



# Personnel Handbook

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## Welcome to Otero County!

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We're excited to have you here. Working at Otero County can be both a meaningful and rewarding experience. This handbook was created to give you helpful information about the County, and to provide clear, consistent guidance for how we manage our workplace.

We encourage you to read through this handbook early in your employment—it may answer many of your questions. From workplace expectations to leave policies and benefits, this guide is here to support you.

At Otero County, we believe every employee plays a vital role in our success. We're proud to have you on our team and look forward to the skills, ideas, and energy you bring. We hope your experience here will be both fulfilling and enjoyable.

### **IMPORTANT INFORMATION**

This handbook is not all-inclusive. It gives a summary of some of the County's rules and guidelines. This version replaces all earlier versions.

Working for Otero County is "at-will." This means employees can quit at any time, for any reason, with or without notice. The County can also end employment at any time. Nothing in this handbook is a promise of a job or a contract.

We know this handbook won't answer every question. If you have questions, talk to your supervisor or the Human Resources Office. As things change, the County may update this handbook at any time.

We want you to have a safe, fair, and respectful place to work. Thank you for being part of the team.

# Mission Statement

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*"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

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### **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, county administrator or their designee, will be referred to as the "Appointing Authority" when addressing employee matters. This

designation depends on the department in which the employee works and the specific employment issue under consideration.

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

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### 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.

### 103 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.

### 104 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.

## 105 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.
- or**
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- or**
- Such conduct has the purpose or effect of substantially interfering with an individual's 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.

## 106 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.

## 107 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.

## 108 Employee Classification Status

### ***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.

### ***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.

### ***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.

### ***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.

### ***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).

### ***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.

## 109 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.

## 110 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.

### 111 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.

### 112 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 for at least five (5) working days and local media may be used. Employees may submit applications to the Work Force Center.

### 113 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.

### 114 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.

### 115 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.

## 116 Separation from Employment

The County requests that employees who wish to resign their positions notify the County in writing 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”.

## 117 Exit Interviews

Exit interviews with the Human Resources Office are normally scheduled for outgoing employees. The purpose of this interview is 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.

## 118 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.

## 119 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.

## Chapter II Hours of Work

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### 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.

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

### 203 Time Reporting

All employees, including exempt ones, must complete a monthly time record. At the conclusion of each monthly pay period, employees must approve the time recorded and submit it to their immediate supervisor for approval. It is necessary for employees to indicate whether the recorded hours are for time worked, or time off.

### 204 Mealtime/Breaks

In general, meal periods last from 30 to 60 minutes and breaks are 15 minutes long for every four-hour work period. Meal periods are unpaid, but breaks are included in paid work time. The County values taking breaks during the workday for rest or a coffee break. Two 15-minute rest periods are provided each workday. Schedule rest periods with your supervisor to ensure continuous coverage of services. Rest periods cannot be used to shorten the workday or extend lunch unless approved by your supervisor. Alternate breaks to ensure adequate office coverage. Specific procedures for breaks may be established by the elected official/department head.

Lunch breaks are scheduled based on department needs. Alternate lunch breaks to ensure office coverage. Lunch breaks range from 30 minutes to one hour, depending on department policy. Specific procedures for lunch breaks may be established by the elected official/department head.

### 205 Inclement Weather

The County rarely closes or delays opening due to adverse weather conditions. However, in extreme weather situations, it may be necessary to close County facilities. The authority to authorize such a closure rests solely with the Board of County Commissioners. Regardless of whether a closure is announced, each employee is responsible for deciding if travel is safe. The County expects all employees to make a determined effort to report to work, even if they arrive late.

Employees who have not yet reported to work should monitor local news outlets for closure announcements and may also receive a text message from the County.

If the County officially closes due to weather conditions, the following apply:

- If the closure is authorized *before* normal working hours, employees will be paid for a regular workday.
- If the closure is authorized *during* the workday, employees who are already at work will be excused at the time of closure and paid for their regular work day.
- Employees who choose to leave work early due to personal concerns during severe weather, without an authorized closure, may do so with their supervisor's permission. In such cases, the time away from work will be charged against available leave balances or recorded as leave without pay if no leave is available.
- Employees who do not report to work on a day when there is no authorized closure will be charged leave time, or if no leave is available, leave without pay.

Employees who are scheduled to be off or scheduled to work at a location not impacted by the closure are not entitled to closure hours.

Certain County services must continue regardless of weather conditions. Elected officials and department heads responsible for those services will identify which employees must report to work and will make any necessary notifications.

## Chapter III Compensation and Payroll

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### 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. Three 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.

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 can be 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 hours taken for personal reasons other than sickness or disability.

**Absences for illness or injury.** The County may deduct for hours taken 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 occurs on the last working day of the month, with salaries covering from the 1st to the last working day of the month. Time recording covers the period from the 21st of the previous month to the 20th of the current month.

If payday falls on a weekend or holiday, it is moved to the last working day before the weekend or holiday. No wages will be paid in advance. Employees whose first day of work is on a County holiday will not receive pay for that holiday. Procedures for submitting time worked and other information are available in the Human Resources Office.

New employees as of June 1, 2025, are required to accept direct deposit for their pay.

### 304 Overtime

#### **Overtime Calculation**

Non-exempt employees get paid one and a half times their regular hourly rate for hours worked over forty in a week. Law enforcement personnel defined by FLSA receive overtime for hours worked over 171 in a 28-day period.

For calculating overtime, the workweek starts Sunday at 12:01 a.m. and ends Saturday at midnight. Different workweeks may be set for specific departments.

Holidays, vacation, medical leave, and compensatory time count as "hours worked" for calculating overtime for hours over forty in a week.

#### **Full Day Closure Only**

Road and Bridge Department and Building Maintenance Department employees get paid time and a half for snow days when County Offices are closed.

#### **Authorization for Overtime**

All overtime must be approved in advance by the employee's supervisor.

#### **Overtime Pay vs. Compensatory Time**

According to the Fair Labor Standards Act (FLSA), Otero County allows non-exempt employees to receive compensatory time off, at a rate of one and a half hours for each hour worked over forty in a workweek, in lieu of overtime

pay. If compensatory time off is not approved, the employee will be paid for overtime hours worked.

### **Compensatory Time**

Employees may accrue up to 120 hours of compensatory time. Any accrual must be approved by the elected official or department head. Employees should use accrued compensatory time as soon as possible after earning it. Any unused compensatory time by January 20th of the following year will be paid as overtime. Compensatory time will also be paid out upon termination.

### **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**

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

### **401 Eligibility**

The County offers a range of benefits to regular full-time employees. Information about eligibility for benefits is available from the Human Resources Office.

New full-time employees can start accruing leave based on their hire date, as outlined in paragraphs 506 (Medical/Sick Leave) and 507 (Vacation Leave) of this handbook.

Health and life insurance eligibility for new full-time employees depends on their hire date:

- Start date between the 1st and 15th: eligible on the first day of the following month.
- Start date between the 16th and 31st: eligible on the first day of the month after a one-month waiting period.

Temporary employees receive only legally required benefits, such as 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.
- Dental Insurance Plan – helps pay covered dental expenses for you and your dependents
- Vision Insurance Plan – helps pay covered vision expenses for you and your dependents.
- 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

## 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** - these plans allow employees to deduct childcare expense, medical expense 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.
- **Statutory Benefits for Part-Time Employees** – Personnel classified as "part-time" receive all benefits required by Colorado and federal law, including paid medical leave (see section 506), Workers' Compensation and Unemployment Insurance. They are not eligible for County-paid vacation, health insurance, or other voluntary benefit programs unless expressly stated elsewhere in this Handbook.
- **Colorado FAMI Program** – Otero County opted out by BOCC Resolution 2022-12 on October 24, 2022; employees may self-enroll and pay their own premiums directly to the State.

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
- Veterans Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

The list of holidays that is approved every year and changed by the Board of County Commissioners.

- If a holiday falls on a Saturday, it is observed on the Friday before.
- If a holiday falls on a Sunday, it is observed on the Monday after.

To get paid for a holiday, employees must work or be on paid leave the day before and the day after the holiday. New employees who start work on a County holiday will not be paid for that holiday. Employees on unpaid leave, work-related injury leave, or temporary/part-time employees are not eligible for holiday pay.

## CHAPTER V Leave/Time Off

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### 501 Bereavement/Funeral Leave

In the event of a death in their immediate family, full-time employees are eligible for paid bereavement leave as follows:

Up to four (4) workdays off (hours determined by the employee's regular work schedule) for the death of a parent, spouse, child, grandchild, sibling, or current in-law of the same relationship.

Up to two (2) workdays off (hours determined by the employee's regular work schedule) for the death of a grandparent, niece, nephew, aunt, uncle, or current in-law of the same relationship.

Proof of death must be provided and may include a link to an online obituary, a newspaper clipping, or other appropriate documentation. This documentation should be submitted to the employee's immediate supervisor.

For funerals of other relatives or friends, employees may request vacation time or unpaid leave with prior approval from their supervisor.

## 502 Family & Medical Leave Act (FMLA)

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

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

- Pregnancy, prenatal medical, or childbirth;
- To care for the employee's child after birth, adoption, or foster care;
- To care for the employee's spouse, child, or parent with a serious health condition;
- Serious health condition that makes the employee unable to perform their 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.

Employees become eligible for FMLA leave after working for Otero County for at least 12 months and working at least 1,250 hours in the preceding 12 months. The "12-month period for FMLA utilization" is measured forward from the date that the employee first uses FMLA leave. An employee is entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period begins the first time FMLA leave is taken after the completion of any previous 12-month period. Contact Human Resources for more information.

The 12 weeks of FMLA will be used concurrently with any accrued sick or vacation leave.

**Military Family Leave Entitlements** Eligible employees with a spouse, child, 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 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 26 weeks of leave to care for a covered service member during a single 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 their

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.

**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 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:

- Worker's Compensation does not pay for the first 3 days of absence due to an on-the-job injury. The first 3 days will be paid by the County under its leave provisions and will be charged against an employee's leave accruals.
- When an employee cannot return to normal job duties after 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.
- 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 their normal share.
- 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.
- While FMLA leave runs concurrently with Workers' Compensation leave when applicable, job protection under FMLA is limited to 12 weeks. Employment

beyond that period is not guaranteed but may be considered by the Board of County Commissioners based on medical documentation and business needs.

**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 their leave.

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

**Definition of Serious Health Condition** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a 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 3 consecutive full calendar days combined with at least 2 visits to a health care provider or 1 visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.



**Use of Leave** The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the County, or 26 weeks as explained in Section 502.2. The County currently uses a “rolling” 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 requirements 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.

**Employee Responsibilities** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 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 2 days before their first day of return.

**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.

**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.

**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

### Jury Duty

The County honors jury duty as a civic duty. Employees summoned for jury duty will get leave to serve, with benefits continuing as usual. They must notify their supervisor about the jury duty. If excused during work hours, employees should return to work promptly.

Employees will get regular pay for the first three days of jury duty if scheduled to work and must submit a juror service certificate. After three days, employees are paid by the State of Colorado for state, district, or county courts.

Employees can choose to use vacation/compensation leave or general leave without pay for time beyond three days, and keep the state reimbursement. No extra pay will be given if the jury stays past normal working hours.

### Witness Duty

Employees who need to appear as witnesses for cases related to their County job will get paid court leave. Any compensation received during working days must be given to the County.

Employees required to appear in court for cases not related to their job (except jury duty) will not get paid court leave. They may use vacation, compensatory leave, or general leave without pay.

### 504 Leave Without Pay

Leave without pay may be granted to employees needing more time off than what their accruals allow. Requests must be authorized by the employee's elected official or department head, stating the reason and duration needed. Unauthorized leave may result in disciplinary action.

Requests for leave exceeding ten workdays or third occurrence must be reviewed and approved by the Board of County Commissioners. Benefit accruals are paused during the leave and resume upon return.

Employees may return to the same or similar position if available. If not, they can apply for other suitable positions. Reinstatement is not guaranteed. Failure to return promptly at the end of the leave period will result in termination.

### 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 available to all regular part-time and full-time County employees. Authorization from the appropriate elected official, department head, or supervisor is required unless it is an emergency. Medical leave can be used for:

- Care, diagnosis, or treatment of a covered family member\* for a mental or physical illness, injury, or health condition.
- To care for child/children, grandchild, spouse, biological parent(s), or someone who stood in loco parentis to the employee when they were a child
- Grieve, attend funerals or memorial services, or deal with financial and legal matters related to the death of an immediate family member.
- Care for an immediate family member whose school or place of care has been closed because of inclement weather, loss of power, heating, or water, or another unexpected occurrence or event.
- Employees that need to evacuate their residence because of inclement weather, loss of power, heating or water or another unexpected occurrence or event.

- Reasons related to domestic violence, sexual assault, or stalking affecting the employee or a covered family member, including medical care, counseling, legal services, relocation, or safety planning.
- Quarantine or isolation of the employee or a covered family member when so ordered by a health-care provider or public-health authority.

## **Accrual**

Medical leave is earned as follows:

- New regular full-time employees hired after January 1, 2018, receive 8 hours on the first day of employment and accrue medical leave at the monthly rate.
- Regular employees accrue 6 hours of medical leave monthly.
- Part-time employees will accumulate one hour of medical leave for every thirty hours worked each month, with a maximum of forty-eight hours.

The maximum accrual limits are:

- Employees hired before January 1, 1994: 1,440 hours, with any excess paid out at 25% of their hourly rate at year's end
- Employees hired after January 1, 1994: 1,120 hours, with any excess paid out at 25% of their hourly rate at year's end

Upon termination or retirement, employees with ten years of uninterrupted service will be paid out at 25% of their hourly rate for any accrued medical leave. Others will forfeit any accrued medical leave.

To accrue medical leave for a given month, the employee must have County-paid time recorded as follows:

- Less than 50% working days: 0.00 hours
- 50% to <100% working days: 3.00 hours
- 100% working days: 6.00 hours

Medical leave is not accrued during "Non-County Paid Leave" periods like work-related injury leave or general leave without pay.

Employees on medical leave continue to accrue leave until it is exhausted. After that, no more leave accrues until the employee returns to work or goes on other County-paid leave (e.g., vacation leave). Accrued leave is used before leave without pay.

Employees using leave beyond their accruals will have reduced pay for the month. Human Resources will automatically calculate this reduction. There is no policy allowing for make-up time Payment.

Medical leave is paid at an employee's normal rate of pay in minimum increments of half an hour. If a holiday occurs during medical leave, no medical leave is charged for the holiday.

### **Special Provisions**

A "return to work" statement may be required for absences over ten consecutive days due to medical issues.

Employees may be on extended medical leave for up to 480 hours, using accrued leave first, followed by leave without pay (Family & Medical Leave).

Requests for "Leave without Pay" are subject to guidelines 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.

**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

Part-time regular/temporary employees are not eligible for vacation leave.

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 Notes:

Vacation leave is not accrued during "Non-County Paid Leave" periods, such as work-related injury leave or general leave without pay.

Employees on vacation leave will continue to accrue leave until their accrued leave is used up. After that, no more vacation leave will accrue until they return to work or go on another type of County paid leave, like compensatory time.

Vacation leave cannot be used in the same month it is earned. Newly hired employees can use vacation leave once they have earned it. The accrual formula determines if the new hire is eligible to receive a vacation leave accrual for the month.

Employees taking leave beyond their accruals will have reduced pay for the month. Personnel will automatically calculate this reduction. Employees must report all leave used during the month. There is no policy allowing for make-up time.

The maximum amount of vacation leave an employee can carry over at the year's end is 120 hours. Unused leave exceeding this limit will be rolled into medical/sick leave unless authorized by the Board of County Commissioners.

## Payment:

Vacation leave is paid at an employee's normal rate of pay and reported in minimum increments of half an hour. If a holiday occurs during vacation leave, no vacation leave is charged for the holiday (see Section 406 Holidays).

Employees will be paid for all unused vacation leave upon separation, termination, or layoff. Payments will be made according to the plan authorized by the Board of County Commissioners.

Requests for vacation leave must be submitted to the elected official/department head or supervisor for authorization before taking vacation leave. Requests may be denied, and "no leave allowed" periods may be established due to workload, staffing,

or other similar situations. A reasonable amount of notice must be given for proper scheduling, except in emergency situations.

### 508 Wellness Wednesdays

Otero County supports employee well-being and has established "Wellness Wednesdays" as a voluntary program available to all staff. Employees may take one 30-minute wellness break each Wednesday, in addition to their regular breaks, for personal wellness activities such as walking, reading, desk yoga, or other health-related pursuits. This break must not be used to shorten the workday, arrive late, or leave early, and must be pre-approved by the employee's immediate supervisor to ensure appropriate office and departmental coverage. Wellness breaks are limited to Wednesdays only and may not be rescheduled, banked, or carried over. Participation is optional. The program is subject to periodic review and may be discontinued if misused or if it interferes with public service responsibilities.

### 510 Public-Health Emergency (PHE) Supplemental Leave

When a public-health emergency is declared by a federal, state, or local public-health agency, the County will immediately provide up to eighty (80) hours of additional paid medical leave—prorated for part-time employees—for the reasons and during the period required by law. PHE leave is separate from, and does not reduce, an employee's regular medical-leave balance; any unused PHE leave expires four (4) weeks after the official end of the emergency.

## CHAPTER VI Conduct

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### 601 Code of Ethics

Otero County employees, elected officials, appointed officials, and volunteers are expected to uphold the highest standards of ethical conduct in their professional duties. The Otero County Code of Ethics Policy provides a framework for ethical decision-making and accountability. Employees must adhere to the following principles:

- Integrity & Honesty – Conduct County business with fairness, transparency, and honesty.
- Accountability & Stewardship – Use County resources responsibly and in the best interests of the public.
- Impartiality & Fair Treatment – Treat all individuals equitably without favoritism or bias.

- Confidentiality – Protect sensitive county information as outlined in the Confidential Information section.
- Public Trust & Conflicts of Interest – Disclose and avoid personal or financial conflicts of interest in accordance with the Conflict of Interest policy.
- Professionalism & Respect – Conduct interactions with colleagues, residents, and stakeholders in a professional manner.
- Compliance with Laws & Policies – Follow all applicable federal, state, and local laws, as well as county policies.

Violations of the Code of Ethics may result in disciplinary action as described in the Discipline/Discharge section.

## 602 Absence & Punctuality

Come to work on time and ready to work. Contact your supervisor if you're going to be late or absent. Employees who are more than fifteen (15) minutes late shall be required to take paid leave in thirty (30) minute increments.

## 603 Alcohol & Drugs

Otero County is committed to maintaining a safe and healthy work environment. The use, possession, or sale of controlled substances is strictly prohibited. Employees are expected to comply with the County's Drug and Alcohol Policy, which includes pre-employment, reasonable suspicion, and post-accident testing for safety-sensitive positions.

Employees found to be under the influence of alcohol or drugs while on duty will be subject to disciplinary action, up to and including termination.

## 604 Appearance, Attire & Hygiene

Wear clothing that is neat, clean and right for your job. Some departments may have specific rules.

## 605 Conflict of Interest

Employees and officials must disclose any personal, financial, or professional interests that could affect their decision-making in county operations. Employees must:

- Recuse themselves from decision-making processes where a conflict exists.
- Report any potential conflicts to their supervisor or the County Administrator.



## 606 Use of County Resources

Employees must use County property, funds, and resources solely for official business purposes. Personal use of County resources—including facilities, vehicles, equipment, and supplies—is prohibited unless explicitly authorized under County policy.

Any work product, document, program, system, or other intellectual property developed by County employees during work hours or using County resources is considered the property of the County. This includes materials created as part of an employee's official duties, even if the employee intends to use them in a personal capacity, side business, or future employment. Unauthorized use, sharing, or transfer of such County-owned intellectual property is strictly prohibited.

## 607 Confidential Information

Employees are responsible for safeguarding confidential County records and information. Unauthorized disclosure or misuse of confidential information, including financial records, personnel matters, and legal documents, is prohibited and may result in disciplinary action.

## 608 Gratuities & Gifts

Employees may not solicit or accept gifts, services, or compensation that could influence or appear to influence County business decisions. Employees must comply with Colorado Article 29, which limits gifts to a cumulative value of \$50.00 or less.

## 609 Outside Employment

Employees considering outside work should talk to their supervisor. Even with outside jobs, employees must still perform their duties at Otero County properly. Outside work must not interfere with job requirements, performance, or create a conflict of interest with the County. Employees cannot use County equipment or supplies for outside jobs.

## 610 Parking

Employees who work at the County Courthouse or other County facilities with limited parking must follow these rules:

- No parking in areas meant for the public.
- Handicapped employees may use designated spaces.
- Parking spaces are assigned by departments based on their criteria.
- Violations can lead to disciplinary action.
- Use municipal parking nearby.
- Avoid parking in front of businesses.

- The County isn't responsible for fire, theft, damage, or personal injury involving employees or cars. Lock your vehicle.
- Drive safely and follow traffic signs.

### 611 Political Activity

Employees are encouraged to participate in political and governmental activities in the community. They should be informed, work for, contribute to, and communicate with candidates and officeholders. The County supports responsible citizenship and does not interfere with political activities as long as they are done outside of work hours and do not affect job performance or disrupt colleagues.

When engaging in political activities, employees must act as individuals, not as County representatives. Campaigning, fundraising, and other political activities must be done on personal time. The County may deny time off for political activities if they interfere with job responsibilities.

### 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

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### 701 Computer Systems

The County's computer network, Internet access, email, and voicemail systems are business tools for employees to use in their job duties. All documents and files created or stored on the County's computer systems are the property of the County and may be reviewed at any time. Employees should not consider any information on these systems as confidential, including emails sent or received.

All information related to access to the County's computer resources, like user IDs, access codes, and passwords, must remain confidential and not be disclosed to non-County personnel.

Upon separation from employment, all communication tools should be returned to the County.

### 702 Personal Use of the Internet

Some employees need to use the Internet for their work. Internet use should be for business purposes during work hours. Personal use of the Internet should be before or after work, or during breaks or lunch. It should not affect productivity. The County prohibits the display, transmission, or downloading of offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or unlawful material at any time. As noted in Section 613, computer files, emails, and voicemails have limited personal use and may be searched at any time. Departments may have stricter internet policies 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

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

The County provides the email system to help employees do their jobs, and it should be used mainly for County business. Personal use is allowed, but employees should know these messages are treated the same as business emails and can be reviewed anytime without notice. There is no expectation of privacy. The County may monitor emails occasionally. As mentioned in Section 613, computer files, emails, and voicemails have limited personal use and can be searched at any time.

Messages can be sent to the wrong person or forwarded to others. Deleted emails might still be stored elsewhere on the system. Employees should be careful with email content and avoid writing anything inappropriate. Offensive, obscene, profane, or unlawful material is prohibited. Unauthorized use of encryption keys or passwords to access another employee's email is not allowed.

### 706 Voicemail

The County voicemail system is for business use. While the County does not routinely monitor voice messages, it reserves the right to access and disclose any messages for any purpose. Personal use of voicemail should be minimal, as computer files, emails, and voicemails may be searched at any time, and there is no 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.

To maintain good business practices, phone calls and cell phone usage should be kept to a minimum to avoid interfering with work performance.

The County provides cell phones for employees who need them for job-related purposes. These phones are primarily for business use, so personal calls should be brief and necessary.

Employees must comply with Colorado law (C.R.S. 42-4-239), which restricts wireless phone use for texting or manual data entry while driving, except in emergencies. The statute also prohibits talking on a wireless phone while driving unless the device is used in a hands-free manner. Individuals under 18 are prohibited from using wireless phones while driving for any reason.

### 708 Social Media – General

Employees should use social media responsibly and respectfully, considering the County, colleagues, customers, partners, and the public.

### 709 Social Media – County Accounts

Official Otero County social media sites are extensions of the County's information network and must follow all County policies.

Requests to create a County department social media site must be submitted to the County Administrator and approved by the Board of County Commissioners.

Departments using social media sites are responsible for their pages. The Department Head or their designee will maintain the content, and the PIO or designee may monitor sites to ensure consistent messaging and policy adherence.

The County's official logo must be used unchanged to maintain visual consistency. The County Administrator or Board of County Commissioners may set additional standards for naming and visual consistency. Other photos may be used but should reflect Otero County's public brand.

Use of the Otero County logo in any form—such as social media, printed materials, presentations, or promotional content—must be reviewed and approved in advance by the County Administrator to ensure proper and consistent representation of the County's brand.

## CHAPTER VIII Additional Information of Importance

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### 801 Discipline/Discharge

Positive working relationships require effort from everyone. Employees have a responsibility to uphold standards in their work, their interactions with others, and their commitment to the County.

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:**

A supervisor can issue a verbal warning at any time, discussing the issue and providing an improvement plan with a timeline. The warning will be documented and signed by the employee.

#### **Written Warning:**

A written warning can be issued at any time, outlining the issue, an improvement plan, and consequences for not improving. The warning will be documented and signed by the employee.

**Suspension With or Without Pay:**

An employee may be suspended for up to 10 days without pay for disciplinary reasons, or indefinitely if involved in criminal activities affecting their job. Written notice will state the reasons and duration of the suspension and be added to the employee's file. Upon reinstatement, back wages may be paid if suspension was unwarranted.

**Demotion or Reduction in Pay:**

An official may reduce an employee's pay or demote them for at least three months, if deemed more appropriate than termination. Written explanation and documentation will be provided, and the employee can respond within five days. All paperwork will be added to the employee's file.

**Termination:**

Employment may end due to performance issues or guideline violations. Where possible, the employee will respond to allegations before disciplinary action is taken.

## 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

If changes to the guidelines in the handbook are needed, the County reserves the right to interpret or change them without prior notice, except for the at-will nature of employment.

Amendments to the Personnel Handbook can be proposed by the Board of County Commissioners, Human Resources Department, elected officials, department heads, or any County employee. These proposals should be submitted in writing to the Human Resources Department or the Board of County Commissioners.



The Human Resources Department will review proposed amendments for consistency with current handbook provisions and other practices and regulations, noting any questions or concerns.

After this review, the proposed amendments will be shared with elected officials/department heads and communicated to employees for their feedback.

Following review and feedback, the final decision on the proposed amendments will be made by the Board of County Commissioners.

# ACKNOWLEDGEMENT OF RECEIPT

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The undersigned employee has received the employee handbook dated May 27, 2025. They understand and agree to read it carefully. The undersigned acknowledges:

- Employment with Otero County is at-will. Both the employee and the County can end the employment relationship at any time and for any reason, with or without advance notice.
- The handbook and management statements are not a contract of employment or a guarantee of employment for a specific time.
- The handbook provides a summary of some guidelines but is not all-inclusive.
- This edition replaces all previous handbooks. The County may change the guidelines at any time without notice, except for the at-will nature of employment.
- Only the Board of County Commissioners can create a written employment agreement for a specific period, signed by them and the employee.

Employee Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date