4) An employee is caring for a child or other family member who is in category (1), (2), or (3), or whose school, childcare provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency. Or,
- (5) A public official has closed either (A) the employee's place of business, or (B) the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child.

Employees must notify Huerfano County of their need for leave as soon as it is practical when the need for leave is foreseeable.

Supplemental leave is granted one time during the entirety of public health emergency.

Unused supplemental leave is forfeited four weeks after the termination or suspension of the public health emergency.

#### **Part-time, Intermittent, and Seasonal Employees:**

Employees in part-time, intermittent, and seasonal positions will accrue sick leave at a rate of one (1) hour for every thirty (30) hours worked, with a cap or maximum of 240 hours. Part-time, intermittent, and seasonal employees may "roll over" up to 48 hours of sick leave into the next calendar year. However, the total amount of sick time accrued cannot be more than 48 hours at any given time. If you leave the employment of Huerfano County and are "rehired" within 6 months of your last termination date your accrued and unused sick leave will be reinstated.

Sick leave does not accrue for part-time employees during any weeks when no hours are worked. Sick leave does not accrue during a suspension without pay for a period of 30 days or more.

### **3-5. Jury and Court Leave**

Huerfano County respects the important role of juror and recognizes that all U.S. citizens must serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees must prove advance notice of jury duty and verification of their summons and service.



Employees also are expected to keep their Elected Official, Department Head, or Designated Supervisor informed of the expected length of jury duty service and must report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management or business operations, employees may be asked to try to postpone and reschedule jury duty.

Employees on jury duty leave may be paid by the state or entity for their jury duty service, in accordance with state or applicable law. Additionally, Huerfano County chooses to offer full-time employees paid jury leave, up to one (1) week. Exempt employees will be paid their full salary for any regularly scheduled day that is missed due to jury duty, for up to one (1) week. Non-exempt and part-time employees will be paid for their normal schedule. If the jury duty is longer than one (1) week, employees may use accruals or leave without pay. Employees may retain all jury duty fees paid by a court.

Other court-related leave may be granted at the discretion of the Elected Official, Department Head, or Designated Supervisor. For example, when, in obedience to a subpoena, summons, or direction of proper authority, an employee appears as a witness in a court or official government hearing, they may be granted paid court leave for such services. When an employee serves as a witness in an individual capacity, they may be charged annual leave or leave without pay as appropriate.

### **3-6. Bereavement Leave**

Supervisors may grant up to three (3) business days of paid leave, per occurrence, in the event of the death of an employee's close or immediate family member. For this policy, a close relative or immediate family member is defined as:

- A spouse, domestic partner, child, parent, grandparent, grandchild, or sibling (including step and in-law relationships). Or,
- A niece, nephew, uncle, or aunt.

Paid leave days may only be taken on regularly scheduled workdays. Employees must inform the Elected Official, Department Head, or Designated Supervisor before commencing bereavement leave. The County may require verification of the death.

The County does not differentiate between natural, adoptive, step, and/or foster family members for bereavement leave.

### **3-7. Safe Leave for Domestic Violence and Sexual Assault Victims**

Paid leave of up to three (3) days is available to eligible employees who are victims of, or whose family members are victims of the following:

- Domestic violence or abuse,
- Stalking,
- Sexual assault, or
- Sexual abuse

Individuals applying for “safe leave” to address the needs in response to domestic violence, stalking, sexual assault, or sexual abuse do not need to initially prove that they are a victim of a violent circumstance. Benefits may be awarded based on the victim’s good-faith attestation that the need for leave satisfies the elements of the offense.

### **3-8. Military Leave**

Employees serving as a member of the National Guard or any organized military unit of the United States Government or State of Colorado are eligible for a leave of absence and will be paid and rehired following the laws governing veteran re-employment rights. Employees must give the county advance notice of military service or deployment unless impossible, unreasonable, or precluded by the military. Employees who are called into service for active duty or training are granted up to the equivalent of three weeks of work on the employee’s regular work schedule per calendar year. After that time, employees may use accruals or leave without pay for the remainder of the leave.

### **3-9. Family and Medical Leave (FMLA Leave)**

The County provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

#### **Medical Leave Family Leave**

- An employee’s serious health condition, including medical needs due to pregnancy, prenatal medical care, or childbirth.
- Workplace injury.
- Parent’s attendance at the birth of a child.

- To care for the employee’s child after birth or bonding, within one year of the birth
- Adoption or foster care placement, within one year of the placement
- To care for the employee’s spouse, child, or parent, who has a serious health condition.

### Qualifying Military Exigency and Military Caregiver Leave

- Eligible employees with a spouse, son, daughter, or parent on active duty overseas or called to active-duty status overseas in the Armed Forces, National Guard, or Reserves may use their 12- week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post- deployment reintegration briefings.
- Eligible employees with a spouse, son, daughter, or parent on active duty overseas or called to active-duty status overseas in the Armed Forces, National Guard, or Reserves may use their 12- week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post- deployment reintegration briefings.
- FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:
  1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
  2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five years before the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.
  3. The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition.”

## **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 in specific circumstances.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued before the start of an employee's leave. As with other types of unpaid leave, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or county jury duty pay are not granted on unpaid leave.

## **Eligibility Requirements**

Employees are eligible if they have worked for Huerfano County for at least 12 months, for 1,250 hours over the previous 12 months, and if they work at a work site with at least 50 employees within 75 miles.

## **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 healthcare 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.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## **Use of Leave**

The maximum time allowed for FMLA leave is either twelve (12) weeks over a rolling twelve (12) months, or up to twenty-six (26) weeks for specific military leave. The rolling twelve (12) month period begins on the first day of an employee's leave.

An employee is not required to take FMLA leave in one block period and may be eligible for intermittent or 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 business operations.

Employees taking intermittent or reduced schedule leave may be required to temporarily transfer to another job, with equivalent pay and benefits, that better accommodates the intermittent or reduced schedule.

### **Substitution of Paid Leave for Unpaid Leave**

The County requires employees to use accrued paid leave while taking FMLA leave. Paid leave used at the same time as FMLA leave must be taken in compliance with the County's normal paid leave policies and procedures. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with an employee's FMLA entitlement. Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

### **Employee Responsibilities**

Employees must provide thirty (30) days' advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable.

Employees must provide sufficient written documentation for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave by completing a Leave of Absence/FMLA form obtained from Human Resources.

Sufficient information may include medical certification stating:

- The employee is unable to perform job functions and medical certification authorizing return to work;
- The employee or family member is unable to perform daily activities;
- Need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

Employees also must inform the County 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. The County may require second and third medical opinions at

the County's expense. Documentation confirming the family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided promptly, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action per the County's attendance guideline. Employees on leave must contact the Human Resources Manager at least two days before their first day of return.

### The County's Responsibilities

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

### 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.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the County if they believe the County violated their rights under FMLA.

## **3-10. Insurance Programs**

Group health, dental, vision, and life insurance are available to all eligible employees. The county complies with minimum standards as required by the Affordable Care Act. For health insurance, the look-back measurement period/stability period to determine full-time equivalency is one calendar year.

Upon becoming eligible to participate in these plans, you will receive a summary of benefits and a coverage document describing the benefits in greater detail. Please refer to the summary of benefits and coverage for detailed plan information. Please contact Human Resources with questions.

### Benefits while on Leave for Worker's Comp, FMLA, or Leave Without Pay

If an employee is on leave due to a workplace injury, FMLA, or Leave without Pay, the County will maintain the employee's health plan coverage under any group health plan on the same terms as if the employee had continued to work. However, employees must continue to pay

their portion of any insurance premium while on leave. The premiums will be deducted from the employee's paycheck. If the employee's portion of the plan premiums is more than their wages, the employee will be notified and billed for their insurance. All payments must be kept current or the employee's insurance will be cancelled.

### **3-11. Workers' Compensation/On-the-Job Injuries**

The County is committed to a safe work environment for employees. Employees should report any unsafe practices or conditions to their Supervisor. If employees are injured on the job, no matter how minor, they must report this fact in writing to their Supervisor and Human Resources as soon as practicable. If medical treatment for an on-the-job injury is needed, it must be obtained from one of the Workers' Compensation designated physicians. If not, the employee may be responsible for the cost of medical treatment.

### **3-12. Mandatory Retirement Plan**

The Board of County Commissioners determines the retirement benefit provided to eligible Huerfano County employees. Participation in the Retirement Plan is mandatory after one year of employment and is a condition of employment.

The specific amount to be paid by the employee or by the County towards the Retirement Plan is defined by the resolution of the Huerfano County Board of Commissioners together with any other agreement entered into by the Board with the chosen provider.

Upon becoming eligible to participate in this plan, the employee will receive additional information describing the plan in greater detail. Please contact Human Resources for additional information or questions.

### **3-14. Workplace Accommodations for Nursing Mothers**

Huerfano County strives to be family friendly and will provide reasonable time and private space as needed to accommodate an employee desiring to express breast milk for the employee's infant child during the workday. The time permitted typically will not exceed the normal time allowed for lunch and breaks. If additional time is needed above and beyond normal breaks/mealtimes, the Supervisor and employee should agree upon a plan which might include the employee using annual leave, arriving at work earlier, or leaving later. The

County may not be able to provide additional break time if doing so would seriously disrupt the County's operations.

The County will make reasonable efforts to provide employees with the use of a room or location for the employee to express milk in private that is near their work area. This location may not be a bathroom or toilet stall. It may be the employee's private office. Reasonable accommodations may include window coverings and door locks.

Employees should advise their Supervisor or Human Resources if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

### **3-15. Voluntary Deferred Compensation**

Huerfano County employees are eligible to participate in the Huerfano County Deferred Compensation Plan from the date of hire. The benefit and plan are determined by resolution adopted by the Board of County Commissioners. Such resolution together with any documents approved by the Board, provides for all specifics concerning employee participation in Deferred Compensation. Please contact Human Resources for information.

## **Section 4 – General Standards of Conduct**

### **4-1. Complaint Resolution**

The following section describes the procedures to be followed in the filing of a complaint.

#### **Employee Complaint**

- A) Informal resolution of employee complaints concerning non-disciplinary work-related matters is encouraged. An employee with a complaint should submit a written complaint to their Supervisor or Human Resources within five (5) days after an action giving rise to a complaint, or as soon as practicable. The written complaint should contain a statement as to why the employee feels aggrieved and the employee's suggestion for resolution.
- B) Employees alleging discrimination, harassment, or retaliation are encouraged to report directly to Human Resources.
- C) Additionally, *any Supervisor* must inform Human Resources if the conflict is not resolved or there is any indication of discrimination, harassment, or retaliation. The allegation



must be documented with Human Resources, and an investigation will be completed. The County may refer the investigation to an outside investigator.

- D) In the event a complaint is not resolved within the department as above or the employee is not satisfied with the resolution, an employee may submit a written complaint to Human Resources directly. Human Resources will bring the findings and recommendations from the investigation to the Board of County Commissioners, when necessary and appropriate. The County may use an outside agency to conduct investigations, prepare findings, and to arbitrate issues.
- E) In the event an employee believes a violation of any of the Section 1 policies in the Huerfano County Employee Handbook has occurred, the employee shall follow the procedures set forth under those provisions.

## **4-2. Workplace Conduct**

Huerfano County endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense, and fair play. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, at the discretion of the Elected Official or Department Head.

The Elected Official, Department Head, designated Supervisor, or Human Resources, will deal with each situation individually and nothing in this manual should be construed as a promise of specific treatment in a given situation.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

## **4-3. Punctuality and Attendance Policy**

Huerfano County Employees are hired to perform important functions to serve the public. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are important and an essential function of each position. Unnecessary absences and lateness are expensive and disruptive and place an unfair burden on fellow employees. Huerfano County expects excellent attendance from all employees. Excessive absenteeism or tardiness may result in disciplinary action up to and including discharge.

We do recognize, however, there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify the Elected Official, Department Head, or Designated Supervisor as early as possible, but no later than the start of the workday. Asking another employee, friend, or relative to give this notice, unless unavoidable due to an emergency, is improper and may be grounds for disciplinary action. When an employee needs to take an unplanned absence, they should call and provide the nature of the illness or emergency and its expected duration, for each day of absenteeism. Unreported absences of three (3) consecutive scheduled workdays generally will be considered a voluntary resignation of employment with the County.

#### **4-4. Use of Communications and Computer Systems**

Huerfano County's communication and computer systems are intended primarily for business purposes; however, limited personal usage is permitted if it does not hinder performance of job duties or violate any other County policy. This includes the use of phone, voicemail, email, and Internet systems.

Users have no legitimate expectation of privacy regarding use of the Huerfano County systems, networks, and equipment. Huerfano County may access employee and county voicemail, email, Internet history, and other systems, software, or devices for the following, but not limited, reasons:

- Maintaining the system;
- Preventing or investigating allegations of crimes or policy violations or system abuse or misuse;
- Assuring compliance with software copyright laws;
- Complying with legal and regulatory requests for information; and
- Ensuring that County operations continue appropriately during an employee's absence.

Employees are prohibited from using any County communication or computer system to harass another person, to send unauthorized information on behalf of the county, or to otherwise break any county policy or local, state, or federal law. Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited. Further, since the County's communication and computer systems are intended for county business, employees, upon request, must inform management of any private access codes or passwords and are expected to cooperate with any investigations.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action up to and including discharge.

## 4-5. Use of Social Media/Social Media Policy

### Purpose

Huerfano County recognizes that website and social media sites are useful communication tools providing additional opportunities to reach County residents. The County also recognizes that these communication tools have the potential to create a significant impact on the County's professional reputation. This policy provides guidance to Huerfano County employees and Elected Officials with respect to the creation of, maintenance of, and posting of information on authorized Huerfano County websites and social media accounts.

### Definitions

**Social Media** refers to various forms of discussion and information-sharing tools, including social networks, blogs, video sharing, podcasts, wikis, message boards, social bookmarks, and online forums.

**Social Media Account** refers to an account or profile created in social media applications.

**County's best interests** refer to the objectives to represent Huerfano County in a fair, accurate, professional, and legal manner while protecting the brand and reputation of Huerfano County.

### Applicability

This policy applies to all Huerfano County employees and Elected Officials when creating, maintaining, or using websites and social media to represent Huerfano County and its offices, departments, programs, and services.

### Official Use

- A. It is the policy of Huerfano County to allow the creation and use of websites and social media sites as additional communication tools, but to require that employees and officials use industry best practices to ensure that the County's best interests are served. Requests for social media accounts by individual departments overseen by the Board of County Commissioners must receive approval by the Information Technology Director.

Employees are not permitted to create a social media site for Huerfano County without permission from the Office of Information Technology.

- B. Recognizing the importance of consistency and simplicity, it is the County's policy to use Huerfano County social media sites for public information or to raise awareness about county events, meetings, and services. However, in certain cases, department or audience specific sites will be considered when they are in the best interest of the County and its citizens.
- C. The use of county-owned social media sites shall comply with Colorado's Open Meeting laws. Additionally, Huerfano County's website and social media accounts are subject to the Colorado Open Record Act and e-discovery laws and rules. Therefore, content must be managed, stored, and retrieved to comply with these laws and rules. There are no privacy rights in content posted on any website or social media site.
- D. The County will not link to any Elected Official's personal websites or social media accounts.
- E. When creating, maintaining, or modifying the content of individual department web pages or use of official social media accounts, employees shall use best practices and ensure the County's best interest. Employees who fail to conduct themselves in an appropriate manner in performing these duties shall be subject to disciplinary procedures.
- F. Official Huerfano County social media posts and sites must be clear, precise, and follow industry best practices for posting updates. County employees creating and uploading content should share content that is professional, relevant, and timely. The following types of content and information should not be published:
  - Items in litigation or claims that could be brought against Huerfano County;
  - Information that has the potential or effect of involving the employee, their coworkers, or Huerfano County in any kind of dispute or conflict with other staff or third parties;
  - Information that interferes with the work of any employee;
  - Information that creates a harassing, demeaning, or hostile working environment for any employee;
  - Information that disrupts the smooth and orderly flow of work within the office, or the delivery of services provided by Huerfano County;

- Information that harms the goodwill and reputation of Huerfano County among partners or in the community at large;
- Any other conduct that may adversely affect Huerfano County's ability to perform its stated mission;
- Non-public information of any kind; or,
- Personnel, sensitive, or confidential information of any kind.

Huerfano County accounts on social media sites may not be used by any county employee for private or personal purposes; for expressing personal views on political or policy issues; or to express personal views or concerns about county employment, policies, or personal matters. Information about confidential county business shall not be disclosed on the County's social media accounts.

### Employee Conduct

Please consult with the Office of Information Technology if you have any questions regarding the use of social media when posting on behalf of the County. All other postings to social media made by an employee are considered personal communications and are not County communications. Employees should take care to ensure it is clear that social media posts are not attributed to the County.

When using social media, use good judgment and be fair. Employees are expected to be respectful of the County, County employees, our citizens and community, our consultants, our vendors, and others. Employees must avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparages others, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment.

Ultimately, employees are solely responsible for the content they publish including the possibility of workplace discipline, up to and including termination, for social media posts that create workplace violations.

Nothing in these guidelines is meant to interfere with employees' rights under federal law to engage in protected and concerted activity, including employees' ability to discuss terms and conditions of their employment.

## **4-6. Personal and County-Provided Cell Phone Policy**

County-provided cell phones should be used primarily for business purposes. Employees have no reasonable expectation of privacy concerning the use of such devices, and all use is subject to monitoring, including personal communication, to the maximum extent permitted by applicable law. Huerfano County and its employees are expected to comply with any law enforcement investigations.

All conversations, text messages, and e-mails must be professional. When sending a text message or using a cell phone for business purposes, employees must comply with applicable County guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use, and operation of vehicles. Using a County-issued cell phone to send or receive personal text messages is prohibited and personal use during working hours should be limited to emergencies.

Personal cell phone use during work hours is restricted to approved breaks or meal periods. Only in an emergency is an employee allowed to use their personal cell phone during work hours.

### **Cell Phone Use While Driving**

Employees who drive on County business must abide by all state or local laws prohibiting or limiting cell phone use while driving. Employees are absolutely prohibited from texting or emailing while driving, regardless of circumstances. Employees are discouraged from making or receiving any calls while operating a vehicle. Employees must use a hands-free option for any cell phone usage while driving. Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs. Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their cell phones while driving will be solely responsible for all liabilities that result from such actions.

## **4-7. Camera Phones/Recording Devices**

Due to the potential for issues such as the invasion of privacy, sexual harassment, and loss of productivity, as well as inappropriate disclosure of confidential information, employee may only use a camera phone function on any phone for County purposes while on county property or while performing work for the County. Employees must use discretion to ensure that sensitive material is not included in photos.

The use of tape recorders, Dictaphones, or other types of voice recording devices anywhere on County property, including to record conversations or activities of other employees or management, or while performing work for the County, is also strictly prohibited unless the device was provided to you by the County and is used solely for legitimate business purposes.

#### **4-8. Smoking Policy**

In accordance with the Colorado Indoor Clean Air Act, C.R.S. § 25-14-204 and the County's intent to provide a safe and healthy work environment, all smoking, including lit or electronic or vaping cigarettes, cigars, or pipes is prohibited within 15 feet of public and employee entrances of any County-owned, leased, or operated buildings, or in any County vehicles. These restrictions apply to all employees and visitors. Violation may be cause for disciplinary action up to and including discharge.

#### **4-9. Personal Visits and Telephone Calls**

Disruptions during work time can lead to errors and delays. Therefore, we ask that personal telephone calls be kept to a minimum, and only be made or received after working time, or during lunch or break time.

#### **4-10. Solicitation and Distribution**

To avoid distractions or undue pressure, solicitation by an employee of another employee is discouraged while either employee is on work time. "Work time" is defined as the time an employee is engaged, or should be engaged, in performing their work tasks for Huerfano County. Forceful solicitation of any kind by non- employees on County premises is always prohibited. Solicitation during break times for things like Girl Scout Cookies, may be allowed so long as it does not create a distraction that interferes with work and employees do not feel obligated to participate. Additionally, distribution of advertising material, handbills, printed, or written literature of any kind in working areas of the County is prohibited at all times.

#### **4-11. Bulletin Boards**

The bulletin board outside of the Board of Commissioner's office is reserved for official County business and is maintained by the Administration Office. Important notices and items of general interest are continually posted on the bulletin board.

Human Resources and Elected Officials or Department Heads may also establish bulletin boards in breakrooms throughout the County. Employees should review such bulletin boards frequently to stay informed of regulations, policies, and relevant county events. To avoid confusion, employees, and members of the public should **not** post or remove any material from the bulletin board without permission.

#### **4-12. Confidentiality Requirements**

While nearly every aspect of government business is available for public review, there remain areas of privacy and privilege subject to the Colorado Open Records Acts. Employees are reminded to keep all correspondence professional and to refrain from using work devices for personal purposes as county devices and business records are subject to public review, with limited exceptions. Requests for records under the Colorado Open Records Act must be forwarded to the County Attorney or another designated official. The final decision regarding the confidentiality of the requested information rests with the Elected Official, Human Resources, and the County Attorney, depending on the request.

The misuse of privileged information by a Huerfano County employee is cause for disciplinary action and/or referral to the District Attorney.

#### **4-13. Conflict of Interest and Business Ethics**

As public servants, Elected Officials and employees are stewards of the public trust, entrusted with and responsible for the property and resources of Huerfano County, and shall carry out their duties for the benefit of the people of Huerfano County. Employees must therefore avoid and disclose any conflict between their personal interests and those of the County. The purpose of this policy is to ensure that the County's trustworthiness, integrity, and reputation are not compromised. Elected Officials and employees must always perform their duties with the best interests of Huerfano County in mind, and not for any personal interest or for the interest of family, friends, or business and political associates. The fundamental principle guiding this policy is that no employee should have, or even appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the County.



All Huerfano County offices/departments, agencies, employees, and volunteers shall comply with this policy. The provisions of this policy shall apply in addition to all applicable federal, state and local laws relating to conflicts of interest and ethics including, but not limited to, the Colorado Constitution, Article XXIX, Colorado Revised Statutes § 24-18-101, et seq., and all rules, regulations, policies and procedures of Huerfano County, including any ethical code or policy adopted by an Elected Official that is applicable to employees of that Elected Official.

### **Conflicts of Interest**

No Elected Official or employee should have any direct or indirect interest, financial or otherwise, engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of their duties in the public interest.

1. Misappropriation of County Resources: Elected Officials or employees shall not misappropriate to themselves or to others the property, services or other resources of the county for private purpose or other compensated non-governmental purposes.
2. Favoritism or Improper Influence: An Elected Official or employee shall guard against any relationship which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion in the performance of official duties. Elected Officials and employees should not act in a manner that creates by their conduct a reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of official duties, or that they are affected by the kinship, rank, position or influence of any party or person.
3. Privileges or Exemptions: Elected Officials or employees should not use or attempt to use their official position to secure privileges or exemptions for themselves or others.
4. Contracting & Transacting Business:
  - a. Sale or Purchase of Goods or Services:
    - i. Elected Officials or employees shall not, in their official or private capacity, offer for sale or sell goods or services to the county, except as permitted in Purchasing Policies and Procedures.

- ii. Elected Officials or employees shall not, for their own private purposes, directly or indirectly obtain goods or services for anything less than fair market value from any contractor or vendor that performs work for Huerfano County.
  - b. Transactions on behalf of Huerfano County: Elected Officials or employees should not engage in any transaction as representative or agent of Huerfano County with any relative, business associate, or business entity in which they have a direct or indirect financial interest, except as permitted in the County's Purchasing Policies and Procedures.
  - c. Disclosure of Conflict Required: An Elected Official or employee exercising any substantial discretionary function in connection with a county contract, purchase, payment, or any other financial or monetary transaction who is a director, president, general manager or similar executive officer or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, shall give 72 hours written advance notice of the conflict to the BOCC. Failure to disclose a conflict of interest may be grounds discipline up to and including immediate termination, and the employee may be charged according to C.R.S. Section 18-8-308, as amended.
5. Personal Investments & Business Ventures: Elected Officials or employees should not acquire or hold an interest in any business or undertaking which they have reason to believe may be directly involved in decisions to be made by them or which will otherwise create substantial conflict between their duty in the public interest and their private interest.
6. Confidential Information: Elected Officials or employees shall not use any confidential information received by virtue of that person's office or employment for any private purpose, including but without limitation to commercial purposes, financial gain, or present or future employment. Elected Officials or employees may only use confidential information in the conduct of their official county duties.

### Gift Ban Policy

For the purpose of this policy, "gift" shall mean anything of monetary value for which consideration of equal or greater value is not made. The term includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a county employee. The term "gift" shall not include tokens of award (such as a plaque, memento, or

trophy), informational materials related to the recipient's performance of official duties (such as a book, pamphlet, or periodical), or unsolicited items of nominal or trivial value (such as a pen, note pad, or calendar).

In accordance with the Colorado Constitution, Article XXIX, no Elected Official, employee, volunteer, or immediate family member of any Elected Official, employee or volunteer may directly or indirectly solicit, accept or receive in any calendar year any gifts or other things of value totaling an amount greater than the amount set by the Colorado Independent Ethics Commission, which is \$65 for the period 2019-2023, without providing consideration of equal or greater value. Gifts include but are not limited to loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, and special discounts. Exceptions recognized by Colorado law are recognized by the county.

No Elected Official, employee, volunteer, or immediate family member of any Elected Official, employee or volunteer shall directly or indirectly receive a gift regardless of the value where such gift is given with the intent or appearance of influencing, or as a reward for, the person's official actions or duties for Huerfano County.

No Elected Official, department, office, or employee shall accept any gift, including food and beverage, from any vendor, applicant, person or entity doing business with that department office, or employee. An Elected Official, department, office, or employee may accept a gift from a person or entity with no pending or regular business before it only if it is valued at less than the current statutory gift limit and is placed in a common area to be shared by all employees of the department or office.

In addition to any other disciplinary action, an employee, or department, or office that accepts a gift in violation of this policy will be required to return the gift to the donor or, if the gift is of such a nature that it cannot be returned, to compensate the donor for the full monetary value of the gift.

Exceptions (based on the Colorado Independent Ethics Commission Position Statement 08-01)  
- Employees, volunteers, and immediate family members of employees and volunteers may accept the following items from vendors or other donating parties:

1. Prizes of any value from vendors or other parties so long as prizes are attained with no influence by the donor or are otherwise random (i.e. raffle prizes or lotteries).
2. Prizes of any value won in a fair and open competition, including competitive scholarships, research projects, or other contests.

3. Payments or honorariums from vendors and other parties as reasonable compensation for services not provided in the employee's official duties, such as speaking at a conference, or writing publications, including payment of reasonable travel costs related to the event.

Any Elected Official or employee who violates the Colorado Constitution or Colorado statutes as reflected in this policy may be fined or prosecuted, in any manner provided by law.

Any employee or volunteer who accepts a gift in violation of policy shall forfeit said gift to the BOCC for the use and benefit of Huerfano County, except where the donor has any pending business or application before the BOCC. In such case, the gift shall be returned to the donor. Where the violation is found to be intentional, an employee shall be subject to disciplinary action up to and including termination and a volunteer may be dismissed from service to Huerfano County.

#### **4-14. Personal Use/Conversion of Facilities, Equipment, and Property, Including Intellectual Property**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using county property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Huerfano County property is defined as any tangible property or service owned, rented, leased, or held by the County, including but not limited to, equipment, vehicles, telephone, fax, computer, data, software, materials, photocopying, office supplies, other services, or structures.

Conversion is defined as the unlawful appropriation (theft) of Huerfano County property. The personal use or conversion of Huerfano County property is prohibited and will result in disciplinary action including immediate discharge and possible criminal prosecution.

Employees also are prohibited from any unauthorized use of the County's intellectual property, such as audio and video recordings, data, print materials, and software.

Employees should notify the appropriate Elected Official, Department Head, or Designated Supervisor if any equipment, vehicles, machines, or property as defined above appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damage, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Elected Official, Department Head, or Designated Supervisor will answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline up to and including discharge.

Further, the County is not responsible for any damage to employees' personal belongings unless the employee's Supervisor provides advance approval for the employee to bring the personal property to work and it is used appropriately and for work purposes.

#### **4-15. Employment of Related Persons**

Employees who are related or become related, through marriage, domestic partnership, civil union, blood, in-law relationship, adoption may not:

- Supervise their relative.
- Participate in any decision to hire, retain, promote, or discipline their relative.
- Participate in salary determinations or influence compensation of their relative.
- Have access to confidential information, including payroll and personnel records.
- Be in a position to audit, verify, approve, receive, or be entrusted with money handled by a relative.

In a situation where employees become related and are currently working together and reasonable accommodation cannot be made, every reasonable effort will be made to accommodate a transfer request, however there is no guarantee that a position is available.

While it is not permitted to discriminate against the spouse or domestic partner of an employee solely because of the relationship, it is also a violation of this policy for County officials to grant competitive advantage to the spouse, or domestic partner, or a related person of an employee because of the relationship. The spouse or domestic partner or related person of an employee must compete for employment on the same terms as other applicants and, if they are the best qualified applicant and there is no conflict with any other provision of this policy, then they can be hired.

These guidelines apply to all categories of employment, including full-time, part-time, and temporary classifications. They also apply to all relatives and individuals who are not legally related, but who reside with another employee.

#### **4-16. Employee Dress and Personal Appearance**

To maintain a professional appearance and demeanor, employees are required to dress in appropriate attire based on one's duties, the specific work environment, and the level of interaction with the public. Some employees may be required to wear uniforms or safety equipment or clothing. If specific dress requirements are necessary, such requirements will be conveyed by the Elected Official, Department Head, or a Designated Supervisor. If you report to work dressed or groomed inappropriately, you may be prevented from working until you return to work well-groomed and wearing appropriate attire.

#### **4-17. Publicity/Statements to the Media Policy**

All media inquiries regarding the position of the County as to any issues must be referred to the Elected Official, Board of County Commissioners, or official designee. Only the Elected Official, Board of Commissioners, or official designee is authorized to make or approve public statements on behalf of the County or County Agency or Department. No employee, unless specifically designated, is authorized to make a statement on behalf of the County. Any employee wishing to write, publish, or submit an article, paper, or other publication on behalf of the County must first obtain approval from the Board of County Commissioners and the Elected Official if applicable.

#### **4-18. Political Activity Policy**

Employees, other than Elected Officials, may participate in County political campaigns while they are not on duty, are complying with state and federal laws, and when the activities do not impair the employee's job performance. If these activities take place during the workday, leave must be taken and is subject to all other policies, including advance notice when practical. Employees may provide objective election information to the public in the routine performance of their official duties.

- Employees may not campaign in county apparel or while wearing county name tags or other identification.
- Employees may not use their official capacity or influence to interfere with or affect election or nomination results.
- Employees may not identify themselves as county employees while engaging in campaign activities.

- Employees are not allowed to campaign for candidates in the workplace, including wearing or displaying campaign materials or branding including signs, posters, hats, shirts, buttons, etc.
- Employees may privately express their opinions regarding elections and are encouraged to vote in all elections.

No elected or appointed officials may solicit or receive political contributions for any candidate or issue in a Huerfano County election while performing County duties.

No employee may coerce, or attempt to coerce, another employee or use their official authority or influence for the purpose of interfering with or affecting the result of a nomination or election of any Elected Official. No County employee will be rewarded, disciplined, or otherwise subjected to special treatment for reasons of political favor or disfavor.

#### **4-19. Employee Reimbursement for Business Expenses**

Employees who are required to travel on County business will be reimbursed for approved and reasonable expenses incurred. These expenses must be approved by the Elected Official, Department Head, or Designated Supervisor, and may include lodging, air travel, meals, ground transportation, parking, and mileage reimbursement, at a rate established by the Board of County Commissioners. Meals will be reimbursed at actual expense up to the State per diem rate. Expenses for alcohol and other non-allowable items will not be reimbursed. Receipts for business expenses must be submitted with the reimbursement request. All expenses and receipts should be submitted to County Finance in a timely manner and the employee will be reimbursed by check. Whenever possible, these expenses should be paid directly by County Voucher or County issued credit card and should be tax-exempt.

Employees are expected to exercise restraint and good judgment when incurring expenses. Employees should contact the Elected Official, Department Head, or Designated Supervisor in advance if they have any questions about whether an expense will be reimbursed.

Reimbursements for other expenses (such as for office or operating supplies) require prior approval by the Elected Official, Department Head, or Designated Supervisor.

Alcohol, any illegal activity, or any activity unrelated to work or travel, are not eligible for reimbursement.

## **4-20. References**

Only the office of Human Resources may provide official references. Huerfano County will only provide general information concerning the employee including the date of hire, date of discharge, and position(s) held. Please refer all requests for references to Human Resources.

## **4-21. Pets in the Workplace**

The County strives to provide a safe and healthy work environment for employees. Animals are generally prohibited from all County facilities and premises except for approved and certified service animals permitted as a reasonable accommodation to an individual with a disability under the Americans with Disabilities Act (ADA) or similar state law. Service animals are those that have been individually trained and certified to do work or perform tasks for the benefit of an individual with a disability. Pets that serve as companions are not considered service animals and are not permitted in the workplace. To evaluate the accommodation request, an employee is required to provide Human Resources with specific information regarding the employee's disability, how the service animal's presence will enable the employee to perform the essential functions of their job, and how they will ensure that the animal will not be disruptive to the workplace.

## **4-22. Resignation**

Should an employee decide to resign from the County, it is requested that the Employee provide the Elected Official, Department Head, or Designated Supervisor with at least fifteen (15) working days advance notice of departure. Thoughtfulness and ability to plan for the transition is appreciated.

## **4-23. Separation from Employment**

All County property including, but not limited to, keys, security cards, parking passes, laptop computers, phones, uniforms, etc., must be returned at separation, whether from resignation or termination. Employees also must return any and all confidential information upon separation. Employees should ensure that the County retains access to all systems, infrastructure, and intellectual property before departing. To the extent permitted by law, employees will be required to repay the County, (through payroll deduction, if lawful) for any lost or damaged County property.



Huerfano County's practice is to allow for the rehire or reinstatement of employees in good standing. If it has been fewer than thirty (30) days since the separation of employment, an employee is considered "rehired". If it has been more than thirty (30) days, the employee will be considered a new hire. In this case, employees will be given a new employment start date and will be eligible for the benefits available to new employees. Any benefit plan documents that contradict and precede this practice, such as a retirement plan, will supersede the application of this policy. However, all employees rehired within six (6) months of their separation from the county will be entitled to their previously earned sick leave. Additionally, employees rehired within five (5) years of separation from the county will be entitled to credit for prior years of service for the purposes of annual leave hours.

#### **4-24. Reinstatement**

A former County employee with regular status who resigned while in good standing, was laid off, or was demoted without prejudice, may, at the discretion of the Elected Official, Department Head, or Designated Supervisor with approval from Human Resources, be eligible for reinstatement to the same, an equivalent, or lower related job profile. Eligibility for reinstatement may remain in effect for five years from the date of resignation, layoff, or demotion.

The following must occur or be in existence for a reinstatement appointment:

- A position is open, and
- The employee meets the minimum qualifications for the position.

The following may be required for a reinstatement appointment:

- An introductory period up to twelve (12) months, and/or
- Re-examination.

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#### **4-25. Exit Interviews**

Employees who resign are encouraged to participate in an exit interview with Human Resources, if possible.

#### **4-26. A Few Closing Words**

This employee policy manual is intended to give employees a broad summary of Huerfano County expectations, procedures, and policies. The information in this manual is general in nature and employees may direct questions to any member of management or Human Resources.

## Employee Acknowledgment of Receipt

**I HAVE RECEIVED A COPY OF THE EMPLOYEE MANUAL. I UNDERSTAND THAT I AM EXPECTED TO BE FAMILIAR WITH ITS CONTENTS AND IT IS MY RESPONSIBILITY TO READ IT AND TO ASK QUESTIONS.**

I UNDERSTAND I AM AN AT-WILL EMPLOYEE.

- Employment with Huerfano 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 to end my employment at any time.
- The language used in this manual and any verbal statements of management are not intended to constitute a contract of employment, either express or implied, and are not a guarantee of employment for a specific duration.
- No representative of Huerfano County, other than the Elected Official or Board of County Commissioners, has the authority to enter into an employment agreement. Unless I have a signed employee contract signed by the Elected Official or Board of County Commissioners and my own signature, I do not have an employment contract.

I understand that this manual is not all-inclusive and is intended only to provide a summary of some organizational guidelines.

I understand that 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. I understand that the county reserves the right to interpret these policies or to change them without prior notice.

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**Employee Signature**

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**Date Signed**

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**Employee Name**

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**Department Head or  
Elected Official Signature**

For Reference

**Resolutions Incorporated into this Employment Manual**

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