



Personnel Management Handbook

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Introduction

IMPORTANT INFORMATION

This handbook is not all INCLUSIVE BUT is intended to provide employees with a summary of some of the County's guidelines. This edition replaces all previously issued editions, letters, memoranda, or individual understandings.

Employment with Otero County is "at-will". Employees have the right to end their work relationship with the County, with or without advance notice, for any reason. The County has the same right. The language used in this handbook and any verbal statements made by management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration.

No employee handbook can anticipate every circumstance or question. After reading the handbook, employees who have questions should talk with their immediate supervisor or the Human Resources Office. In addition, the need may arise to change the guidelines described in the handbook. Except for the at-will nature of employment, the County therefore reserves the right to interpret them or change them without prior notice.



Welcome to Otero County!

A challenging and rewarding experience awaits you as an employee of Otero County. These Personnel Guidelines have been written to answer some of the questions you may have concerning the County, as well as to provide a consistent framework for personnel management within the County. All employees should familiarize themselves with the contents of this handbook as soon as possible, for it may answer many questions about your employment with the County.

We believe that each employee contributes directly to the success of the organization, and we hope you will take pride in being a member of Otero County's team.

We hope that your experience here will be challenging and enjoyable.

Mission Statement

"Otero County will continue to strengthen partnerships with our community through high standards of customer service, communication, and commitment; thus, striving to enhance the quality of life for everyone."

General Provisions

General Policy

The purpose of these policies is to ensure the equal application of personnel rules and regulations, to assist in personnel management and to make employees aware of rules and regulations governing their employment with Otero County. All employees are required to comply with these policies and to read and make themselves familiar with this handbook.

Personnel Board

The Board of County Commissioners shall be considered as the “Personnel Board”, whose responsibility will be to adopt the Personnel Rules and Regulations for employees covered by the County’s personnel system.

The Commissioner’s Office (Administrative Department) shall serve as the “Personnel Department” and shall provide those services to the various elected officials and/or department heads.

The Administrative Department shall be the final authority as to the interpretation and intent of these Personnel Rules and Regulations.

Appointing Authority

The statutes of the State of Colorado provide that the Board of County Commissioners, other elected officials, the health department director, public works director and the human services director have the authority to direct operations in each of their respective departments. This direction shall be provided in accordance with the policies outlined in this handbook. Included in this authority is the authority to appoint and dismiss, at their pleasure, all individuals directly appointed by the elected official, public health director, public works director or the human services director. The Board of County Commissioners, elected officials, public health director, public works director and human services director and/or their designee will be referred to as the “Appointing Authority” in dealing with employee issues, depending upon which department the employee provides services for and the employment issue being dealt with.

All Otero County Employees are covered under Chapter III (Compensation and Payroll) and Chapter IV (Benefits) in this handbook unless specific changes have been filed and approved by the Board of County Commissioners. The Board of County Commissioners has authority over the Otero County budget, and as a result, over the approval of salaries.

Chapter I – Employment

101 Equal Employment Opportunity (EEO) Policy

The County is dedicated to the principles of equal employment opportunity. Except where there is a business necessity or a bona fide occupational qualification, the County prohibits unlawful discrimination against applicants or employees on the basis of race, sex, color, religion, age, national origin, disability, genetic information, sexual orientation, veteran or marital status, or any other status protected by applicable law.

102 ADA & Religious Accommodation

In accordance with applicable law, the County will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the County or a direct threat to themselves or others. Employees needing such accommodation are instructed to contact their supervisor or Human Resources (HR) immediately.

102.5 Colorado Pregnancy Protection Act

Colorado state law prohibits discrimination based on pregnancy, childbirth and related conditions. Reasonable accommodations that do not create an undue hardship on the employer are required for these conditions. Otero County will follow C.R.S. § 24-34-402.3.

103 EEO Harassment

The County strives to maintain a work environment free of unlawful harassment. In doing so, the County prohibits unlawful harassment based on race, sex, color, religion, age, national origin, disability, genetic information, sexual orientation, veteran or marital status, or any other status protected by applicable law.

Unlawful harassment includes verbal or physical conduct that has the purpose of 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 communications such as cartoons, e-mail, 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 elected officials, department heads, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, salespersons, etc.

104 Sexual Harassment

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the County believes it warrants separate emphasis.

The County strongly opposes 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 performance or creating an intimidating, hostile, or offensive work environment.

All employees are always expected to conduct themselves in a professional and businesslike manner. Conduct which may violate this policy includes, but is not limited to:

- Written communications such as cartoons, e-mail, posters, calendars, notes, letters, etc.
- 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.

105 Complaint Procedure – EEO/ADA/Sexual Harassment

If you believe there has been a violation of the EEO policy or harassment based on the protected classes outlined above, including sexual harassment, please use the following complaint procedure. The County expects employees to make a complaint within 5 working days to enable the County to investigate and correct any behavior that may be in violation of this policy.

Report the incident to your elected official/department head and Human Resources (EEO/ADA), who will investigate the matter and take corrective action, as necessary. Your complaint will be kept as confidential as practicable. Reasonable efforts will be made to maintain the confidentiality of everyone involved in any investigation.

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 complaint procedure outlined above. The 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 termination.

106 Problem Resolution - General

If problems and complaints arise in the workplace, the following procedure should be utilized:

1. Discuss the situation with your supervisor as soon as reasonably practicable. Discussions held in a timely manner will enhance the County's ability to resolve concerns while the facts and circumstances are fresh in everyone's mind. Most misunderstandings hopefully can be resolved at this level.
2. If a resolution is not reached with your supervisor or if it is inappropriate to go to your supervisor, discuss the situation with your elected official/department head.
3. If the situation is not resolved or if it is inappropriate to go to your elected official/department head, communicate the problem directly to Human Resources.
4. Should further resolution be required, the Board of County Commissioners shall make the final determination. The Board's decision is final.

107 Employee Classification Status

107.1 REGULAR FULL-TIME EMPLOYEE

An employee who is normally scheduled to work 40 hours per week. Full-time employees are currently eligible for County benefits.

107.2 REGULAR PART-TIME EMPLOYEE

An employee who is normally scheduled to work less than 40 hours per week. Part-time employees receive no County benefits other than those required by law or regulation.

107.3 TEMPORARY EMPLOYEE

An employee who is hired in a job established for a temporary period or for a specific assignment. Temporary employees receive no County benefits other than those required by law or regulation.

107.4 REGULAR CONTRACT EMPLOYEE

An employee who is hired under the terms and conditions of a contract. This does not include “independent contractors.” Such employees may be part-time or full-time and receive no compensation or benefits other than those outlined in the terms and conditions of their specific contract. Such contracts shall be reviewed and authorized by the Board of County Commissioners and County Attorney.

107.5 EXEMPT EMPLOYEE

An employee who is not eligible for overtime pay. Exempt employees are paid on a salary basis and must meet certain criteria under the Fair Labor Standards Act (FLSA).

107.6 NON-EXEMPT EMPLOYEE

Non-exempt employees are eligible for paid overtime at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours per workweek, or other specified work period per the Fair Labor Standards Act. Certain law enforcement personnel (as defined under the FLSA) would receive overtime for hours worked in excess of a work period consisting of one-hundred seventy-one (171) hours in a twenty-eight (28) day period.

108 Employment of Relatives

The County may hire relatives of current employees except in the following situations:

- Relative would be able to directly supervise another relative.
- Relatives would audit, verify, receive, or are entrusted with money handled by another relative.

A relative is defined as parent, spouse, child, grandchild, grandparent, brother, sister, nephew, niece, aunt, and uncle and current in-laws of the same relationship.

In the event two employees marry and one of the above situations applies, the County will try to arrange a transfer. If no such transfer is available, one of the employees must resign from employment within ninety (90) days from the date of marriage. The decision as to which employee resigns will be left to the two employees.

These guidelines apply to all categories of employment, including full-time, part-time, and temporary classifications. They also apply to all relatives and to individuals who are not legally related, but who reside with another employee. It is the employee's responsibility to disclose such a relationship. Failure to do so may result in disciplinary action.

109 Personnel/Employee Records

The County maintains personnel files and records on each employee. These files and records are property of the County. Confidentiality of these files and records is maintained as required by law. These files and records contain certain documentation regarding aspects of the employee's employment with the County, such as performance appraisals, beneficiary designation forms, certifications, letters of commendation, etc. If you want to look at the file or discuss it with someone, contact the Human Resources Office to schedule an appointment.

To ensure that personnel files and records are up-to-date at all times, notify the Human Resources Office of any changes in the following: your name, telephone number, home address, marital status, number of dependents, beneficiary designations, education and training, emergency contact names and telephone numbers, and any other relevant information.

Generally, the employees' official personnel files are kept in the Human Resources Office (unless statute or regulations require a different location). In those situations, a comprehensive supplemental file will be submitted to the Human Resources Office. Access to all personnel files, regardless of where they are kept, is governed by C.R.S. 24-72-204, regarding allowances or denial of public records.

Copies of any personnel actions taken for or against an employee must be submitted to the Human Resources Office in order to maintain an accurate and current reporting of the employee's status.

110 Performance Appraisals

Evaluating employee job performance and providing feedback is an important factor in making employment-related decisions. Performance Appraisals should be performed by the supervisor on an annual basis. Please contact and advise your supervisor or Human Resources if more than a year has passed since receiving formal feedback.

111 Job Posting

Recognizing the need to fill available positions with the best-qualified people, the County may recruit from outside as well as consider qualified candidates in the County.

Normally, job openings are posted on the employee bulletin board for a least five (5) working days and local newspapers and radio may be used. Employees may submit applications to the Work Force Center(s).

112 Veteran's Preference

In accordance with Article XII, Section 15 of the Constitution of the State of Colorado, applicants of the County who are military veterans shall be given consideration over non-veterans, provided they are otherwise equally qualified for the position vacancy.

113 Pre-Employment Physicals

All potential employees with a conditional offer of employment will be required to take a pre-employment physical. If the physical examination determines that the individual cannot perform the essential functions of the job with or without reasonable accommodation, then the conditional employment offer will be retracted. The County will pay up to \$50.00 for a standard physical.

114 Drug Testing

Applicants agree to be tested as a condition of employment and will not be hired if they produce a positive test. A positive test result or refusal to take the test shall result in the individual no longer being considered for employment with the County. In addition, drug testing may be required due to state/federal regulations regarding certain job positions, e.g., safety sensitive positions (DOT regulations require drug testing). See the Human Resources Office for additional information on the County Alcohol & Drug Policy.

115 Separation from Employment

The County requests that employees who wish to resign their positions notify the County of their anticipated departure date and go over the "check out" procedures at separation (for example, check out procedures may include the following: conversion of insurance, collect all County property that may be in the employee's possessions, e.g., County credit cards, keys, identification cards, etc. – return to department head/supervisor, delivery of final paycheck, etc.) with the Human Resources Office.

Employees who plan to retire are asked to provide enough time to process pension forms to ensure that retirement benefits commence in a timely manner.

"Last day worked" is defined as the last day the employee is physically on the job. The employee will receive a final check through the last day actually worked, along with any payouts for accrued leave. Employees do not accrue any additional leave nor are they eligible to use leave after their "last day worked".

116 Exit Interviews

Exit interviews with the Human Resources Office are normally scheduled for outgoing employees. The purposes of this interview are to review eligibility for benefit continuation and conversion, to ensure that necessary forms are completed, and to provide employees with an opportunity to discuss their job-related experience.

117 Rehire

Employees considered for rehire with the County will need to meet satisfactory performance and attendance standards. Employees separated from employment through no fault of their own in the judgment of the County may also be considered for rehire. Any person seeking rehire may do so by applying with the Work Force Center(s).

Typically, persons discharged from employment are not considered for rehire.

Chapter II Hours of Work

201 Hours of Work/Workweek

All offices/departments shall be open to the public at least 8 hours/day with a normal work week being forty (40) hours. It may be necessary for employees in certain departments to work at times other than the regularly scheduled hours, depending on the needs of the County, i.e., Road & Bridge and Public Safety.

From time to time, an employee may be required to work overtime. For the purposes of calculating overtime, the workweek begins Sunday at 12:01 a.m. and ends Saturday at midnight. Different workweeks may be designated to facilitate the operation of a specific department.

202 Attendance

Good attendance on the part of all employees is very important to both the County and the employee. It helps the County provide the necessary public services to its citizens. All employees are expected and required to be at work unless specifically excused by their supervisor, department head and/or elected official.

203 Time Reporting

All employees (including those classified as exempt) are required to complete a monthly timecard. At the conclusion of each monthly pay period, employees must sign the timecard and submit it to their immediate supervisor for signature and approval. It is necessary for employees to indicate whether the recorded hours are for time worked, or time off.

204 Mealtime/Breaks

Generally, meal periods are 30-60 minutes in duration and breaks are fifteen (15) minutes long per four (4) hour work period or in the middle of the work period. While meal periods are counted as unpaid time, break periods are included in your paid work time.

The County recognizes the importance of taking “breaks” during the workday. It gives an opportunity to enjoy a short rest period or to take a coffee break. Two rest periods, not to exceed fifteen (15) minutes each, are provided during the workday. Rest periods are to be scheduled with your supervisor to provide continuous coverage of the telephone and other services. Rest periods are not to be used to shorten the workday or to extend the lunch period unless approved by your immediate supervisor.

Employees should take alternate breaks in order to provide adequate office coverage. The elected official/department head may establish specific procedures concerning these breaks.

Lunch breaks are scheduled according to the needs of each individual department. Employees should take alternate lunch breaks in order to provide adequate coverage of the office. These lunch breaks shall range from thirty (30) minutes to a maximum of one hour, depending on the policy outlined in each individual department. The elected official/department head may establish specific procedures concerning these breaks.

205 Inclement Weather

The County rarely closes due to adverse weather conditions. In the event of an extreme weather situation, it may be necessary to close County facilities. The Board of County Commissioners is the only authority that may authorize such a closure. Each employee should decide whether it is safe to travel. The County expects all employees to make a determined effort to report for work, even if they are late.

Employees who have not reported to work should check for closure announcements on local radio stations KBLJ (92.1 FM) and KBZZ (1400 AM).

If the County does officially close as a result of weather conditions, the following criteria shall apply:

- If the closure is authorized before normal working hours, employees will be paid for a regular workday.
- If the closure is authorized during a regular business day, employees at work will be excused at that time, and paid for their regular work hours.
- Employees not at work or scheduled to be off when the closure is authorized because they are on leave will have the time charged against their leave accruals as though the office/department had remained open.
- Employees who, for personal reasons, wish to leave work early during severe weather conditions may do so with permission from their supervisor, and shall be charged leave time for the hours they are absent from work. If leave is not available, it will be charged as leave without pay.
- Employees who do not come to work due to weather conditions when a closure has not been authorized shall be charged leave time for their regular workday, or if leave is not available, it will be charged as leave without pay.

Some County services are required regardless of the weather. Elected officials/department heads responsible for providing these necessary services will specify which employees are to report to work and make the proper notifications (if required).

206 Alternate Work Week/Flexitime

On a case by case basis, an elected official and/or department head may authorize an alternate work week or flexitime to an employee.

Chapter III Compensation and Payroll

301 Compensation Administration

The Board of County Commissioners considers several factors including, but not limited to organizational effectiveness, the County's need for attracting/retaining qualified and talented employees, as well as its financial position. Four main tools are utilized to determine compensation.

- **Job Description** – The majority of County jobs has been defined in a written job description. These typically identify the purpose, responsibilities, qualifications, and accountabilities of the job.
- **Job Evaluation** – This is a process used to rate a position within the organizational structure of the County. The purpose is to establish the relationship of each job in comparison to other jobs within the organization.
- **Salary Ranges** – Currently the County has a formal salary structure to keep salaries aligned with comparable markets. These ranges are developed by blending compensation philosophy, salary survey data, and current economic and financial conditions.
- **Performance Appraisal** – This process measures an employee's demonstrated job performance and results achieved. How well a job is performed is one of the major factors that determine eligibility for a salary increase.

302 Pay for Exempt Employees

It is the County's guideline to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a pre-determined amount of compensation for each pay period. The County is committed to complying with salary basis requirements which allow properly authorized deductions.

Deductions from salaries that are permissible include:

- *Personal absences.* The County may deduct for full day absences for personal reasons other than sickness or disability.
- *Absences for illness or injury.* The County may deduct for full day absences due to illness or injury if bona fide sick pay/disability plans are in place.
- *Absences for FMLA Leave.* The County may deduct for full day absences taken as FMLA leave and partial day absences for hours taken as intermittent or reduced FMLA leave.
- *Offsets.* The County may offset an employee's pay for amounts received by the employee for jury fees, witness fees, or military pay.
- *Infractions of Safety Rules.* The County may deduct for penalties imposed when salaried employees violate safety rules of major significance.

- *Infractions of workplace conduct rules.* The County may suspend exempt employees without pay for full days for infractions of written workplace conduct rules, i.e., serious workplace misconduct such as sexual harassment, alcohol and drug violations, etc. Such action would normally be taken upon completion of an investigation of the situation by the County Administrator and/or designee. If the investigation determines that an employee's behavior is in violation of the County's personnel guidelines, then such disciplinary action will be taken.
- *First or last weeks of employment.* The County may make partial week payments during an employee's first or last week of employment.

If an employee believes an improper deduction has been made to his/her salary, the employee should immediately report this information to the Human Resources Office.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be reimbursed.

Exempt employees must still report leave hours used.

303 Pay Day

Payday is on the last working day of each month. Salaries are paid from the 1st of the month to the last working day of the month. Timesheets cover the 21st of the immediately preceding month through the 20th of the current month.

If the regular payday occurs on a weekend or holiday, the payday is on the last working day prior to the weekend or holiday.

No advance wages will be paid. If an employee's first day of work falls on a County holiday, the employee will not be paid for the holiday. The County has established procedures and rules for the submittal of timecards and other information, and these are available in the Human Resources Office.

The County has a "Direct Deposit" option available for employees wishing to take advantage of this alternative.

304 Overtime

304.1 OVERTIME CALCULATION

Non-exempt employees are paid at the rate of one and one-half (1 1/2) times their regularly hourly rate for hours worked in excess of forty (40) during their established workweek. Certain law enforcement personnel (FLSA defines them as employees who are empowered by State or local ordinance to enforce laws designed to maintain peace and order, protect life and property, and to

prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement) would receive overtime for hours worked in excess of a work period consisting of one-hundred seventy-one (171) hours in a twenty-eight (28) day period.

For the purpose of calculating overtime (compensatory time), the workweek begins Sunday at 12:01 a.m. and ends Saturday at midnight. Different workweeks may be designated to facilitate the operation of a specific department.

Holidays, vacation taken, medical leave taken and compensatory time off are considered as “hours worked” and will be included in the overtime calculation for all hours over forty (40) in the work week.

Full Day Closure Only

All non-exempt Road and Bridge Department and Building Maintenance Department employees will be paid time and a half for hours worked for a snow day when County Offices are closed.

304.2 AUTHORIZATION FOR OVERTIME

All overtime must be authorized and approved in advance by the employee’s supervisor.

304.3 OVERTIME PAY VS. COMPENSATORY TIME

In accordance with the Fair Labor Standards Act (FLSA), Otero County has a policy of granting FLSA non-exempt employees compensatory time off in lieu of compensation for hours worked in excess of forty (40) hours per week, or other permissible work schedules for law enforcement, seasonal and other employees. The compensatory time may be granted at the discretion of the elected official/department head. If the compensatory time off is not authorized, then the employee will be paid for the earned overtime.

304.4 COMPENSATORY TIME

An employee may accrue a maximum of one hundred twenty (120) hours of compensatory time. Any accrual of Compensatory Time or Overtime Pay must be approved by the employee’s appropriate elected official/department head, and/or their designee. It is intended that employees who have earned compensatory time off will be granted use of that time as soon as practical after the time’s accumulation. Employees must use their accrued compensatory time by January 20th of the following year in which it was earned, or it will automatically be paid out as overtime. Compensatory time will also be paid out upon termination. Such payment will be made from the appropriate departmental budget.

Exception: Department of Human Services

305 Garnishments & Support Orders

By court action, a creditor can require the County to withhold a certain percentage of the employee's pay. If garnishments or similar proceedings are instituted against an employee, the County will deduct the required amount from the employee's paycheck. Garnishment actions are conducted in compliance with appropriate Federal and State laws.

Chapter IV Benefits

For more information about the following benefit plans, eligibility requirements, etc., please contact the Human Resources Office or refer to the various Summary Plan Descriptions. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

401 Eligibility

The County currently offers a full range of benefits to regular full-time employees. Information concerning an employee's eligibility for benefits is available from the Human Resources Office.

New full-time employees are eligible for leave accruals based on their date of hire. These accruals will be calculated pursuant to paragraphs 506 (Medical/Sick Leave) and 507 (Vacation Leave) of this Personnel Management Handbook.

New full-time employees hired between the 1st and the 15th of the month are eligible for health and life insurance on the first day of the following month. New employees hired between the 16th and 31st of the month are eligible for insurance the first day of the month following a one-month waiting period.

Part-time and full-time temporary employees will receive only those benefits required by law, i.e., FICA, Worker's Compensation and unemployment insurance.

402 Insurance Benefit Plans

The County's comprehensive benefits package includes several different plans for employees.

The County currently offers the following plans and the County will contribute a portion toward the cost of the premium. The employee's share of the cost of coverage will be made through payroll deduction. (*See the Human Resources Office for additional information.*)

Health insurance is deducted as a pretax benefit. Enrollment elections are made at the time of hire and open enrollment. Mid-year changes are allowed for change in status i.e.: divorce, marriage, birth of child, etc. If the employee chooses to change to a different carrier mid-year, they will be asked to provide proof of new insurance coverage.

- *Medical Insurance Plan* – helps pay covered medical expenses for you and your dependents. (The plan is contained in the Employee Handbook.)
- *Dental Insurance Plan* – helps pay covered dental expenses for you and your dependents. (The plan is contained in the Employee Handbook.)

- *Vision Insurance Plan* – helps pay covered vision expenses for you and your dependents. (The plan is contained in the Employee Handbook.)
- *Life Insurance Plan* -- The County provides term insurance coverage for the employee at the rate of \$40,000 (premium paid by the County). In addition, supplemental coverage is available for employees/dependents. (The plan is contained in the Employee Handbook.)

403 Retirement

The County currently provides a retirement program for eligible employees. This is in addition to your Social Security coverage. Complete information on the “Colorado Retirement Association” (CRA) is available through the Human Resources Office.

Participation in the County Retirement Plan is MANDATORY.

404 Other Benefits

The employee has the option to participate in any of the following benefit programs:

- *Flexible Spending Account (Section 125)* - these plans allow employees to deduct childcare expense, medical expense and medical insurance premiums from their “pre-tax” salary.
- *457B Deferred Compensation* – program allows an employee to defer compensation on a “pre-tax” basis. The employee can defer the tax consequence until a future date.
- *Other programs authorized by the Board of Commissioners.*

405 Statutory Benefits

Certain employee benefits are required by state or federal law. These include the following:

- *Social Security (FICA)* – This program is intended to provide the employee and his/her family with security for retirement benefits, disability payments, financial assistance for dependents or disabled persons, lump sum death payments, Medicare and survivor’s benefits. Specific information is available through the local office of the Social Security Administration.
- *Worker’s Compensation Insurance* – County carries insurance to cover the cost of a work-related injury or illness. Benefits help pay medical treatment and may include some disability income while recovering. Detailed information is given to the employee if the employee is injured on the job or suffers an occupational illness.
- *Unemployment Insurance* – County contributes a percentage of the employee’s wages to the state to provide unemployment benefits if an employee becomes unemployed through no fault

of his/her own. Eligibility for benefits is an individual determination made by the appropriate state agency.

For more information about these benefits, please contact the Human Resources Office.

406 Holidays

The County currently observes the following holidays as days off (8 hours per day) with pay:

- New Year's Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

The list of authorized holidays is approved on an annual basis and may be changed at the discretion of the Board of County Commissioners.

When a holiday falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday is observed.

Employees must either have worked or been on County paid leave the full working day before and the first full working day after the holiday in order to be granted holiday leave with pay. If a new employee's first day of work falls on a County holiday, the employee will not be paid for the holiday. Employees on a general leave of absence without pay or on work-related injury leave, or temporary/part-time employees are not eligible for holiday leave with pay.

CHAPTER V Leave/Time Off

501 Bereavement/Funeral Leave

In the event of a death in their immediate family, full-time employees are granted a paid leave of up to two (2) workdays per regular workweek schedule to attend the funeral. Immediate family is defined as spouse, brothers, sisters, parents, children, and grandparents, grandchildren and current in-laws of the same relationship. For funerals of other relatives or friends, employees may take vacation time off or an unpaid leave upon the approval of their supervisor.

502 Family & Medical Leave Act (FMLA)

The County follows FMLA guidelines. Contact Human Resources for more information.

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

- Incapacity due to pregnancy, prenatal medical or childbirth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- Serious health condition that makes the employee unable to perform the employee's job;
- Eligible employees with a spouse, child or parent on active duty or call to active duty status with the National Guard or Reserves in support of a contingency operation (See 502.2 below).

Employees become eligible for family or medical (FMLA) leave after a) working for Otero County for at least twelve (12) months; and b) working at least 1,250 hours in the preceding twelve (12) months preceding the commencement of the leave and/or request. The "12-month period for FMLA utilization" shall be measured forward from the date that the employee first uses FMLA leave. An employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after the completion of any previous 12-month period. Contact Human Resources for more information.

The twelve (12) weeks of FMLA will be used concurrent with any accrued sick or vacation leave.

502.1 MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (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 may also take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty or on active duty. The injury or illness must make the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

502.2 ON-THE-JOB INJURY LEAVE

The County's goal is to provide a safe and healthy work environment. The biggest factor in ensuring your safety on the job is YOU. It is YOUR responsibility, to both yourself and those working in your area, to practice safe work habits. Report any unsafe practices and conditions to your supervisor so corrective action can be taken.

Report all accidents in writing, no matter how minor, to your supervisor and the Human Resources Office immediately. The County wants to provide the employee with prompt medical treatment from one of the County's designated physicians. Treatment for on-the-job injuries must be obtained from one of these physicians or else the employee may be responsible for medical treatment. If the injury requires emergent care, the employee and supervisor should seek the nearest emergency care facility. Prompt reporting of the accident will help the County to take steps necessary to reduce the possibility of future accidents.

Failure to report an injury within a forty-eight (48) hour period or failure to seek treatment with the designated medical provider can result in delay or denial of the Worker's Compensation claim.

Injury leave will be paid as follows:

- a. Worker's Compensation does not pay for the first three (3) days of absence due to an on-the-job injury. The first three (3) days will be paid by the County under its leave provisions and will be charged against an employee's leave accruals.
- b. When an employee cannot return to normal job duties after three (3) working days, the employee will then receive payment from Worker's Compensation. Worker's Compensation payments will continue until the employee is either declared able to return to normal or reduced duties. In most instances, the Worker's Compensation payments will be less than an employee's regular salary.

- c. Injury leave payments are not deducted from an employee's leave accruals. No leave is accrued if the employee is on injury leave (See 506 Medical/Sick Leave and 507 Vacation Leave of this Personnel Management Handbook). The County pays the County portion of the employee's insurance premium during the injury leave, and the employee is responsible for his/her normal share.
- d. A physician's release to return to work will be required for all work-related injuries. A copy shall be submitted to the Human Resources Office.
- e. The maximum time off that an employee may be off will be twelve (12) weeks. Employees may then be terminated from employment with the County on a non-discriminatory basis and in accordance with applicable law. The Board of County Commissioners may authorize an extension of leave. Individuals who fall under the provisions of this section shall not lose their Worker's Compensation benefits as outlined under the current Colorado Revised Statutes.

502.3 BENEFITS & 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 may 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 pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leave, paid leave will not accrue during the period of unpaid leave. Holidays, funeral leave, and other types of leave are not granted on unpaid leave.

Failure to Return to Work

Any employee who elects not to return to work from Family & Medical Leave will be terminated, and the employee may then be required to reimburse the County for the amount of health insurance premiums that it paid for the employee's health care coverage during his/her leave.

502.4 ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked for the County for at least twelve (12) months, for 1,250 hours over the previous twelve (12) months, and if they work at a work site with at least fifty (50) employees within seventy-five (75) miles.

502.5 DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive full calendar days combined with at least two (2) 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.

502.6 USE OF LEAVE

The maximum time allowed for FMLA leave is either twelve (12) weeks in the twelve (12) month period as defined by the County, or twenty-six (26) weeks as explained in Section 502.2. The County currently uses a "rolling" twelve (12) month period measured backward from the date an employee uses any FMLA leave.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the County's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

502.7 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 and generally must comply with the County's normal call in procedures.

Employees must provide enough information for the County to determine if the leave may qualify for the FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also 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 family relationship, adoption or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the County's attendance guideline. Employees on leave must contact the Human Resources Office at least two (2) days before their first day of return.

502.8 COUNTY'S RESPONSIBILITIES

The County will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the County will provide a reason for the ineligibility. The County will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against an employee's leave entitlement. If the County determines that the leave is not FMLA-protected, the County will notify the employee.

502.9 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 relation to FMLA.

502.10 ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the County.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

503 Court Leave

503.1 JURY DUTY

The County recognizes jury duty as a civic responsibility of everyone. When summoned for jury duty, an employee will be granted leave to perform his/her duty as a juror with accruals and benefits to continue as if on the job. The employee must make sure that his/her supervisor is notified of this selection for jury duty. If the employee is excused from jury duty during regular work hours, the employee is expected to report to work promptly.

Employees receive regular pay for the first three (3) days of jury duty if they were scheduled to work and a juror service certificate is submitted. This is in accordance with C.R.S. 13-71-126. No allowance shall be given for "overtime" in situations where the jury is required to stay past normal working hours. Beginning the fourth day and thereafter, employees serving as a juror are paid compensation by the State of Colorado for state, district or county courts.

The employee may also elect to utilize vacation/compensation leave and/or general leave without pay for the time in excess of three (3) days and would thus be allowed to retain the State reimbursement. No allowance shall be given for "overtime" in situations where the jury is required to stay past normal working hours.

503.2 WITNESS DUTY

Employees who are required to appear as witnesses in cases that relate directly to their employment with the County will be granted court leave with pay on the condition that any compensation received for such services during working days shall be given to the County.

Employees who are required to appear in court on matters that do not relate directly to their duties (except jury duty) will not be granted court leave. Vacation, compensatory leave or general leave without pay may be authorized.

504 Leave Without Pay

Leave without pay may be available for employees facing a situation that requires time off in excess of their accruals. Requests for general leave without pay must be authorized by the employee's elected official/department head. Employees need to state the reason for the leave request and time of duration. Failure to obtain authorization or other such types of abuse may result in disciplinary action. Employee requests for leave without pay in excess of ten (10) workdays or 3rd or greater occurrence must be submitted to the Board of County Commissioners for review and authorization.

Benefit accruals (e.g., vacation and sick leave, etc.) are suspended during the leave and may resume upon return to active employment.

When leave ends, the employee may return to the same position, if available, or to a similar one for which qualified, where practical. If the previous position or a comparable one is not available, the employee may apply for another position that is available and suitable. The County cannot guarantee reinstatement.

If an employee fails to report to work promptly at the end of the approved leave period, the employee shall be terminated.

505 Military Leave

Employees granted a military leave of absence are reinstated and paid in accordance with the laws governing veteran's re-employment rights. Currently, these requirements are defined in the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) and C.R.S. 28-3-601, *et seq.*

506 Medical/Sick Leave

Medical leave is a benefit for all full-time Regular County employees. However, any utilization of such leave must be authorized by the appropriate elected official/department head and/or supervisor prior to the employee taking the leave, unless an emergency occurs.

Medical Leave is only used in the following circumstances:

- When an employee is unable to work due to maternity or paternity, sickness or injury.
- When medical diagnosis or treatment is being received.
- When an employee's medical condition is such that attendance at work jeopardizes the health of others.
- When an employee must care for his/her child/children, spouse or
 - a) The employee's biological parent(s) or
 - b) A person(s) who stood *in loco parentis* to the employee when he/she was a child.

Accrual – Medical leave is earned as follows:

1. New employees hired after January 1, 2018, will receive 8 hours of medical leave on the first day of employment, and in addition, will accrue medical leave at the rate defined in this Section 506. The 8 hours of medical leave will be available for the new employee's use immediately; however, regular monthly accruals cannot be used in the month they are earned.
2. A full-time regular employee accrues six (6) hours of medical leave each month.

3. Part-time regular/temporary employees are not eligible for medical leave as of January 1, 1994.
4. Medical leave cannot be used in the same month it is earned. The accrual formula shall be used to determine if the new hire is eligible to receive a medical leave accrual for the month.
5. The maximum amount of medical leave that an employee, employed prior to January 1, 1994, may accrue is one-thousand four-hundred and forty (1,440) hours. Any time in excess of 1,440 hours will be paid out at year's end at 25% of the employee's hourly rate (rate for preceding year). Employees hired after January 1, 1994, may accrue up to one thousand one hundred and twenty (1,120) hours. Any time in excess of 1,120 will be paid out at year's end at 25% of the employee's hourly rate (rate for preceding year).

Upon termination or retirement, employees having ten (10) years of uninterrupted service with the County will be paid out at 25% of his/her normal (last) hourly pay rate for any accrued medical leave. Employees not qualifying under this provision of this section will forfeit any accrued medical leave.

6. To accrue medical leave for any given month, the employee must have County paid time recorded as follows, and will receive the noted accrual:

<u>% of Working Days</u>	<u>Monthly Accrual Amount</u>
Less than 50%	0.00 hours
50% to <100%	3.00 hours
100%	6.00 hours

7. Medical leave is not accrued for the time period that an employee is on "Non-County Paid Leave". This would include work-related injury leave and general leave without pay.
8. An employee on medical leave will continue to accrue leave per the accrual formula until his/her accrued medical leave has been used up. At that point, no more medical leave shall accrue until the employee returns to work, or unless the employee goes on some other type of County paid leave, e.g., vacation leave or compensatory time. Any accrued leave shall be used prior to the employee having to go on leave without pay. (See Section 504 Leave Without Pay for information on Family & Medical Leave eligibility.)

9. Employees taking leave in excess of accruals shall have reduced pay for the month. Personnel shall automatically figure this reduction in pay. Employees shall be required to report all leave used during the month, as there is NO “I’ll make it up next week” policy.

Payment – Medical leave is paid in the following manner:

- Medical leave is paid at an employee’s normal rate of pay. Leave will be reported and paid in minimum increments of one-half (1/2) of an hour.
- If a holiday occurs during the time that an employee is on medical leave, then no medical leave is charged for the holiday. (See Section 406 Holidays.)

Special Provisions:

1. The County reserves the right to request a physician’s statement at any time. A physician’s “return to work” statement may be required of all employees who are absent from work for ten (10) consecutive days due to individual medical problems.
2. An employee may be on extended medical leave for a combined total of up to 480 hours. In such situations, available accrued leave (medical, vacation and/or compensatory time) is used first. Then leave without pay (Family & Medical Leave) will be instituted as applicable. (See subsection 504 Leave without Pay)
3. Requests for “Leave without Pay” are subject to the guidelines established in subsection 504 Leave without Pay.

507 Vacation Leave

Vacation leave is a benefit for all full-time Regular County employees. Time away from the job is essential to an employee’s continued job efficiency. However, any utilization of such leave must be authorized by the appropriate elected official/department head and/or supervisor prior to the employee taking the leave.

A. Accrual – Vacation leave is earned as follows:

<u>No. of Years or Service</u>	<u>Vacation Hours Earned</u>	<u>Maximum Carryover</u>
1 – 5	96/year (8.0 hrs/mo)	120 hours
6 – 10	112/year (9.33 hrs/mo)	120 hours
11 – 15	136/year (11.33 hrs/mo)	120 hours
16 plus years	160/year (13.33 hrs/mo)	120 hours

1. Part-time regular/temporary employees are not eligible for vacation leave.
2. To accrue vacation leave for any given month, the employee must have County paid time recorded as follows, and will receive the noted accrual:

Current Monthly Accrual

<u>% of Working Days</u>	<u>8.0 Hours</u>	<u>9.33 Hours</u>	<u>11.33 Hours</u>	<u>13.33 Hours</u>
Less than 50%	0.00 hours	0.00 hours	0.00 hours	0.00 hours
50% to <100%	4.0 hours	4.67 hours	5.67 hours	6.67 hours
100%	8.0 hours	9.33 hours	11.33 hours	13.33 hours

Important Note:

1. Vacation leave is not accrued for the time period that an employee is on “Non-County Paid Leave.” This would include work-related injury leave and general leave without pay.
2. An employee on vacation leave will continue to accrue leave per the accrual formula until his/her accrued leave has been used up. At that point, no more vacation leave shall accrue until the employee returns to work, or unless the employee goes on some other type of County paid leave, e.g., compensatory time.
3. Vacation leave cannot be used in the same month that it is earned. Newly hired employees are eligible to use vacation leave once they have earned it. The accrual formula shall be used to determine if the new hire is eligible to receive a vacation leave accrual for the month.
4. Employees taking leave in excess of accruals shall have reduced pay for the month. Personnel shall automatically figure this reduction in pay. Employees shall be required to report all leave used during the month as there is NO “I’ll make it up next week” policy.
5. The maximum amount of vacation leave that an employee may carry over at the year’s end is one-hundred and twenty (120) hours. *Unused leave in excess of these limits shall be rolled into medical/sick leave* (unless otherwise authorized by the Board of Commissioners).

B. Payment – Vacation leave is paid in the following manner:

1. Vacation leave is paid at an employee’s normal rate of pay. Leave will be reported and paid in minimum increments of one-half (1/2) of an hour.

2. If a holiday occurs during the time that an employee is on vacation leave, then no vacation leave is charged for the holiday (See Section 406 Holidays).
3. Employees will be paid for all unused vacation leave upon separation, termination and/or layoff. Such payments shall be in accordance with the plan authorized by the Board of County Commissioners.
4. Requests for vacation leave must be submitted to the elected official/department head and/or supervisor for authorization. All requests must be authorized prior to an employee taking vacation leave. Requests may be denied, and periods of “no leave allowed” may be established due to workload, staffing or other similar situations. A reasonable amount of notice must be given in order to permit proper scheduling (emergency situations would be the exception).

CHAPTER VI Conduct

601 Absence & Punctuality

Absenteeism and tardiness can be a very serious problem for Otero County or any employer. It is costly, causes unnecessary overtime, imposes additional work on co-workers and supervisors, disrupts schedules, and creates morale problems.

Employees are expected and required to be at work and on time as scheduled unless specifically excused by their supervisor. It is recognized that occasional amounts of absence for bona fide sickness are often beyond the control of the employee.

If it is necessary for employees to be absent from work due to illness, injury, or emergency, they must notify the County as soon as possible. Employees should contact their immediate supervisor, or if unavailable, the department head, or if unavailable, the next in the Department's Chain of Command, or if unavailable, the Human Resources Office. Employees should notify the County of the specific reason for their absence and expected return date. If you leave a voicemail or send a text message it is your responsibility to confirm receipt with your supervisor as soon as possible.

Tardiness is defined as being late in your arrival at your work site, i.e., after your scheduled reporting time. Tardiness is not an employee trait that elected officials/department heads are expected to or should tolerate. Absenteeism or tardiness that is excessive in the judgment of the County will not be tolerated. Continual absenteeism or tardiness will result in disciplinary action, up to and including termination. Employees who are more than fifteen (15) minutes late shall be required to take paid leave in thirty (30) minute increments.

Failure to notify your supervisor shall result in the employee's absences being designated as "leave without pay" and will not be chargeable against any accrued leave or compensatory time.

Employees who are absent for three (3) consecutive workdays without notifying their supervisor will be terminated.

602 Alcohol & Drugs

The goal of the County is to provide employees with a workplace which promotes health and safety. To meet this goal, the County strictly prohibits the illegal use, possession or sale of controlled substances by its employees. To support the County's safety and health program and to comply with minimum federal safety standards for drivers of commercial vehicles, the County has established an anti-drug program.

Drug testing will be an integral part of the County's anti-drug program as well as education and training to assist employees in understanding their responsibilities in achieving a drug-free environment. Employees should refer to the separate policy statement for details of the County's anti-drug program.

See Appendix A – Otero County Drug and Alcohol Policy

603 Appearance, Attire & Hygiene

The way an employee looks dresses and acts is vitally important to the County. Due to an employee's frequent interaction with the public, standards of personal appearance, hygiene, and attire are important. A clean, neat appearance is expected of all employees.

For Otero County purposes, Business Casual dress may include jeans, polo shirts, etc. Shorts, midriffs, jump suits, halter tops, and similar items of casual attire would not be appropriate. Casual never means sloppy. All clothes must be clean, wrinkle-free, and in good repair. The workday is not the weekend.

To create a favorable impression, one must always be well groomed. Body odor, bad breath, cigarette smoke and excessive use of perfume or cologne are offensive to co-workers and to the public.

If, in the County's opinion, employees report for work improperly dressed or groomed, their supervisor or department head may instruct them to return home to change clothes or clean up. Department heads may utilize a higher standard of appearance, attire or hygiene due to the nature of their unit's interaction with the public.

604 Confidential Information

Employees handling confidential information are responsible for its security. Extreme care must be exercised to ensure that confidential information is safeguarded to protect the County and its clients or customers. Confidential information includes, but is not limited to, information concerning case management files, personal financial information on application forms, legal issues, and similar subjects.

Misuse or disclosure of confidential information obtained in the course of County employment could result in personal legal liability and disciplinary action, up to and including termination from employment. Documents and copies of documents generated in the course of County employment are the exclusive property of the County and are not to be used for personal use or retained in the possession of an employee.

The County will also comply with the provisions of the “Health Insurance Portability and Accountability Act of 1996 (HIPAA)”. This federal policy establishes rules and regulations governing personal medical information privacy issues. Further information on HIPAA is available in the Human Resources Office.

605 County Property

Employees who are issued County property, e.g., identification card, handbooks, vehicles, keys, and other similar items, are responsible for this property. Damaged or lost property due to carelessness, negligence, or other such action, may result in disciplinary action or restitution of damages based on your employment status.

Office equipment such as copiers, fax machines, etc., are intended for conducting County business. These may not be used for any activity that could be construed as invasive, illegal or contrary to the best interests of the County.

606 Conflict of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This guideline establishes only the framework within which the County wishes the organization to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the County Administrator or department head for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee can influence a decision that may result in a personal gain for that employee or for a relative.

If an employee has any situation which may be an actual or potential conflict of interest, the employee must disclose this to the Board of County Commissioners or its designee as soon as possible.

Note: While the statutes are specific about conflict of interest, it is often the perception of conflict that needs to be reviewed and evaluated. This means that it is often better to avoid even the appearance of any impropriety or conflict of interest.

607 Gratuities & Gifts

Article 29 of the Colorado Constitution was approved by Colorado voters in 2006 and is applicable to all County employees. It essentially establishes standards of ethical behavior that must be recognized by all levels of Colorado government. It “forbids the acceptance of any money, forbearance or forgiveness of debt, by any regulated person, unless that person provides equal consideration in return.” This applies to the employee, their spouse and dependents. It also provides an exception for a “gift or gifts” that have a cumulative value of \$50.00 or less.

608 Maternal Nurturing

The County recognizes the importance of nutrition and nurturing during an infant’s early development, and it will work with employees to facilitate a “breastfeeding/nursing” situation that benefits both the County and the employee. The maternal nurturing program is implemented pursuant to C.R.S. 8-13.5-104 and 25-6-301. For more information, please contact the Human Resources Office.

609 Outside Employment

Employees involved in or contemplating outside work should discuss the issue with their supervisor. Despite any outside employment or business venture, employees are still required to properly perform their duties with Otero County.

Any outside employment must not affect an employee’s ability to meet job requirements, perform competently, or create or appear to create a conflict of interest with the County’s interests.

Employees are not permitted to use any of the County’s equipment or supplies for purposes related to an outside job.

610 Parking

Employees who work at the County Courthouse and/or other County facilities where limited parking is available shall adhere to the following general policies:

- No employee parking is allowed in Courthouse parking areas designated for the general public.
- Handicapped employees shall be allocated a handicapped parking space. A State approved handicapped sticker/placard is required (may be obtained through Clerk’s Office). Requests for handicapped parking spaces must be made to the Commissioner’s/Administration Office.
- Parking spaces will be allocated to the various departments. These spaces are then allocated to the employees based on criteria established by that specific department.
- Violation may result in disciplinary action.

- Municipal parking is available within a short walking distance to the Courthouse. Employees are encouraged to utilize these parking areas.
- Parking in front of businesses is discouraged.

The County is not liable for fire, theft, damage, or personal injury involving employees or automobiles. Protect your property by locking your vehicle.

You are expected to drive safely and comply with traffic control signs.

611 Political Activity

The County encourages employees to participate in the political and governmental affairs of the community. Employees are encouraged to be informed about, work for, contribute to, and communicate with candidates and officeholders. The County encourages its employees to exercise responsible citizenship and does not intend to interfere with their conduct and involvement with political activity, as long as those activities are pursued during hours when the employee is not on duty, and that the activities do not reduce the employee's efficiency or disrupt fellow employees at their jobs.

If engaging in any political activity, the employee must do so as an individual and not as a representative of the County. Campaigning, fund raising, and other partisan political activities must be conducted on the employee's own time. The County may deny time off for political activity where the activities, in the opinion of the County, would unduly interfere with the employee's fulfillment of any obligations to the County.

612 References

Employees who are approached to provide a reference about current or former employees of the County should refer such inquiries to the Human Resources Office.

613 Searches & Inspections

The County reserves the right to conduct searches and inspections. Cooperation in the conduct of searches and inspections is required as a condition of employment.

Employees on the County's premises are subject to questions and searches and inspections at the County's discretion. County property, such as County vehicles, lockers, desks, filing cabinets, computer files, E-mail, voicemail, etc., are designated as having limited personal use, and may be searched at any time as there is no employee expectation of privacy. In addition, the County reserves the right

whenever, in its sole discretion, the County believes it is appropriate to inspect any personal property employees or others bring on County property.

A County-initiated search or inspection does not necessarily imply an accusation of theft or that an employee has broken a rule. Employees refusing to cooperate with or submit to search or inspection will be subject to discipline, up to and including termination.

614 Solicitation

The County prohibits solicitation on its premises of any type and for any purpose during scheduled working time. This applies to both employees and non-employees alike. Prohibited solicitations during scheduled working hours include the general public selling retail goods to employees or any employee trying to sell any item to another employee, or any other solicitation determined to be inappropriate by Otero County. Regular vendors of the County will conduct their business through authorized County personnel.

Working time does not include break periods, mealtimes, or other specified periods during the workday when employees are not engaged in performing their work tasks. Distribution of circulars, handbills or literature of any kind during working time is not permitted.

ALL postings within the Courthouse must be pre-approved by the County Administrator before posting.

615 Smoke-Free Workplace

In order to maintain a safe and healthy working environment and to ensure compliance with applicable law, i.e., "Colorado Clean Indoor Air Act", smoking is prohibited throughout the workplace. This includes all County offices, facilities, and vehicles. This restriction also applies to electronic cigarettes (E-Cigarettes). A smoke-free workplace always applies to all employees and visitors, including non-business hours.

Employees can smoke outdoors only during regularly scheduled breaks and lunch periods. The duration or number of breaks cannot be extended in order to smoke. Smoking is prohibited within twenty-five (25) feet of any building entrance.

616 Visitors

Visitors are welcome, but their presence may be a distraction to other employees. The presence of personal visitors may present safety and liability problems for the visitor, employees and the County. In consideration of fellow employees and their work, please limit the duration of personal visits to 15 minutes.

Please inform any and all visitors to check in at the front reception desk. Refer any unauthorized person in the area to your supervisor.

617 Whistleblowing Policy

If an employee has knowledge of or a concern of work related illegal or dishonest/fraudulent activity, the employee is to contact his/her immediate supervisor or Human Resources. All reports or concerns of illegal and dishonest activities will be promptly submitted by the receiving supervisor to Human Resources, who is responsible for investigating and coordinating any necessary corrective action. Any concerns involving the HR Director should be reported to the County Administrator or County Attorney. 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.

Some Departments may put in place policies in more detail than the above conditions so long as such policies are more restrictive than these guidelines.

CHAPTER VII Communications

701 Computer Systems

The County's computer network, access to Internet, email and voicemail systems are business tools intended for employees to use in performing their job duties. Therefore, all documents and files are the property of the County. All information regarding access to the County's computer resources, such as user identifications, modem phone numbers, access codes, and passwords are confidential County information and may not be disclosed to non-County personnel.

All computer files, documents, and software created or stored on the County's computer systems are subject to review and inspection at any time. In this regard, employees should not assume that any such information is confidential, including email either sent or received. Employees do not have any privacy rights in such systems and information. Upon separation from employment, all communications tools should be returned to the County.

702 Personal Use of the Internet

Some employees need to access information through the Internet in order to do their job. Use of the Internet is for business purposes during the time employees are working. Personal use of the Internet should not be on business time, but rather before or after work or during breaks or the lunch period. It must not interfere with employees' productivity. Regardless, the County prohibits the display, transmittal, or downloading of material that is in violation of County guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory or otherwise unlawful at any time. As noted in Section 614, computer files, emails and voicemails have limited personal use, and may be searched at any time.

Some Departments may put in place policies regarding internet use in more detail than the above conditions so long as such policies are more restrictive than these guidelines.

703 Software and Copyright

The County licenses but does not own the software it utilizes. Therefore, use of the software must be in accordance with the applicable software Agreements or as directed by management.

Employees may not copy or use any software, images, music or other intellectual property (such as books or videos) unless the employee has the legal right to do so. Employees may not use unauthorized copies of software on personal computers housed in County facilities.

704 Unauthorized Use

Employees are not permitted to visit websites or send electronic mail that is deemed by management as inappropriate or in violation of other County guidelines. The County reserves the right to determine when an employee is using the County communication systems inappropriately and to take appropriate action.

705 Email

Because the County provides the email system to employees to help them with the performance of their job, it should be used for official County business. Incidental and occasional personal use of email is permitted. However, employees should be aware that these messages will be treated the same as business messages, and subject to review at any time without notice. Employees shall not have any expectation of privacy in such email messages. The County may monitor email from time to time. As noted in Section 614, computer files, emails and voicemails have limited personal use, and may be searched at any time.

Also, employees cannot control where their messages will ultimately be received or retained. For example, a message meant for one person can be mistakenly sent to the wrong individual(s), or the message can be forwarded to unintended recipients. In addition, emails that are deleted are or may be stored elsewhere on the system.

Employees should use discretion when sending emails. Do not write anything in an email message that is inappropriate to say to another face-to-face. Regardless, the County prohibits the display, transmittal, or downloading of material that in violation of County guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory or otherwise unlawful at any time.

Employees are prohibited from unauthorized use of encryption keys or the passwords of other employees to gain access to another employee's email messages.

706 Voicemail

The County voicemail system is intended for transmitting business-related information. Although the County does not monitor voice messages as a routine matter, the County reserves the right to access and disclose all messages sent over the voicemail systems for any purpose. Employees must use judgment and discretion in their personal use of voicemail and must keep such use to a minimum. As noted in Section 614, computer files, emails and voicemails have limited personal use, and may be searched at any time, and there is no employee expectation of privacy.

707 Telephones/Cell Phones

In the interest of good business practice, telephone calls, including those made with cell phones, must be minimal and not interfere with employees' performance of their jobs.

The County provides cell phones to those employees who need them to perform their jobs. Such phones are intended for business use. Therefore, personal calls should be limited to those necessary and brief.

Employees are expected to follow the provisions of C.R.S. 42-4-239 that prohibits an individual eighteen (18) years of age or older from using a wireless phone to perform text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle, unless in an emergency as defined in the statute. Persons under eighteen (18) years of age may not use a wireless telephone for any purpose while operating a motor vehicle.

708 Social Media – General

Whenever an employee uses social media, the employee should use good judgment. The County requests that the employee be respectful of the County, our employees, our customers, our partners and affiliates, and others.

709 Social Media – County Accounts

All official Otero County social media sites or services are considered extensions of the County's information network and shall adhere to all Otero County policies.

1. All requests to create a County department social media site must be submitted to the County Administrator prior to its creation and are subject to approval by the Board of County Commissioners.
2. Departments using social media sites are responsible for establishing, publishing, and updating their pages. Although it will be the Department Head or their designee who is primarily responsible to maintain the content of the site, the PIO or Department Head designee may monitor each site to ensure: (1) a consistent countywide message is being conveyed; and (2) all sites are adhering to the County's policies and procedures.
3. The Otero County official logo shall be used, without modification, to ensure visual consistency and credibility. The County Administrator or Board of County Commissioners reserves the right to develop additional standards for naming conventions and visual consistency. Other photos may be used but should reflect the public brand of Otero County.

CHAPTER VIII Additional Information of Importance

801 Discipline/Discharge

Good working relationships make demands on everyone, and employees have responsibilities to the County, themselves, and the people they work with.

Management will decide in its sole judgment which of these actions would most effectively take care of a problem. The fact that the County has or has not utilized any of these actions does not set any precedent and should not be relied upon in future disciplinary situations by any employee. Disciplinary action may be taken against any employee for a variety of reasons. Examples of employee behavior which might be considered to require disciplinary action include, but are not limited to the following:

- Failure to comply with the policies in this handbook.
- Incompetence or inefficiency in performance of job duties.
- Deliberate or careless conduct endangering the safety or wellbeing of fellow employees or the public.
- Negligent or willful damage or waste of public property.
- Insubordination or refusal to comply with lawful orders or regulations.
- Deliberate abusive language or unbecoming conduct toward the public or fellow employees.
- Violation of the County Drug & Alcohol Policy.
- Inexcusable absence, abuse of leave, or failure to return from leaves of absences.
- Conviction or admission of a serious crime such as a felony or crime of moral turpitude.
- Habitual tardiness or absenteeism.
- Any behavior which adversely impacts the efficiency or effectiveness of County functions.

Employees must always comply with County expectations for work, performance, and conduct. Failure to do so may result in any or all the following actions: verbal warning, written warning, suspension (with or without pay), demotion, counseling and termination; and such action will be added to the employee's personnel file.

VERBAL WARNING:

This action may be taken at any time. The issue will be addressed, and the employee will be given an improvement plan. The improvement plan will include the date of the warning, topic discussed, and timeline for improvement. The verbal warning will be reduced to writing by the supervisor and signed by the employee acknowledging receipt of the warning.

WRITTEN WARNING:

This action may be taken at any time. The issue will be addressed, the employee will be given an improvement plan, and what action will be taken if there is not improvement. The improvement plan will include the date of the warning, topic discussed, and timeline for improvement. The written warning is written by the supervisor and signed by the employee acknowledging receipt of the warning.

SUSPENSION WITH OR WITHOUT PAY:

This action may be taken at any time. An employee may be suspended for up to ten (10) working days without pay when taken as a disciplinary action. In addition, an employee may be suspended for an indefinite period if arrested, charged or implicated in criminal activities which may adversely affect the employee's job or County functions. Written notice must be given to the employee stating the reasons for the suspension and its duration. A copy of this notice will be made a part of the employee's personnel file.

Employees may be reinstated without payment of back wages when the suspension was for disciplinary reasons. Employees may be reinstated with back wages when the reason for suspension was unwarranted. The payment of back wages will not be more than the employee would have received had he/she not been suspended. The Board of County Commissioners will determine the amount of the back wages paid upon reinstatement.

DEMOTION OR REDUCTION IN PAY:

This action may be taken at any time. The elected official/department head may choose to reduce an employee's pay or demote the employee. The length of such demotion or reduction in pay shall be up to the elected official/department head, but the minimum length of such demotion or reduction in pay shall be three (3) months. This type of action may be more appropriate than termination if the disciplinary problem is due to inappropriate job performance or if such a reduction in pay serves to motivate the employee.

Prior to taking such action, the elected official/department head will provide the employee with a written explanation of why this action is being taken. The employee will be given a specific time, not to exceed five (5) working days, to respond to the charges with supporting documentation. If the elected official/department head then determines that the reduction in pay and/or demotion is appropriate, a written decision will be provided to the employee. A copy of all appropriate paperwork will be placed in the employee's personnel file.

TERMINATION:

Except in situations involving reductions in force or layoff, employees will be retained or separated based on the adequacy of their performance. Terminations of employment may result from, but are not limited to, situations involving employee performance and/or violations of County guidelines.

Where appropriate and practical as determined by the elected official/department head, an employee will be given an opportunity to respond to the allegations of improper conduct and/or performance issues prior to the imposition of any disciplinary action.

802 Legal Defense of Claim

Under C.R.S. 24-10-110, the County is responsible for legal costs, judgments, settlements, etc., for claims or suits brought against its employees in the performance of their job duties, provided those actions were not willful or wanton. Employees shall immediately notify the County Administrator and Board of County Commissioners when any such legal action is brought against the employee. No private legal counsel arranged solely by the employee will be paid or reimbursed by the County. Any compromise or settlement of a claim by an employee without the approval of the County shall result in the County's refusal to pay such costs, judgment, or settlement.

803 Exceptions

Any exceptions to the guidelines stated in this handbook must be submitted in writing to the Board of County Commissioners for its approval.

804 Amendments

The need may arise to change the guidelines described in the handbook. Except for the at-will nature of employment, the County therefore reserves the right to interpret them or change them without prior notice.

Amendments to the Personnel Handbook may be initiated by the Board of County Commissioners, Human Resources Department, an elected official/department head or any County employee through submission of proposed changes in writing to the Human Resources Department or the Board of County Commissioners.

When an amendment to the handbook is proposed, the Human Resources Department will review it for consistency in relation to the current handbook provisions and other practices and regulations, noting any questions or concerns.

After review by the Human Resources Department, proposed amendments will be distributed to elected officials/department heads and communicated to employees for their comments and recommendations.

Following review of the proposed amendment(s) and appropriate comments, recommendations, etc., the Board of County Commissioners will make the final decision as to what action will be taken on the proposed amendment(s).

Chapter IX Adoption

This Personnel Management Handbook was amended and adopted on December 30, 2019 by the following elected officials and department heads:

- Keith Goodwin, Chairman-Board of County Commissioners
- John Hostetler, Commissioner
- Jim Baldwin, Commissioner
- Bob Fowler, Coroner
- Bruce Fickenscher, Southeast Area Director – CSU Extension
- Danelle Berg, Economic Development
- Danny Chavez, Emergency Manager and Landfill Director
- Dennis Smith, Treasurer
- Donna Rohde, Director – Department of Human Services
- Lex Nichols, Director – Public Works
- Lyn Scott, Clerk & Recorder
- Rick Ritter, Director – Public Health
- Shawn Mobley, Sheriff
- Lori Burkhalter, Human Resources
- Amy White-Tanabe, Administrator

ACKNOWLEDGEMENT OF RECEIPT

THE UNDERSIGNED EMPLOYEE HAS RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED DECEMBER 30, 2019. THE UNDERSIGNED UNDERSTANDS AND AGREES TO READ AND TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, THE UNDERSIGNED UNDERSTANDS:

- EMPLOYMENT WITH OTERO COUNTY IS AT-WILL. THE UNDERSIGNED HAS THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP WITH THE COUNTY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON, AND THE COUNTY HAS THE SAME RIGHT.
- THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.
- THE HANDBOOK IS NOT ALL INCLUSIVE BUT IS INTENDED TO PROVIDE A SUMMARY OF SOME OF THE COUNTY’S GUIDELINES.
- THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE COUNTY THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR CHANGE THEM WITHOUT PRIOR NOTICE.
- NO REPRESENTATIVE OF OTERO COUNTY, OTHER THAN THE BOARD OF COUNTY COMMISSIONERS, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE BOARD OF COUNTY COMMISSIONERS AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

Employee Printed Name: _____

Employee Signature _____ *Date* _____