



# YUMA COUNTY EMPLOYEE HANDBOOK

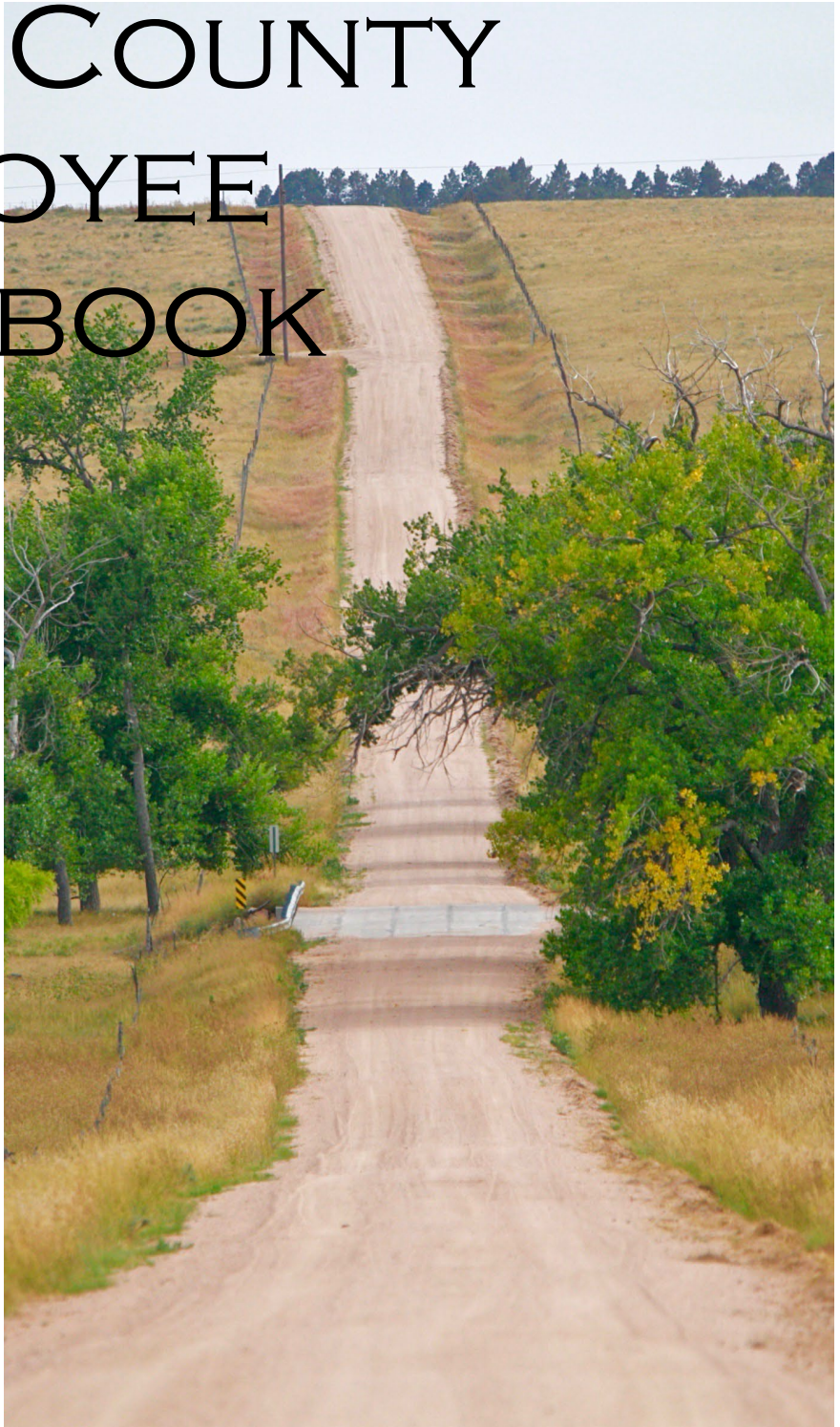


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**Welcome Statement from the Yuma County Board of County Commissioners**

Congratulations on becoming a Yuma County public employee! We wish you every success in your employment here.

We take pride in operating our organization in a friendly, cooperative, and efficient manner. Working together, we provide leadership, resources, and services for the people of Yuma County. Employees of our organization work not only for Yuma County Government, but directly for the people of Yuma County and our policies and procedures are designed to ensure good stewardship of the work our friends and neighbors have entrusted to us.

We have made a commitment to provide you with good working conditions, reasonable wages and benefits, and opportunities for advancement. Together, we make this an enjoyable place to work.

The following personnel policies have been written to answer some of the questions you may have concerning your employment with the County as well as to provide a consistent framework for personnel management within the County. All employees should familiarize themselves with the contents of this handbook, as it may answer many questions about your employment. If you have any questions, you are always welcome to contact the County Administration Office.

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

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

Yuma County Board of County Commissioners

Adam Gates,  
District 1

Scott Weaver ,  
District 2

Mike Leerar,  
District 3

## **Introduction**

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

Employment with Yuma County is considered "at-will." Employees have the right to end their work relationship with the County, with or without advance notice, for any reason. The County has the same right. The language used in this handbook and any verbal statements made by management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration. No representative of Yuma County, other than the Board of County Commissioners, has the authority to enter into an agreement of employment for any specified period.

No employee handbook can anticipate every circumstance or question. After reading the handbook, employees who have questions should talk with their immediate supervisor or the County Administration Office.

Due to changes in state and federal law or changes in operational strategy, the need may arise to change the guidelines described in this handbook. Except for the at-will nature of employment, the County reserves the right of interpretation of personnel policies as well as reserves the right to change policies without prior notice at its sole and absolute discretion.

## **Yuma County Government Handbook Overview**

Any Department Head or Elected Official may establish work rules applicable to the department or office for which they are responsible so long as such rules do not conflict with these personnel policies or any state, federal, or local law. Nothing in this handbook will limit individual departments from developing their own policies and procedures for daily operations of their departments.

The policies and procedures contained in this manual describe the general standards of personnel operations for Yuma County, the content of which is neither contractually binding upon the County nor restrictive in terms of interpretation by the County. The purpose of Yuma County personnel policies and procedures are to provide a framework for efficient and cost-effective personnel management for all County operations.

The County reserves the right, at its sole discretion, to change, supplement, or eliminate any or all policies and procedures with or without prior notice to County employees.

No contract of employment, express or implied, is created by this policy. There is no guaranteed minimum length of employment. Employment with Yuma County is employment **“at-will”** and therefore, may terminate for any reason. The policy may, however, in certain cases be incorporated by reference into a formal contract of employment. Department Heads serve at the pleasure of the Board of County Commissioners, which appoints and supervises them. This subsection does not apply to Elected or Appointed Officials whose term is set by statute or to employees who have a written contract of employment with the County or an agency thereof.

The ultimate authority for interpretation, application, and enforcement of these policies rests with the Board of County Commissioners.

This handbook supersedes and replaces all prior procedures manuals and/or handouts. Adopted by Resolution 11-27-2019 H with annual review and updates.



## **CHAPTER I – EMPLOYMENT**

### **101 Equal Opportunity Policy**

The County is dedicated to the principles of equal opportunity employment. We prohibit unlawful discrimination against applicants, clients of programs, or employees on the basis of race, color, religion or creed, national origin, sex, gender identity, age, physical or mental disability, veteran status, or any other applicable status protected by state, federal, or local law.

### **102 ADA & Religious Accommodation**

The County will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief, as required under applicable laws. Employees needing such accommodation are instructed to contact their supervisor and/or the County Administration Office immediately.

### **103 Nondiscrimination, Nonharassment, and Nonretaliation Policy**

The County strives to maintain an environment free of unlawful discrimination, retaliation or harassment. In doing so, the County prohibits unlawful discrimination, retaliation or harassment because race, color, religion or creed, national origin, sex, gender identity, age, physical or mental disability, veteran status, or any other applicable status protected by state, federal, or local law.

Discrimination includes conduct, decisions, or communications which are based on the categories enumerated. Unlawful harassment includes verbal or physical conduct that has the purpose of or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Retaliation is discrimination against any client, employee, or witness for reporting, complaining about, or inquiring about potential illegal discrimination or harassment under this policy and procedure.

Actions, conduct, treatment, or decisions based on an individual's race, color, religion or creed, national origin, sex, gender identity, age, physical or mental disability, veteran status, or any other applicable status protected by state, federal, or local law will not be tolerated. Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mail, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct such as assault, or blocking an individual's movements.

This policy applies to all employees including Elected Officials, Department Heads, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, salespersons, etc.

### **104 Sexual Harassment**

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

The County strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature,” when:

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

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

- Written form such as cartoons, e-mail, posters, calendars, notes, letters, etc.
- Verbal form such as comments, jokes, foul or obscene language of a sexual nature, gossiping, or questions about another’s sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcoming touching, grabbing, fondling, kissing, massaging, and brushing up against another’s body.

### **105 Complaint Procedure – EO/ADA/Sexual Harassment**

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

Report the incident to your supervisor and/or the Administration Office for prompt and timely access to service programs and special ADA accommodations and who will investigate the matter and take corrective action as necessary. Your complaint will be kept as confidential as practicable. Complaints and requests may be reported to the Board of County Commissioners at the discretion of the Administration Office for purposes of efficient resolution and legal protection of Yuma County and its employees.

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

The County will undertake a reasonable, neutral investigation of the facts and witnesses and determine if it is more likely than not if a violation of this policy has occurred and is required

to take action to reasonably prevent any occurrence or recurrence of a violation of this policy. The County is also required to keep certain personnel information confidential. Employees, including bystander witnesses, are required to report any observations of policy violations under this policy to the appropriate members of management staff for follow-up.

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

### **106 Problem Resolution**

If problems and complaints arise in the workplace, employees are encouraged to use the following procedure:

1. Discuss the situation with your supervisor within three (3) to five (5) days, or on as timely a basis as is reasonably practical. Discussions held in a timely manner enhance our ability to resolve concerns while it's fresh in everyone's mind. The majority of misunderstandings can be resolved at this level.
2. If a resolution is not reached with your supervisor, present the situation in written form to your Department Head within five (5) days. The Department Head shall conduct a conference within five (5) working days of receipt of the written grievance. The conference shall include the aggrieved, his or her immediate supervisor, and any other party to be present by the aggrieved employee. The conference may include the County Administrator. The Department Head shall present his or her decision in writing to the employee within five (5) working days of the conference.
3. If the situation is not resolved via the above conference with a Department Head or the Department Head is an Elected Official, the employee may submit the written grievance directly to the applicable Elected Official within five (5) days and a written response will be provided to the employee within five (5) working days of receipt. A decision made by an Elected Official is final.

Should the employee fail to proceed with the grievance within any of the time limits set forth under this procedure, it shall be assumed that the grievance has been settled on the basis of the last decision reached. If the supervisor or Department Head fails to comply with the time limitations specified herein, the employee may proceed immediately to the next step.

If the employee fails to follow the appropriate internal steps and files a grievance directly with an Elected Official, this may be considered insubordination that may result in disciplinary action.

The same procedure shall be available for use by any member of the public at large for other general complaints.

## **107 Employee Classification Status**

Employees are classified into various types depending upon the type of work they perform or the way their work is performed. Different classifications of employees are entitled to different levels of benefits and have varying levels of responsibility. If you are unsure of your employee classification and how it impacts your duties and responsibilities as an employee, you are encouraged to contact your supervisor or the Administration Office for clarification.

### ***107.1 Regular Full-Time Employee***

Most employees of the County are considered regular full-time employees. This category includes any employee who is normally scheduled to work an average of at least 30.0 hours per week. Full-time employees are currently eligible for all County benefits.

### ***107.2 Regular Part-Time Employee***

An employee who is normally scheduled to work less than an average of 30.0 hours per week is considered a regular part-time employee. Part-time employees may be eligible for certain County benefits.

### ***107.3 Temporary Employee***

An employee who is hired in a job established for a temporary period for completion of a specific assignment is called a temporary employee. Temporary employees receive no County benefits other than those required by law or regulation. This category includes seasonal employment positions and internships.

### ***107.4 Regular Contract Employee***

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

### ***107.5 Exempt Employee***

Exempt employees are a special classification of employees as designated under the Fair Labor Standards Act (FLSA). Typically, exempt status is reserved for supervisors and Department Heads who have extra levels of responsibility and are expected to function with a higher level of independent judgement in the accomplishment and direction of work tasks. Exempt employees are not eligible for overtime and can only be designated by the Board of County Commissioners, who may consult with the County Attorney to determine if a position meets the legal criteria to be defined as exempt.

### ***107.6 Non-Exempt Employee***

Employees are considered non-exempt employees unless classified exempt by the Board of County Commissioners. Non-exempt employees are eligible for paid overtime at one and one-half times their regular rate of pay for all hours worked in excess of 40.0 hours per workweek, or other specified work period per the Fair Labor Standards Act. Certain law

enforcement personnel (as defined under the FLSA) would receive overtime for hours worked in excess of a work period.

### **108 Employment of Relatives/Nepotism**

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

- A relative would be in a position to directly supervise another relative.
- Relatives would have access to confidential information including personnel records of another relative.
- Relatives would audit, verify, receive, or be entrusted with money handled by another relative.

A relative is defined as spouse, brothers, sisters, parents, children, step-children, foster children, grandchildren, nephews, nieces, aunts, uncles, and grandparents, and current in-laws of the same relationship.

A present employee shall not be terminated on grounds of the nepotism policy if the incoming Elected Official is a member of the present employee's family. The County may arrange a transfer or update reporting structure as necessary to resolve the conflict.

In the event two employees marry and one of the above situations applies, the County will try to arrange a transfer. If no such transfer is available, one of the employees must terminate within ninety (90) days from the date of marriage. The decision as to which one resigns will be left to the two employees. This policy does not apply to situations existing prior to effective date of the original adoption of this policy (formerly Policy 505 – Hiring of Relatives, adopted by Resolution 12/31/98A).

If a relative of a current employee is hired, evidence must be available to demonstrate that Equal Employment Opportunity procedures were unequivocally followed during the selection process and that the most qualified person was selected for the vacant position.

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

### **109 Personnel/Employee Records**

The County maintains personnel files on each employee. These files contain certain documentation regarding aspects of the employee's employment with the County, such as performance appraisals, beneficiary designation forms, certifications, letters of commendation, etc. Files containing health record information such as worker's compensation and other health records are kept in another file under the employee's name. If you want to look at your file or discuss it with someone, contact the Administration Office to schedule an appointment.

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

Employees' official personnel files are typically kept in the Administration Office unless statute or regulations require different location. Some Offices and Departments maintain separate topic-specific personnel files within their department as needed to ensure effective and compliant operations. Examples include internal investigation files for law enforcement, training files for required certifications, and Department of Transportation compliance files. Access to all personnel files, regardless of where they are kept, is governed by C.R.S. 24-72-204, regarding allowances or denial of public records.

Copies of any personnel actions taken against an employee are filed with the Administration Office in order to maintain an accurate and current reporting of current employment status.

### ***109.1 Driver History Records***

Employees who operate county-owned vehicles, called fleet vehicles in some departments, will be subject to a driver history review annually. A Driver Qualification File will be maintained by each department using fleet vehicles in compliance with state and federal regulations. Employees who are convicted of major or serious traffic violations, even in their personal vehicles, should notify their supervisors immediately for review of the driver history and consideration of adjusted job duties.

Examples of *major violations* are DUI, refusal to submit to impairment testing, leaving the scene of an accident, using a vehicle to commit a felony, driving with a revoked or suspended license, and/or causing a fatality through negligent operation of a vehicle. Major violations will be reviewed on a case-by-case basis by the Administration Office and/or Board of County Commissioners and may result in disqualification from operation of county vehicles for a set period of time up to and including permanent disqualification.

Examples of *serious violations* include excessive speeding of 15 (fifteen) miles an hour over the speed limit or more, reckless driving, violating state or local traffic laws in connection with a fatal accident, driving a commercial vehicle without a commercial driver's license, driving a commercial vehicle without a commercial driver's license in your possession, and/or driving a commercial vehicle without the proper commercial driver's license class or endorsements. Serious violations will be reviewed by the Department Head responsible for overseeing the employee's vehicle operation. At their discretion, the Department Head may require additional vehicle training, defensive driving coursework, and/or temporary disqualification from operating county vehicles for a period of up to 120 days.

### ***109.2 Department of Transportation Files***

Employees who hold commercial driver's licenses for their employment are required to follow all state and federal regulations associated with the maintenance of such licenses. A file is maintained as required by the Federal Motor Carrier Safety Association and the US Department of Transportation that includes, but is not limited to, items such as driving records, prior driving and employment histories, drug and alcohol screening results, and medical qualifications. Employees who hold a commercial driver's license for the performance of their work duties will be oriented by their home department as to the reporting and compliance requirements. Compliance with regulations is overseen in cooperation with the Administration Office.

### ***109.3 Internal Affairs and POST Training Files***

Because of the specific and nuanced nature of law enforcement personnel management, the Yuma County Sheriff's Office maintains a series of personnel files specific to the requirements of all law enforcement positions. The Sheriff establishes the policies and procedures under which internal affairs and POST certification files are maintained. Employees of the Yuma County Sheriff's Office are encouraged to contact the Sheriff regarding any questions or concerns related to such records.

### ***109.4 Department of Human Services System Access Files***

Certain programs within the Department of Human Services require additional background checks, fingerprint records, or other employee documentation to comply with program rules. Such information and records is maintained by the Department of Human Services under the direction and oversight of the Director of Human Services.

## **110 Performance Appraisals**

A high standard of performance is expected of Yuma County employees. Employees and supervisors are encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted to provide both employees and supervisors the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and determine positive, purposeful approaches for meeting goals. Employees are encouraged to use the time to openly share their career goals and make requests for any support needed to be as effective as they are capable of being.

Performance evaluations are designed to best suit the culture and needs of the department in which the work is being performed. Different Offices and Departments may use different tools and may complete evaluations at varying times of the year. The supervisor of each area has discretion to determine how to best evaluate performance and develop employees within their functional area.

In each Office or Department, a written performance evaluation will be prepared by the supervisor on a regular basis for all employees below the level of appointing authority. The appointing authority or supervisor will discuss the performance evaluation with the

employee and the employee will sign the evaluation to indicate that the evaluation was discussed. A copy of the completed, signed evaluation will be maintained as part of the employee's permanent personnel file with a copy given to the employee.

Evaluating employee job performance and providing feedback is an important factor in making employment-related decisions. Regular completion of employee evaluations is a high priority for the organization. Employees should advise their supervisor if more than a year has passed since receiving formal feedback. Employees are also encouraged to participate in ongoing conversations about their performance and goals with their supervisor.

Should an employee receive an unfavorable evaluation, one or more of the following remedies are possible: establishment of a performance improvement plan, corrective action, suspension, and/or termination, but not necessarily in any prescribed combination or order of progression.

### **111 Job Posting**

Recognizing the need to fill available positions with the best qualified people, the County will recruit from outside the organization as well as consider qualified internal candidates that can fulfill the essential duties as described on the job description. Applications will be available from the designated hiring office or the Administration Office and are available on the County website.

When looking for a new challenge, employees are strongly encouraged to apply internally for vacancies. Given that Yuma County is uniquely poised to provide a broad range of career opportunities, employees are encouraged to seek growth opportunities and career development within the County organizational structure. When receiving applications from internal candidates, Department Heads and Elected Officials may opt to contact the current supervisor to evaluate the best occupational fit for both the employee and the County. As such, we recommend that employees foster an open relationship with supervisors in which career goals and desire for growth are known and can be fostered within the organization.

Employees may submit applications to the Administration Office.

### **112 Veteran's Preference**

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

### **113 Pre-Employment Physicals**

A physical will be paid for newly hired County employees who are required to have a physical according to the job description. Thereafter, the physical, if required for the position held, is treated as a routine physical benefit through the health insurance. If the



insurance company does not cover routine physical costs as part of their plan, the employee may submit the invoice to the Board of County Commissioners for payment by Yuma County. The employee will be responsible for paying the co-pay amount, if applicable.

Physicals will be completed prior to the beginning of actual work duties. A return-to-duty physical may be required after returning from a medical leave if assessment of physical capability related to the condition for which the employee was on leave is deemed necessary to ensure a safe working environment.

## **114 Drug Testing**

Yuma County takes seriously its responsibility to appropriately and professionally utilize public funds. As such, Yuma County has enacted a strict drug- and alcohol-free workplace policy. Yuma County prohibits the use, sale, dispensation, manufacture, distribution, or possession of alcohol and drugs, including legal drugs, on any County premises or worksites including County-owned vehicles. Employees are prohibited from reporting to work or being present at work with any detectable amount of drugs in the employee's system including prescription drugs and/or legal substances that have potential to impair a person's ability to perform the essential functions of their job.

Any violation of this policy will result in disciplinary action up to and including termination.

### ***114.1 Pre-Employment Drug Screens***

All new hires joining the team at Yuma County will be required to undergo a pre-employment drug screening through a clinic designated by the employer. Any offers of employment shall be contingent upon the results of that screening. Applicants who produce a positive test result will be afforded the opportunity to voluntarily opt-in to a random follow-up drug screen program to be administered by the Administration Office. Applicants not wishing to opt in to such a program will be considered to have not met the conditions of hire. A subsequent positive result during the optional follow-up random program will be considered a violation of the County's anti-drug policy and will be grounds for immediate for-cause termination. A refusal to take the test shall result in the individual no longer being considered for employment with the County.

### ***114.2 Random Drug Testing***

Drug and alcohol testing may be required due to state/federal regulations regarding certain job positions, primarily those designated as safety-sensitive positions. Employees selected for random drug or alcohol testing will be notified individually by the Administration Office or a designee thereof and will have one hour to report to the designated testing location. Employees who refuse to submit to random testing will be considered to have resigned their position effective immediately. Positions subject to Department of Transportation regulation will conduct drug testing in compliance with all Department of Transportation and Federal Motor Carrier Safety Administration requirements.

### ***114.3 Reasonable Suspicion Drug and Alcohol Testing***

Most County supervisors are trained in the recognition of drug and alcohol influence. Any supervisor who has completed the required training on drug and alcohol recognition in the workplace may require an employee reasonably suspected to be under the influence in the workplace to submit for reasonable suspicion testing, even if the employee does not directly report to that supervisor. Employees who are required to submit to reasonable suspicion testing will be transported to a testing location by a County supervisor immediately. Refusal to submit to reasonable suspicion testing will be considered a resignation from employment effective immediately.

### ***114.4 Drug and Alcohol Treatment Programs***

Yuma County encourages all employees to make use of available resources for treatment for substance abuse. If an employee seeks treatment for drug or alcohol use, the employee may be eligible to go into a drug and/or alcohol treatment program either through the County's medical insurance or at his/her own expense.

If the employee elects to enter a drug and/or alcohol treatment program, the employee may be placed on job-secured unpaid leave, but may be required to use any accrued personal leave while participating in the treatment program. Job-protected status may extend as long as the employee is actively receiving/complying with treatment and is unable to work. The County reserves the right to require verification from a medical provider as to the employee's work release status as allowed by law.

### ***114.5 Disciplinary Action***

Employees who test positive for drugs or alcohol, including legal drugs, are in violation of this policy and are subject to disciplinary action up to and including termination.

Employees who refuse to comply with random, post-accident, or reasonable suspicion testing are in violation of this policy and are subject to disciplinary action up to and including termination.

Employees who adulterate, tamper with, or otherwise interfere with accurate testing, including failure to report known interferences of others, are in violation of this policy and are subject to disciplinary action up to and including termination.

Any employee who is observed to be using or possessing drugs or alcohol, including legal drugs, during work time, on breaks (including lunch breaks), or on County property including County vehicles is in violation of this policy and is subject to disciplinary action up to and including termination.

## **115 Separation from Employment**

The County respectfully requests that employees who wish to resign their positions notify their supervisor in writing of their anticipated departure date with sufficient time to transfer work tasks and job knowledge. Most generally, the County requests a 2-week

notice period for non-supervisory employees and a 30-day notice period for supervisors and/or employees in a key position for which there is no trained backup. Employees who separate without reasonable notice may not be eligible for rehire in the future.

Employees who separate from employment will be contacted by the Administration Office to go over the check-out procedures prior to separation. A check-out meeting may cover conversion of insurance or other benefits, return of County property, delivery of final paycheck, etc.

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

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

### **116 Exit Interviews**

Confidential exit interviews with the Administration Office and/or Board of County Commissioners are normally scheduled for outgoing employees. The purpose of this interview is to provide employees with an opportunity to discuss their job-related experience. While exit interviews are not required, they are highly encouraged and are often utilized to assess and adjust policies and practices as needed.

### **117 Rehire**

To be eligible for rehire, employees must have satisfactory work performance and attendance records and must have resigned from their prior position with timely notice given as appropriate for the position held. Employees separated from employment through no fault of their own in the judgment of the County may be considered for rehire. Any person seeking rehire may do so by applying to the hiring authority for the position.

Persons discharged from employment will be reviewed and considered on a case-by-case basis by the hiring authority for the position.

### **118 Collective Bargaining**

Yuma County’s personnel policies are intended to comply with Senate Bill 22-230 regarding collective bargaining. Additional information regarding management of such agreements is available by request through the Administration Office.

## **CHAPTER II – HOURS OF WORK**

### **201 Hours of Work/Workweek**

Normally, our workday begins at 8:00 a.m. and ends at 4:30 p.m. It may be necessary for employees in certain departments to work at times other than the regularly scheduled hours, depending on the needs of the County.

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

It is recognized that the duties of certain departments require variations in hours, breaks, and other County policies. In those instances, the department may develop an individual policy to serve its unique needs, provided that the hours of operation for the department remain the same and service provision to the public is consistent.

#### ***201.1 Road and Bridge Hours of Work Variance***

The normal workday for Road and Bridge Employees will be from 7:30 a.m. to 4:00 p.m. with ½ hour off for lunch. Employees shall have a 15-minute work break during each 4-hour shift.

Road and Bridge may update workdays to four 10-hour days as business needs require to be determined by the Road Supervisor with approval by the Board of County Commissioners. During the four 10-hour day work week the workday will be from 6:30 a.m. to 5:00 p.m.

The four 10-hour day work week is generally scheduled for Monday through Thursday; however, the Road Supervisor has discretion to alter the schedule as needed to meet operational requirements of the department.

The Road Supervisor will direct Road and Bridge employees when there is need to update the work schedule, such as in the case of adverse weather. Road and Bridge employees will be notified if there is a change from original hours of work schedule. The Road Supervisor may require an alternate work week due to adverse weather to ensure effective operations of the department. If a regularly scheduled work day is cancelled due to adverse weather conditions, the Road Supervisor may require substitution of another work day in its place. In this instance, employees who do not work the substituted day may be required to use personal leave to make up any time not worked.

County-recognized holidays falling during the Road and Bridge four 10-hour day workweek will be scheduled as directed by the Board of County Commissioners.

#### ***201.2 Sheriff's Office Hours of Work Variance***

The Yuma County Sheriff's Office has and will maintain their own policy and procedure manual, which complies with state and federal guidelines and has been approved by the Yuma County Board of County Commissioners.

The Yuma County Sheriff will define the work period for Sheriff's Office employees in compliance with the Fair Labor Standards Act for Law Enforcement.

### **201.3 Landfill Hours of Work Variance**

The Landfill Board will determine holiday schedules for Landfill operations. Landfill employees working on these holidays will receive time and one half pay for the time worked.

Employees will receive time and one half pay for all Saturdays worked after six months of employment, provided they are physically at work the other 32 hours of the workweek.

### **202 Time Reporting**

All employees including those classified as exempt are required to complete a daily time card. At the conclusion of each work week, employees must review the time card for error to ensure accurate execution of personal leave and compensatory time. It is necessary for employees to indicate whether the recorded hours are for time worked or time off. At the end of each pay period, employees must review their time card and submit for approval to their Elected Official or Department Head. By submitting for approval, employees are stating that the hours submitted are true and correct to the best of their knowledge.

### **203 Meal Time & Breaks**

Meal and break times are currently provided to relax and refresh you for the day's work. Since each department's needs are different, ask your supervisor for the meal and break schedules in your department.

Generally, meal periods are thirty to sixty (30-60) minutes in duration and breaks are fifteen (15) minutes long. While meal periods are counted as unpaid time, break periods are included in your paid work time.

### **204 Emergency Closings**

The Board of County Commissioners may close County facilities or suspend County operations due to emergency conditions, inclement weather, special occasions, or pursuant to law. The Board of County Commissioners is the only authority that may authorize such a closure.

All employees are expected to report for duty regardless of inclement weather or public emergency unless the Board of County Commissioners declares the County offices closed.

Employees will be notified as early and as promptly as is practicable if a closure decision is issued.

If the Board of County Commissioners suspends County operations as a result of weather conditions, the following criteria shall apply:

- If the closure is authorized before normal working hours, employees will be paid for a regular work day.
- If the closure is authorized during a regular business day, employees at work will be excused at that time, and paid emergency closure leave to meet their regular work hours.
- Employees not at work when the closure is authorized because they are on pre-planned leave will have their leave bank charged as originally planned.
- Employees who, for personal reasons, wish to leave work early or not report to work due to severe weather conditions may do so with permission from their supervisor. Such employees will be charged leave time for the hours they are absent from work while County operations are functional. If County operations are subsequently suspended, the employee will receive emergency closure leave for the hours of closure, so long as the employee was absent due to adverse weather and not general personal leave.
- Employees who report to work when operations have been suspended will receive compensatory time for the time worked on an hour-for-hour basis. This compensatory time will be used at the discretion of the Elected Official or Department Head.

If County operations are suspended, the Board of County Commissioners shall notify or cause to be notified the appropriate Elected Officials and Department Heads who will then be responsible for notifying his or her staff.

Some County services are required regardless of the weather. Elected Officials and Department Heads responsible for providing these necessary services will specify which employees are to report to work, and make the proper notifications.

## **CHAPTER III – COMPENSATION AND PAYROLL**

### **301 Compensation Administration**

The County considers a number of factors including organizational effectiveness, our need for attracting/retaining qualified and talented employees, as well as our financial position in establishing compensation packages. Several tools are utilized to determine compensation.

- *Job Description* – The majority of our jobs have been defined in a written job description. These typically identify the purpose, responsibilities, qualifications, and accountabilities of the job.
- *Salary Ranges* – Currently a formal salary structure is used in an attempt to keep our salaries aligned with comparable markets. These ranges are developed by blending our compensation philosophy, salary survey data, and current economic and financial conditions.

- *Performance Appraisal* – This process measures an employee’s demonstrated job performance and results achieved. How well a job is performed is one of the major factors that determine eligibility for a merit increase.

In using the above tools, the Board of County Commissioners may adopt a classification and compensation plan for all county employees paid in whole or in part by the county. Changes in benefits, pay grades, and job classifications of employees shall thereafter be made in accordance with the plan as established by law.

### **302 Pay for Exempt Employees**

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

Deductions from salaries that are permissible:

- *Personal absences.* Employers may deduct for partial or full day absences for personal reasons other than sickness or disability according to written policy.
- *Absences for FMLA Leave.* Employers may deduct for full day absences taken as FMLA leave and partial day absences for hours taken as intermittent or reduced FMLA leave.
- *Offsets.* Employers may offset employees’ pay for amounts received by the employee for jury fees, witness fees, or military pay.
- *Infractions of Safety Rules.* Employers may deduct for penalties imposed when employees violate posted and enforced safety rules of major significance.
- *Infractions of workplace conduct rules.* Employers may suspend exempt employees without pay for full day periods for infractions of written workplace conduct rules, i.e., serious workplace misconduct such as sexual harassment, alcohol & drug violations, etc. Such action would be taken upon completion of an investigation of the situation by the County Administrator and/or designee. If the County determines that an employee’s behavior is in violation of this its personnel guidelines, then such disciplinary action will be taken.
- *First or last weeks of employment.* Employers may make partial week payments during an employee’s first or last weeks of employment.

If you believe an improper deduction has been made to your salary, you should immediately report this information to the Administration Office. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be reimbursed.

### **303 Pay Day**

Paydays are on the 7th of each month and cover the immediately preceding payroll period, which is equivalent to the calendar month. If the regular payday occurs on a weekend or holiday, the payday is on the last working day prior to the weekend or holiday.

No advance wages will be paid. The County has established procedures and rules for the submittal of time sheets and other information, and these are available in the Administration Office.

The County encourages all employees use direct deposit.

### **304 Overtime & Compensatory Time**

As a governmental entity, overtime pay is handled differently than employees coming from private sector jobs might be used to. The Fair Labor Standards Act (FLSA) allows governmental employers to substitute compensatory time for overtime pay at their discretion. In most cases, Yuma County employees accrue compensatory time for hours worked over 40 as opposed to being paid out overtime wages.

#### ***304.1 Overtime Calculations***

Non-exempt employees are paid at the rate of one and one-half (1 ½) times their regular hourly rate for hours worked in excess of forty (40) during their established workweek. Certain law enforcement personnel defined by the FLSA as “employees who are empowered by state or local ordinance to enforce laws designed to maintain peace and order, protect life and property, and to prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement” receive overtime for hours worked in excess of a work period consisting of one-hundred seventy-one (171 hours) in a twenty-eight day (28) period.

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

For purposes of calculating overtime payments, only hours actually worked are counted. Consequently, hours paid but not worked, e.g., vacation, sick leave, holidays, etc. are not eligible to be counted toward the 40- or 171-hour regular time base.

#### ***304.2 Authorization for Overtime***

It is important to remember that all overtime must be authorized and approved in advance by your supervisor. Overtime not approved by a supervisor is not required to be paid. Each Office and Department establishes their own criterion for overtime approval. Employees should ensure that they understand overtime approval requirements established by their supervisor before incurring overtime hours.

#### ***304.3 Overtime Pay Vs. Compensatory Time***



In accordance with the Fair Labor Standards Act (FLSA), Yuma County has a policy of granting FLSA non-exempt employees compensatory time off in lieu of overtime. In some instances, an Elected Official or Department Head may opt to pay out overtime as opposed to granting compensatory time. Such exceptions must be approved by the Board of County Commissioners.

#### ***304.4 Compensatory Time***

A non-exempt employee may, under Federal Labor Standards Act, accrue a maximum of two hundred forty (240) hours of compensatory time or four hundred eighty (480) if employed in an applicable law enforcement position. Any accrual of compensatory time or overtime pay must be approved by the appropriate Elected Official or Department Head, and/or their designee. It is intended that employees who have earned compensatory time off will be granted use of that time as soon as practical after the time's accumulation.

Exempt employees earn compensatory time for hours worked over 40 at a direct 1:1 ratio of one hour compensatory time earned for each hour worked over 40. Exempt employees are not eligible to have compensatory time bought out at the end of the year. Any excess hours at year-end will be forfeited by the exempt employee.

#### ***304.5 Worked Holidays***

If a non-exempt County employee is required to work on a recognized holiday, the non-exempt employee will be compensated at the rate of one and one half (1 ½) times their regular pay for each hour worked on the holiday, even if the employee has not met the 40-hour week threshold. Members of the Board of County Commissioners shall be contacted immediately when there is an emergency requiring employees to work on a recognized holiday.

Additional holiday pay applies only to Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Other County-recognized holidays are not eligible for additional holiday pay if worked. County holidays worked may alternatively be treated as a "floating holiday" and moved to another day at the discretion of the supervisor.

Some departments requiring employees on duty 365 days per year may adopt a policy of considering all holidays "floating holidays" that are scheduled at the discretion of the supervisor. In such departments, employees will be entitled to the same number of holiday hours as the rest of the employee base and will be considered to have earned the holiday hours as of the day the county holiday occurs. Holiday hours earned but not taken at the end of the calendar year will be considered forfeited.

#### ***304.6 Compensatory Time Carry-Over***

For non-exempt employees, any accrued compensatory time at year-end over 32 hours shall be bought out at the current rate of pay. The remaining 32 hours of compensatory time must be used by April 30 of the following year or will be paid out at the current rate of pay. Exempt employees shall lose all compensatory hours over 32 at year-end and the remaining 32 hours must be used by April 30 of the following year or will be forgiven.

### **304.7 Compensatory Time for Exempt Employees**

Because of the family-focused culture fostered in our organization, exempt employees are eligible to accrue compensatory time at an hour-for-hour rate for any time worked over the regular work week. Accrual rates for worked holidays and non-worked hours apply in an identical fashion as to non-exempt employees. Exempt employees are not eligible for compensatory time buyouts upon separating from employment.

### **305 Garnishments & Support Orders**

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

## **CHAPTER IV – EMPLOYEE BENEFITS**

For more information about the following benefit plans, eligibility requirements, etc., please contact the Administration Office for copies of the various plan documents and literature. In the event the below information conflicts with the actual terms and conditions of coverage, the latter governs.

### **401 Eligibility**

The County currently offers a full range of benefits to regular full-time employees. In addition, part-time employees working more than 24 hours per week on an annualized average may be eligible for limited benefits. Information concerning an employee's eligibility for benefits is available from the Administration Office.

### **402 Insurance Benefit Plans**

The County's comprehensive benefits package includes a number of different plans for employees. Because enrollment periods for benefits vary, employees are required to contact the Administration Office within 3-5 days of hire for enrollment deadlines. The County currently offers these plans:

- *Medical Insurance Plan* – Health insurance coverage is designed to pay for regular medical care for employees and qualified dependents as defined by the plan.
- *Dental Insurance Plan* – Dental insurance coverage assists in the payment of dental and oral care.
- *Vision Insurance Plan* – Vision insurance supports the cost of vision, optometric, and ophthalmologic care.
- *Life Insurance Plan* – Life insurance policies provide term coverage in the event that the employee or an eligible and covered dependent passes away. Supplemental life insurance coverage is also available.

- *Other Insurance Plans* - Various types of other insurance coverage is also available. These may include cancer, personal accident, emergency transportation, disability, and similar types of plans.

### **403 Retirement**

The County currently provides a retirement program for eligible employees. Complete information on the Colorado Retirement Association (CRA), formerly the Colorado County Officials and Employees Retirement Association (CCOERA), is available through the Administration Office.

### **404 Other Benefits**

Employees may also have the option to participate in any of the following benefit programs:

- *Flexible Spending Account (Section 125)* - These plans allow employees to deduct childcare expenses, medical expenses, and medical insurance premiums on a pre-tax basis.
- *457B Deferred Compensation* – This optional additional retirement savings program allows employees to defer compensation on a pre-tax basis. The employee is able to defer the tax consequence until a future date.
- *Fringe Benefits* – Employees in certain positions may be offered certain fringe benefits such as personal use of County-owned vehicles or County-paid cellular phones. Such benefits are subject to taxation according to IRS guidelines and usage is determined by the applicable department head in consultation with the Commissioners' Office.
- Other programs may be authorized by the Board of Commissioners.

### **405 Statutory Benefits**

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

- *Social Security (FICA)* – This federal program is intended to provide you and your family with security for retirement benefits, disability payments, financial assistance for dependents or disabled persons, lump sum death payments, Medicare and/or survivor's benefits. Withholdings from your wages are required and rates of withholding are established by the federal government. Specific information is available through your local office of the Social Security Administration.
- *Worker's Compensation Insurance* – Yuma County carries insurance to cover the cost of work-related injury or illness. Benefits help pay for medical treatment and may include some disability income while recovering. Detailed information is provided to employees who experience a work-related injury or illness and can be obtained from the Administration Office. Please note that, in accordance with CRS 8-43-102 (1.5) (a), employees who sustain injury resulting from an accident shall notify the employer in writing within four (4) working days of the occurrence. Notice should be submitted first to your supervisor, with a copy submitted to the Administration

Office. Notice may be submitted on behalf of the employee, pursuant to the above-mentioned statute. Employees with questions on worker's compensation procedures should contact their supervisor or the Administration Office for guidance.

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

#### **406 Holidays**

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

When a holiday falls on a Saturday, it is generally observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday is typically observed. Should any of the observed holidays occur during an employee's vacation period, vacation time will not be charged for the date of the holiday. Employees on a general leave of absence without pay or on work-related injury leave, or temporary/part-time employees are not eligible for holiday leave with pay.

Holidays are not counted as hours worked in the computation of overtime.

### **CHAPTER V – LEAVE & TIME OFF**

There are various types of leave for which employees are eligible. Employees are not eligible to use more than six months of leave in any rolling year, regardless of the types of leave used. Employees needing more than six months of leave must resign their position and reapply after the need for leave has resolved. Employees are not guaranteed reinstatement.

#### **501 Bereavement/Funeral Leave**

In the event of a death in their immediate family, full and part-time employees currently are granted a paid leave of up to three (3) workdays to attend the funeral. Immediate family is defined as spouse, brothers, sisters, parents, children, step-children, foster children, grandchildren, nephews, nieces, aunts, uncles, and grandparents, and current in-laws of the same relationship. For funerals of other relatives or friends, employees may take personal time off or an unpaid leave upon the approval of their supervisor. Funeral leave of one (1) day may be taken if the employee is a pallbearer or an escort.

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

An Office or Department may close for a funeral upon approval by the Board of County Commissioners. In such a case, employees will be allowed to attend on County time. For purposes of calculating overtime, this time will be treated as unworked time and will not count toward hours worked in the pay week. If an Office or Department closes for a funeral

and an employee opts not to attend the funeral, they will be required to stay at work or use personal leave time.

### **502 Family & Medical Leave Act (FMLA)**

The County complies with all requirements of the Family & Medical Leave Act (FMLA). The following policy is designed for use as a guide to FMLA coverage, however the Administration Office is available to assist in determining eligibility for FMLA leave. Information on eligibility is also posted for employee and public review as required by law.

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

- Incapacity due to pregnancy, prenatal medical, or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- A serious health condition that makes the employee unable to perform the employee's job.

FMLA leave is separate and apart from paid leave and eligibility is determined without consideration of paid leave balances. While FMLA leave is unpaid leave, employees with paid leave balances may receive pay for the time they are off as explained in section 502.6.

#### ***502.1 Military Family Leave Entitlements***

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying emergencies. Qualifying emergencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

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

#### ***502.2 Benefits & Protections***

During FMLA leave, the County maintains the employee's health coverage under the group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave.

If the employee is able but does not return to work after the expiration of the leave, the employee may be required to reimburse the County for payment of insurance premiums during leave, as determined by the Board of County Commissioners.

Upon return from FMLA leave, employees are restored to their original or equivalent pay, benefits, and other employment terms. Certain highly compensated employees, called “key employees under the Family and Medical Leave Act, may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. As with other types of unpaid leave, paid leave will not accrue during the period of unpaid leave. Holidays, funeral leave, and other types of leave are not granted on unpaid leave unless expressly approved by the Board of County Commissioners. The County cannot guarantee reinstatement except as provided for by law concerning Military Leave and Family Medical Leave.

### ***502.3 Eligibility Requirements***

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

### ***502.4 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 combined with required ongoing care by a health care provider, or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment. The Administration Office will assist in interpreting and establishing qualification.

### ***502.5 Use of Leave***

The maximum time allowed for FMLA leave is either twelve (12) weeks in the twelve (12) month period following the first date of leave taken, or twenty-six (26) weeks as explained in section 502.1 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 necessary. Employees are requested to 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 may be required

to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

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

If an employee has banked personal leave hours, the County may require the employee to use accrued paid leave while taking FMLA leave. FMLA leave is without pay when paid leave benefits are exhausted. Eligibility for FMLA leave is determined without consideration for personal leave balances and eligible employees will be placed on FMLA leave, regardless of whether they are utilizing paid leave hours while on leave. Employees without enough leave to receive full pay during FMLA usage may be allowed to retain only enough leave on a monthly basis to cover the employee portion of benefits.

#### ***502.7 Employee Responsibilities***

Employees are requested to provide at least thirty (30) days' advance notice of the need to take FMLA leave when the need for leave is foreseeable. When thirty (30) days' notice is not possible, the employee should provide notice as soon as practicable and generally must comply with the County's normal call-in procedures. Supervisors are responsible for notifying the Administration Office of employee absences that may qualify for FMLA leave so that the Administration Office may assess for eligibility and make proper notice to the employee.

Employees must provide sufficient information for the County to determine if the leave may qualify for the FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, a family member is unable to perform daily activities, hospitalization or continuing treatment by a health care provider is required, or circumstances supporting the need for military family leave exist. Employees must also inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees may also be required to provide a certification and periodic recertification supporting the need for leave. The County may require additional 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 be addressed in accordance with County attendance policies. Employees on leave must contact the Administration Office at least two (2) days before their planned day of return.

#### ***502.8 County's Responsibilities***

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

County determines that the leave is not FMLA-protected, the County will notify the employee and supervisor.

### ***502.9 Unlawful Acts***

FMLA makes it unlawful for the County to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relation to FMLA.

### ***502.10 Enforcement***

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the County for alleged violations of the Family and Medical Leave Act. Employees who believe an error has been made, are encouraged to contact their supervisor or the Administration Office to resolve the discrepancy under normal conflict resolution procedures.

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

## **503 Jury/Witness Duty**

As a public entity ourselves, Yuma County believes in the responsibility we each have to fulfill our public duty to serve in the administration of justice. The below policies address the County's process for facilitating the duty of public service when an employee is called to serve on jury or witness duty.

### ***503.1 Jury Duty***

The County recognizes jury duty as a civic responsibility of everyone. When summoned for jury duty, an employee will be granted leave to perform their duty as a juror. The employee must make sure that their supervisor is notified of this selection for jury duty. If the employee is excused from jury duty during regular work hours, they are expected to report to work promptly.

Employees receive regular pay for the first three (3) days of jury duty if they were scheduled to work and a juror service certificate is submitted. No allowance shall be given for overtime in situations where the jury is required to stay past normal working hours. Beginning the fourth day and thereafter, employees serving as a juror are paid \$50.00 per day by the State of Colorado for state, district, or county courts. Yuma County will pay the difference between the employee's regular salary and the \$50.00 per day payment by the State of Colorado.

### ***503.2 Witness Duty***



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

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

### **504 Leave Without Pay**

Leave without pay may be available for employees facing a situation that requires time off in excess of their accruals. Requests for general leave without pay should be submitted to your immediate supervisor and must be authorized by the Board of County Commissioners. Employees should clearly explain the reason for the leave request and estimate the duration of leave to the best of their ability. Failure to obtain authorization may result in disciplinary action. Unapproved leave without pay may be considered a no-call, no-show which may be deemed a resignation effective immediately.

The County may, at the discretion of the Board of County Commissioners, continue to provide health insurance benefits during approved terms of leave without pay. Alternatively, the employee may be responsible for the employee portion of benefits up to the full cost of benefits at the discretion of the Board of County Commissioners. In these instances, the County will resume payment of its share of the costs of these benefits when the employee returns to active employment.

Benefit accruals including holidays may be suspended during the leave and resume upon return to active employment except in cases of military leave and other applicable legal requirements or at the discretion of the Board of County Commissioners.

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

If an employee fails to report to work promptly at the end of the approved leave period or fails to provide supporting documentation for leave as requested, the employee is considered to have resigned their position.

### **505 Military Leave**

Employees granted a military leave of absence are reinstated and paid in accordance with the laws governing veteran's re-employment rights. Currently, these requirements are defined in the Uniform Services employment and Re-employment Rights Act of 1994

(USERRA) and C.R.S. 28-3-601. The County cannot guarantee reinstatement except as provided for by law concerning Military Leave and Family Medical Leave.

**506 Sick Leave Bank**

A voluntary sick leave bank may be available for employee participation in instances of significant medical conditions experienced by the employee. Sick leave bank is currently being sunsetted following the implementation of the Colorado FAMLI Program. Specific information on participation may be obtained in the Finance Office.

**507 Personal Leave**

The County strives to ensure strong work-life integration for its employees and has established a generous personal leave program designed to allow employees time for family and personal needs. Employees are encouraged to use their personal leave and we commit to creating an environment in which workloads and scheduling allow for use of leave.

**507.1 Personal Leave Accruals**

Personal leave is granted to eligible employees on a monthly basis. Personal leave is deemed as earned on the last working day of the month. Employees may not earn more than the applicable accrual rate for their longevity without formal approval by motion of the Board of County Commissioners.

Currently full-time permanent employees are granted personal leave as follows:

Monthly Vacation Accumulation Rate (40.0 Hour Workweek)			
Accrual Rate			
Years of County Service	Monthly Hours Earned	Monthly Days Earned	Yearly Total Earned
0-1	8	1 day	12 days
1-10	14	1 ¾ days	21 days
10-20	18	2 ¼ days	27 days
20+	20	2 ½ days	30 days

**507.2 Use of Personal Leave**

Employees are responsible for scheduling use of personal leave in advance with their supervisor and must receive the supervisor’s approval. Time off is scheduled in a manner that minimizes interruptions to County operations. Whenever possible, personal leave

requests shall not be denied by appointing authorities, especially when such denial, based on carryover limitations, could result in forfeiture of accumulated personal leave.

Personal leave may not be taken during the first six (6) months of employment, which is considered the normal introductory period, except an employee may use personal leave for unforeseen medical reasons. Exceptions to this rule must be submitted by the employee in writing to the Department Head and, if approved, must be filed with the Administration Office.

When a paid holiday falls within the employee's vacation period, personal leave will not be charged for the holiday.

Personal leave time will not be counted in the computation of overtime.

Elected Officials and Department Heads may establish periods during which no personal leave may be taken or may establish limits on the number of staff who may use leave at the same time in order to ensure effective operations of the department. Personal leave may be taken only when authorized by the appointing authority. Leave without pay may be charged for any leave which was not authorized in advance.

Due to requirements of the Fair Labor Standards Act specific to law enforcement, personal leave requests for employees of the Sheriff's Office will be addressed through policies established by the Sheriff.

Notice of absence procedures are established by each office and department as necessary for department operations. Employees are responsible for ensuring they understand absence procedures for their department. Non-notification of absence in accordance with department policy may result in disciplinary action, up to and including termination. For a multi-day absence due to illness, a written medical practitioner's statement may be required at the discretion of the supervisor.

Employees will have leave time charged against their accumulations in accordance with department work week policies.

Upon separation of employment, employees are compensated for earned unused personal leave. The personal leave will be paid out at the pay rate in effect at the time of separation and may be subject to various withholdings in accordance with applicable law and benefit plans.

### ***507.3 Permanent Part-Time Employee Leave Accruals***

Permanent part-time employees working an annual average of 24 hours per week or more having completed more than 5 years of employment with the County is eligible for personal leave accrual. Beginning in year 6, the permanent part-time employee shall receive 3.33 hours per month (40 hours per year). For each year thereafter, the permanent part-time

employee shall receive 8 additional hours per year to a maximum of 80 hours according to the following schedule.

Permanent Part-Time Employee Personal Leave Accrual			
Accrual Rate			
Years of County Service	Monthly Hours Earned	Yearly Hours Earned	Yearly Days Earned
6	3.33	40	5
7	4	48	6
8	4.66	56	7
9	5.33	64	8
10	6	72	9
11+	6.66	80	10

**507.4 Personal Leave Accumulations**

Employees may not hold more than 480 hours of personal leave at any given time. Once employees accumulate the maximum allowable of 480 hours of personal leave, accruals will cease until the employee uses leave and the personal leave balance falls below 480. At the end of the month following usage, hours will be earned to replace those used up to the applicable accrual amount as per longevity.

Hours are not deemed earned until the last working day of the month. Eligible earnings will be determined based on the employee leave balance as of the last day of the month. Employee leave requests must be submitted and approved for the month prior to the last day to be eligible for accrual calculation. Effective 2023, annual personal leave buyouts will be discontinued. Employee leave buyouts are capped at 480 hours at time of separation.

**508 Voting**

Voting is an important responsibility we all assume as citizens. The County encourages employees to exercise their voting rights in all local, state, and federal elections.

Under most circumstances, it is possible for employees to vote either before or after work. If it is necessary for employees to arrive late or leave work early to vote in any election, employees should arrange with their supervisor no later than the day prior to election. If properly requested as noted, an employee may be eligible to receive up to two (2) hours of “voting time” pursuant to the conditions outlined in C.R.S. 1-7-102.

**509 Unpaid Volunteer Firefighting Leave**

We recognize the important work done in our county by volunteer firefighters who respond to life- and property-saving calls without compensation in the interest of our community. Employees who are on the roster of a local volunteer fire department who are unable to attend work at their regularly scheduled time due to responding to local fire calls for which they are not being otherwise compensated will be paid for their normal work schedule while actively involved in fire department response.

### **510 Healthy Families and Workplaces Act & Colorado Paid Family Leave**

In compliance with the Healthy Families and Workplaces Act passed in 2020, part-time employees will earn one hour of paid family leave for every 30 hours worked. Such employees may accrue up to 48 hours of leave and hold a maximum of 48 hours at any given time. Yuma County's full-time PTO policy provides an amount of leave satisfactory to meet the HFWA requirements and rules for the same purposes and under the same conditions as HFWA leave and, as such, no additional leave is available.

Effective 2023, Yuma County has opted out of the Colorado FAMLI Leave Act Program. Employees wishing to participate in the paid FAMLI leave program should contact the State of Colorado FAMLI Program Office directly.

## **CHAPTER VI – CONDUCT**

Yuma County has a high standard of professionalism in conduct for all employees and representatives. Below are some specific examples of standards of professional conduct that employees and representatives are expected to adhere to. This policy set is not able to anticipate every potential scenario, so employees are reminded that the behavior expectations are that employees conduct themselves in accordance with generally accepted standards for professional behavior and with deference to our entrusted roles as public servants.

### **601 Absence & Punctuality**

Absenteeism and tardiness can be very disruptive to County operations. Excessive absenteeism is costly, causes unnecessary overtime, imposes additional work on co-workers and supervisors, disrupts schedules, and creates morale problems.

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

If it is necessary for employees to be absent from work due to illness, injury, or an emergency situation, they must notify their supervisor as soon as possible in accordance with department procedures for time off. Employees are individually responsible for knowing and following department-level procedures for time off requests and approvals. If an employee's immediate supervisor is not available in an emergency situation, the employee may contact the Administration Office who will relay the message.

“Tardiness” is defined as arriving to your work site after your scheduled reporting time. Tardiness is not an employee trait that Elected Officials and Department Heads are expected to accept. Absenteeism or tardiness that is excessive in the judgment of the County will not be tolerated. Continual absenteeism or tardiness will result in disciplinary action up to and including termination.

Employees who are absent without notifying their supervisor will be considered a no-call, no-show and will be considered to have resigned their position effective immediately.

### **602 Alcohol & Drugs**

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

Additionally, certain positions that have been deemed safety-sensitive, may have additional more stringent anti-drug procedures as required to ensure safe completion of work tasks.

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

### **603 Appearance & Conduct**

The way you look, dress, and act is vitally important to the County. Due to our employee’s frequent interaction with the public, standards of personal appearance, hygiene, and attire have been determined. A clean, neat appearance is expected of you.

For Yuma County purposes, business casual dress may include jeans, polo shirts, etc. at the discretion of the Elected Official or Department Head. Shorts, midribs, jump suits, halter tops, and similar items of casual attire would not be appropriate. Casual never means sloppy. All clothes must be clean and in good repair.

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

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

Every Yuma County public employee represents Yuma County Government and shall strive for positive public and coworker relations. Employees are expected to be courteous, friendly, helpful, professional, and prompt in attention to both the public and coworkers. Gossip, ostracism or shaming of others, sharing of personal or confidential information of others, and other like negative behaviors are not tolerated in our professional environment and will be considered significant personnel infractions warranting disciplinary action up to and including termination. Our relations with the public and co-workers are not only a reflection of ourselves, but also of the professionalism of Yuma County Government and the Officials elected to oversee it.

### **604 Bulletin Boards**

The official County bulletin board will be utilized to notify both employees and the public of official County notices, decisions, and other business-related matters as prescribed by regulation or at the discretion of the Board of County Commissioners. The Board of County Commissioners will officially designate the official bulletin board at the first regular meeting of the Board County Commissioners each calendar year. Employees are responsible for reviewing the bulletin boards for announcements, vacancies, and various other information. Information posted on the bulletin board must be approved by the Administration Office prior to posting.

### **605 Confidential Information & HIPAA**

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

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

The County will also comply with the provisions of the “Health Insurance Portability and Accountability Act of 1996 (HIPAA).” This federal policy establishes rules and regulations governing personal medical information privacy issues. Further information on HIPAA, including the HIPAA Practice and Privacy Notice is available in the Administration Office. The Yuma County Privacy Officer will be the attorney to the Board of County Commissioners.

### **606 County Property**

Employees who are issued County property, e.g., identification cards, handbooks, vehicles, keys, and other similar items, are responsible for this property. Damaged or lost property due to carelessness, negligence, or other such action, may result in disciplinary action and/or restitution of damages incurred by the County to resolve the damage or loss.

Office equipment such as copiers, fax machines, etc. are intended for conducting County business. These may not be used for any activity that could be construed as invasive, illegal or contrary to the best interests of the County. Use of county property other than that required for the performance of official duties connected with official departmental functions by any County employee may be cause for disciplinary action and/or immediate termination. Certain actions may also be a violation of law subjecting the employee to criminal charges.

Employees are reminded that business conducted on County-owned, leased, and/or insured equipment or data connections is considered property of the County and may be subject to the Colorado Open Records Act. See the employee policy on Right to Privacy for more information.

### **607 Conflict of Interest & Ethics**

Employees have an obligation to conduct business within guidelines that prohibit actual, potential, or perceived conflicts of interest or ethics violations. This guideline establishes only the framework within which the County requires the organization to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the County Administrator for more information or questions about conflicts of interest and ethics. Questions regarding conflict of interest and ethics will be brought to the Board of County Commissioners for review, investigation, decision, and resolution. Decisions of the Board of County Commissioners shall be made a matter of public record.

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

An actual or perceived ethics violation occurs when a public employee or representative acts or appears to act in conflict with CRS 24-18-101, et seq, CRS 24-18-109, or CRS 24-18-110.

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

Employees must remember, often the perception of conflict of interest and ethics violations are considered to carry the same weight as actual violations. Under Article XXIX of the Colorado Constitution, public employees must “avoid conduct that is in violation of their



public trust or that creates a justifiable impression among members of the public that such trust is being violated.”

Revealing a potential conflict of interest will not be met with punitive response. If you are unsure, you are encouraged to ask for guidance.

### **608 Gratuities & Gifts**

Article XXIX of the Colorado Constitution was approved by Colorado voters in 2006, and is applicable to all County employees. It established new standards of ethical behavior that must be recognized by all levels of Colorado government. It “forbids the acceptance of any money, forbearance or forgiveness of debt, by any regulated person, unless that person provides equal consideration in return.” This applies to the employee, their spouse and dependents. It also provides an exception for a “gift or gifts” that have a certain cumulative value, which changes with inflation. Currently the value is \$65.00 or less.

### **609 Maternal Nurturing**

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

### **610 Outside Employment**

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

Any outside employment must not affect an employee’s ability to meet job requirements, perform competently, or accept overtime hours.

Any outside employment must not create or appear to create a conflict with the County’s interests. Employees are not permitted to use any of the County’s equipment or supplies for purposes related to an outside job.

### **611 Parking**

The County currently provides free parking facilities for employees and visitors. When you enter the lot, please follow directions and do not park in reserved areas. Employees with special needs should obtain a handicapped permit through the County Clerk’s Office.

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

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

### **612 Political Activity & Lobbying**

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

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

### **613 References**

Employees who are approached either formally or informally and asked to provide information about former employees of the County should refer such inquiries to the Administration Office.

### **614 Searches & Inspections**

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

Employees on the County's premises are subject to questions and search at the County's discretion. County property such as, county vehicles, lockers, desks, filing cabinets, computer files, e-mail, voice-mail, etc., are designated as having limited personal use, and may be searched at any time. Personal property stored in or on county facilities or equipment is considered stored at the employee's own risk and is not the responsibility of the County.

A County-initiated search does not necessarily imply an accusation of theft or that an employee has broken a rule. Employees refusing to cooperate with or submit to search may be subject to termination.

### **615 Solicitation**

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

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

### **616 Smoke-Free Workplace**

In order to maintain a safe and healthy working environment and to ensure compliance with applicable law, i.e., "Colorado Clean Indoor Air Act," smoking, including vaping, is prohibited throughout the workplace. This includes all County offices, facilities, and vehicles. This restriction applies to all employees and visitors at all times, including non-business hours.

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

### **617 Visitors**

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

### **618 Work-Related Injury & Illness**

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

Department-specific safety protocols and expectations will be reviewed with you by your supervisor. Failure to follow safety rules may result in disciplinary action up to and suspension without pay and/or termination.

Report all accidents in writing, no matter how minor, to your supervisor or the Administration Office immediately.

Yuma County participates in Workers Compensation insurance. It is the policy of the County to provide for compensation for employees in the event of a job-related illness or injury.

#### ***618.1 Reporting of Injuries***

All injuries must be reported to the County's Administration Office and the Elected Official or department director immediately. Failure to report such an event within 48 hours of occurrence may jeopardize the employee's claim for benefits.

Employees of Yuma County must report any injury, whether it does or does not require medical attention, immediately whenever possible and no later than within 48 hours of the injury.

If the emergency prevents immediate reporting by the employee, a family member or designee may report the injury to the supervisor. Failure to report an injury or accident which may have caused injury in a timely manner may result in the claim being denied under state rules.

Reports of injuries must be made to the Administration Office or your Department Head or Elected Official. Every occupational injury must be investigated by the Department Head or Elected Official. A report will be made recommending any remedial action and given to the County Administrator or other designated party of the Board of County Commissioners.

The appropriate supervisor must investigate the factual circumstances of the injury or accident and fill out a supervisors' report within 3 days of the accident. Failure to report an injury or accident which may have caused injury in a timely manner may result in the claim being denied under state rules.

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

#### ***618.2 Designated Medical Provider***

If medical treatment for an on-the-job injury is needed, it must be obtained from one of the County's designated physicians. If not, the employee may be responsible for the cost of medical treatment. If the injury requires immediate emergency treatment, employees and supervisors should utilize the nearest emergency facility or notify 911 for assistance. As soon as possible thereafter, the employee must report the injury to their supervisor. If emergency care is needed, do not delay care to report the incident.

Immediately following every work-related injury or vehicle accident involving a County vehicle the employee(s) involved will be required to take a urinalysis drug test at the closest Designated Physician's office. If the employee requires medical attention after the incident the urinalysis will be completed as soon thereafter as medically safe.

#### ***618.3 Lost Time***

Employees will receive their regular straight time rate of pay for actual hours worked for the day the accident is sustained and for any time spent obtaining medical attention that day. Employees will be required to return to work on the date of injury if cleared by the medical practitioner to return to work. If they are unable to work the remainder of the day per medical orders, the employee should notify the supervisor and provide the documentation.

If documentation is provided, paid leave will be authorized to ensure full wages for the date of injury.

If the accident or illness requires time off work on any day after the date of injury, it becomes compensable by worker's compensation insurance after the third day in accordance with state law. For the first three days of the accident or illness, the employee may use accrued sick or annual leave. Beginning on the fourth (4th) day after the accident or illness and during the period covered by worker's compensation benefits, the employee shall not be able to apply or receive sick leave or annual leave pay.

Workers' Compensation insurance will pay the employee 66.67% of the employee's gross salary for any time missed over three (3) days. These payments are not subject to income tax and are intended to approximately equal the employee's normal net (take home) pay. Employees may choose either to keep the worker's compensation payment and collect no wage from the county, paying their portion of employee benefits by check prior to the due date or remit their worker's compensation wages to the County and receive their regular pay. Employees may not collect both worker's compensation wages and their regular pay.

Yuma County may require that any time off to recover from a work-related injury be charged against the employee's Family Medical Leave Act time to run concurrently with the time compensated by Worker's Compensation insurance.

In that case, sick leave, vacation, or other paid days off which are accrued may be used only to pay for days or partial days not otherwise paid for by workers' compensation, in accordance with the county's leave usage increments.

#### ***618.4 Returning to Work on Modified Duty***

Yuma County has a commitment beyond our legal responsibility, when possible, to provide our employees who incur an injury or illness whether on or off the job, with the best possible recovery program. A key component of this program is to establish processes and procedures for returning an employee to work at the earliest date medically possible.

This work is often referred to as light or modified duty. When placed on light or modified duty, the physician will outline restrictions that the injured employee can or cannot perform. It is the responsibility of the employee to notify the Administration Office and his/her supervisor when he/she has these restrictions.

If the reason for light or modified duty is the result of a work-related injury, the Administration Office is responsible for contacting the treating physician, in writing, by way of a Rule 6 letter mandated by the Department of Labor and Employment, Division of Workers' Compensation. The Administration Office will discuss with the supervisor of the employee if/what duties are available that the employee can perform within the restrictions set by the physician. These duties, which may or may not include tasks from the employee's original job description, are then outlined in the letter to the physician for

approval or denial. Under no circumstances will an employee be allowed to return to any position without the written approval by the overseeing medical practitioner.

If the employee refuses to participate in the light or modified duty approved by the attending physician, the employee may be charged personal leave or comp time and may not receive any compensation from Workers' Comp.

*Responsibilities for participation in modified or light duty program:*

*Employees:*

Employees are required to forward a Physician's Report or Medical Release/Restrictions note to the Administration Office as soon possible after the employee visits his/her physician. This will allow the Administration Office to contact the employee's direct supervisor and determine what duties the employee will be requested to perform while on modified duty.

Employees should follow their worker's compensation reporting procedures and maintain contact with the Administration Office until released to non-restricted duty.

*Supervisors:*

Supervisors are required to submit the report of injury forms to the Administration Office as per procedure. Supervisors should refer all employees to the Administration Office for participation in a modified or light duty program. Supervisors will be required to ensure that all participating employees follow the guidelines established by the Administration Office as instructed and approved by the medical practitioner.

## **619 Work-Related Travel**

On occasion, the assigned duties of an employee may include travel, either during the course of a normal workday or overnight. All personnel policies and conduct expectations remain the same for employees whether they are conducting business in their normally assigned working environment or at any off-site location.

All overnight travel must be approved ahead of time by the Elected Official responsible for your department. All out of state travel requires approval by the Board of County Commissioners. Please remember that all business done by Yuma County is tax exempt and that lodging arrangements should include waiver of some taxes.

### ***619.1 Lodging***

Lodging for overnight stays should be arranged by the administrator of the office or department responsible for departmental budget oversight. Effort should be made to ensure that lodging costs are reasonable and customary with respect for proximity to the off-site work location. For example, lodging offered at the location of a conference may present a viable alternative to daily travel.

### **619.2 Meals**

Depending upon the activity for which employees are travelling, meals may or may not be provided as part of a meeting or training. Meals provided by the meeting or training are considered working lunches as employees do not leave the premises for the meal break. In these cases, employees should remain “on the clock” for meal periods.

Meals not provided by the meeting or training are not considered working lunches, but may be paid for by the County. Employees should verify with their supervisor prior to travel to determine how many meals are reimbursed during their travel period. The recommended allocation is \$10 for breakfast, \$15 for lunch, and \$25 for dinner, however these recommendations are provided as a guideline and may fluctuate depending upon circumstances. Tipping is allowable and should generally range between 15-25% depending upon circumstance.

Meal expenses may be either reimbursed to the employee after return from travel or may be paid for on a County credit card checked out from a supervisor. Each supervisor establishes their own credit card use requirements, so employees are encouraged to discuss requirements prior to travel. No reimbursement for meals will be made without line item receipt.

### **619.3 Vehicle Use**

Employees traveling for work may either use a County pool vehicle or their personal vehicle. Employees are encouraged to use a pool vehicle if available. If a pool vehicle is not available, employees should receive permission from their supervisor to drive a personal vehicle and submit for mileage reimbursement prior to travel. Mileage reimbursement in lieu of pool vehicle use will be at the discretion of the Department Head.

Employees are required to drive safely and courteously and obey all traffic rules and regulations while travelling for County business. Travel time is compensable as long as it is reasonable for the business being conducted. Reasonableness will be determined by the Department Head; however, the Board of County Commissioners reserves the right to weigh in on reasonableness if it deems prudent to budget management.

Employees are required to carry their drivers’ license on their person at all times when operating a County vehicle or when operating a vehicle on official County business.

## **CHAPTER VII – COMMUNICATIONS**

### **701 Computer Systems**

The County’s computer network, access to internet, email, and voice mail systems including all types of mobile devices are business tools intended for employees to use in performing their job duties. Therefore, all documents and files received, transmitted, and stored are the property of the County. All information regarding access to the County’s computer

resources, such as user identifications, modem phone numbers, access codes, and passwords are confidential County information and may not be disclosed to non-County personnel.

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

Personal transmittal of data on County computers and internet represents a significant risk for both employees and the County. Employees are reminded that information stored, received, or transmitted on County computers is property of the County and subject to County governance statutes, so no expectation of privacy should be held. While the permittance of personal use of County computers and internet may be managed at the discretion of the supervisor, employees are encouraged not to conduct personal business of any sort on County computers. Personal email addresses may never be used in the conduction of County business.

County conduct and communication standards shall be applied to all communications conducted on County equipment and data connections. Employees conducting personal business on County computers and internet without permission of their supervisor are subject to disciplinary action, up to and including termination.

### **702 Personal Use of the Internet**

Employees often need to access information through the internet in order to do their job. Use of the internet is for business purposes during the time employees are working. Personal use of the internet should not be on business time, but rather before or after work or during breaks or the lunch period. It must not interfere with employees' productivity. Regardless, the County prohibits the display, transmittal, or downloading of material that in violation of County guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory or otherwise unlawful at any time. As noted in Section 615, computer files, emails and voice mails have limited personal use, and may be searched at any time.

### **703 Software and Copyright**

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



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

#### **704 Unauthorized Use**

Employees are not permitted to visit websites or send electronic mail that is deemed by management as inappropriate or in violation of other County guidelines. We reserve the right to determine when an employee is using the County communication systems inappropriately at our sole and absolute discretion.

#### **705 Email**

Because the County provides the email system to employees to help them with the performance of their job, it should be used for official County business. Incidental and occasional personal use of email is permitted. However, employees should be aware that these messages will be treated the same as business messages, and subject to review at any time without notice. The County may monitor email at its discretion. As noted in Section 615, computer files, emails and voice mails have limited personal use, and may be searched at any time.

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

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

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

Employees are likewise prohibited from the use of personal email addresses or any email address not registered to, belonging to, and known to Yuma County in the conduction of County business.

#### **706 Voice Mail**

The County voice mail system is intended for transmitting business-related information. Although the County does not monitor voice messages as a routine matter, the County reserves the right to access and disclose all messages sent over the voice mail systems for any purpose. Employees must use judgment and discretion in their personal use of voice

mail and must keep such use to a minimum. As noted in Section 615, computer files, emails and voice mails have limited personal use, and may be searched at any time.

### **707 Telephones/Cell Phones**

In the interest of good business practice, telephone calls, including those made with cell phones, must be minimal and not interfere with employees' performance of their jobs. Personal use of the County telephones for long distance is not permitted.

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

The County recognizes that, based on job duties and assigned tasks, text messaging may be used as a form of business communication. Text messages sent as a course of County business are subject to the same regulatory standards as email messages, even if the messages are transmitted on a personal device. Additionally, text messaging during work hours should be limited to that required for the conduction of County business with limited personal usage outside of break and meal times and managed so as not to interfere with the accomplishment of County business.

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

## **CHAPTER VIII – ADDITIONAL INFORMATION OF IMPORTANCE**

### **801 Discipline/Discharge**

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

Employees must at all times comply with County expectations for work, performance, and conduct. Failure to do so may result in any or all of the following actions: termination, suspension, demotion, written warning, reprimand, and counseling.

Management will decide in its judgment which of these actions would most effectively take care of the problem. The fact that the County has or has not utilized any of these actions does not set any precedent and should not be relied upon in future disciplinary situations by any employee.

### **802 Legal Defense of Claim**

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

### **803 Exceptions**

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

### **804 Amendments**

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

## **CHAPTER X – ADOPTION**

This personnel management handbook was adopted on the 30<sup>th</sup> day of January, 2023, for implementation effective on the 31<sup>st</sup> day of January, 2023 by the following Elected Officials:

- Scott Weaver, Chairman-Board of County Commissioners
- Mike Leerar, Commissioner
- Adam Gates, Commissioner
- Beverly Wenger, Clerk & Recorder
- Chrystal Hammond, Treasurer
- Cindy Taylor, Assessor
- Todd Combs, Sheriff

**ACKNOWLEDGEMENT OF RECEIPT**

I have received a copy of the employee handbook dated January 2023 and I understand that I am to become familiar with its contents. Further, I understand:

Employment with Yuma County is at-will. I have the right to end my work relationship with the County, with or without advance notice for any reason.

The language used in this handbook and any verbal statements of management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration.

The handbook is not all inclusive, but is intended to provide me with a summary of some of the county's guidelines.

This edition replaces all previously issued handbooks. The need may arise to change the guidelines described in the handbook, except for the at-will nature of employment. The county therefore reserves the right to interpret them or change them without prior notice.

No representative of Yuma County, other than the Board of County Commissioners, has the authority to enter into an agreement of employment for any specified period and such agreement must be in writing, signed by the Board of County Commissioners and myself. We have not entered into such an agreement.

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

\_\_\_\_\_  
Date

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