



# **EMPLOYEE HANDBOOK**

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## **I INTRODUCTION**

La Plata County publishes an Employee Handbook to provide information about the policies, guidelines and practices of our organization. The general purpose of these policies, guidelines and practices is to establish policies with respect to recruitment, employee benefit packages, compensation, promotion and other aspects of human resources administration.

The Employee Handbook applies to all La Plata County employees and Elected Officials, unless an Elected Official has otherwise specifically exempted application to his/her department through the proper adoption of alternative written policies or procedures. An Elected Official, other than the Board of County Commissioners, may not vary the terms and conditions of any employee's employment on matters related to compensation, benefits, and matters of state or federal law. Members of appointed boards, commissions, and citizen committees are not considered La Plata County employees and, therefore, are not subject to the provisions outlined in the Employee Handbook.

The Employee Handbook becomes effective on the date of its publication and supersedes all previous Employee Handbooks and/or manuals, procedures, guidelines and practices, written or oral.

An Elected Official or Department Head with County Manager approval may establish supplemental policies and procedures, as he/she deems necessary for the efficient and orderly administration of a department and for maintaining the performance standards of employees. All supplemental policies and procedures shall be consistent with the provisions of the Employee Handbook and La Plata County policies.

### **AT-WILL EMPLOYMENT**

**La Plata County is an at-will employer and as such there is no specific length or guarantee of continued employment. Either you or the County may terminate your employment at-will, without cause or prior notice, at any time. Changes in compensation, location, job duties, level of employment or other changes do not modify the right of employees or the County to terminate the employment relationship at any time, with or without cause or notice. None of the County's policies may be construed to create a contract of employment, a promise of continued employment or any other legal obligation, express or implied. Any policy may be amended, revised, supplemented, suspended, rescinded, in whole or in part, or otherwise altered at any time at the discretion of the County, with or without notice.**

## EQUAL EMPLOYMENT OPPORTUNITY

La Plata County is committed to providing equal employment opportunity for all qualified persons regardless of color, religion, sex (including pregnancy), age, national origin, disability, veteran status, political affiliation, sexual orientation, gender identity, marital status, genetic information or any other applicable status protected by state or federal law. Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

## EQUAL EMPLOYMENT OPPORTUNITY GRIEVANCE PROCEDURES

It is the policy of La Plata County to establish a procedure for employees to follow in order to bring grievances of discrimination to the attention of management (see [Grievance Review Policy, IV.6](#) of the [La Plata County Policy and Procedures Manual](#)).

### Procedure

If there is a question or complaint regarding employment or hiring practices that you are unable to resolve with your immediate supervisor, or if you observe what you believe to be unlawful harassment of another employee, you are encouraged to make that situation, question or complaint known to the Equal Employment Opportunity (EEO) Officer (who is the Human Resources Director):

- Reports of harassment may be made orally or in writing. You will be asked to provide details about the nature of the complaint. A complaint form and detailed procedures can be found on the County's employee staff website. Any employee filing a complaint will not be subject to retaliation, intimidation or discrimination for filing a complaint or participating in an investigation. The County tries to keep complaints, their investigation, and the terms of their resolution confidential, as much as possible. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of incidents of harassment, and to protect the reputation of any employee incorrectly charged with harassment. However, complete confidentiality cannot be guaranteed and some disclosure may be necessary to conduct an investigation.
- The EEO Officer will investigate the complaint with your director or department head and any other person with knowledge of the situation.
- You will be advised in writing of the results of the investigation and La Plata County's decision regarding the complaint.
- A record of the complaint and findings will become part of the complaint investigation record, and the file will be maintained separately from your personnel file.

If you do not agree with the decision of the EEO Officer, you have the right to appeal the decision, in writing, to the County Manager or, if the complaint involves the County Manager, to the County Attorney. In the event the complaint involves the County Attorney, appeals should be forwarded to the Chair of the Board of County Commissioners.

## **II CODE OF ETHICS**

Each employee, board and commission member and elected official of La Plata County is an integral participant in the County's mission of excellence in public services, and each is expected to exhibit a high degree of professionalism and personal integrity consistent with the pursuit of excellence in the conduct of his/her responsibilities.

La Plata County holds to certain shared values by which our actions are to be measured and governed. This policy identifies certain of those commonly held values and associated behaviors. Violations of the Code of Ethics and Conduct may be cause for disciplinary action up to and including dismissal (see [Code of Ethics and Conduct Policy, I.A.1](#) of the [La Plata County Policy and Procedures Manual](#)).

### **RESPECT FOR PERSONS**

The County places a high value on human relations, human diversity and human rights. Consistent with these values, the County strives to maintain a work environment that is characterized by mutual respect for all individuals. Such an environment has no place for harassment or discrimination based on race, color, religion, sex (including pregnancy), age, national origin, disability, veteran status, political affiliation, sexual orientation, gender identity, marital status or genetic information, or any other status protected by federal, state or local law, and such behavior will not be tolerated. As befitting the County's commitment to its public service mission, County employees are expected to treat one another and the citizens of La Plata County in a cordial, professional and respectful manner.

### **RESPECT FOR PROPERTY**

All County employees must be responsible caretakers of the County's resources. Consistent with this value, employees are expected to exercise reasonable care in the use of County property and citizen property and report any damage to property to their supervisors.

## COMPLIANCE WITH LAWS AND COUNTY POLICIES

County employees are expected to follow acceptable business and professional principles in conducting County business and in their personal conduct. Employees are expected to exhibit personal and professional integrity and objectivity in carrying out their duties. Employees of the County are expected to take precautions to ensure that outside financial interests do not place them in conflict with carrying out their duties and responsibilities as employees of the County.

Employees are expected to report to their Elected Official/Department Head any evidence of activity by a state agency, contractor or employee that constitutes a violation of state or federal law or fraud as it relates to operations of County sponsored programs. Employees are also expected to report any suspicion of misappropriation of local, state or federal resources, and acts that endanger the health or safety of the public or employees. Intimidation of or retaliation against any employee reporting evidence of such events is strictly prohibited.

## ETHICAL CONDUCT

Employees are expected to be guided by certain standards of ethical conduct when making decisions. These standards include, but are not limited to, the following:

- An employee or elected official shall not acquire or hold an interest in any business which he or she has reason to believe may directly and substantially benefit economically by official actions over which he or she has substantive authority.
- An employee or elected official shall not receive, directly or indirectly, anything of value from any individual with the intent of influencing the official responsibilities of that employee or elected official.
- An employee or elected official shall not receive anything of value for speaking before a public or private group in his/her official capacity except for unsolicited items of trivial value of less than \$53.00, such as pen, note pad, calendar or other similar items, or an unsolicited token or award of appreciation such as a plaque, trophy, wall memento, desk item or other similar items. Meals, which are incidental to the engagement, may be accepted only where all participants of the engagement are entitled to the same meal.
- An employee or elected official shall not accept a trip that is paid for by a third party unless it is paid for by a nonprofit organization or other state or local government, the trip is for attendance at a convention, fact-finding mission or trip, or other meeting, and the person is scheduled to deliver a speech, make a presentation, participate on a panel, or, with the approval of their supervisor, represent state or local government. If the trip is being paid for by a non-profit organization, that non-



profit organization must receive less than five percent (5%) of its funding from for-profit organizations or entities.

- An employee or elected official shall not disclose confidential information gained as a result of his/her employment.
- An employee shall not cause the employment, appointment, promotion, transfer, or advancement of an immediate family member to a position in which the employee supervises or has influence over.
- No person shall use government personnel, equipment, materials, or office space in an election campaign.
- It is the duty of all employees and elected officials to observe the highest ethical principles as set forth in this policy in all official actions, and to refrain from any course of conduct, which might result in, or create the appearance of, a violation of these ethical standards.

### **POLITICAL ACTIVITY**

Employees may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations. However, employees are prohibited from:

- Engaging in any political activity while on duty;
- Using official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- Coercing or compelling contributions for political or partisan purposes from another employee of the County; or
- Using any supplies or equipment of the County for political or partisan purposes.

### **HOLDING PUBLIC OFFICE**

County employees are encouraged to hold public office and to otherwise participate in community affairs, subject to the following limitations:

- An employee elected or appointed to the offices of County Commissioner, Sheriff, Treasurer, Assessor, Clerk & Recorder, District Attorney, Coroner or Surveyor may not continue regular employment once he/she takes office.

- In the event that the elective office creates a substantial conflict with the employee's duties and responsibilities, the employee must resign or will be dismissed.
- An employee who is a candidate for public office must conduct all campaign and other political activities during off-duty hours or during approved leave.
- The Hatch Act, which is a federal law, prohibits an employee from candidacy for public office in partisan elections when the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency. If an employee candidate is covered by the Hatch Act, the employee may be required to either: (1) resign his or her position; or (2) withdraw from the partisan election.

## OUTSIDE EMPLOYMENT

Employees of the County may take occasional or part-time jobs if:

- The employee has obtained his or her Elected Official/Department Head's approval prior to the commencement of the outside employment.
- The employee does not engage in outside business activities during his/her County assigned working hours unless on approved leave.
- There is no conflict of interest as determined by the County Attorney or the supervising Elected Official, where applicable.
- There is no conflict with assigned working hours. Certain jobs require the employee to be available for "on-call" duty. Outside employment must not conflict with these specific jobs.
- The employee's efficiency and job safety is maintained.

## NEPOTISM

La Plata County prohibits the employment of an employee's immediate family members, or employees who are members of the same household, within the same department unless he or she is employed in a different division within that department. This prohibition is issued to insure nepotistic relationships do not affect supervision, safety, security and morale in County departments, or the efficient delivery and operation of County services. An immediate family member is defined as an employee's spouse, domestic partner, child, step-child, son/daughter-in-law, parent, step-parent, father/mother-in-law, sister, brother, brother/sister-in-law, step-brother/sister,

grandparent, grandparent-in-law, grandchild or any other relative living in the household of the employee.

An immediate family member of a County employee may not be hired, transferred or promoted if such action would:

- Create a situation where one family member directly or indirectly exercises supervisory, appointment, dismissal authority, or disciplinary action over the other family member.
- Cause one family member to audit, verify, receive, authorize expenses, or be entrusted with monies received or handled by the other family member.
- Cause one family member to have access to employer's confidential information of another family member, including payroll and Human Resources records.

Immediate family members or members of households may work within the same department or office provided they work in different divisions and their immediate family member is not the Elected Official/Department Head. Exceptions to this policy may be made at the discretion of the Elected Official/Department Head with approval from the Human Resources Director and the County Manager. Such decisions will be based on demonstrated unusual or exceptional circumstances.

### **MARRIAGE, CHANGE IN HOUSEHOLD OR INTIMATE RELATIONSHIP**

Employees who marry or become members of the same household or become intimately involved are subject to the same restrictions as identified in the policy statement. If a relationship prohibited by this policy should occur, La Plata County will attempt to find a suitable position within the County to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. If neither employee wishes to make this decision, the Elected Official/Department Head, upon consultation with the Human Resources Director, the County Attorney and the County Manager, will decide which employee will be terminated.

### **RESPONDING TO EMERGENCIES**

In emergencies, the public relies on County services for information and assistance. All County employees, by the nature of their employment, are emergency workers. Employees may be called upon to perform duties other than their regular assignments to aid County emergency efforts.

Employees must provide their department head with a current phone number where they can be reached if they are needed during an emergency. Employees should understand the department's procedures pertaining to emergency situations.

### **III CLASSIFICATION AND COMPENSATION**

The [Salary Administration Policy, IV.1](#) of the [La Plata County Policy and Procedures Manual](#) provides a uniform system for classifying positions and compensating employees. This system is comprised of two distinct parts, the Classification Plan and the Compensation Plan.

- The Classification Plan is the categorization of job positions based on duties and necessary qualifications.
- The Compensation Plan provides salary structures.

The Board of County Commissioners reserves the right to revoke, modify, freeze, or adjust the *Salary Administration Policy and Procedures* with or without notice. For specific information and procedures regarding this policy, please contact the Human Resources Office.

#### **CLASSIFICATION PLAN**

The Classification Plan provides a systematic arrangement and inventory of positions. Each position title is assigned to a class specification that lists the minimum requirements or qualifications needed to perform the job. By describing essential job functions, job duties, responsibilities, and qualifications, the Classification Plan provides guidelines for establishing a pay plan based on these relationships. A master set of all approved class specifications is maintained in the Human Resources Office.

#### **COMPENSATION PLAN**

Employees receive compensation in accordance with the *Salary Administration Policy and Procedures*. All positions, except Elected Officials and specific contract employees, are assigned to a grade in the salary schedule that establishes a specific range of allowable wage rates for each grade. A position's placement in a grade is based on an evaluation of the following factors: knowledge required by the position, decision making, supervision exercised, complexity, scope and effect, physical demands, and work environment.

## SALARY ASSIGNMENT

In most cases, a new employee will be paid the minimum rate of pay for a position. However, new employees may be hired above the minimum rate of pay based on skills, education and/or previous experience applicable to the position into which they are hired. The same Compensation Plan principles that apply to full-time employees determine salary procedures for part-time employees.

## TYPES OF EMPLOYEES

Each fiscal year, the Board of County Commissioners specifies the number and classification of all regular employees authorized for each department of the County. The regular workweek for full-time employees is forty (40) hours per week. Please note: Departments may adopt alternate schedules to meet the needs of the County. Employees may also be required to work overtime, with or without notice, to meet County needs or for emergencies. Current employee classifications include:

### Introductory Employee

An employee hired into a regularly budgeted, benefits eligible position in his/her first six months of employment, or longer if performance has been documented at below the acceptable standards. Some benefits assigned to a regular status employee are not provided to an introductory employee.

### Full-Time Employee

An employee in a regularly budgeted, benefits eligible position, who is hired for an indefinite period of time and is normally scheduled to work 40 hours per week, and who has completed the Introductory Period. Appointment is continuous, subject to satisfactory performance, availability of funding and the “at-will” provisions of this handbook.

### Three-Quarter-Time Employee

An employee in a regularly budgeted, benefits eligible position, who is hired for an indefinite period of time and is normally scheduled to work 30 to 39 hours per week, and who has completed the Introductory Period. Appointment is continuous, subject to satisfactory performance, availability of funding and the “at-will” provisions of this handbook.

### Half-Time, Benefit Eligible Employee

An employee in a regularly budgeted position, who is hired for an indefinite period of time and is normally scheduled to work 20 to 29 hours per week, and who has completed the Introductory Period. Appointment is continuous, subject to satisfactory performance, availability of funding and the “at-will” provisions of this handbook.

### Part-Time Employee

An employee in a regularly budgeted, benefits eligible position, who is usually scheduled to work less than 20 hours per week, and who has completed the Introductory Period. Appointment is continuous, subject to satisfactory performance, availability of funding and the “at-will” provisions of this handbook.

### Employee in Training

An employee hired into a position in which training is required for the employee to meet the minimum requirements of the position. Wage assignment may depend on the level of training and education completed.

### Term Appointment Employee

An employee hired into a position that is designated to run for a defined period of time. This may occur for various reasons, such as the position is funded from non-recurring sources (e.g., contracts of grants), or the position is needed to complete a special project. Term employees are normally hired for periods greater than six months and less than three years.

Employees hired for a term appointment will be separated from the County as of a specific date unless the supervisor notifies the employee that the appointment will be extended and the employee agrees to the extension. For the specified period of appointment, term employees are entitled to all other rights and privileges as regular status employees, except the right to grieve separation at the end of the appointment.

### Contract Employee

The Board of County Commissioners hires contract employees into certain senior positions. The responsibility associated with the position is judged to be such that the County must reserve the right to renew or not renew the contract of the incumbent in the position when such contract expires. The provisions of his/her contract bind an individual who enters into an employment contract with La Plata County. Except for matters specifically set forth in such contract (including duties and salary), the benefits, terms and conditions of employment of a contract employee are governed by the County’s personnel policies and procedures.

### Temporary Employee

A non-benefits eligible employee who is hired for a period of short duration, in an at-will status, for work of a seasonal, intermittent, or emergency nature, or to temporarily fill a vacancy in a regularly authorized position. The term of the temporary position is usually no longer than 12 months. If a temporary position exceeds a 12 consecutive month period without layoff, the Human Resources Director and the Elected Official/Department Head shall review the position for continuance at temporary status.

Temporary employees must meet the minimum requirements for each job occupied and must be able to perform the essential job functions. Temporary

employees may be exempt or non-exempt. A temporary employee is not eligible for benefits other than those required by law (i.e., Family and Medical Leave, Workers' Compensation Insurance, Unemployment). Temporary employees can be terminated at any time, with or without cause.

## INTRODUCTORY PERIOD

A new employee hired into a regular position serves the initial six months of employment in an Introductory Period. If an employee does not successfully complete the Introductory Period, such period may be extended up to an additional six months, for a total Introductory Period of up to twelve months. An employee may be terminated at the discretion of the Elected Official/Department Head at any time during such period or any extension thereof with or without cause and the employee has no right to grieve such action through the County's Grievance Review process. Nothing in the employee handbook should be understood as creating guaranteed or continued employment or continued benefits.

During the Introductory Period, the employee accrues leave hours, but may only use Sick Leave as appropriate and Annual Leave for recognized holidays which fall in the Introductory Period. Upon successful completion of the Introductory Period, the employee shall receive all benefits assigned to a regular employee subject to all benefit specific requirements.

An employee who is promoted or reclassified during his/her Introductory Period shall continue to serve the initial Introductory Period, and once completed, shall be required to serve the remainder of the promotional Trial Service Period, which is six months from the date of the promotion. For example, if an employee is promoted or reclassified after three months of employment, the employee would complete the additional 3 months of the introductory period in the new position as well as an additional 3 months as a Trial Service Period.

## PAY PERIODS AND PAY DAYS

A pay period consists of two workweeks. Employees are paid bi-weekly on the Friday following the end of the pay period. Law enforcement officers are paid bi-weekly for one half (14 days) of their defined work period. A list of pay periods is provided to all employees at time of hire and is available in the Human Resources Office, Payroll Office, or Staff Website.

## PAYCHECK DISTRIBUTION

Paychecks and notices of deposit are distributed to employees after 8:30 a.m. by the Elected Official/Department Head or by the designated representative. When a payday



falls on a holiday, paychecks and notices of deposit are available after 3:00 p.m. on the last working day prior to the holiday. Employees who wish to receive their check earlier due to special circumstances must obtain pre-approval in writing from his/her Elected Official/Department Head.

## EXEMPT AND NON-EXEMPT STATUS

The Fair Labor Standards Act (FLSA), as amended, is a federal law that classifies employee positions as either “exempt” or “non-exempt” for the purpose of establishing overtime compensation eligibility.

**Exempt Employees** are salaried employees and are exempt from the overtime provisions of the FLSA. Exempt employees are expected to work or take authorized leave for the full 80 hour work period. However, they may work additional hours as needed to accomplish the work of the position without overtime compensation. The classification of “exempt” is assigned to employees in positions that meet certain legal requirements regarding level of responsibility, including Elected Officials, Department Heads, as well as positions considered being exempt within the definition of executive, administrative, professional, or in certain computer related positions.

**Non-Exempt Employees** are paid on an hourly basis and are eligible for overtime pay or compensatory time accrual after the established work time threshold has been reached. This threshold is 40 hours per week for all employees, except certified law enforcement officers, whose overtime calculation is computed on a 160 hour threshold in a defined 28 consecutive day work period. Non-exempt employees are paid for hours worked as reported on a time sheet. Overtime compensation may be provided as paid overtime or Compensatory Time (Comp Time). Employees should check with his/her supervisor for options available for his/her position or department.

## OVERTIME ELIGIBILITY AND CALCULATION

The Fair Labor Standards Act (FLSA) requires that overtime be paid to all non-exempt employees for all hours worked which exceed forty in a week. Employees may elect to receive the payment of overtime in compensatory time. Overtime is computed at the rate of one-and-one-half times the regular hourly wage of the employee. Compensatory time is accrued at the rate of one-and-one-half hours for each hour of overtime worked.

The FLSA does not include the following scenarios in the computation of total hours worked:

- The few minutes before and after the set office hours used as preparation or cleanup time.



- Breaks offered by the employer, but not taken by the employee.
- The lunch period as long as the employee is not working during that period.

The FLSA includes these items in computing total hours worked:

- Time worked at the work desk during the lunch period.
- All hours worked before regular starting time or after regular quitting time are to be included in total daily and weekly hours worked regardless of whether approved by the supervisor or not.
- Hours worked by the employee at home, either on the employee's own initiative or at the request of the supervisor (except casual reading).

### OVERTIME CALCULATION

The key criterion for eligibility for payment of overtime is the total hours worked in a workweek. Non-exempt employees are compensated at the rate of one and one-half times the number of hours actually worked within a given 7 day workweek in excess of 40 hours, or, for law enforcement officers, within a given 28 day work period in excess of 160 hours.

Leaves (annual leave, sick leave, holidays, etc.) are not considered actual time worked and are not added into total hours worked for the purpose of calculating overtime. A long day offset by a short day (i.e., 10 hours Monday, 6 hours Tuesday, 8 hours each on Wednesday, Thursday, and Friday), with the total weekly hours worked equaling forty does not qualify for overtime pay. Leave may not be used when an employee has worked 40 hours in a week. For example, if an employee works 40 hours by Thursday and then takes Friday off, annual leave may not be used for that day. Accrued annual and sick leave may not be treated as hours worked. Absences for medical treatment received as a result of on the job injuries are also not treated as hours worked. Therefore, they are not included in hours worked when computing overtime.

### APPROVAL OF OVERTIME

The Elected Official/Department Head, or his/her designee, authorizes all overtime/comp time in advance. If an employee is at a point that hours scheduled exceed the threshold for the defined workweek/period, and his/her supervisor has not approved the overtime in advance, it is the employee's responsibility to notify his/her supervisor that overtime/compensatory time will be incurred. Employees may be required to work overtime hours, with or without notice, to meet County needs or emergencies.

## COMPENSATORY TIME

A non-exempt employee may choose either overtime pay or compensatory time at any given time. Compensatory time cannot be accrued beyond 45 hours. If an employee is at the maximum of 45 compensatory hours, he/she will be paid for overtime worked. A Compensatory Time Request form must be completed and submitted to the Human Resources department.

## RE-EMPLOYMENT

To avoid unfavorable tax consequences, care must be exercised in the hiring of former County employees. The Internal Revenue Service (IRS) rules governing the County's retirement plan prohibit distributions under the plan unless an employee has legitimately separated from service. In judging whether or not a separation from service has occurred the IRS looks to the facts of each case. The County cannot agree, prior to an employee's separation or retirement, to rehire an employee if the employee intends to receive a distribution of his or her retirement funds. Even in the absence of any prior intent to rehire, the distribution of such funds may prevent the County from rehiring a former employee. Because the failure to adhere to these guidelines and other laws could endanger the favorable tax status of the County's retirement plan or result in tax consequences for all plan participants, all rehires who previously participated in the County's retirement plan must meet with the approval of the County Manager and the County Attorney.

In those instances where rehiring is appropriate, former regular employees, who were separated in good standing or were laid-off due to a work force reduction within the past six months, may be re-employed without competitive recruitment to a position in the same class specification or a position in lower grade. A former employee must meet the minimum requirements for the position for which he/she is applying. The terms and conditions of the County's retirement plan shall determine the treatment of rehired employees with respect to the plan. Sick Leave accrual balances are not restored when any break in service occurs.

## EMPLOYEE TRANSFERS

An employee who transfers to another position in the same grade within the same department shall receive no change in pay. An employee who transfers to another position in the same grade in a different department shall have his/her wage established according to new hire salary assignment procedures taking into account job skills, experience, and education relevant to the new position. The hiring department assumes all Annual Leave, Sick Leave and any other applicable benefits the employee has accrued or is eligible to receive. An employee who is hired by a different department shall give at least two weeks' notice before transferring unless an earlier departure is approved by the employee's current Elected Official/Department Head.

## TRANSFER FROM TEMPORARY POSITION TO REGULAR POSITION

An employee working in a temporary job classification who transfers to a regular status position shall have his/her initial day of hire in the regular position considered as the Hire Date for leave accrual calculations and merit increase eligibility. A temporary employee transferring to a regular position shall be required to serve a Trial Service period of six months after the date that employment in the regular position begins. If the Introductory Period was not completed, a combination of Introductory Period and Trial Service period must be served for a total of six months.

## MERIT WAGE INCREASES

The Board of County Commissioners shall establish employee merit increase amounts and eligibility guidelines each year as part of the budget adoption process. Wage increases may be suspended due to fiscal constraints. Employees who have been promoted on or before June 30th of the fiscal year are eligible for a merit wage increase at the beginning of the next fiscal year. Employees who have been promoted after June 30th of the fiscal year are eligible for a merit wage increase at the beginning of the fiscal year following six months in the position. An employee performance appraisal is required to be eligible for a merit increase.

## ACTING ASSIGNMENT

Acting Assignment means the temporary assignment of a regular employee to another position. An employee may be required to work in a position at a higher classification on a temporary, incidental or emergency basis and may do so for a period of 30 days or less at no increase in pay. In situations where no administrative or executive staff is available to provide direction and/or oversight for a shift or assignment, a pay differential may be paid on an hourly basis to the employee taking on the supervisory responsibility for that shift. Employees in supervisory positions are not eligible for this pay differential.

If the employee is required to perform the duties for a period exceeding 30 days, the employee may be given an acting appointment to the higher position not to exceed six months with the exception of an acting appointment to the position of County Manager. In this situation, the employee's wage shall be adjusted and he/she shall receive the pay increase retroactive to the first day of the assignment. The pay assignment shall be recommended by the Elected Official/Department Head and shall reflect the duties assigned and the employee's level of qualifications. When an acting appointment is made due to a vacancy created by an employee leave or separation, the length of the appointment may extend beyond the limit, but may not exceed the length of the leave or vacancy.

Upon the expiration of the acting appointment, the individual holding the acting appointment shall revert to his/her former position and salary. All acting appointments shall be subject to review and approval by the Human Resources Director. Any employee being assigned an acting appointment must meet the minimum requirements for the position. [Salary Administration Policy, IV.1](#), [La Plata County Policy and Procedures Manual](#)

## PROMOTION

If the employee is promoted to a position one grade higher, the increase in pay will be at least the minimum of the new grade or at least the percentage interval difference between the old and new grades added to the previous salary, whichever is greater.

If an employee is promoted to a position two or more grades higher, the increase in pay will be at least the minimum of the new grade, or at least the percentage interval difference between the old and new grades added to the previous salary, but not more than 15% more than the previous salary, whichever is greater.

If an employee is promoted to or filling a position which is dissimilar to the one currently held (e.g., different department, different job related skills), the wage for the position may be established according to new hire salary procedures. Please refer to the "New Hire Salary" section of the [Salary Administration Procedures, IV.1.a, Section III.C](#), of the [La Plata County Policy and Procedures Manual](#). There are no restrictions on being promoted prior to, or upon completion of, the Introductory Period.

## DEMOTION

If an employee is demoted either through a disciplinary action or voluntarily to a lower position, wage will be established by placing the employee in the same percentage placement of the lower grade that he/she occupied at the higher grade. If the demotion is a result of reorganization or other organizational, non-disciplinary action, the wage will be kept at the same rate as long as it falls within the wage range of the new grade. If the wage is above the maximum of the lower grade, the employee's wage will be placed at the maximum of the new grade. An employee who is demoted shall serve a Trial Service Period for six months. The County Manager may waive the demotion provisions based on the needs of the County.

## RECLASSIFICATION

An employee in a position that is reclassified to a higher grade will have his/her wage adjusted to the new grade using the wage assignment procedure for promotion. There is no adjustment to the employee's Merit Anniversary date.

An employee in a position reclassified to a lower grade will maintain his/her current pay and will maintain his/her Merit Anniversary date. At the next Merit Anniversary date, the employee's rate of pay will be adjusted into the new grade.

[Salary Administration Policy, IV.1, La Plata County Policy and Procedures Manual](#)

### TEMPORARY POSITION RECLASSIFIED TO REGULAR POSITION

If an employee is working in a temporary position that is approved for regular status, the employee's initial date of hire in the temporary position will be considered the employee's Hire Date for the purpose of establishing seniority and his/her annual leave accrual rate. However, leave accruals will only accrue from the date the temporary position is converted to a regular position. If there is more than a 30 calendar day break in service between the day the temporary position ended and the regular position begins, the Hire Date is calculated from the first day that the employee began working in the regular position.

The employee shall be required to serve either an Introductory Period or Trial Service period, or a combination of both, depending on the term of employment in the temporary position, totaling six months after the date employment in the regular position begins.

### WORKING OUTSIDE THE REGULAR SCOPE OF DUTIES

At times, there may be a need for services to be performed, which may not reasonably fall within the scope of an existing County job description. These services may be performed more efficiently by an independent contractor using his/her own tools and working on his/her own schedule and upon which an employee may be interested in making a proposal. Other times, the services are best performed by a current employee, but with additional monetary consideration. In order to avoid a perceived or real conflict of interest, the Human Resources Director and the County Manager must approve all such arrangements in advance. In all such cases, the compensation for services rendered is agreed upon in writing.

### VERIFICATION OF WAGE

It is an employee's responsibility to verify the amount received on his/her paycheck is correct. If an employee believes he/she not been paid a correct amount, either an underpayment or overpayment, it is his/her responsibility to report the discrepancy to the Payroll Administrator as soon as practical. Any underpayment will be adjusted on the next regular paycheck. Any overpayment of wages that may occur will be recovered through payroll deduction at a reasonable schedule identified by Human Resources, the Finance Division and the employee.

## **IV PERFORMANCE MANAGEMENT, DISCIPLINE & EMPLOYEE SEPARATION**

### **PERFORMANCE MANAGEMENT**

The County expects all employees to make a commitment to quality job performance. Issues of poor performance or misconduct compromise both the employee and the organization. For this reason, the County expects work performance to meet the highest standards at all times.

### **PERFORMANCE APPRAISALS**

Employee performance appraisals are conducted annually and are used to provide feedback to an employee on how his/her job performance is meeting the expected standards for his/her position. Performance appraisals can be used to commend good work, point out deficiencies or weaknesses, suggest possible areas of improvement, and identify performance and development goals. The annual performance evaluation gives the employee and his/her supervisor an opportunity to review the employee's performance and set goals for the next review period. Every employee is given the opportunity to complete an "Employee Self Appraisal" form prior to the formal performance review. This document is a collaborative communication tool, which provides all employees with a mechanism to actively participate in the performance appraisal process.

#### **Introductory Performance Appraisals**

During an employee's Introductory Period, the department head and immediate supervisor regularly monitors and reviews an employee's performance to determine whether the introductory employee has met the requirements for regular status. A performance appraisal is typically completed and filed with the Human Resources Office at least five working days prior to the end of the six month Introductory Period. Failure to complete a performance appraisal within the time limits shall not confer regular status upon any introductory employee.

### **TRIAL SERVICE**

Employees who are promoted, transferred or demoted to a position not previously held, and who have satisfied the initial Introductory Period, serve a six month Trial Service period for the new position, (except Sheriff's Office employees who serve a twelve month Trial Service). A person serving Trial Service, who has completed his/her initial Introductory Period, may use any approved leaves.

### Unsatisfactory Completion of Trial Service

An employee who does not successfully complete his/her Trial Service Period may be demoted or terminated.

## DISCIPLINARY ACTION

La Plata County expects all employees to comply with reasonable standards and/or expectations of behavior and performance. La Plata County may take action, which, in the opinion of the County is appropriate, to remedy any deficiency and non-compliance with these standards. If a deficiency or non-compliance is determined to be sufficiently serious, any one or combination of disciplinary actions may be taken immediately. Any action taken by La Plata County in an individual case cannot be assumed to establish precedent.

### Types of Disciplinary Actions:

La Plata County administers discipline depending on the nature of the offense. There is no expressed or implied right to receive corrective action or counseling prior to, or in conjunction with, a disciplinary action or to receive the disciplinary actions set forth below in a progressive order.

Employees may be subject to the following types of actions for corrective, counseling, or disciplinary purposes, depending, in the opinion of the County, upon the circumstances involved:

- Oral warning.
- Written warning.
- Reduction in pay.
- Suspension with loss of pay.
- Suspension with pay.
- Demotion to a position of a lower grade.
- Dismissal.

A regular employee who is disciplined through dismissal, demotion, suspension with loss of pay, or reduction in pay may utilize the County's *Grievance Review Policy*. To file a grievance, an employee must follow the procedures outlined in the *Grievance Review Procedures*. Not following the *Grievance Review Procedures* may cause the grievance to be dismissed. For additional information regarding the *Grievance Review Policy and Procedures*, please contact the Human Resources Office or refer to the [Grievance Review Policy, IV.6](#), and the [Grievance Review Procedures, IV.6.a](#), of the [La Plata County Policy and Procedures Manual](#).



### Examples of Conduct Subject to Disciplinary Actions:

Elected Officials/Department Heads and all levels of supervisors may impose disciplinary actions. Examples of unacceptable job performance for which an employee may be disciplined include, but are not limited to:

- Incompetence or inefficiency in performance of job duties.
- Conduct endangering the safety or well-being of self, fellow employees, or the public.
- Discrimination on the part of a supervisory employee against an employee on the basis of race, color, religion, sex (including pregnancy), age, national origin, disability, veteran status, political affiliation, sexual orientation, gender identity, marital status or genetic information.
- Violation of or failure to comply with statutes, regulations and policies applicable to the performance of official duties.
- Harassment of another employee or member of the public, including sexual harassment, offensive language and behavior regarding an individual's race, color, religion, sex (including pregnancy), age, national origin, disability, veteran status, political affiliation, sexual orientation, gender identity, marital status or genetic information.
- Intentional, reckless or negligent damage or waste of private or public property.
- Unauthorized or inappropriate operation or use of County vehicles, machines, or equipment.
- Abusive language or unbecoming conduct toward the public or fellow employees.
- Failure to comply with lawful orders or regulations.
- Being under the influence of alcohol while on duty and/or use of any controlled substance not taken in accordance with a doctor's prescription while on duty.
- Absence without approved leave.
- Conviction of a felony or misdemeanor involving moral turpitude that affects the individual's ability to perform the duties and responsibilities of the position.
- Accepting or soliciting rewards, gifts or other remuneration from any source other than salary and fringe benefits to which he/she is lawfully entitled, for performance of his/her duties.
- Theft or misappropriation of County funds or property.
- Breach of confidentiality, release of confidential information from privileged records to unauthorized individuals.
- Any falsification, deliberate misstatement or omission, either written or oral, with regards to employee duties or official records.
- Insubordination or refusal by an employee to follow instructions or to perform designated work or to comply with the directives of his/her Elected Official/Department Head.
- Failure or refusal to maintain or obtain required licensure, certification or registration.
- Instigating or participating in deliberate low productivity and/or interfering with another employee's work.



## RESIGNATION

An employee may voluntarily resign by submitting a statement of resignation to his/her Elected Official/Department Head. We request that an employee provide such a statement at least two weeks prior to the effective date of his/her resignation. The statement typically includes (1.) notice to resign, (2.) effective date, and (3.) the reasons for resignation. In the event an employee desires to resign without giving two weeks' notice, please state the reason for the shorter notice in the resignation.

## RETIREMENT

An employee may retire after 20 years of continuous service as a regular employee or at the age of 62 or older. The employee must provide two weeks' notice prior to his/her retirement date.

## DISMISSAL

An employee who does not adequately perform his/her job duties and/or does not comply with La Plata County policies and/or procedures may have his/her employment terminated through dismissal.

A regular employee who is disciplined through dismissal may utilize the County's *Grievance Review Policy*. To file a grievance, an employee must follow the procedures outlined in the *Grievance Review Policy*. Not following the identified procedures may cause the grievance to be dismissed. For additional information regarding the *Grievance Review Policy and Procedures*, please contact the Human Resources Office or refer to the [Grievance Review Policy, IV.6](#), and the [Grievance Review Procedures, IV.6.a](#), of the [La Plata County Policy and Procedures Manual](#).

## EXIT QUESTIONNAIRE

Human Resources may conduct exit interviews in person or through written questionnaires to gather constructive feedback from employees who leave the County's employ. Interviews are scheduled at the convenience of the employee and the Human Resources representative before the employee's last day of employment. Although participation in the exit interview is voluntary, it is highly recommended.

## JOB ABANDONMENT

If an employee does not report to work for three consecutive days without notifying his/her department, or the employee fails to return from a leave of absence on his/her

expected return date, the County will consider this job abandonment and terminate his/her employment.

### **REDUCTION IN WORKFORCE - LAYOFF/JOB ELIMINATION**

An employee may have his/her employment terminated due to the elimination of a position or the end of a temporary position. The Board of County Commissioners, County Manager, or Elected Official within his/her office, has the authority to eliminate any position due to budgetary or operational reorganization. Employees in good standing who are laid off are eligible for re-hire subject to the County's re-employment provisions. Please refer to the [Reduction in Force Policy, IV.14](#), of the [La Plata County Policy and Procedures Manual](#) for additional information.

### **FINAL PAYCHECKS AT TERMINATION OF EMPLOYMENT**

An employee whose employment is terminated (i.e., resignation, retirement, dismissal, lay-off) will receive his/her final check, including payments for any accumulated annual leave, through the next scheduled payroll following the last day worked.

The last actual day worked is used for the purpose of calculating employee benefits. Leave time cannot be used beyond the last day worked. The employee's insurance is paid through the end of the month in which the last day is worked.

### **GRIEVANCE REVIEW**

La Plata County has established a Grievance Review Process to provide an equitable method for the resolution of a dispute or complaint by a regular employee concerning his or her employment. The Grievance Review Process is available to all regular employees in all County departments, with the exception of certified employees of the Sheriff's Office. Temporary employees, or employees in their Introductory or Trial Service Period, are not eligible to use the Grievance Review Process.

Actions eligible to access the Grievance Review Process are:

- Discipline resulting in dismissal, demotion, suspension with loss of pay.
- Disciplinary reduction in pay.
- Inappropriate application of personnel policies or procedure.

Actions that are not eligible to access the Grievance Review Process are:

- Content of ordinances, resolutions, statutes or established personnel policies,

procedures, rules or regulations.

- Content and structure of the Classification and Compensations Plans including but not limited to: establishment and revision of wages or salaries, position classification or general benefits.
- Non-disciplinary termination, demotion or layoff made because of lack of work, reduction in workforce, or job elimination.
- Assignment of duties, work schedule.
- Failure to promote.
- Workers' Compensation and Unemployment claims.
- Performance evaluations.
- BOCC actions, decisions or policies.

The Human Resources Director, at the request of the department or the affected employee, shall make the decision regarding whether or not an action is eligible to access the Grievance Review Process. Employees should make every attempt to resolve disputes and conflicts at the supervisory level. If attempts to resolve a dispute or conflict are unsuccessful, an employee may file a formal grievance. To file a grievance, please refer to the [Grievance Review Policy, IV.6](#) and [Procedures, IV.6.a](#) of the [La Plata County Policy and Procedures Manual](#) or contact the Human Resources Department for assistance.

## **V GENERAL PERSONNEL POLICIES**

### **RECRUITMENT**

La Plata County provides equal opportunity in employment by recruiting and selecting employees based on their relative ability, knowledge and skills for positions regardless of color, religion, sex (including pregnancy), age, national origin, disability, veteran status, political affiliation, sexual orientation, gender identity, marital status or genetic information or any other status protected by state or federal law.

All recruitment activities, with the exception of the Sheriff's Office and the District Attorney's Office, are coordinated through the Human Resources Office. Job vacancies are announced using the best possible means of recruiting for a specific position to provide the best pool of candidates for County service. This may include, but is not limited to, in-house announcements, La Plata County Internet site, local and regional newspapers, Colorado State Employment Service, and professional Internet recruitment sites. All vacancies are posted in the Employment Opportunities section of the County's website and are managed using a recruiting program provided by NeoGov. Prior to deciding on the type of recruitment, the Human Resources Director considers (1) the needs of the County service, (2) the specific qualification requirements of the vacant position(s), and (3) the availability of well-qualified applicants currently employed and

eligible for promotion. Employees in acting appointments in higher classifications may be promoted to the higher classification without open recruitment if he or she has demonstrated adequate performance. Temporary positions reclassified to regular positions may be filled by the temporary employee without open recruitment if the employee occupying the position has demonstrated adequate performance.

Recruiting procedures may be waived due to emergencies or special circumstances at the County Manager's discretion.

### Applications

All applications must be submitted to the Human Resources Office within the time and manner specified in the announcement for a position. The deadline for submitting applications may be extended by the County Manager, Human Resources Director, or Elected Official/Department Head of the department with the open position.

### Minimum Qualifications

Each applicant for employment must meet the minimum qualifications for the position as outlined in the announcement and may be required to submit necessary documentary evidence of citizenship, degrees, licenses or other evidence of identification or fitness and qualifications. A criminal background screening is required to be considered for any County position. If the position requires driving a County vehicle then a valid driver license and acceptable driving history will also be required. For some positions, a job specific skills assessment may be part of the application process. If these or any other screening tests are required, each item will be included in the position vacancy announcement and any public postings.

## ATTENDANCE

The County depends upon its employees to carry out the work of the organization; therefore, regular attendance is considered an essential function and is a vital requirement of all positions. The following behaviors are prohibited:

- Unexcused absences. An absence without proper notification or satisfactory reason is unexcused. An absence of three consecutive days without notification or satisfactory reason may be considered a voluntary termination.
- Repeated tardiness. Tardiness is defined as arriving at work past the appointed starting time without supervisory approval.
- Failure of employees to report to their work place at the beginning of their work period without notification.
- Leaving work prior to the end of the work period without notification.
- Failure to follow established procedures when leaving the work area.

## APPEARANCE

Employees are expected to be appropriately dressed and groomed for the position they hold. Specific dress requirements may be established within a department to promote a safe working environment and/or to project a professional image. If an employee has questions as to what constitutes appropriate attire, he/she should consult his/her supervisor.

## NEW EMPLOYEE ORIENTATION

New employees are required to make an appointment with the Human Resources Department on or before their first day of employment to complete new hire paperwork. During the orientation, the Human Resources representative will review the benefits for which an employee is eligible along with various County policies and procedures. This meeting may take up to one hour.

New employees are strongly encouraged to attend the Introduction to County Government class. This class is generally offered twice a year and provides new employees a complete introduction to the history and structure of the organization.

## WORK SCHEDULES

County offices are open during hours as set by the Board of County Commissioners, which may be amended from time to time. The typical operating hours for County offices are 8:00 a.m. to 5:00 p.m. Supervisors will provide each employee with a specific work schedule. Except as otherwise specifically provided, the normal work schedule for full-time, regular employees shall consist of 40 hours in five 8-hour days from 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, unless otherwise approved by the Board of County Commissioners.

## WORKWEEK/WORK PERIOD

A workweek for all employees, excluding certified law enforcement officers, consists of cycles of 7 consecutive days. The work period for law enforcement officers consists of cycles of twenty-eight (28) consecutive days. Subsequent workweeks and periods commence immediately upon the termination of the previous workweek/work period. The work week begins at 12:01 a.m. Saturday and ends at 12:00 midnight Friday.

Exempt employees' salaries are based on bi-weekly periods cycling every 14 days. In instances when an exempt employee is absent for full or partial day(s) of work and it causes the total hours worked in the period to total less than 80 hours, the employee must use available leave time, to total 80 hours for the period.

Employees occupying regular part-time positions or temporary positions shall work such hours and schedules as established by their department head.

At times, it may be necessary to work other than regularly scheduled hours and the County has the right to change schedules at any time. A department head may make such changes to the schedule of work hours as a public convenience or operational necessity.

### **DIRECT DEPOSIT**

The availability of payroll direct deposit is offered as a benefit to all employees. Employees may authorize automatic payroll deposits into accounts at any participating banking institution. Deposits may be made into more than one bank and into more than one account. To enroll, a Payroll Direct Deposit Request Form must be completed and submitted to the Human Resources Office by the last day of the pay period for the Direct Deposit to be made for that pay period. To discontinue Direct Deposit, a written request must be submitted to the Human Resources Office.

### **DEDUCTIONS**

While employed, employees have certain amounts that are withheld from their paycheck. Some are required by law (i.e., Federal and State income taxes and FICA). The employer and the employee pay the FICA tax, also known as the Social Security tax, in accordance with Federal requirements. This tax is composed of two elements:

- OASDI - the old age, survivor and disability portion of the tax is paid on wages up to the maximum covered wage base for the year.
- HI – the hospital insurance, or Medicare portion of the tax, is paid on all wages, without limit.

Other deductions are made with the employee's permission (i.e., insurance premiums, Flexible Spending Account (FSA) contributions, Deferred Compensation). Insurance premiums are deducted from the first two paychecks of every month (24 times a year) and are withheld a month in advance. FSA contributions and Deferred Compensation are deducted bi-weekly (26 times a year). Mandated wage attachments (i.e., child support, garnishments, levies) are also processed through the Payroll Administrator. Any questions regarding specific deductions should be directed to the Payroll Administrator.

## FLEX-TIME AND ALTERNATIVE SCHEDULES

Employees may be assigned a work schedule of work shifts of lesser than, greater than, or equal to five days per week/eight hours per day (e.g., four 10-hour work days (4-10's), four 9-hour days and one 4-hour day). All flexible schedules must be approved by the Elected Official/Department Head and take into account the department's workload needs.

## LUNCH BREAKS

Lunch breaks are typically 60 minutes, unless a shorter time is established by an approved work schedule. Lunch breaks are not paid, unless the employee is required to eat lunch while on duty at a workstation.

## REST BREAKS

At the supervisor's discretion, non-exempt employees working four consecutive hours may be granted one 15 minute paid break if it does not disrupt workflow. The time when breaks are taken is at the discretion of the appointing authority. Breaks not taken may not be combined, accumulated, or used at the beginning or end of the day in order to arrive late, leave early or extend the lunch hour unless prior approval is obtained by the employee's supervisor.

## PERSONNEL FILES

Personnel files are kept in the County Human Resources Department. An employee may review his/her file by making an appointment with a Human Resources representative.

## TEMPORARY MODIFIED DUTY ASSIGNMENTS

The County will assist employees who have a temporary work-related or non-work related injury, illness, or condition by authorizing temporary modified duty assignments, when possible. The nature, location, and length of the temporary modified duty assignments will be determined by the appropriate Elected Official/Department Head, in consultation with the Human Resources Director, based upon each employee's individual circumstances and the needs of the department. Temporary modified duty assignments may not exceed six months without approval by the County Manager.



## DRUG-FREE WORKPLACE

The County considers a drug-free workplace essential to promoting and maintaining an efficient and safe workplace for all employees. The County's policy complies with the federal government's Drug-Free Workplace Act and makes it unlawful for employees to manufacture, distribute, dispense, possess, or use alcohol or a controlled substance at a County workplace or work site. If you are found to have engaged in any of these activities at work, you may be subject to disciplinary action up to and including termination.

As a condition of employment, all La Plata County employees must agree to abide by the *Drug-Free Workplace Policy*. This includes, but is not limited to, reporting to their supervisors any criminal drug statute conviction for a violation occurring in the workplace and participating in approved testing for alcohol or controlled substances at a time and place and under such conditions as designated by the Board of County Commissioners. Such condition of employment does not create a contract of employment, but rather is a prerequisite to hiring or continued employment of any employee.

For further information, contact the Human Resources Office or refer to the [Drug Free Workplace Policy, II.1](#), and [Drug Free Workplace Procedures, II.1.a](#), of the [La Plata County Policy and Procedures Manual](#).

## WORKPLACE HARASSMENT / SEXUAL HARASSMENT

La Plata County is committed to providing a safe, productive work environment free from any form of harassment or discrimination, including sexual harassment. La Plata County will not tolerate any form of harassment or discrimination on the basis of race, color, religion, sex (including pregnancy), age, national origin, disability, veteran status, political affiliation, sexual orientation, gender identity, marital status or genetic information. Discriminatory harassment and other offensive conduct includes any conduct, whether verbal, visual or physical, which creates an abusive or hostile work environment and which has the purpose or effect of interfering with an individual's work performance or development, see the [Harassment and Inappropriate Conduct Policy, IV.5](#), and [Harassment and Inappropriate Conduct Procedures, IV.5.a](#), of the [La Plata County Policy and Procedures Manual](#).

If you believe you are the subject of harassment based on race, color, religion, sex (including pregnancy), age, national origin, disability, veteran status, political affiliation, sexual orientation, gender identity, marital status or genetic information, you must bring this to the County's attention. The nature of harassment often makes it impossible to detect unless the person being harassed registers his or her discontent with the appropriate authorities. You have a responsibility to report or complain as soon as



possible to the appropriate supervisor, or to your director, or to the Human Resources Director.

All complaints of harassment must be investigated promptly and impartially, with confidentiality maintained to the greatest extent possible. In all cases, you will be advised of the findings following the investigation. For more detailed information, please refer to the [Harassment and Inappropriate Conduct Policy, IV.5](#), and [Harassment and Inappropriate Conduct Procedures, IV.5.a](#), of the [La Plata County Policy and Procedures Manual](#).

Any employee, supervisor, or director who is found to have engaged in the harassment of another employee will be subject to appropriate disciplinary action, up to and including termination.

### **Sexual Harassment**

Each director, supervisor, and employee has a responsibility to maintain a workplace free from any form of sexual harassment. Sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is prohibited. Such conduct includes, but is not limited to:

- Physical conduct of a sexual nature including touching, advances, or propositions.
- Explicit or implicit propositions or offers to engage in sexual activity.
- Comments of a sexual nature including sexually explicit statements, questions, jokes or anecdotes; remarks of a sexual nature.
- Exposure to sexually oriented graffiti, pictures, posters, or materials.
- Physical interference with or restriction of an individual's movements.

With any form of harassment, you have the responsibility to report sexual harassment to an appropriate authority as soon as possible. You may report to either your supervisor, Elected Official/Department Head, Human Resources Director, or the County Manager. Your complaint of sexual harassment will be investigated promptly and impartially with confidentiality maintained to the greatest possible extent. You will be advised of the findings following the investigation.

Any employee, supervisor, or director who is found to have engaged in sexual harassment of another employee will be subject to appropriate disciplinary action up to and including termination.

### **AMERICANS WITH DISABILITIES ACT (ADA)**

La Plata County complies with the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability. The ADA prohibits employers from discriminating against qualified job applicants or employees who are or become disabled. La Plata County is committed to providing reasonable accommodations to qualified individuals with disabilities, unless it would impose an undue hardship on the

employer. If you have a disability, you may request a reasonable accommodation at any time during the application process or during the period of employment. You, your healthcare professional, or any other representative acting on your behalf may request the accommodation. This may be done verbally or by completing a reasonable accommodation request form located on the County's staff website or by contacting the Human Resources Department.

Documentation from an appropriate healthcare or rehabilitation professional will be required to establish that you have an ADA qualified disability that necessitates a reasonable accommodation.

## ANTI-VIOLENCE

Employees must not engage in intimidation, threats or hostile behaviors, physical abuse, vandalism, arson, use of weapons or any other act of violence in the workplace. Employees are expected to report any prohibited conduct to the Human Resources Department. Employees are expected to contact proper law enforcement.

## EMPLOYEE COMMUNICATIONS

La Plata County has established a *Network Use Policy* that establishes uniform guidelines for the appropriate and constructive use of the communication tools La Plata County employees use to conduct County business. Employees should not have an expectation of privacy when using County computers, network, e-mail, Internet access and voice mail systems and other similar technologies. All information created, stored or used on County equipment is the property of the County. The County reserves the right to monitor, access, view, use, copy, disclose and/or log all employee communications created, sent or received on County equipment. Correspondence in the form of e-mail may be public record and may be subject to public inspection under the Colorado Open Records Act (C.R.S. § 24-72-203). The use of County computers, its computer network, and other forms of communication equipment are a privilege, not a right, and inappropriate use will result in the cancellation of privileges and/or other disciplinary action up to and including termination.

Employees are permitted to use the County's computers/communications systems for reasons of personal necessity so long as employee use of the systems are made during the time the employee is relieved from duty, i.e., during a break, during the employee's lunch hour, or before or after the employee's work shift, and only so long as the Department Head determines that the operation of the Department is not being compromised or disrupted. While the County recognizes each employee's right to personally comment and express his/her opinion on matters of public concern, County employees shall not utilize County time or the County's computer/communication resources to do so.

Under absolutely no circumstances are these systems to be utilized to solicit, harass, or otherwise offend, or for any unlawful purpose, such as accessing illegally distributed materials which are sexually explicit or accessing materials which are inappropriate or unlawful. Creating, receiving or sending inappropriate messages and communications as described in this policy are strictly prohibited. Under no circumstance, other than that which is expressly permitted, should an employee use any County resource for personal use which results in a direct cost to the County.

The *Network Use Policy* specifically identifies compliance, confidentiality and prohibited activities. Please refer to the [Network Use Policy, I.B.1](#), of the [La Plata County Policy and Procedures Manual](#).

## WORKPLACE SAFETY

All employees, at all levels, should make safety a vital part of every work effort. Each employee should learn and observe all safety procedures for his/her job and work location and practice safe work practices. When safe work habits are used, the chances of injury or of causing damage to County property are greatly reduced. The County will provide training programs on safety matters and issues as it deems necessary. The type and frequency of such training shall be in accordance with the nature of work performed and services provided by the affected employees.

All employees who could reasonably be expected to come into contact with human blood or other potentially infectious materials in the course of their work will be protected by voluntary vaccinations to prevent Hepatitis B (at County expense) and will have access to protective equipment.

Employees are expected to immediately report any unsafe practices or conditions to their supervisor or other official and, when possible, remedy it immediately. Employees should contact their supervisor if they have any questions concerning their department's safety requirements.

The County has specific safety related policies and procedures. For additional information please refer to the [La Plata County Policy and Procedures Manual, Section II, Safety and Risk Management](#). In addition, there may be specific safety guidelines and practices required for a department or position. Information related to specific safety procedures may be obtained from Supervisors or Elected Officials/Department Heads

## WORKER'S COMPENSATION PROCEDURES

La Plata County maintains Workers' Compensation insurance coverage for employee injuries and illnesses that are determined to be work-related. Procedures and information for work-related injury or illness may be obtained from department supervisors or from the Human Resources Office.

### Required Notification of Work-Related Injury or Illness

No matter how minor the injury, the supervisor must be **IMMEDIATELY** notified. The employee must complete the Employee Written Notice of Injury to Employer and return it to his/her supervisor within four working days of the injury, or within 30 days of the first onset of an occupational illness. State regulations provide that failure to report an accident within this time period could result in loss of one day's compensation for each day's failure to report. Compensation can be further reduced if the employee's injury was caused by:

- Employee's violation of safety rules or failure to use safety devices required by La Plata County.
- The result of employee's willful failure to obey any reasonable procedure adopted by La Plata County for the employee's protection.
- Employee's consumption of alcohol or controlled substances.

### Medical Treatment

La Plata County identifies a Designated Physician for management of employee work related injury and illnesses. Selection of a Designated Physician ensures quality medical care for injured or ill employees and ensures efficient case management. The Designated Physician must coordinate medical treatment. If the employee fails to obtain treatment from the Designated Physician, the employee may be financially responsible for the cost of the medical treatment that is obtained.

### Emergency Treatment

Call 911 for emergency transport or proceed to the closest appropriate facility.

Identify the injury or illness as work-related, if possible. Subsequent to the Urgent Care or Emergency Room visit, the Designated Physician must be notified in order for follow-up care to be covered through Workers' Compensation insurance.

### Non-Emergency Treatment

Any non-emergency, work-related injury or illness must be treated by the County's Designated Physician. If the Designated Physician is not available and treatment cannot wait until they open, the employee is authorized to go to Urgent Care or the nearest hospital emergency room. The visit must be acknowledged as a Workers' Compensation claim and the Designated Physician must be notified subsequent to the Urgent Care or Emergency Room visit in order for follow-up care to be covered through Workers' Compensation insurance.

### COMMUNICABLE DISEASE

La Plata County is committed to providing a safe work environment for all employees. County employees should always consider that everyone is potentially infectious and

exercise universal precautions. In most instances, potential exposure is foreseeable and therefore avoidable.

[The Communicable Disease Policy, II.2](#), and [Communicable Disease Procedures, II.2.a](#), of the [La Plata County Policy and Procedures Manual](#) outlines the guidelines and procedures for providing for the health and safety of its employees. Please refer to the complete text of this policy for more specific direction in managing an occurrence of a communicable disease.

### PRIVACY IN THE WORKPLACE

Employees should not have an assumption of privacy regarding personal items in the workplace. La Plata County has the right to inspect County property at any time including, but not limited to: desks, files (hard and computer), lockers, offices, phone mail records, and County vehicles. La Plata County further has the right to make audio and/or video recordings in the workplace, for the purpose of security and investigations. By accepting employment, La Plata County employees consent to audio and/or video recording of their conduct in the workplace, subject to applicable law.

### PETS IN THE WORKPLACE

La Plata County prohibits pets in the workplace or in County facilities with the exception of service animals.

### PUBLIC RECORDS

La Plata County is committed to ensuring public access to the County's public records within a reasonable time, at a reasonable cost and as required by law. As provided by the Colorado Open Records Act, certain files, such as some personnel records, may be shielded from public disclosure. For specific information regarding public records, employees may contact their supervisor or may refer to the [Public Records Policy, I.B.2](#), of the [La Plata County Policy and Procedures Manual](#).

### SMOKING IN COUNTY BUILDINGS AND VEHICLES

Smoking is not permitted in any County building in accordance with 25-14-103, CRS. This includes: La Plata County Courthouse, Vehicle License Offices, Road and Bridge Garages, Warehouse, Sheriff's Office, Senior Center and all Fairground buildings. La Plata County also prohibits smoking in County vehicles. Smoking is only permitted in designated smoking areas or outside County facilities, at a distance of 30 feet from any entrance.

## **VI LEAVE POLICIES**

### **ANNUAL LEAVE**

It is recognized by the County that time away from work may be beneficial to an employee's physical and mental health, and employees are encouraged to use accrued Annual Leave. Annual Leave is compensated time-off to be used at the discretion of the employee with prior approval from the employee's Elected Official/Department Head or the County Manager for vacation time, holidays and other personal time-off. Annual leave that is approved for an illness or care of self or a family member will be considered sick leave for the purpose of the absence and may be classified as FMLA qualified leave.

#### **Annual Leave Accrual Calculation and Maximum**

Annual Leave is earned and credited at the beginning of each two (2) week pay period. The accrual rate for full-time employees, working 40 hours per week, is:

Length of Continuous Employment	Accrual Rate per 2 week pay period	Accrual Cap (40 hour employee)
Through 5 yrs.	8 hours	200 hours
5 yrs. 2 wks. through 10 yrs.	9 hours	240 hours
10 yrs. 2 wks. through 15 yrs.	10 hours	280 hours
15 yrs. 2 wks. or more	11 hours	320 hours

The Accrual Cap is the maximum amount of Annual Leave that can be carried over from one pay period to another. Once an Annual Leave balance reaches the Accrual Cap, accrual ceases until the balance has been reduced.

The Annual Leave accrual rate and cap for employees working between 20 and 39 hours per week is pro-rated according to the number of hours scheduled in a week in  $\frac{3}{4}$  and  $\frac{1}{2}$  increments of the accrual for employees working 40 hours per week. For example, an employee who is scheduled for 30 – 39 hours per week accrues Annual Leave at three-quarters ( $\frac{3}{4}$ ) of the full-time accrual rate and is capped at  $\frac{3}{4}$  of the corresponding rate for length of service. The accrual rate and cap for a part-time employee who is scheduled for 20 to 29 hours per week accrues Annual Leave at one-half ( $\frac{1}{2}$ ) of the full time accrual rate and is capped at  $\frac{1}{2}$  of the corresponding rate for length of service.

### Use of Annual Leave

The Elected Official/Department Head approves requests for Annual Leave on the basis of work requirements and other leave requests within the department. If an employee wishes to be compensated for vacation time, holidays, and other personal time-off, the employee must request the use of his/her accrued and unused Annual Leave. An employee may not use more Annual Leave than has been accrued (an exception is made when employees within their initial Introductory Period do not have enough Annual Leave accrued to be paid for scheduled holidays).

Annual Leave is typically scheduled in advance. Preferences for vacation schedules should be requested a minimum of two weeks in advance and are generally approved in order of seniority. Seasonal workloads may preclude scheduling leave during certain times of the year. Annual Leave hours are not used in the calculation of overtime and may not be used to exceed an employee's regularly scheduled hours in a regular workweek.

### Use of Annual Leave in Introductory Period

An employee in his or her Introductory Period accrues Annual Leave, but it may be used only for paid time-off for recognized holidays that fall during the Introductory Period. Annual leave provided in the Introductory Period becomes accrued leave upon successful completion of the Introductory Period. The County Manager may waive this provision based upon the needs of the County.

### Payment for Unused Annual Leave at Termination of Employment

Upon separation, a regular status employee will be paid for accrued and unused Annual Leave at the employee's rate of pay at termination. This amount will not exceed the Annual Leave Accrual Cap appropriate for the employee's length of service. An employee whose employment is terminated before the completion of the Introductory Period will not be compensated for accrued Annual Leave at the time of termination.

## ANNUAL LEAVE TRANSFER

An employee who has an emergency situation and has utilized all available leave may be allowed to accept contributions of annual leave from co-workers who are willing to make such a donation of leave. For additional information and for eligibility and application requirements, contact the Human Resources Office.



## HOLIDAY CLOSURES

La Plata County does not provide separate Holiday Leave. Compensated time-off for designated holiday closures is taken as Annual Leave.

La Plata County offices will be closed on any day as designated by Resolution of the Board of County Commissioners including two days on both Christmas Eve and New Year's Eve when these days fall on a weekday. In the event any holidays fall on Saturday, the Friday preceding will be considered the holiday; if the holiday falls on Sunday, the next following Monday will be considered the holiday.

## WORKING ON A DESIGNATED HOLIDAY

Elected Officials/Department Heads may require employees to work on designated holidays. Each employee who works on a holiday receives regular pay for the hours worked and no Annual Leave is used. Holidays designated by state statute or proclamation of the President or Governor, other than those identified by La Plata County, will not be observed as holidays when offices are closed unless approved by the Board of County Commissioners.

## ACCOMMODATIONS FOR RELIGIOUS HOLIDAYS

La Plata County shall make a reasonable effort to accommodate an employee's request to observe a religious holiday not recognized as an official La Plata County holiday. An employee may request use of Annual Leave or Leave Without Pay for such observance and he/she must receive approval from the Elected Official/Department Head prior to taking the leave.

## SICK LEAVE

Sick Leave is compensated time-off to be used by the employee for a personal illness, medical care or treatment, or for an immediate family member's illness, medical care or treatment. An immediate family member is defined as an employee's spouse, domestic partner, child, step-child, son/daughter-in-law, parent, step-parent, father/mother-in-law, sister, brother, brother/sister-in-law, step-brother/sister, grandparent, grandparent-in-law, grandchild or any other relative living in the household of the employee.

### **Sick Leave Accrual Calculation and Maximum**

Sick Leave for regular full-time employees, working 40 hours per week, is earned and credited at the rate of four (4) hours per two-week pay period. Sick Leave may accumulate to a maximum of 720 hours. The Sick Leave accrual rate and cap for



employees working between 20 and 39 hours per week is pro-rated according to the number of hours scheduled in a week. An employee scheduled for 30 - 39 hours per week accrues Sick Leave at three-quarters ( $\frac{3}{4}$ ) of the accrual rate of full-time employees, or 3 hours bi-weekly, and is capped at  $\frac{3}{4}$  of 720 hours, or 540 hours. The Sick Leave accrual rate and cap for a part-time employee scheduled for 20 - 29 hours per week is one-half ( $\frac{1}{2}$ ) of the accrual rate of full-time employees, or 2 hours bi-weekly, and is capped at  $\frac{1}{2}$  of 720 hours, or 360 hours.

### Use of Sick Leave

Sick Leave may be used for the following:

- When an employee is unable to perform his/her duties effectively due to illness or injury;
- When an employee has an infectious illness which may affect other employees;
- Absence for medical treatments and appointments;
- Absence required for the treatment or care of an immediate family member

An employee may not use more Sick Leave than has been accrued. If an employee is receiving Workers' Compensation benefits or disability benefits for lost time, accrued Sick Leave may not be used.

When unable to report to work due to any of the above reasons, an employee must give his/her supervisor as much notice as possible before the start of his/her scheduled shift. An employee may request Sick Leave for the same number of hours as his/her regular workday schedule. Sick Leave hours are not used in the calculation of overtime and may not be used to exceed an employee's regularly scheduled hours in a regular workweek.

An Elected Official, Department Head, County Manager or Human Resources Director may require an original statement from a health care professional to verify the necessity of Sick Leave at any time. Unless an absence is approved by the Elected Official/ Department Head, an employee will not be paid for absences from scheduled work hours.

### Payment for Unused Sick Leave at Termination of Employment

Employees are not paid for unused Sick Leave at time of separation except in the following situations when an employee is paid for one-fourth of his/her accumulated and unused Sick Leave at the employee's current rate of pay:

- Retirement (attainable after 20 years of continuous service with La Plata County, or at the age of 62 or older);
- Separation from a regular position due to downsizing or elimination of a position;
- Death of a regular employee (the beneficiary shall receive payment).

## SICK LEAVE BANK

The Sick Leave Bank is a voluntary benefit established to assist employees who are experiencing an FMLA qualifying event and have exhausted all available accrued leave during the course of their personal injury or illness. Employees are eligible to enroll in the Bank during the annual open enrollment period (usually October) that follows the completion of the employee's Introductory Period, with an effective date of participation of January 1. New employees hired in the second half of the year have an additional open enrollment period following the completion of the employee's Introductory Period with an effective date of participation of July 1.

Once enrolled, regular full-time employees have eight hours per year of accrued sick leave (six hours for regular three-quarter time employees, four hours per year for regular part-time employees), deducted on the second pay period in January or July, depending upon enrollment period, and those hours are donated to the Sick Leave Bank.

Employees who elect to not enroll in the Sick Leave Bank are not eligible for Sick Leave Bank benefits. For more information on the Sick Leave Bank, contact the Human Resources Office or refer to the [Sick Leave Bank Policy](#) of the [La Plata County Policy and Procedures Manual](#).

## WORKERS' COMPENSATION LEAVE

All employees who are injured or become ill in the course of their employment are provided Workers' Compensation Leave as compensated time-off for hours missed on the day of the injury and for the first three days of missed work after the day of injury. Workers' Compensation Leave is awarded only as identified by the County's Designated Physicians. The Workers' Compensation carrier pays for time missed after the initial three days of lost time at a rate of sixty-six and two-thirds percent of the employees wage at the time of the injury. Contact the Human Resources Office for more information on Workers' Compensation Leave.

## FUNERAL LEAVE

Funeral Leave is compensated time-off to be granted to a regular employee to attend funerals of family, friends, neighbors and present and past workers of La Plata County. The Elected Official/Department Head will grant Funeral Leave, up to a maximum of four hours per funeral, provided that essential County services are being maintained. Funeral Leave hours are not used in the calculation of overtime and may not be used to exceed an employee's regularly scheduled hours in a regular workweek.

## BEREAVEMENT LEAVE

Bereavement Leave is compensated time-off to be granted to a regular employee, up to a maximum of the employee's scheduled weekly hours (40 hours for full time employees), at the discretion of the Elected Official/Department Head, in the event of the death of a member of the employee's immediate family upon request of the employee. An immediate family member is defined as an employee's spouse, domestic partner, child, step-child, son/daughter-in-law, parent, step-parent, father/mother-in-law, sister, brother, brother/sister-in-law, step-brother/sister, grandparent, grandparent-in-law, grandchild or any other relative living in the household of the employee. Exceptions may be made at the discretion of the Elected Official/Department Head, County Manager and Human Resources Director. Bereavement Leave hours are not used in the calculation of overtime and may not be used to exceed an employee's regularly scheduled hours in a regular workweek.

## VOTING TIME

Voting is an important responsibility we all assume as citizens. Employees are encouraged to exercise their right to vote in all municipal, state and federal elections. Under most circumstances, it is possible for employees to vote either before or after work. If it is necessary for an employee to be absent from work to vote in any election, he/she should discuss his/her needs with his/her supervisor no later than one day prior to Election Day.

## JURY DUTY LEAVE

Jury Duty Leave is compensated time-off for an eligible employee to perform jury duty obligations that conflict with the employee's regularly scheduled work time. Part-time and temporary employees are eligible for Jury Duty Leave if regular employment hours can be determined by schedule, custom, or practice established during the period preceding juror's term of service. If an employee is excused from court prior to the end of his/her scheduled shift, he/she is expected to return to work. If an employee is selected as a juror, the employee must call his/her supervisor as soon as possible and advise the supervisor of the selection.

State law governs Jury Duty Leave and no benefits are denied to an employee who serves on a jury. La Plata County pays employees for jury duty performed for the first three days of service, which are not paid for by the court. After three days, the Court begins payment of \$50 per day. An employee may elect to receive his/her regular wage for up to an additional 12 days by signing over his/her court pay for this time to the County. If the employee does not wish to sign over his/her court pay to the County or, if the jury duty assignment is longer than 15 days, the employee may elect to use accrued Annual Leave or Leave Without Pay for time missed. Jury Duty Leave hours are not

used in the calculation of overtime and may not be used to exceed an employee's regularly scheduled hours in a regular workweek.

## **MILITARY LEAVE**

Military Leave is time off for employees as required by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). Employees granted Military Leave are re-employed and paid in accordance with the laws governing veteran's re-employment rights.

Military Leave is granted to service members when employment with La Plata County is voluntarily or involuntarily interrupted by:

- Active military duty.
- Active duty for training.
- Initial active duty for training.
- Inactive duty training.
- Full time National Guard duty.
- Reporting for examination to determine fitness for military service.

Service members are granted Military Leave without loss of wages for the first fifteen (15) days per calendar year. After the first 15 days of Military Leave, an employee may elect to use accrued Annual Leave or Leave Without Pay for time missed.

## **FAMILY AND MEDICAL LEAVE ACT (FMLA LEAVE)**

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

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job.

### **Military Caregiver Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative

childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees 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, National Guard, or Reserves, who has a serious injury or illness incurred or aggravated in the line of duty on active duty. Covered service member also includes veterans who were members of the Armed Forces, National Guard, or Reserves at any time during the period of five years preceding the start of treatment, recuperation, or therapy.\*

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. In the case of a veteran, the qualifying illness or injury must be incurred or aggravated in the line of duty and manifest itself before or after the service member became a veteran.

\* For a veteran who was discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. For example, if a servicemember retired on October 28, 2007, he or she would have had three years remaining of the five-year period on October 28, 2009. The family member requesting FMLA leave will have three years to begin military caregiver leave starting on March 8, 2013. Likewise, if a servicemember was discharged on December 1, 2010, the five-year period will begin on March 8, 2013 and extend until March 8, 2018.

### **Benefits and Protections**

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

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

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, paid

leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer's jury duty pay are not granted on unpaid leave.

### Eligibility Requirements

Employees are eligible if they have worked for the County for at least 12 months, and for 1,250 hours over the previous 12 months.

### 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 consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

The maximum time allowed for FMLA leave is either 12 weeks in the 12 month period as defined by the County, or 26 weeks as explained above.

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.

### Substitution of Paid Leave for Unpaid Leave

Employees are required to use all accrued leave prior to going into unpaid leave. FMLA leave is without pay when paid leave benefits are exhausted.

### 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 sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform 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 Resource Manager at least two days before their first day of return.

### **The County's Responsibilities**

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

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

For information on applying for Family Medical Leave, contact the Human Resources Office or refer to the [Family Medical Leave Policy, IV.19](#), of the [La Plata County Policy and Procedure Manual](#).

### **LEAVE WITHOUT PAY**

An Elected Official/Department Head may grant Leave Without Pay to a regular employee in good standing. Up to 12 weeks of Leave Without Pay may be approved for any justified reason (e.g., education, personal emergency) at the discretion of the Elected Official/Department Head, or Leave Without Pay may be granted as Family and Medical Leave.

Leave Without Pay in excess of 12 weeks will be subject to approval by the County Manager or the employee's Elected Official/Department Head. Leave Without Pay shall not exceed six months in duration.



As with other types of unpaid leaves, paid leave will not accrue during Leave Without Pay. For more information on the effects of Leave Without Pay on leave accruals and insurance coverage, contact the Human Resources Office.

### **DOMESTIC ABUSE LEAVE**

Employees subject to domestic abuse may be eligible for a leave of absence. Please refer to the [Domestic Abuse Leave Policy, IV.4](#), of the [La Plata County Policy and Procedures Manual](#).

### **ACADEMIC LEAVE**

The Parental Involvement Act provides employees with up to 18 hours of unpaid leave per academic year to participate in their children's academic activities, such as parent-teacher conferences and meetings related to special education services, dropout prevention, attendance/truancy, and disciplinary issues. Employees must use any accrued annual leave prior to taking unpaid leave. Employees may not take more than six hours of academic leave in any one month period.

### **NURSING MOTHERS BREAKS**

La Plata County supports the rights of nursing mothers in the workplace and makes every effort to accommodate requests from nursing mothers for uncompensated time and a private space to express breast milk during the work day.

## **VII BENEFITS**

### **HEALTH, DENTAL AND VISION INSURANCE**

Regular employees are currently eligible to participate in group insurance plans based upon the terms and conditions of the group insurance contract. La Plata County pays part or the entire premium for such benefits for regular full-time employees (scheduled for 30 or more hours per week). Regular part-time employees (scheduled for 20 or more hours, but less than 30 hours per week) are currently eligible for payment of ½ of the premium paid for regular full-time employees. The County does not pay any portion of the premium for part-time regular employees working less than 20 hours per week. Temporary employees are not eligible to participate in group insurance programs.

Participation in the County-paid portion of any group insurance program is mandatory for all regular full-time employees. No employee will receive additional compensation in lieu of participation.

Open enrollment for changing plans or options is held once per year at times designated by the Human Resources Office (usually October). No changes in plans or options are allowed at other times except as the result of legal family status changes, e.g., birth, marriage, divorce, etc. The change must correspond with the status change, e.g., add a dependent for the birth of a child. It is the employee's responsibility to contact the Human Resources Office and arrange to sign up for coverage within 30 days of date of eligibility or status change. In the event the employee does not sign up within 30 days, he/she is required to wait for open enrollment.

### **COBRA CONTINUATION COVERAGE RIGHTS**

The right to COBRA continuation coverage was created by a federal law, the **Consolidated Omnibus Budget Reconciliation Act** of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage. For more information, contact the Human Resources Office or refer to the [General Notice of COBRA Continuation Coverage Rights](#) on the employee staff site.

### **LIFE INSURANCE**

Eligible employees and their dependents are currently provided life insurance coverage in the County's group plan. Additional term life insurance is available through the carrier at an additional cost to the employee. For specific amounts of coverage or other information, contact the Human Resources Office or refer to the Summary of Employee Benefits.

## LONG TERM DISABILITY INSURANCE

Eligible employees are currently provided Long Term Disability Insurance that pays a specified amount if an employee cannot work because of a disabling condition. For specific amounts of coverage and other information, contact the Human Resources Office or refer to the Summary of Employee Benefits.

## RETIREMENT PLAN 401(A)

Regular full-time (40 Hours/week), three-quarter-time (30 – 39 hours/week) and part-time (20 - 29 hours/week) employees are required to participate in the County's retirement plan as a condition of employment at the time of service and level of participation established by the Board of County Commissioners. Employees contribute to the program bi-weekly and the County, to a pre-determined limit, matches contributions. Employees are vested in the County's contribution amount according to the vesting schedule established. Funds are not available for withdrawal until retirement or, with withdrawal penalty, at termination of employment. For specific participation information, contact the Human Resources Office or refer to the Summary of Employee Benefits.

## DEFERRED COMPENSATION 457(B)

Regular employees are eligible to participate in the County's Deferred Compensation Plan (IRS 457 Plan) effective from date of hire. Participation is voluntary and may be started or discontinued at any time. Pre-tax contributions are made bi-weekly and are not matched by the County. Funds are not available for withdrawal until retirement or, with withdrawal penalty, at termination of employment. For specific participation information, contact the Human Resources Office or refer to the Summary of Employee Benefits.

## ROTH DEFERRED COMPENSATION 457(B)

Regular employees are eligible to participate in the County's Roth Deferred Compensation Plan (IRS 457 Plan) effective from date of hire. Participation is voluntary and may be started or discontinued at any time. After-tax contributions are made bi-weekly and are not matched by the County. Funds are not available for withdrawal until retirement or, with withdrawal penalty, at termination of employment. For specific participation information, contact the Human Resources Office or refer to the Summary of Employee Benefits.

## EMPLOYEE ASSISTANCE PROGRAM (EAP)

Regular full-time and part-time employees and their immediate family members are eligible to use the County's Employee Assistance Program (EAP). Confidential counseling is available to help with family issues, drug/alcohol problems, financial pressures, legal matters, stress related problems, personal emotional issues, and marriage/relationship problems. Contact the Human Resources Office for more information.

## FLEXIBLE SPENDING ACCOUNT (FSA)

A Flexible Spending Account (FSA) is a benefit account that allows eligible employees to contribute pre-tax wage dollars for reimbursement of childcare expenses or for any unreimbursed health care expenses (i.e., medical, dental, and vision care). Regular employees may participate in the dependent care portion effective on their date of hire or, thereafter, at open enrollment. Participation in the unreimbursed medical portion may occur once a year, during the open enrollment period. New employees may initially enroll after the completion of the Introductory Period or, thereafter, at open enrollment. For more information on the County's Flexible Spending Account, contact the Human Resources Office.

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The [La Plata County Policy and Procedures Manual](#) contains information in addition to and in support of the *Employee Handbook*. The manual may be viewed on the Staff Site of the La Plata County website or contact the Human Resources Department.