

Huerfano County



Personnel Manual

May, 2007

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HUERFANO COUNTY PERSONNEL MANUAL

SECTION I: Introduction and Authority

The purpose of this manual is to set forth the various policies that guide personnel practices, procedures and expectations for employees of Huerfano County. The language used in this manual is not intended to create, nor is to be construed to constitute, a contract between Huerfano County and any one or all of its employees.

The personnel policies and procedures in this manual shall be applicable to all employees of Huerfano County, under the control and oversight of the Huerfano County Board of County Commissioners except when specifically prohibited by state or federal law. The policies and benefits outlined herein are primarily summaries and are not all inclusive. The Huerfano County Commissioners have the discretion to waive any portion of this policy. Requests for waivers should come from Elected Officials or Department Directors on behalf of their employees.

The personnel policies in this manual are adopted consistent with merit principles such as:

1. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge, skills and education, including open consideration of qualified applicants for initial appointment;
2. Training employees, where possible and appropriate, with the goal of achieving high-quality performance;
3. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees when inadequate performance cannot be corrected;
4. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, gender, national origin, age or disability and with proper regard for their privacy and constitutional rights as citizens;

5. Official records are to be provided to the Human Resource Manager by Elected Official or Department Head. Copies of all Administrative Actions will be forwarded to the Human Resource Manager.

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6. Assuring that all employees receive adequate compensation; and
7. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.
7. Official records must be provided to Human Resources by the Elected Official or Department Head. Copies of all administrative action must be forwarded to Human Resources.

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SECTION II: Hiring Practices

A. EQUAL OPPORTUNITY

All applicants for employment with Huerfano County shall be treated with respect and consideration without regard to race, color, religion, sex, national origin, age or disability and with proper regard for their privacy and constitutional rights as citizens. Advertisements and notices announcing open positions with Huerfano County will state that the County is an Equal Opportunity Employer, and job recruitment sources will be advised of the non-discrimination policy. Selection to positions with Huerfano County will be based on the applicant's experience and qualifications as they relate to the requirements of that position.

B. HIRING PROCEDURE:

When a position becomes available at Huerfano County it is the responsibility of the Elected Official or Department Director to conduct a search to fill the position. The search shall include: 1) Posting the position for three (3) business days on the Billboard in the hallway outside of the County Commissioners Office, for applicants who are current full time or part time, permanent employees of Huerfano County; 2) If the position is not filled through posting as per Step 1 above it will be announced in the local media.

Minimum qualifications will be developed for each position and applicants will be selected accordingly, based upon their skills, knowledge and abilities. The Elected Official or Department Director shall have the responsibility to hire staff with approval from the Board of County Commissioners.

C. EMPLOYMENT STATUS:

The employment status of an employee of Huerfano County will be one of the following:

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FULL-TIME: A full-time employee has successfully completed the one year introductory period and is normally scheduled to work a minimum of 35 hours per week. Full-time employees are eligible for all County benefits outlined in Section III in this manual.

PART-TIME: A part-time employee has successfully completed the one year introductory period and is normally scheduled to work less than 35 hours a week. Such appointments are not eligible for County benefits.

INTERMITTENT PART-TIME – AT WILL: An intermittent part-time employee is an employee who works an irregular number of hours as needed. The hours worked shall be submitted each pay period. Such appointments are not eligible for County benefits. Employees in intermittent part time status are subject to Corrective Action but excluded, from the Pre-disciplinary Conference and Grievance Procedures in Section VI of this manual.

SEASONAL – AT WILL: When the County recognizes the need to hire staff for more than six (6) months and less than a year the Board of County Commissioners may make a time-limited appointment. Such appointments are not eligible for County benefits. Employees in seasonal status are subject to Corrective Action, but excluded, from the Pre-disciplinary Conference and Grievance Procedures in Section VI of this manual.

PROBATIONARY: The first year of employment (12 months) in any status is probationary. Probationary employees are eligible for County benefits as outlined in this manual.

EXEMPT EMPLOYEE: Exempt employees as defined by the Fair Labor Standards Act shall be identified by the Elected Official or Department Director. The position and information identifying the position's status as professional, executive, or administrative is maintained in an attachment to this manual which is updated as needed, but no less than once per calendar year. This class of employee is ineligible for overtime compensation.

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NON-EXEMPT EMPLOYEE: An employee who is eligible to be paid overtime pay as prescribed in the Fair Labor Standards Act.

D. JOB DESCRIPTIONS:

All positions within Huerfano County are described by a written job description. The job description shall describe the essential functions to be performed by the employee. It shall describe responsibilities, abilities, educational requirements, experience, as well as, physical and mental requirements, and other qualifications. The job description is not intended to be all-inclusive and other requirements may be added by the Elected Official or Department Director.

E. IMMIGRATION STATUS:

Huerfano County requires that all employees be legally eligible to work in the United States. The County requires all employees to provide proof of such legal status according to provisions outlined in the Immigration Reform Act of 1986, as amended.

F. NEPOTISM POLICY:

Employees who are immediate family members, by blood or by marriage, of a Huerfano County employee may not be employed within the same functional unit of Huerfano County if such employment will result in one relative exercising any degree of supervision or control over wages or salary of the other, or if one immediate family member has any financial authorization authority over financial requests of another immediate family member. Immediate family members are defined as spouse, mother, father, child(ren) birth or adoptive, siblings, mother-in-law, father-in-law, brother-in-law, sister-in-law, stepmother, stepfather, uncle, aunt, niece, nephew, grandmother or grandfather.

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SECTION III: Salaries and Benefits

A. SALARY AND WAGE STRUCTURE:

Employees will be paid either a salary or an hourly wage depending on their employment status. Ambulance employees will be paid according to pay schedule. If you have further questions on how your pay is calculated, please talk with the County Administrator or his designee.

Salaries and wages are based on the Huerfano County Schedule for Annual Salaries adopted by the Huerfano County Commissioners each January.

Based on the availability of funds, the Salary Schedule may be adjusted annually by the Huerfano County Board of Commissioners for the following purposes:

- 1.) Cost of Living Adjustments
- 2.) Salary Survey Adjustments
- 3.) Pay for performance increases and/or bonuses;
- 4.) Other as defined by the Huerfano County Board of Commissioners

PROMOTION COMPENSATION: Promotions may be for a temporary, specified period of time selected to correspond to payroll practices or ongoing. When an employee is promoted the salary shall be adjusted within the range and parameters as structured in the Schedule for Annual Salaries. However, if a promotion exceeds 10%, the employee's salary shall be adjusted back to equal 10% but not below the Department's established minimum for the position.

PAY FOR PERFORMANCE INCREASES:

An employee who receives a performance rating of standard or higher may receive a pay for performance increase annually. Pay for performance increases will be based on measurable objectives and expectations agreed upon by the employee, the Elected Official, Department Director, and/or supervisor at the beginning of the annual rating period.

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DEMOTION COMPENSATION: Demotion may be for a temporary, specified period of time selected to correspond to payroll practices, or ongoing. For any type of demotion in which salaries are sustained at a pay rate above the maximum step on the schedule for annual salaries for the new position, the employee shall be ineligible for annual salary adjustments and pay for performance increases until the employee's salary is at or below the County's maximum step for that position. ADA adjustments can be paid at the new rate.

If the salary is sustained at a rate within the approved Department range for the position, the Elected Official or Department Director may freeze the employee's pay until such time as the employee would have attained such step had the demotion not occurred.

B. PAYROLL DATES:

Payroll is disbursed on the 15th and the last working day of the month according to the payroll disbursement schedule. If either of the days

falls on a week-end, payroll will be disbursed on the nearest working day before.

C. OVERTIME AND COMPENSATORY TIME:

Overtime is payable to certain employees and is based on the occupational categories as prescribed by the Fair Labor Standards Act, Regulations for State and Local Government Employees.

The following requirements govern the earning and use of overtime and compensatory time:

1. No overtime shall be worked unless authorized. Overtime should not be authorized unless it has been determined by the Elected Official or Department Director that overtime is the only means available to carry out essential duties and functions that cannot be carried out during the regular work schedule.

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1. All non-exempt employees as defined by the Fair Labor Standards Act **who work more than 40 hours in the established workweek** shall be given compensatory time off at the rate of 1.5 times the amount of overtime worked. All compensatory time earned should be utilized within a reasonable amount of time following accrual. Supervisors shall keep up to date records of compensatory time which identifies the employee, the amount of compensation accrued or used each work week and any other information required by Elected Official or Department Director and/or the Fair Labor Standards Act. The official records are to be kept under the control of the Finance Department Director. No annual leave shall be taken until compensatory time earned is less than 60 hours.

- a. The beginning of the workweek is 12:01 AM Monday and ends 12:00 PM Sunday. A standard workweek is defined as a minimum of thirty-five (35) hours.
2. Flexible scheduling of daily work hours, including those which result in no less than a four day work week, may be approved at the discretion of the Elected Official or Department Director.
 - a. The Elected Official or Department Director, at any time, may discontinue flex scheduling for any and all program areas.
 - b. Flex scheduling requires the cooperation and responsiveness of all staff members who work together in a program area or department. Accessibility to and response from all services and programs operated by Huerfano County shall be available on all work days from the hours of 8:00 a.m. to 4:00 p.m. Therefore, all program areas or departments shall have at least one line staff member on duty from 8:00 a.m. to 4:00 p.m. each day.
 - c. A written request for approval of flex scheduling which describes the work week schedule of hours and is signed by the requesting employee and by the Elected Official or Department Director indicating approval shall be filed in the employee's personnel file.

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Once approved this becomes the employee's schedule of work hours and deviation from these requires the approval of the employee's supervisor. (See Attached Flex-Time Application)

- d. Flex schedules shall include a lunch period of no less than thirty (30) minutes.

D. TRAVEL TIME

Travel time is compensated according to the following:

- a. Home-to-work is not considered time worked. An employee is not at work until he/she reaches the work site. Travel from job site to job site during the workday is time worked.
- b. When employees travel on business they will be compensated for time spent traveling, which occurs outside of their normal working hours. Travel plans must be pre-approved.

For overtime purposes for eligible employees a travel day is like any other workday. Employees are considered to be working during their regular hours of work and not working during eating periods and other periods of leisure or non-duty time. Training required by the appointing authority shall be considered periods of work for computing overtime.

E. BENEFITS:

Benefits may change under the Board of County Commissioners discretion, under their budget authority. The information listed here is not a guarantee of these benefits. Benefits which may be available to full-time employees are:

1. Health Insurance/Life Insurance
2. County Retirement Plan.
3. Social Security (as required by Federal Laws and Regulations).
4. Workers Compensation (as required by Colorado State Laws and Regulations).

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5. Deferred Compensation Plan.
6. Official Holidays.
7. Sick Leave.
8. Annual Leave
9. Administrative Leave.
10. Jury Duty Leave.
11. Military Leave.
12. Funeral Leave.

Health Insurance:

Group health, dental, vision and life insurance may be available to all permanent full time employees working a minimum of thirty five (35) hours per week.

Retirement Plan:

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

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

Social Security:

Social Security is provided in compliance with the Federal Insurance regulations.

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Workers' Compensation/Workplace Safety:

Huerfano County participates in Workers Compensation insurance. All injuries must be reported to the County Human Resource Office and the elected official or department director within 24 hours of occurrence, but in no event later than three working days' after the occurrence of injury. Late reporting of injuries may result in a claim being denied under the laws of

Colorado. The policies and procedures for Workers Compensation are set by law by the State of Colorado and may vary as the laws change.

Employees will receive their regular straight time rate of pay for actual hours worked for the day(shift) the accident is sustained, and for any time spent obtaining medical attention that day. If the medical provider does not instruct the employee to take time off work, they are expected to return to work that day. If the accident or illness requires time off work, it becomes compensable by workers' compensation insurance after the third day in accordance with state law. For the first three days of the accident or illness, the employee may use accrued sick or annual leave. Beginning on the fourth (4th) day after the accident or illness and during the period covered by worker's compensation benefits, the employee shall not be able to apply or receive sick leave or annual leave pay. If the accident or injury requires more than fourteen days off on injury leave by doctor's orders, then the first three days are also paid.

Before returning to work, the employee must bring a written release, by treating physician to the Human Resources Office and fill out the "Supplemental Report of Injury" forms. Employee must be able to return to work with NO restrictions. After completion of the forms, the employee will return to his/her department for work assignment.

Questions related to workers' compensation claims, injuries or problems should be directed to the Human Resources Office.

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Deferred Compensation Plan:

Huerfano County employees are currently eligible to participate in the Huerfano County Deferred Compensation Plan from date of hire. The

benefit and plan shall be determined by resolution adopted by the Board of County Commissioners. Said resolution together with any documents approved by the Board, provides for all specifics with regards to employee participation in Deferred Compensation.

Holidays:

Employees are eligible to receive paid holidays as provided for by County Resolution in accordance with C.R.S. 24-11-101, or special day of observance designated by the President of the United States, or Colorado State Governor and approved annually by the Huerfano County Board of County Commissioners. The schedule of paid holidays is an attachment to this manual each year as approved by the Board.

Sick Leave:

Sick leave is not a vested benefit. **Its use is considered a privilege and not a right.** It shall not be requested or granted for any other reason than those that relate to the medical health of the employee. Full time employees accumulate sick leave with pay at the rate of 15 days per year. Employees in part time positions and seasonal positions are not eligible for sick leave. Sick leave does not accumulate during leave without pay.

A County holiday shall not be considered a day of sick leave.

Sick leave is accumulated **and available for use** when the following criteria have been met:

A. After the employee has been in pay status one month, the leave credited for that month is available for use.

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Conditions of sick leave use are as follows:

A. An employee may use sick leave with pay for absences necessitated by non-job related injury, disability, dental, medical or optical care.

B. In order to be eligible for sick leave with pay, employees must report the reason for absence to their supervisor at the beginning of the first day of their absence, keep their supervisor informed of their condition and expected date of return, and furnish a medical certificate or other applicable documentation regarding the use of sick leave, if requested to do so by the employees supervisor, or the Elected Official.

C. If sick leave is exhausted, absence is charged to annual leave. If annual leave is exhausted, the Elected Official may grant leave without pay or may terminate employment.

D. There is a sixty (60) day limit to the amount of sick leave an employee can accumulate. However, an employee may not use sick leave for purposes other than those defined above. Any misuse of sick leave shall be grounds for disciplinary action.

No payment of accumulated sick leave will be made upon resignation or retirement.

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Annual Leave:

Annual leave will be granted to permanent and probationary full time employees who are employed 35 hours per week or more. All eligible employees shall be treated equally with regard to the conditions and usage of available leave.

All eligible employees shall accrue annual leave on a monthly basis. However, the entire amount of annual leave that will accrue for the year is available for use on January 1st of each calendar year. Annual leave not taken during the calendar year shall be forfeited on December 31 of each year. Annual leave will be pro-rated for the first year of employment for new employees.

ANNUAL LEAVE

YEARS OF SERVICE

<u>Full-Time Employees</u>		<u>Sheriff - Jail</u>	
01 – 9 YEARS	10 days	01 – 9 YEARS	21 days
10 – 19 YEARS	15 days	10 – 19 YEARS	26 days
20 - 29 YEARS	20 days	20 - 29 YEARS	31 days
30+ YEARS	25 days	30+ YEARS	36 days

Annual leave is available for use as of January 1st of each year.

Conditions of annual leave use are as follows:

- A. Annual leave may be taken only when authorized in advance by the Elected Official or Department Director. Annual leave shall be granted on the basis of the work requirements of the Department. The Elected Official or Department Director 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. Employees who receive notice of layoff or job abolishment shall not be required by the Elected Official or Department Director to use accumulated annual leave prior to the effective date of layoff or job abolishment.

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Final salary payment: Upon separation of service from Huerfano County, an employee is eligible for salary or wages through the last day in pay status. This last day in pay status shall be the official day of separation, unless the employee is on leave without pay for medical reasons. Then the separation date shall be the ending date of leave without pay.

Employees eligible under the Fair Labor Standards Act who have accumulated compensatory hours for overtime worked shall receive payment for such upon separation.

Payment for accumulated leave: When an employee separates from service, all accumulated annual leave and compensatory time shall be paid to the employee. If the employee has used more annual leave than accumulated at the time of separation, the amount of that leave will be deducted from the employee's final pay.

Salary payment upon death of the employee shall occur as follows: Upon the death of a Huerfano County employee who was in pay status at the time of death, the employee's estate shall be entitled to payment for actual days worked; accumulated annual leave; and, accumulated compensatory time.

Medical and Family Leave:

A. General Provisions

It is the policy of Huerfano County to grant up to 12 weeks of family and medical leave during any 12 month period to eligible County employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA).

The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

FMLA provides job protection and ensures health insurance coverage for the employee during the period of leave. FMLA leave will be required to be taken with any available paid leave, to be used in the following order: overtime or compensatory time, vacation accrual time, sick leave accrual time, and then unpaid leave for the remainder of the FMLA leave available.

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If the employee is not certified to return to work under the FMLA process on or before the last day of FMLA leave, then the employee may be, but is not required to be, terminated. Instead, in the absolute discretion of the Board of County Commissioners, the employee may be granted an additional period of unpaid leave, but in any event no longer than 180 days total or the employee will have to be put on COBRA for the interim period, in order to meet coverage requirements under the health insurance coverage currently available.

B. Eligibility

In order to qualify to take family and medical leave under this policy, the employee must meet **all** of the following conditions:

1. The employee must have worked for the County at least 12 months, or 52 weeks. The 12 months, or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked at least 1,250 hours during the 12 month period immediately before the date when the leave would begin.

C. Type of Leave Covered

In order to qualify as FMLA under this policy, the employee must be taking the leave for one of the reasons listed below:

1. the birth of an employee's child;
2. the employee adopts a child;
3. the employee is providing care for a spouse, parent, or child incapable of self-care because of a mental or physical inability when a serious health condition is present;

4. the serious health condition of the employee which makes the employee unable to perform the functions of the employee's position.

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A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider.

Employees with questions about what illnesses are covered under this FMLA policy or under the County's sick leave policy may contact the Human Resources office.

The employee shall be required to provide a doctor's certification of the serious health condition.

An employee is expected to request FMLA at least two weeks prior to the expected absence, or the leave may be delayed pending approval of the medical paperwork. If the leave is due to unanticipated or emergency circumstances the leave may be granted pending approval. If the leave does not meet the FMLA criteria, the leave would then be converted to overtime or compensatory time, accrued vacation time, accrued sick leave, or unpaid leave as applicable.

The county also reserves the right to put an employee on FMLA pending submission of medical paperwork if there is substantial evidence, verified by the County Administrator, that the employee has a serious medical condition that affects their ability to perform their job that requires medical evaluation. Failure or refusal by an employee to cooperate in getting a medical evaluation or submitting FMLA paperwork may be grounds for corrective action or discipline, if the performance of job duties is impaired.

D. Employee Status and Benefits During Family Medical Leave

While an employee is on paid leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

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E. Employee Status After Family Medical Leave

An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility and authority.

F. Use of Paid and Unpaid Family Medical Leave

If the employee has accrued paid leave, the employee must use paid leave first and take the remainder of the 12 weeks as unpaid leave. FMLA leave will be required to taken with any available paid leave, to be used in the following order: overtime or compensatory time, accrued vacation time; accrued sick leave; and then unpaid leave for the remainder of the FMLA leave available. This order of leave usage will apply regardless of the reason for which the FMLA leave is used.

G. Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take leave day periodically when needed over the year), or under certain circumstance may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks in a 12 month period beginning when such leave is first taken.

For the birth, adoption, or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for

birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee must reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary by providing evidence of medical appointments or other records of ongoing

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care and treatment plans. FMLA allows the County to request and receive a follow-up report once every 30 days during the time an employee is on active FMLA leave status. The County may require certification of the medical necessity, as discussed as follows.

H. Certification of the Serious Health Condition

The County will require certification of the serious health condition. The employee must respond by providing the Written Medical Certification Forms to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial or continuation of leave.

Certification of the serious health condition shall include the date when the condition began, its expected duration, diagnosis and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The County has the right to ask for a second opinion. The County will pay for the employee to get a certification from a second doctor, which the County will select.

If necessary to resolve a conflict between the original certification and the second opinion, the County may require the opinion of a third doctor. Huerfano County and the employee will jointly select the third doctor, and the County will pay for the opinion. The third opinion will be considered final.

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While on leave, employees are required to provide medical updates once every 30 days to the Elected Official or Department Director regarding the status of the medical condition and their intent to return to work for the department.

At the expiration of family/medical leave for the employee's own health condition, the employee is required to provide a fitness-to-return certificate from the health care provider.

Administrative Leave:

Paid or unpaid Administrative Leave may be granted as deemed appropriate by the Elected Official or Department Director and consistent with the budgets as approved by the Huerfano County Board of County Commissioners, as well as, in compliance with all equal opportunity laws.

Court Leave:

Court leave shall be granted at the discretion of the Elected Official or Department Director and in compliance with the following guidelines.

When, in obedience to a subpoena or direction of proper authority, an employee appears as a witness in a court or official government hearing, he/she shall be granted court leave for such services.

Because employees receive their regular pay while serving on jury duty, compensation received for court leave during the time absent from work shall be assigned to Huerfano County, except for verified parking expenses and mileage allowance.

When an employee serves as a witness in an individual capacity without subpoena, he shall be charged annual leave or leave without pay as appropriate. The employee shall retain compensation received for such service.

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Military Training Leave:

Upon presenting proper military orders, permanent and probationary full and part time employees who are a member of the National Guard, Army, Navy, Coast Guard, Marine Corps or Air Force Reserve shall be granted a maximum of six months to attend military training. Of this amount of time, a maximum of ten (10) working days in any calendar year shall be military training leave with pay and shall not be charged as any part of annual leave or accumulated compensatory time off.

Military training leave shall commence the first working day the employee is on military leave from the job and terminate on the last calendar day in a military training status, as evidenced by copy of military orders covering the leave period.

In all other respects, any military leave required by law for active duty or other reasons will be granted in accordance with the military leave laws then in effect. For question, contact the County Administrator.

Funeral Leave:

Funeral leave shall be granted to full time employees to attend the funeral of a member of the employee's or spouse's immediate family. Persons in the "immediate family" are; husband, wife, children, step-children, parents, grandparents, grandchildren, brothers, sisters, mother-in-law, father-in-law, nephews, nieces, aunts, uncles, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law.

The number of days of funeral leave to be granted, up to a maximum of three (3) working days, shall be determined by the Elected Official or Department Director and shall be dependent upon distance to be traveled and mode of transportation.

Funeral leave shall not be granted for settlement of estates nor any other matter except required time to arrange for, travel to, attend and return from the funeral.

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Section IV: Performance Monitoring

A. EVALUATION PROCESS:

It is the responsibility of the Elected Official or Department Director to monitor the performance of all employees. Formal, written evaluations will be prepared for full time employees according to the following schedule:

- a. At the end of 6 months of employment upon date of hire;
- b. Annually thereafter;
- c. At any time when performance levels or behavioral difficulties indicate the need for review.

The evaluation process will include a review of the employee's performance, any corrective action required of the employee, goal setting with provisions for satisfying such goals and commentary from the Elected Official or Department Director on how the employees position could be enhanced. In addition to the written evaluation, a

conference may be held if needed between the Elected Official or Department Director and the employee. Please refer to Sections V and VI of this manual.

The evaluation form used by the Elected Official or Department Director is to be signed by the employee, employee's Supervisor and the Elected Official, acknowledging that it has been reviewed. If the evaluation contains elements with which the employee disagrees, a written rebuttal from that employee may be attached to and included with the evaluation, which rebuttal shall also carry the acknowledging signature of the employee and evaluator.

Evaluation updates are required prior to any pay for performance salary adjustment. Documentation should follow the same procedures as the formal evaluation.

For further information regarding performance improvement see Section V: Employee Conduct Item K: Corrective Action.

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B. PERSONNEL FILES:

Personnel files will contain the following:

- a. The original application for employment;
- b. Job Description
- c. Wage and Salary Information
- d. Immigration Reform Act compliance documents.
- e. Background check documents (when available)
- f. Education level verification documents
- g. Job classification/promotion documentation
- h. Correspondence between the employee, employee's supervisor and the Elected Official or Department Director relative to personnel matters;
- i. Written evaluation forms;

- j. Documentation of any disciplinary or grievance action.

Employee medical records are maintained in a separate confidential file.

Wage & Benefit File

A Wage and Benefit file will be maintained for all Huerfano County employees by the County Human Resources Department and will be secured in the Huerfano County Commissioners Office. The file shall solely contain documents directly related to salary, benefits, income and social security taxes, and other deductions.

Information regarding performance ratings and salaries is, by statute, public information and may be provided to outside concerns. All requests from potential employers or outside agencies regarding past or current employees of Huerfano County are to be forwarded to the Huerfano County Elected Official or Department Director (for which that employee was employed) for response.

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PERSONNEL MANUAL

Section V: Employee Conduct

In providing services as an employee of Huerfano County, certain standards of behavior are necessary to be effective employees. Employees are expected to work with one another and those we serve in a professional manner at all times. **The following shall be adhered to and shall serve as the framework for employee behavior.**

A. SAFETY:

It is the goal of Huerfano County to eliminate work related injuries. Accomplishing this requires the active involvement of all employees in (1) practicing safe work habits, (2) correcting or reporting all safety hazards and unsafe conditions and (3) actively participating in safety awareness programs. Willful disregard of safe work practices is cause

for disciplinary action and employees injured as a result of their own willful disregard of such practices may be denied compensation for time lost.

B. CONFIDENTIALITY REQUIREMENTS:

While nearly every aspect of government business is available for public review there remains areas of privilege, subject to the Colorado Open Records Acts. The final decision regarding the confidentiality of information rests with and shall be referred to the Elected Official or Department Director. The misuse of privileged information by a Huerfano County employee is cause for disciplinary action and/or referral to the District Attorney.

C. PERSONAL USE/CONVERSION OF COUNTY PROPERTY

The personal use and/or conversion of Huerfano County property, or information is prohibited and will result in corrective action, up to and including, disciplinary action including immediate termination of employment and possible criminal prosecution.

HUERFANO COUNTY
PERSONNEL MANUAL

Section V: Employee Conduct

Definitions:

Personal Use: The use of Huerfano County property for personal gain or advantage.

Conversion: The unlawful appropriation (theft) of Huerfano County property.

Huerfano County Property: Any tangible property or service owned, rented, leased or held by the County, including, but not limited to: equipment,

vehicles, telephone, fax, computer, photocopying, office supplies, other services, or structures.

Huerfano County Information: Any file records, personally identifying information, medical or health information as defined in any federal or state privacy protection laws and provided to any staff, volunteer, or elected officials for the use in any county program, facility, or operations.

D. DRESS CODE:

In order to maintain a professional appearance and demeanor, employees are required to dress in attire suitable to the job. If specific dress requirements are necessary, such requirements will be conveyed by the Elected Official or Department Director.

E. IMPROPER CONDUCT:

Conduct, which is inappropriate to the workplace, will not be tolerated and will result in disciplinary action. Improper conduct can generally be defined as behavior which:

1. Threatens the health or safety of oneself or others;
2. Is inconsistent with the job duties assigned;
3. Is insulting or injurious to the well-being of others;
4. Is illegal;
5. Insubordination.

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Section V: Employee Conduct

F. OFF-DUTY CONDUCT:

Off-duty conduct which results in criminal charges being filed against an employee may result in disciplinary action, including administrative leave without pay or suspension without pay.

The conviction of an employee of criminal charges may result in termination of employment.

G. CONFLICT OF INTEREST:

No employee shall have personal investments in any business entity which will create a substantial conflict between the employee's private interest and public duties. The employee shall disclose any such conflicts to the Elected Official or Department Director, and the employee shall take appropriate steps to eliminate the conflict.

When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential to the Elected Official or Department Director and may be excused by the supervisor from such action.

No employee shall engage in any employment or activity that creates a conflict of interest with his or her duties as an employee. Employees are prohibited from accepting any gift with a value of \$50.00 or other consideration from service recipients or vendors doing business or seeking to do business with Huerfano County. Employees are prohibited from using their position with the County for personal gain.

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PERSONNEL DEPARTMENT

Section V: Employee Conduct

H. DRUG-FREE WORKPLACE:

The unlawful possession or use of a controlled substance, the abuse of any prescription medication, or the use of any alcoholic beverage is prohibited in Huerfano County facilities and vehicles. Any violation of this policy by a County employee may result in disciplinary action. The employee must notify the Elected Official or Department Director of any

criminal drug statute conviction, including a plea of *novus tenor*, for a violation occurring in the work place, or elsewhere on the job, immediately upon notice of such conviction.

The Huerfano County Substance Abuse Policy is included in this plan as an attachment.

I. EQUAL OPPORTUNITY EMPLOYMENT AND PROHIBITION OF DISCRIMINATION:

It is the policy of Huerfano County to provide equal employment opportunity without any preference, limitation, specification or discrimination based on race, color, religion, sex, disability, marital status, national origin or other non-merit factor.

Discrimination against any employee in appointment, training, promotion, retention or any other personnel action because of political or religious affiliations, or because of race, age, sex or disability, in conformity with applicable laws, or national origin, marital status, or unnecessary exposure to unequal treatment is prohibited.

J. SEXUAL HARASSMENT POLICY:

Unwelcome sexually-related conduct, including sexual advances, requests for sexual favors, or other physical, verbal or written conduct of a sexual nature constitutes sexual harassment when: 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting that individual; or 3) the conduct has the purpose or effect of unreasonably

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PERSONNEL MANUAL

Section VI: Corrective Actions, Disciplinary Actions And Grievance Procedures

interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment. Examples of conduct which may constitute sexual harassment include, but are not limited to; pinching; grabbing; fondling; propositioning; making either

explicit or implied job threats or promises in return for submission to sexual favors; making sexually-oriented comments on appearance or physical features; telling sexually-oriented stories or jokes; and display of sexually-oriented pictures or photographs.

- K. Any employee who believes that he or she is being subjected to sexual harassment should inform the person responsible for the conduct that such conduct is unwelcome and request that it stop immediately. The employee shall inform the Elected Official or Department Director of the sexual harassment as soon as possible. If verbal action does not get a response, the employee who is being subjected to harassment shall notify the Elected Official, Department Director or the Administrative Office in writing their complaint. To the extent possible, complaints and investigations will be handled in a timely and confidential manner. If an investigation determines that harassment did occur, the appointed official, and the Board of County Commissioners will take appropriate disciplinary action.

CORRECTIVE ACTION:

It is the position of Huerfano County that corrective action is not to be confused with disciplinary action. Corrective action is to be non-punitive and supportive in nature as a means of addressing problems with employee conduct or job performance.

Corrective actions are intended to correct and improve an employee's job performance or behavior in a formal, systematic manner. Corrective actions do not adversely affect the current base pay, status, or tenure of the employee. The following provisions shall apply to corrective actions:

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PERSONNEL MANUAL

Section VI: Corrective Actions, Disciplinary Actions And Grievance Procedures

1. General provisions
 - a. Corrective actions shall be in writing.

- b. Corrective actions may be administered for minor breaches of rules, policies or procedures deemed unworthy of serious reactions
- c. by the Elected Official or Department Director but of significant enough impact that such breaches or behavior must be corrected.
- d. When the reason for a corrective action is a performance problem, the Elected Official or Department Director may use either the written corrective action format or the performance appraisal system.
- e. Corrective actions may be administered concurrently with disciplinary actions.
- f. Corrective action shall contain:
 - 1. The area(s) of needed improvement.
 - 2. The corrective actions the employee must take.
 - 3. The time allotted to the employee to make the correction. The time shall be reasonable and in accordance with the nature of the problem.
 - 4. The disciplinary action which will result if the employee fails to make the necessary correction.
 - 5. A statement that the employee may submit a written explanation to the Elected Official or Department Director. The statement shall be attached to and kept with each copy of the corrective action.
 - 6. A corrective action may contain a statement that the action will be removed from the employee's file after a specified period of time if the employee satisfactorily complies with the terms of the corrective action.

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PERSONNEL MANUAL

Section VI: Corrective Actions, Disciplinary Actions And Grievance Procedures

DISCIPLINARY PROCEDURES:

The following section describes the procedures that shall be followed by Huerfano County and its employees regarding disciplinary action.

Prior Notice: The immediate supervisor shall notify the employee in writing that disciplinary action is being recommended. The notice shall contain a brief description of the employee's conduct and/or performance which the supervisor believes merit disciplinary action.

The notice shall also indicate all disciplinary actions that are being considered.

The notice shall also provide a date and time for a pre-disciplinary conference with the employee, the Supervisor, and the Elected Official or Department Director.

Pre-disciplinary conference: The pre-disciplinary conference is not a hearing but is an opportunity for the employee to respond to the recommendation for disciplinary action. The employee may provide written information prior to or during the conference.

The supervisor shall review the reasons for disciplinary action and the disciplinary action that is being recommended.

The Elected Official or Department Director will hear both parties and may ask for additional information and/or consider other sources of information.

Notice of Action: Within two business days following the pre-disciplinary conference, the Elected Official or Department Director shall deliver to the employee a written statement regarding the disciplinary action to be taken, if any.

Section VI: Corrective Actions, Disciplinary Actions And Grievance Procedures

The decision of the Elected Official or Department Director is final and is not grievable under Section VI, B, Grievance Procedure.

Available Actions: The disciplinary actions available to the Elected Official or Department Director shall include, but are not limited to:

Informal written reprimand, with no copy placed in the employee's personnel file. This may be combined with a corrective action plan as indicated in Section V of the Personnel Manual.

Formal written reprimand, with a copy placed in the employee's personnel file. This may be combined with a corrective action plan.

Suspension without pay for up to five working days. This may be combined with a corrective action plan.

D. Termination of employment.

C. GRIEVANCE PROCEDURE

Disciplinary actions are not grievable under this section as they are reviewed and decided upon by the Elected Official or Department Director after a pre-disciplinary conference.

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

Filing of a grievance: Any employee having a grievance shall make a written statement of the grievance and shall deliver it to his or her supervisor within five (5) working days after the matter being grieved occurred. The statement shall briefly describe the matter being grieved and shall also state what relief or action the employee requests.

Review by Supervisor: The Supervisor shall, within five working days following the receipt of a grievance, review the grievance, discuss it with the employee, and deliver to the employee a written response to the grievance.

Section VI: Corrective Actions, Disciplinary Actions And Grievance Procedures

The response shall state the action taken by the supervisor in response to the request set forth in the grievance.

Review by the Elected Official or Department Director: If the employee's supervisor is someone other than the Elected Official or Department Director, and if the employee is not satisfied by the action taken by his or her supervisor, he or she may, at any time within five working days following receipt of the supervisor's response, request a review of that action by the Elected Official or Department Director. The request for a review shall be made by the employee delivering to the Elected Official or Department Director a copy of the original statement of grievance, a copy of the response by the supervisor and a written request for review addressed to the Elected Official or Department Director. The Elected Official or Department Director shall review the request and attached documents, discuss the request with the employee and with the supervisor and deliver a written decision to the employee within ten working days following receipt of the request for review. The Elected Official or Department Director may, at his or her discretion, confer with the employee and the supervisor separately or together.

Decision by the Elected Official or Department Director: The decision made by the Elected Official or Department Director in review of a grievance is final.

SECTION VII: Termination of Employment

An exit interview will be conducted on every employee that leaves County employment. The interview will be conducted by Human Resources. If it is not possible to conduct a personal interview, an exit interview form shall be mailed to the separated employee. The original of the completed exit interview form shall be filed in the employee's personnel file and a copy shall be sent to the Elected Official or Department director for his or her information. Any employee who does not complete an exit interview will not be eligible for re-hire for five years.

A. RETIREMENT:

When an employee intends to retire from Huerfano County, the employee shall submit a notice at the earliest possible date prior to the effective date of retirement. The notice must be submitted in writing to the Elected Official or Department Director and Human Resource Office.

B. RESIGNATION:

When an employee intends to resign from Huerfano County, the employee shall submit a written letter of resignation to the Elected Official or Department Director and Human Resources at least ten working days prior to the effective date of resignation.

C. ABSENCE WITHOUT APPROVED LEAVE:

An employee who is absent without approved leave or notice for a period of three (3) or more consecutive working days may be deemed to have resigned with prejudice at the end of the third day. Notification of separation shall be mailed to the employee's last known address as recorded in the personnel file.

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PERSONNEL MANUAL

Section VII: Termination of Employment

D. TERMINATION OF EMPLOYMENT

The Elected Official or Department Director may terminate the employment of any employee with prejudice, for negligence, poor performance, acts of moral turpitude or other good and sufficient cause.

An employee who, for a period of twelve (12) months, has not achieved an evaluation of standard or higher, and has not been reassigned or demoted, shall be terminated from employment by the Elected Official or Department Director.

E. REDUCTION IN WORK FORCE (Layoff):

The Elected Official or Department Director may initiate layoffs for the following reasons; lack of work, lack of funds, or reorganization. Lay off or demotions due to reduction in work force are not grievable under Section VI B of this manual.

The Elected Official or Department Director shall terminate employees in temporary positions in the effected profile and abolish their positions. Then, the Department shall layoff provisional and probationary employees and may, at the Elected Official or Department Director's discretion, select the employees to terminate. Provisional and probationary employees who are displaced in the layoff process have no retention rights.

Reinstatement: A former County employee with permanent status who resigned while in good standing as evidenced in exit interview,

was laid off, or demoted without prejudice, shall, at the discretion of the Elected Official or Department Director, be eligible for reinstatement to the same, an equivalent, or lower related job profile. Subject to approval by the Board of County Commissioners.

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PERSONNEL MANUAL

Section VII: Termination of Employment

Eligibility for reinstatement shall 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. a vacant position;
- B. the meeting of minimum qualifications of education and/or experience.

The following may be required for a reinstatement appointment:

- A. a probationary period of up to twelve months;
- B. re-examination.

A reinstated employee due to lay-off, may have up to thirty (30) days of accrued sick leave reinstated . No additional previous tenure will be granted. Employees who resigned from a county position are not eligible for reinstatement of any previously accrued benefits or tenure.

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SECTION VIII: Expense Reimbursement

GENERAL STATEMENT:

Expenses incurred by an employee in the conduct of County business and with the prior approval of the Elected Official or Department Director will be reimbursed subject to the following provisions.

A. MILEAGE

Mileage reimbursement for use of personal vehicles will be available only if the County vehicle(s) are not available. There is no smoking or use of alcohol allowed while in a county vehicle.

Mileage will be reimbursed for the use of personal vehicles at the rate established by the Huerfano County Board of Commissioners. If such use involves the employee leaving from or returning to his/her residence rather than workplace, the mileage from the residence to the workplace will be deducted from the reimbursement request. All personal mileage charges should be recorded, on the appropriate form, reviewed by the immediate supervisor and submitted for payment.

Huerfano County employees are required to maintain a valid Colorado driver's license and auto insurance while driving a vehicle on County business. Employees are also required to wear seat belts while driving on County business.

B. FOOD AND LODGING WHILE ON COUNTY BUSINESS:

Employees who are required to travel on County business will be reimbursed for the reasonable cost of food and lodging at a rate established by the Board of County Commissioners. Receipts for cost of food and lodging must be submitted with the reimbursement request. Whenever possible, the lodging expenses are to be paid directly by County voucher.

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Section VIII: Expense Reimbursement

C. ALCOHOLIC BEVERAGES:

Under no circumstances will reimbursement be made for the purchase of alcoholic beverages.

D. OTHER EXPENSES:

Reimbursement for other expenses (typically for such things as office supplies) requires prior approval by the Elected Official or Department Director.

Huerfano County

Substance Abuse Policy

Huerfano County supports the principals of a drug and alcohol free workplace in order to ensure the safety of its employees and the public.

Substance abuse may adversely affect the quality of service, pose safety and health risks to the user and others, have a negative impact on work efficiency, increase absenteeism, tardiness and unsatisfactory job performance, and result in danger to or loss of equipment and property.

Huerfano County has a vital interest in maintaining a safe, healthy, and efficient working environment for its employees, clients, and the public. Individuals impaired by controlled substances or alcohol use during work hours may pose safety and health risks not only to themselves but also to others. Therefore to ensure a safe working environment it is the policy of Huerfano County that the illegal possession, manufacture, use, sale, or transfer of a controlled substance on County property or during work by its employees, officials, or volunteers is strictly prohibited. Violations of this policy will be cause for management or supervisory intervention that may result in referral to mandatory treatment and/or corrective or disciplinary actions up to and including termination.

SCOPE OF POLICY

It is the intent of the Huerfano County Board of County Commissioners for this policy to be honored by Elected Officials funded under its funding authority, by all employees of the County, by all employees of other County Elected Officials, and by employees of all County funded or controlled boards or agencies, and by all volunteers to these entities to the full extent of its authority under applicable law. However, the Huerfano County Board of Commissioners recognizes that the refusal of an Elected Official to submit to substance abuse testing under this policy has no possible legal consequence other than the recall process or its use of budgetary powers.

DEFINITIONS

All terms, unless otherwise defined herein, shall take the definitions assigned under the Federal and Colorado Department of Transportation laws governing the drug testing for CDL holders, particularly the Omnibus Transportation Employee testing Act of 1991,

and the Final Rules (49CFR, Part 40), and the Colorado Department of transportation regulations, as amended from time to time; all of which are incorporated into this policy by reference and which may be accessed at <http://www.dot.gov/ost/dapc/>. A few terms shall be additionally defined as listed hereunder.

Accident: For non-CDL holders, an accident is defined as any loss of control of the vehicle such that it leaves the roadway; any collision with, or fatal injury to, any animal protected by state or federal law; any visible property damage to a vehicle or to personal or real property; or any loss of control of a vehicle which causes the employee to be delayed from the performance of his or her duties longer than fifteen (15) minutes.

Agency: Any County controlled or funded agency including but not limited to any commission, board, or agency operating in whole or in part funded under County authority, whether or not statutorily created or not.

Employee: It is the intent of the Huerfano County Commissioners for this policy to be honored by Elected Officials funded under its funding authority, by all employees of the County, by all employees of other Elected Officials, and by employees of County funded or controlled boards or agencies, and by all volunteers to these entities to the full extent of its authority under applicable law. The policies and procedures of the Substance Abuse Policy are specifically incorporated into the Personnel Policies of Huerfano County.

Elected Official: Any reference to the duties of an “employee” may also be presumed to refer to the duties of Elected Officials to the maximum extent not inconsistent with their different status as an Elected Official.

Volunteer: Any reference to the duties of an “employee” may also be presumed to refer to the duties of volunteers to the maximum extent not inconsistent with their different status as a volunteer.

Contractor: Any reference to the duties of an “employee” may also be presumed to refer to the duties of any independent contractor, appointee, or to any contract employee, whether under a written or verbal contract, to the maximum extent not inconsistent with their differing status and/or any written documentation of that status.

AT WILL EMPLOYMENT

Nothing in this policy is to be considered to prohibit Huerfano County from maintaining a safe work environment or imposing disciplinary action as it deems appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises from drug or alcohol use. Such disciplinary actions may include termination of employment. Employment is at will and subject to termination by Huerfano County or the Employee at any time, with or without notice and with or without cause. Nothing in this policy provides any guarantee or rights to any public employee with regard to the choice of consequences or availability of substance abuse treatment is

at the discretion of the supervising Elected Official or Department Head, and is subject to reasonable discretion under the Governmental Immunity Act of Colorado.

POLICY IMPLEMENTATION

It is Huerfano County's intent to comply with each of the provisions of the Drug Free Workplace Act of 1998 (P.L. 100-690, title V, Sub-Title D), the Omnibus Transportation Employee Testing Act of 1991 and the Final Rules (49CFR, Part 40), as amended from time to time, and all other applicable Federal or State law or regulation.

It is the responsibility of all management and supervisory personnel to implement these policies and to follow these guidelines to insure fair and consistent application throughout County operations. Each department or agency is responsible for issuing additional guidelines and safeguarding record-keeping so long as they are not inconsistent with this policy and Federal or State laws.

GENERAL PRINCIPLE

1. The use of drugs or alcohol by an employee becomes a matter of concern to the County when it interferes with his or her job performance, conduct, attendance, or safety. The County's policy is directed toward rehabilitation whenever reasonable and consistent with business necessity.
2. The County encourages individuals to self-identify any substance abuse conditions or problems and to seek immediate medical, psychological, and/or other substance abuse treatment programs for those conditions or problems, prior to the necessity of the County undertaking management or supervisory intervention for job related problems.
3. This policy does not prohibit the use of alcohol on County owned property for recreational activities when approved by the authorized official(s) and when a policy covering liability is purchased for the activity. If alcohol is served, non-alcoholic beverages must also be available for consumption. This guideline is subject to the policies and procedures of each Elected Official. An agency or department may direct its employees, officials, or volunteers to refrain from consuming alcoholic beverages while on duty, regardless of location.
4. Violations of this policy will be cause for management or supervisory intervention that may result in referral to mandatory treatment and/or corrective disciplinary action up to and including termination.
5. Should an employee undergo medical treatment for substance abuse or related problems, whether voluntary or mandatory, any absence from the job will be

handled in accordance with existing leave policies and benefits plans. It remains the responsibility of the employee to meet established work standards.

6. In the case of mandatory treatment, it is the employee's responsibility to verify compliance to the Elected Official or Department Head.
7. Refusal to accept referral to mandatory treatment or to follow recommended treatment plans will be considered a violation of this policy and therefore may subject the employee to corrective or disciplinary action up to and including termination.
8. The appropriate law enforcement agency shall be notified when there is a reasonable suspicion to believe that illegal possession, manufacture use, sale or transfer of a controlled substance on County property or during working hours has occurred. However, under circumstances which suggest that evidence of an illegal act on County property may be discovered, supervisors and management are advised to consult with law enforcement prior to any investigative activity being undertaken.
9. Each agency or department shall notify each employee, volunteer and/or Elected Official of the County's Substance Abuse Policy pursuant to the Federal Drug Free Workplace Act of 1988 as amended.
10. Each employee is required by law to inform the Administrative Office within five(5) days after he or she is convicted for a violation of any Federal or State criminal drug statute where such violation occurred on State or County premises or during work hours. A conviction means a finding of guilty or nolo contendere, or the imposition of a sentence by a judge or jury.
11. The department or agency for which an employee works shall, within thirty (30) days after receiving notice of a conviction from that employee, take appropriate personnel action up to and including termination.

EMPLOYEE RULES OF CONDUCT

In order to implement and enforce this policy, Huerfano County hereby adopts the following guidelines and procedures.

1. Employee responsibilities:
 - a. No employee shall report to work while under the influence of alcohol, prescription drugs or any controlled substance, which may impair his/her ability to perform the essential functions of his/her job.

- b. No employee shall operate any vehicle while conducting County business while under the influence of alcohol, prescription drugs or any controlled substance, which may impair his/her ability to operate a vehicle.
- c. Employees shall report any side effects for prescription drugs that he/she may be taking that have the potential to impair ability in the performance of his/her job duties. In those circumstances where the use of a prescribed or over-the-counter drug is inconsistent with the safe and efficient performance of duties, an employee may be required to take personal time off (vacation, comp time, or sick leave), or a leave of absence.
- d. The illegal possession, manufacture, use, sale, or transfer of a controlled substance on County property or during work hours by its employees, officials, or volunteers is strictly prohibited.
- e. Employees shall report any convictions under criminal drug statute to his/her supervisor within five (5) days of the conviction.
- f. Employees shall submit to drug testing procedures for the following regulated substances; marijuana, opiates, cocaine, amphetamine, phencyclidine.
- g. Employees shall submit to alcohol testing.

DISSEMINATION OF POLICY

This Substance Abuse Policy shall be disseminated to all employees upon its adoption by the Board of County Commissioners and elected Officials and, in addition, shall be posted in each department. Each existing employee shall sign an acknowledgement of receipt of this policy. All new employees shall be given a copy of this policy with the Personnel Manual and shall sign an acknowledgement of such.

PROCEDURES FOR CONTROLLED SUBSTANCES (ALCOHOL AND /OR DRUGS) TESTING

Any alcohol or other controlled substance testing in which the outcome is a positive result shall be verified through a confirmatory method (split sample). If a positive result is verified through a confirmatory test it will be deemed a violation of this policy.

Breathalyzer and urinalysis is used to determine the presence of drugs or alcohol in the system. Huerfano Board of County Commissioners designates a CERTIFIED LAB agency as the collection site for urinalysis specimens and to provide drug and alcohol collection, testing, and reporting. This agency shall be an Accredited Collection site approved by the Drug Alcohol Treatment Industry Association. This agency conducts on-site services on behalf of the County to include: reasonable suspicion, post accident

testing and follow-up. Random testing will be performed for employees with CDLs and in safety sensitive positions.

Huerfano County will pay all costs of testing - including the cost of transportation - and shall deem the time required away from regular duties as work time for the purposes of compensation and benefits.

No drug or alcohol testing is conducted without an employee's consent, but refusal or failure to provide a sample if requested by a supervisor for the County in compliance with this policy, will be considered a positive drug test followed immediately by termination.

All test results arising from this policy shall insure proper chain of custody and shall remain confidential under all medical privacy rules.

1. The employee is determined to have refused to submit to testing if:
 - a. He/she refused to take the test.
 - b. There is an inability to produce urine after 44 ounces of fluid are ingested and 3 hours have passed or cannot give enough breath sample with an absence of a valid medical explanation determined through a medical evaluation.
 - c. He/she provides false information.
 - d. He/she fails to report within the required time period for testing.
 - e. He/she engages in conduct that clearly obstructs the testing process.
2. Adulterated and/or tampered samples will be considered a positive drug test and treated as such followed by immediate termination.

POSSIBLE CONSEQUENCES (“COUNTY ACTION”)

The Board of County Commissioners or Elected Official or Department Director shall impose disciplinary actions, including but not limited to the following possibilities:

1. Immediately require an employee to go on paid or unpaid leave.
2. Receive an evaluation by a County approved Substance Abuse Professional (SAP). If the SAP recommends that the employee should seek treatment, the employee will be required to enter into a SAP approved program. If the SAP recommends the employee does not need treatment, the employee may be returned to their normal duties following a negative drug test. This may be accompanied with or without additional conditions of employment.

3. Reprimand or written warning.
4. Require the employee to meet conditions of continued employment, including but not limited to:
 - a. Comply with specified behaviors or job conduct; including but not limited to submission a medical evaluation and compliance with a substance abuse treatment plan.
 - b. Undertake psychological, psychiatric or medical counseling or substance abuse treatment.
5. Any other disciplinary action up to and including termination.

TYPES OF TESTING

PRE-EMPLOYMENT

Huerfano County may test prospective employees for the presence of drugs and/or alcohol.

POST ACCIDENT

Employees must report any vehicular accident as defined earlier in this document. Post accident testing is testing that is required following certain events such as vehicular accidents. Post accident testing for employees is done in accordance with 49 CFR, PART 382 and, if applicable, the additional definition provided for non-CDL employees as defined in this policy.

An employee must immediately- or as soon as possible – submit to a controlled substance and an alcohol test after any of the following occurs as the result of an accident:

1. A citation for a moving violation is issued while operating a commercial motor vehicle (CMV) or county-owned vehicle while on duty.
2. One of the vehicles involved in the accident is disabled and must be towed from the scene.
3. The accident results in bodily injury to a person who must immediately receive medical treatment away from the scene.
4. A fatality occurs to a person.

Any employee who tests positive for an illegal drug or its metabolite, or for alcohol will be subject to COUNTY ACTION as stated in this policy.

Any employee who leaves the scene of an accident for any reason other than to comply with the instructions of a law enforcement officer will be subject to COUNTY ACTION as stated in this policy.

RANDOM TESTING

Random testing is a regular, periodic testing of all employees within safety sensitive positions conducted in compliance with a statistically valid neutral selection process.

Random testing is normally applicable to CDL employees only and must be done in accordance with 49 CFR PART 382, as amended from time to time. No other group of employees can be included for testing in the CDL group.

Any other employee positions will not be subject to random testing unless the position has been identified as safety sensitive, (i.e. Sheriff employees, Ambulance employees, and employees that transport for Social Services).

In the event a selected employee is on vacation, sick leave or otherwise not at work, another random selection may be substituted. In no event shall an employee have the authority to excuse him or herself from testing.

REASONABLE SUSPICION TESTING

Reasonable suspicion testing for any employee is done only after a “Trained Observer” makes the determination that the on-duty behaviors and conditions of an employee presents reasonable grounds to believe that the employee is currently impaired by possible substance abuse. If the “Trained Observer” makes the recommendation to the employee’s supervisor, then that supervisor has the authority to require that the employee submit to testing in a timely manner.

For the purpose of this policy and procedure, a “Trained Observer” is one who has received training at “Supervisor Level” under the CDL requirements at 49 CFR PART 382: Only such a “Trained Observer” may conduct reasonable suspicion observations and make recommendation for reasonable suspicion testing on behalf of the County. This training requirement ensures that the person conducting a reasonable suspicion review are knowledgeable regarding the legal requirements for “reasonable suspicion” and for requiring testing only on that basis. A list of Trained Observers is available in the Administrative Office.

RETURN TO DUTY TESTING

The requirements for return-to-duty testing must be performed in accordance with 49 CFR, SUBPART 0.

FOLLOW-UP TESTING

Follow-up testing is done in accordance with the recommendations of a SAP for any employee who is required to seek substance abuse treatment as a condition of continued employment. This testing and all treatment shall be monitored and certified by the Medical Review Officer. The recommendations of a SAP in a substance abuse treatment plan shall be required to be followed by an employee who has had a positive test under this policy. Recommendations will be written in accordance with the regulations at 49 CFR PART 382.

ALCOHOL STANDARDS

Test results for alcohol testing shall conform to Federal and State levels as may change from time to time.

TESTING PROCEDURES

Testing shall be conducted in a manner to ensure adherence to standards of confidentiality, privacy, accuracy and reliability. All controlled substance testing will be performed by an Accredited Collection site approved by the Drug Alcohol Treatment Industry Association.

1. Controlled Substance Testing
 - a. Urine will be the required substance and will be collected under controlled circumstances.
 - b. Urine shall be divided into split specimens (2 containers) and each shall be labeled thoroughly to preserve identity.
 - c. Specimens undergo testing by an initial screening procedure, which is followed by GC-MS/SAMSHA Certified Lab for confirmation testing if necessary.
 - d. Urine is positive for a substance if the substance is present in an amount greater than the minimum threshold.
 - e. The MRO will contact the employee if there is a positive result to verify the result.
 - f. In the event of a positive result, the MRO gives the donor employee the option of testing the remaining split specimen at a SAMSHA certified laboratory of their choice at the employee's expense.
 - g. The MRO reports the result to the "Designated Employer Representative".

2. Alcohol
 - a. A breath specimen is required to test for alcohol.
 - b. Breath tests will be conducted by a certified breath alcohol technician.
 - c. The tester will use an approved Evidential Breath testing device.
 - d. The initial test must give results of less than 0.02 or a retest (confirmation) test must be done following a 15-minute wait.
 - e. If the confirmation reveals a concentration of greater than 0.02, the individual is in violation of this policy.

CONFIDENTIALITY OF MEDICAL INFORMATION

All medical records pertaining to any tests performed under this policy shall be maintained by the Designated Employer Representative (DER). The County will make its best efforts to preserve the confidentiality of any medical information which is released to it. It will treat all such information as highly confidential and release such information only on an absolute need to know basis. However, the Board of County Commissioners or Responsible Elected Official reserves the right to review and discuss such recommendations in Executive Session pending COUNTY ACTION.

WHAT EMPLOYEES ARE SUBJECT TO WHICH TESTS?

For the purpose of legal testing, individuals are grouped. Each individual in a specified group can expect to be subject to listed tests.

1. All applicants for, or employees of Huerfano County will be subject to the following alcohol and/or other substance abuse tests: Pre-employment (Drug and Alcohol), reasonable suspicion, post-accident (if the accident occurs while engaged in the conduct of County business), return to duty, and follow-up testing under one instance of a positive test result.
2. All County employees covered by the U.S.D.O.T. regulations (49CFR PART382) will be subject to the same testing as above with the inclusion of random testing.
3. Sheriff Department Employees will be subject to a separate testing policy as required by Federal Due Process requirements and applicable Federal and State laws, and will be maintained separately by the Sheriff Department Personnel Officer.

