



# EL PASO COUNTY, COLORADO PERSONNEL POLICIES MANUAL

2021

El Paso County Personnel Policies  
Effective December 21, 2021  
As adopted before the  
Board of County Commissioners,  
El Paso County, Colorado

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## **Ethics-Centered Government**

El Paso County's Ethics-Centered Government model shapes the environment in which we serve our citizens, taxpayers, and communities. As such, employees of El Paso County must carry out their job responsibilities in accordance with the following principles:

- We are stewards of the public trust, responsible for the property and resources of El Paso County;
- We make decisions and policies using the proper channels of the government structure, free of improper influence;
- We shall act in the best interests of El Paso County, our citizens, taxpayers and communities, and not for any personal interest or for the interest of family, friends, business or political associates;
- We should avoid any action that would give a reasonably prudent person the impression that we are using our public employment for private gain; giving special treatment to any person or group; or failing to be neutral in conducting County business;
- We must ensure that policies, practices and decision-making processes are free from the undue pressure of any special group, individual or organization; and
- We conduct all El Paso County business in accordance with all federal and state laws and regulations.

## CHAPTER I

### APPLICATION, CHANGES, AUTHORITY

#### 1.00 This Manual is Not a Contract of Employment

**This employee manual is not a contract of employment or an offer for a contract of employment. It is not a promise of employment for any length of time or under any particular conditions. The handbook may be modified or withdrawn at any time, with or without prior notice. No employee or agent of the County, other than the Board of County Commissioners (“Board”), has the authority to promise employment for any length of time or under any particular conditions, and any such offer or promise must be in writing and signed by the County Administrator pursuant to Board authorization. Unless otherwise indicated, employees of the County are employed “at-will,” and employment may be terminated by either party at any time, with or without cause.**

#### 1.01 Application

In general, this manual will apply to all County Employees . Application of this manual is further subject to specific exceptions as provided herein. Members of appointed boards, commissions, citizens committees, interns, and volunteers and Elected Officials are not County employees, but may be subject to these policies where applicable and as set forth in this manual.

Although they may be subject to a separate policy and procedure manual and are not defined as County Employees for purposes of application of this Manual, employees of the District Attorney’s Office and sworn members of the Sheriff’s Office may receive group insurances, workers’ compensation, retirement, Social Security and other benefits through the County. Such employees may, however, be subject to all harassment, discrimination, and workplace violence policies, in the event such policies are not covered by a separate manual.

#### 1.02 Additions, Deletions and Changes

Any proposed additions, deletions and/or changes to this manual will be submitted to Human Resources (HR), which will review the proposal and solicit comments. After review by the County Attorney, the proposed additions, deletions or changes will be submitted to the Board for consideration. Except for the at-will nature of employment, El Paso County reserves the right to modify, suspend, interpret or cancel them with or without notice.

Changes to the manual will be distributed to all departments by the Human Resources Department (“HR”). The Hiring Authority is responsible for advising their employees

of changes to the manual. Employees will acknowledge their understanding of and compliance with any changes to the manual, if applicable.

### **1.03 Authority of Elected Officials**

Elected Officials have the authority to direct operations of their respective offices as provided by Colorado statutes. This authority includes, but is not limited to, the authority of the Board of County Commissioners to appoint and remove individuals who are directly responsible to the Board. This manual does not supersede the authority of Elected Officials provided by Colorado state statutes.

## CHAPTER II

### RECRUITMENT AND SELECTION OF EMPLOYEES

#### **2.01 Equal Employment Opportunity (EEO)**

The County is an equal opportunity employer. The County does not discriminate against persons because of their genetic information, age, gender, gender identity and gender expression, color, race, religion, national origin, marital status, sexual orientation, disability, political affiliation, or traits that are historically associated with a person's race, to include stereotypes associated with hair texture, hair type, and protective hairstyles in making employment decisions, including determining suitability for employment, compensation, promotion, transfers, education, discipline, demotion or discharge. Selection decisions will be made in a non-discriminatory manner consistent with this policy and EEO principles.

#### **2.02 Immigration Act Compliance**

Federal and state regulations require that all employees provide proof of U.S. citizenship or a right to work in the U.S. Therefore, after receiving a conditional offer of employment, potential new-hires must complete and sign Federal Form I-9, Employment Eligibility Verification Form, and must present original current documents of identity and eligibility to work in the U.S. within three (3) days of their employment start date. The County must make and retain copies of employee identity and authorization documentation. The County must not knowingly hire or continue to employ any person not authorized to work in the United States and must not discriminate because of national origin against U.S. citizens, lawful permanent residents, or authorized aliens.

#### **2.03 Personnel Records**

HR is the official custodian of the statutorily required personnel records of all County employees with the exception of employees of the Office of the District Attorney. Personnel records will be maintained in accordance with appropriate laws.

The information contained in personnel records is confidential and will be released only in accordance with applicable laws.

#### **2.04 Application for County Employment**

The County will comply with Colorado's Equal Pay for Equal Work Act<sup>1</sup> (EPFEWA). The County requires a completed application for each position and will only accept employment applications for open positions. Unless otherwise specified by the hiring department, all applications must be completed online. Resumes may be attached as supplemental data, but do not replace the application. HR will retain the completed applications of non-selected applicants for a minimum of two (2) years. Special application procedures may be listed on the individual job announcement.

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<sup>1</sup> Law was effective 1/01/2021, and EPC has been complying since said date.  
El Paso County Policy Manual 2021



## **2.05 Job Vacancies**

The County complies with all provisions of the EPFEWA and all subsequent amendments.

The County has the following options when seeking to fill a job vacancy:

1. Post the vacant position as open only to those employees within that Department/Division for a least three (3) working days; or
2. Post the vacant position as open only to County Employees for at least five (5) working days; or
3. Post the vacant position as an open position announcement to the public for at least five (5) working days.
4. Exceptions for posting under the EPFEWA, include:
  - a. Confidentiality. A promotional opportunity need not be posted to all employees if the employer has a compelling need to keep a particular opening confidential because the position is still held by an incumbent employee who, for reasons other than avoiding job posting requirements, the employer has not yet made aware they will be separated. If any employees are told of the opportunity, all employees must be told who either (1) meet the minimum qualifications or (2) have a job “substantially similar” (within the meaning of C.R.S. § 8-5-102 in the Act) to any employees being told of the opportunity. If the need for confidentiality ends before any deadline to apply for the job, the employer must then promptly comply with applicable posting requirements in the Act;
  - b. Automatic promotion after trial period. No promotion posting to other employees is required for a promotion within one year of an employee being hired with a written representation (whether in an offer letter; in an agreement; or in a policy the employer publishes to employees) that the employer will automatically consider the employee for promotion to a specific position within one year based solely on their own performance and/or employer needs; and
  - c. Temporary, acting, or interim hires. No immediate promotion posting is required to fill a position on a temporary basis for up to six months where the hiring is not expected to be permanent, e.g., an acting or interim position. If the hire may become permanent, the required promotion posting must be made in time for employees to apply for the permanent position.
5. Other exceptions may also apply in consultation with HR and the County Attorney’s Office.

## **2.06 Transfer of Current Employees**

A. Intradepartmental Transfer of County Employees:

1. Each department should post the vacant position within the department for a minimum of three (3) working days.
2. Employees that have not completed their initial review period are not eligible for intradepartmental transfers or promotions, unless otherwise agreed upon by the Hiring Authority.

B. Interdepartmental Transfer of County Employees:

1. HR should post, for a minimum of five (5) working days, the vacant position as open only to County Employees.
2. Employees who have not completed their initial review period or who are on disciplinary probation are not eligible for interdepartmental transfers or promotions, unless otherwise agreed upon by the Hiring Authority.

**2.07 Background Investigations**

The County reserves the right to perform reference checks, motor vehicle records checks, licensing checks, criminal history checks or background checks on individuals considered for certain positions to include, but not limited to, safety sensitive positions and positions involving, handling of money, sensitive documents, items of confidentiality, and technology. All County employees may be subject to drug testing as a condition of employment, transfers, and new positions.

**2.08 Employment References**

All requests for information about current or former employees should be answered in coordination with HR. Non-HR employees should NOT release any information about current or former employees without proper authorization and after consultation with HR.

Current employees who share employment information about former employees without the permission of HR may be subject to discipline and corrective action up to and including termination of employment.

The information given to prospective employers and lending institutions must be limited to dates of employment, department, job title, and most recent salary in the absence of a valid release of information. Additional information will NOT be released without a signed authorization from the person who is the subject of the inquiry which is reviewed by HR. A copy of the signed authorization will be placed in the current or former employee's personnel file.

County officials and hiring authorities are encouraged to cooperate with and to provide employment related information to one another upon request. Such requests are not limited to the information noted above.

## **2.09 Employment of Relatives**

A person shall not be employed or promoted if such employment will place them in a position of supervising or being supervised by a member of their immediate family; or where an immediate family member occupies a position which could affect the other's employment, promotion, salary administration, and other related management or personnel transaction.

No Hiring Authority shall appoint or employ any person within their immediate family, nor use their position to influence another County employee to hire a member of their immediate family.

For the purposes of this policy, immediate family is defined as spouse, same-sex partner, parents, stepparents, parents-in-law, siblings, stepsiblings, siblings-in-law, children, stepchildren, grandchildren, children-in-law, grandparents, step-grandparents, grandparents-in-law, uncles, aunts, nieces or nephews. These familial relationships include both blood and marriage-based relationships.

In addition to familial relationships, personal relationships and/or associations, the nature of which would lend themselves to favoritism, are also prohibited in employment and promotion decisions.

## **2.10 Relationships Among Employees**

A person shall not be placed in a position of supervising or being supervised by another employee with whom they are having or has had an intimate relationship; nor will an employee be placed in a position in which an employee with whom they are having or has had an intimate relationship which could affect the other's employment, promotion, salary, or other related management or personnel transaction.

Any employee who is or has been involved in an intimate relationship with another employee to which this section applies, must report this relationship to their Hiring Authority within three business days. If, after the required report is made, the intimate relationship changes, the employee must report this change to their Hiring Authority within three business days.

## **2.11 Veteran's Preference**

El Paso County follows all applicable state and federal laws concerning Veteran's Preferences in employment.

## CHAPTER III

### CLASSIFICATION AND COMPENSATION PLANS

#### 3.01 **Job Descriptions**

Each County position has a job description that defines the essential duties, responsibilities, exemption status, working conditions and qualifications of that position. Information regarding job descriptions is available from HR.

#### 3.02 **Classification Plan**

El Paso County complies with all provisions of the 2021 Equal Pay for Equal Work Act and all subsequent amendments. El Paso County has established a salary plan that links its position classifications to their appropriate labor markets and provides a competitive level of compensation required to attract and retain qualified employees. Except for the sworn positions within the Sheriff's Office and the Office of the District Attorney, information regarding the classification plan is available from HR.

#### 3.03 **Salary Adjustments**

The effective date of a salary adjustment will occur on the date of the qualifying event, i.e., completion of the initial evaluation period, date of promotion, date of evaluation, or date of career progression.

#### 3.04 **Compensation Awards**

**Monetary Achievement Award:** The achievement award program is organized by each County department in the manner in which each department believes is most appropriate, subject to the guidelines below. Participation in this program by departments is voluntary. No additional funds are available through the Board.

- 1) Award Amount
  - a) The award amount should be commensurate with the extraordinary performance provided by the employee and is at the discretion of the Hiring Authority.
  - b) In lieu of a monetary award, the Hiring Authority may provide a tangible award and/or time off to an employee eligible for an award.
- 2) Types of Awards

- i) Award for employees receiving maximum salary: An eligible employee for this award is one who is currently receiving the maximum salary for the employee's position;
- b) Exemplary performance: An eligible employee for this award is one who:
  - i) takes on work assignments above and beyond their regular job duties and continues to perform all tasks in an exemplary manner; or
  - ii) has significantly contributed to the operations of the employee's department or the County as determined by the Hiring Authority.
- c) Innovative and/or cost-saving idea: An employee who creates an innovative or cost-saving plan or idea for the County that is implemented and saves the County money or improves County services is eligible for this discretionary award and is approved by the County Administrator or Elected Official.
- d) Employee of the month, quarter and/or year: Each department may initiate an employee of the month, quarter or year program in which all employees, including supervisors, are eligible. If a department chooses to implement such a program, the following guidelines must be followed:
  - i) if the Hiring Authority selects the award recipient, no employee may receive an employee of the month or quarter award more than once per calendar year;
  - ii) if the employee of the month, quarter or year is selected by department employees, all department employees must be allowed to participate in the voting.

### **3.05 Compensation Premiums**

- 1) Recruitment Premium: A recruitment premium may be offered to candidates by the Hiring Authority.
- 2) Retention Premium: A retention premium may be offered to employees by Hiring Authority.
- 3) Premium Amount: The amount of the premium is left to the discretion of the Hiring Authority. It may be awarded in a lump sum or on a quarterly or other periodic basis.
- 4) Recruitment and Retention Premiums do not become part of the employee's base pay and the employee will sign a document.

### **3.06 Payroll Schedule**

Employees will be paid on a bi-weekly pay schedule. Paydays will be on alternating Fridays for a total of twenty-six (26) paydays in a calendar year.

### **3.07 Direct Deposit of Pay**

All employees will submit to direct deposit of pay into an Automated Clearing House (ACH) financial institution.

### **3.08 Work Hours, Overtime, and Compensatory Time**

The work year begins January 1st and ends December 31st. The designated workweek is the period from 00:01 hours Sunday to 24:00 hours Saturday.

All full-time employees are scheduled to work 40 (forty) hours per workweek, excluding designated, paid County holidays. Unpaid meal periods are not included in hours worked. In order to meet operational requirements, the Elected Official, County Administrator, County Attorney, or Hiring Authority shall establish the appropriate Sunday through Saturday work schedule for each employee.

Employees will be notified by the Hiring Authority if they are exempt or non-exempt for purposes of determining eligibility for compensatory time and overtime.

Non-exempt employees will be compensated at the appropriate overtime rate for all hours worked in excess of the forty (40) hour workweek. Hours worked does not include vacation, holidays, bereavement leave, jury leave, compensatory time off, sick leave and/or paid leave. Leave without pay will not be included. The overtime rate is one and one-half (1 ½) times the employee's regular rate of pay. Compensatory time may be granted in lieu of overtime and is granted at the rate of one and one-half (1 ½) hours for each hour worked that is more than forty (40) hours worked in one workweek.

If El Paso County declares a state of emergency, exempt employees are eligible to receive emergency duty pay equivalent to their hourly rate worked beyond forty-hours in a standard workweek from the time the state of emergency is declared until the state of emergency ends. The County Administrator or the Hiring Authority will designate which exempt employees are subject to emergency duty pay.

### **3.09 Compensatory Time/Overtime Pay Policy (Non-exempt employees only)**

A) Requirement for Approval: The County may require all employees to work in excess of forty (40) hours in one workweek. All overtime must be approved in advance by the Hiring Authority.

B) Choice of Overtime Pay/Compensatory Time: All County employees must agree to accept compensatory time in lieu of cash overtime as a condition of employment with the County. Any compensatory time received may be retained, used or cashed out consistent with the provisions of the FLSA.

Earned compensatory time will be utilized before vacation leave is used. As approved by the Hiring Authority, employees may accrue up to two hundred forty (240) hours of compensatory time, which represents one hundred sixty (160) hours of actual overtime work at time and one-half. For public safety employees, the maximum accrual is four hundred eighty (480) hours of compensatory time. Every effort will be made to schedule time off for employees with earned compensatory time.

### **3.10 Recording Hours Worked**

Non-exempt employees are obligated to keep accurate records of the time worked. Time worked documentation will be completed on a bi-weekly basis by non-exempt employees. Exempt employees may be asked to keep track and record hours worked during certain events such as emergency responses or declared disasters.

Employees are required to accurately and completely account for every hour worked during the pay period. Each hour or fraction of an hour [fifteen (15) minutes minimum] worked should be accounted for. The time recorded will be approved by the Hiring Authority. Employees are required to keep the Hiring Authority advised of their departures from and returns to the premises during the workday.

No one may record hours worked on another's time worked documentation. Tampering with another's documentation is cause for disciplinary action, including possible dismissal of both employees. Do not alter another person's record or influence anyone else to alter your record for you. In the event of an error in recording your time, report the matter to the Hiring Authority immediately.

### **3.11 Flexitime**

On a case by case basis the Hiring Authority may authorize flex-time to an employee.

### **3.12 Adverse Weather/Emergency Closure**

The Chair of the Board of County Commissioners, in coordination with the County Administrator, the El Paso County Sheriff and the Clerk and Recorder (or their designees), will determine whether the County will close all operations except for essential services, or delay in opening because of adverse weather conditions. In the absences of the Chair or Vice-Chair, the decision will be made by the available Commissioners and the foregoing officials.

When weather conditions are not adverse enough to warrant closing County offices, Elected Officials and Department Heads may grant additional time, up to a maximum of one (1) hour, without a reduction in pay to those employees who are unable to arrive at work on time because of the weather conditions.

In the event of severe weather conditions or a national emergency, the County may be required to close its offices, with the exception of the Sheriff's Office, the Department of

Public Works-Transportation Division, and any other emergency services or functions. Employees who are excused from work under these conditions will receive their normal pay and benefits.

When County offices are closed due to inclement weather or emergencies, employees will be advised of closures by local media, posting on the County's website, the County's "snow-line" at 520-SNOW, or other notification systems. Non-exempt employees who work will receive their normal pay and benefits for time worked. If an employee is on an approved time off during an emergency closure, their prior approved time off will not be changed.

### **3.13 Employee Payroll Deductions**

No payroll deductions shall be taken from the payroll compensation of any employee except for deductions required or allowed by federal or state law. Employee will be notified prior to such deduction.

### **3.14 Employee Tuition Plan**

Any full-time El Paso County Employee not in their initial review period and is not on a corrective action plan (CAP) is eligible to participate in the Employee Tuition Plan Program, subject to funding. Elected officials are not eligible to participate in this program. This Employee Tuition Plan is overseen by Employee Benefits.



## CHAPTER IV

### LEAVE

#### 4.01 Vacation Leave

A) Eligibility:

1) Vacation leave is earned by full-time County Employees, except while on leave without pay status.

B) Employees in the District Attorney's Office, both sworn and un-sworn, will earn vacation according to the schedule stated in the District Attorney's Office Policies and Procedures Manual.

C) Employees classified as Non-Exempt will earn vacation leave based on years of service in accordance with the following schedule:

**NON-EXEMPT:**

<u>Years of Continuous Full-Time Employment</u>	<u>Vacation Hours Earned Bi-weekly</u>	<u>Vacation Hours Annual</u>
0 – 4 years	3.6924	96.00
5 – 9 years	5.5386	144.00
10 – 14 years	6.4616	168.00
15 + years	7.3847	192.00

D) Employees classified as Exempt will earn vacation leave based on years of service in accordance with the following schedule:

**EXEMPT:**

<u>Years of Continuous Full-Time Employment</u>	<u>Vacation Hours</u>	<u>Vacation Hours</u>
0 – 4 years	4.6155	120.00
5 – 9 years	6.1539	160.00
10 – 14 years	7.6924	200.00
15 + years	9.2309	240.00

E) Employees are not eligible to use or be paid for vacation leave in advance of earning leave. The Hiring Authority will consider the needs and services of the County in conjunction with the personal desires of the employee when scheduling vacation leave.

F) Holidays and other designated County office closures, such as closures for adverse weather, unless employee is already on approved vacation leave, will not be charged as vacation leave.

**\*\*Maximum Earned Leave:**

1) Employees hired prior to January 1, 2006, who have less than fifteen (15) years of continuous full-time employment with the County, may earn a maximum of

two hundred eighty (280) hours of vacation leave. Employees with fifteen (15) or more years of continuous fulltime employment may earn a maximum of four hundred and ten (410) hours.

- 2) Employees hired on or after January 1, 2006, may earn a maximum of two hundred and eighty (280) hours of vacation leave, regardless of years of service.
- G) Vacation leave cannot at any time exceed the established maximums as set forth above.
- H) The forfeiture of vacation leave will not apply if an administrative error has occurred by departmental management. It will be at the discretion of the HR Department Director to determine the authorization for the employee to retain more than the above outlined maximum hours.
- I) Temporary or part-time employees who become full-time employees will become eligible for vacation leave on their full-time hire date. Prior service as a temporary or part-time employee will not be credited to leave as set forth above.
- J) Any employee who becomes incapable of performing their normal work duties as a result of illness or injury incurred within the scope of employment and who is receiving Workers' Compensation benefits is not eligible to use earned vacation leave.
- K) If an employee becomes ill or injured while on vacation, the employee may convert vacation leave for sick leave. The employee must notify the immediate supervisor at the time of the illness or injury.
- L) Employees who separate from County employment, including retirement, will be paid for the unused balance of their earned vacation leave and sick leave accruals, up to the maximum set forth in Section 4.01 and 4.02. An employee's actual time worked, and not purchased years, determines years of service for payment of unused sick and vacation accruals. In the event of an employee's death while in County employment, the employee's estate will receive payment for all unused earned vacation leave and sick leave up to the maximum authorized as set forth above and in Section 4.01.

#### **4.02 Sick Leave**

- A) Sick leave will be used for absences caused by illness, injury, temporary disability (including pregnancy), medical exams or medical treatment of the employee or the employee's dependent(s) or any other purpose permitted by the Healthy Families Health Workplaces Act<sup>2</sup>, C.R.S. 8-13.3-404 and -405 (HFHWA) noted in (B)(3) below. The Hiring Authority may request a written health care provider's statement relating to the illness of the employee or employee's dependent(s) or family member if the employee is absent four or more consecutive work days.
- B) Eligibility:

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<sup>2</sup> Law was effective 1/01/2021, and EPC has been complying since said date.

- 1) Sick leave is granted only to full-time County Employees. See sections D - O below.
- 2) Sick leave is granted to non-full time County Employees effective January 1, 2021 as follows:

Part-time and seasonal employees will accumulate sick time at the rate of 1 hour per 30 hours worked, up to 48 hours in a year.

- 3) Paid sick leave may be used if an employee:
  - a. has a mental or physical illness, injury, or health condition that prevents them from working;
  - b. needs to get preventive medical care , or to get a medical diagnosis, care, or treatment , of any mental or physical illness, injury, or health condition;
  - c. needs to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in category (b);
  - d. the employee or the employee's family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or
  - e. due to a public health emergency, a public official having closed either (1) the employee's place of business , or (2) the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child.
- 4) Paid sick leave may be used in quarter-hour increments. Employees begin accruing sick time upon hire.
- 5) It's the employee's responsibility to notify their supervisor each day at the beginning of their shift when an employee cannot come to work because of an illness, injury, medical care or domestic violence. Employees must also let their supervisor know when they expect to return to work. Unless employee is on approved leave, an employee is absent for four or more days, medical or legal certification may be required by the Hiring Authority. This certification should indicate that the employee was unable to work due to medical or domestic violence reasons and the length of time the restriction lasted.

If an employee has an extended illness, accumulated available sick time currently provides pay while on leave. Unused sick hours currently are carried over from year to year for non-full time employees and used when needed. Non-full time employees will not accrue additional sick time until the balance falls below 48 hours.

Because paid sick time can be accumulated to be used if employee is personally sick or injured; employees will not receive extra pay or extra time off for their unused sick time. Paid sick time will not be used in the calculation of overtime.

Also, an employee is not paid for unused sick time leave when they exit their employment unless otherwise allowed in Sections (K), (L), and (M) below. Prior accrued sick time will be reinstated up to 48 hours if employee returns to work within six months.

Additional rules may apply in the case of a public health emergency.

C) Employees in the District Attorney’s Office, both sworn and un-sworn, will earn sick leave according to the schedule stated in the District Attorney’s Office Policies and Procedures Manual.

D) Full-Time Employees will earn sick leave in accordance with the following schedule:

**SICK:**

<u>Years of Continuous Full-Time Employment</u>	<u>Sick Hours Earned Biweekly</u>	<u>Sick Hours Annual</u>
0 – 4 years	3.6924	96.00
5 or more years	4.6155	120.00

E) Employees are not eligible to use or be paid for sick leave in advance of earning leave.

F) Holidays and other designated County office closures, such as closures for adverse weather, unless employee is already on approved sick leave or vacation leave, will not be charged as sick or vacation leave.

G) Maximum Earned Leave:

- 1) Employees hired by El Paso County prior to January 1, 2003, may earn up to a maximum of one thousand four hundred and forty (1,440) hours of sick leave. Employees who have a balance of more than seven hundred and twenty (0) hours of sick leave may convert the excess amount to vacation leave at any time during the year. Every two (2) hours of sick leave may be converted to one (1) hour of vacation leave. An employee must submit a request to convert the employee’s time to the employee’s department Director before submitting to the Financial Services Department - Finance Division for approval.
- 2) Employees hired by El Paso County on or after January 1, 2003, will earn a maximum of two hundred and sixty (260) hours of sick leave.
- 3) Sick leave cannot at any time exceed the established maximums as set forth above. Employees will not earn sick leave above the set maximums. Earned sick leave will resume when the employee is not at the maximum sick leave level.

H) The Hiring Authority may require an employee to complete a fitness for duty exam in consultation with HR and County Attorney. Departments may require employees to keep them advised of their status while on leave.

- I) Sick leave will only be granted up to the amount earned by the employee at the time sick leave is requested. When an employee has utilized all earned sick leave, any additional absence will be deducted from comp, vacation, or personal leave, if the employee has any such earned leave. After utilization of all earned paid leave, an employee who remains medically unable to return to work, as documented by a health care provider's report, may apply, if eligible, for short-term disability, long-term disability, or a leave of absence without pay.
- J) An employee's actual time worked, and not purchased years, determines years of service for payment of unused sick as noted in this Section 4.02.
- K) Full-Time employees hired by El Paso County prior to January 1, 2003 who terminate voluntarily, not including retirement, or involuntarily from County employment and have five (5) or more years of continuous full-time service with the County will be paid for fifty percent (50%) of their earned sick leave, up to a maximum of seven hundred twenty (720) hours.
- L) Full-Time employees hired by El Paso County on or after January 1, 2003 with five (5) years or more of continuous full-time service will be paid fifty percent (50%) of the unused sick leave earned during their tenure with El Paso County when employment is terminated, not including retirement, **ONLY** if the employee has earned the maximum amount of two hundred sixty (260) hours at the time of termination. If the terminating employee does not have the earned maximum of two hundred sixty (260) sick leave hours at the time of termination, the terminating employee will not be eligible for any payout of sick leave upon termination.
- M) Retiring employees are entitled to payment of sick leave, up to a maximum total of 1,080 accumulated hours, in accordance with the following schedule:

YEARS OF SERVICE	PAID SICK LEAVE
5	50%
10	55%
15	60%
20	65%
25	70%
30 years or more	75%

- N) In the event of a full-time employee's death while employed with the County, the employee's estate will receive payment for fifty percent (50%) of the employee's earned sick leave, up to a maximum of seven hundred twenty (720) hours, provided the employee had five (5) years or more of continuous full-time County employment and if the employee is at the required maximum of 260 hours of sick leave.
- O) Any employee who becomes incapable of performing their normal work duties as a result of illness or injury incurred within the scope of employment and who is receiving Worker's Compensation benefits may be required to use earned sick leave

for the first three (3) days in accordance with Colorado State Law. If an employee is in leave without pay status, an employee will not accrue leave.

#### **4.03 Military Leave**

Military leave will be assessed and granted in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA). For more information about what additional leave benefits may be offered please contact the Benefits Division

#### **4.04 Jury Duty / Court Leave/Testimony**

A) The County recognizes jury duty as a civic responsibility. When summoned for jury duty, an employee will be granted leave to perform their duty as a juror. If the employee is excused from jury duty during regular work hours, the employee is expected to report to work promptly. This applies to all employees.

Employees receive regular pay for the first ten (10) days of jury duty if they were scheduled to work and provide confirmation of juror service. Any compensation received for such service during paid working hours will be turned over to the County, except for verified parking expenses and mileage allowance. Jury duty beyond ten (10) days is without pay from the County.

B) An employee who is subpoenaed to appear as a witness in a case that relates directly to County duties, except for jury duty, will be granted court leave with pay on the condition that any compensation received for such services during working hours will be turned over to the County, except for verified parking expenses and mileage allowance.

C) An employee who is required to appear in court on matters that do not relate directly to County duties, except for jury duty, will not be granted court leave. The employee will be allowed to utilize accrued compensatory leave, vacation or personal leave, or request leave without pay.

D) An employee will immediately notify the Hiring Authority when a notice to appear in court as a witness or for jury duty is received.

E) All employees shall promptly notify their supervisors of any request or other attempt to communicate with such employee about any legal or administrative proceeding or other such matter as to which the County is either a party or has the potential to become a party. Such proceedings include, but are not limited to, County grievance hearings, proceedings involving the Department of Labor, the Equal Employment Opportunity Commission, or any other federal or state agency, and actual or potential lawsuits filed against the County. This section also applies to subpoenas.

In the event a non-supervisory employee is contacted by any person seeking to discuss such referenced proceedings or other legal matters involving the County, they shall

report such contact to their immediate supervisor without delay. Absent a court order, a subpoena, or a directive from HR and/or the County Attorney, employees are not to communicate with anyone about such referenced proceedings, including any current or former employee who may be involved in such a proceeding, any non-County attorney, or any other individual.

#### **4.05 Leave for Domestic Violence**

Eligible employees may take up to three (3) business days of leave each year (12-month period) for specific reasons related to domestic abuse, sexual assault, stalking, or any other crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence. In order to be eligible, employees must be a victim of “domestic abuse.” A victim of domestic abuse is defined as any person who has suffered or been threatened with an act of violence by another person who:

- 1) is currently or formerly related to the victim;
- 2) is currently or has formerly been domiciled with the victim; or
- 3) is currently or has formerly had an intimate relationship with the victim. It also includes any act or threatened act of violence against the minor children of either the victim or the abuser.

Domestic violence leave can be taken only for the following four reasons:

- 1) to obtain a restraining order;
- 2) to obtain medical care, including mental health care, for the employee or their children;
- 3) to make the home secure or obtain new housing; and
- 4) to seek legal assistance or attend court proceedings related to domestic violence.

In general, these three (3) days of leave are unpaid; however, the County requires employees to exhaust all accrued paid leave before taking unpaid domestic violence leave.

Except in cases of imminent danger, employees are required to provide the Hiring Authority with “appropriate advance notice” of the need for the leave. The employee must provide documentation regarding the need for the leave. There will be no breach of confidentiality when taking measures to notify others for protection purposes.

#### **4.06 Bereavement/Funeral Leave**

- A) Full-time employees will be authorized three (3) business days absence from work with full pay for scheduled shift, in the event of the death of a member of the family defined as: spouse, children, step-children, children-in-law, parents, step-parents, parents-in-law, siblings, step-siblings, siblings-in-law, grandparents, step-grandparents, grand-parents-in-law, great-grandparents, step-great-grandparents, grandchildren, step-grandchildren, foster parents, one in loco parentis.
- B) In the event of a death of an employee's near relative, full-time employees are granted up to one (1) paid day to attend a funeral. Near relatives, include the employee's aunts, uncles, nieces, and nephews.
- C) Bereavement leave in excess of three (3) business days pursuant to 4.06 A may be granted by the Hiring Authority. Bereavement leave in excess of three (3) days will be deducted from sick leave. If sick leave is not available, the employee will use vacation leave. If vacation leave is not available, the employee may request a leave of absence without pay. If the employee does not have the accrued leave available in excess of the authorized bereavement leave, it is the discretion of the Hiring Authority to authorize the employee leave with or without pay.

#### **4.07 Voting**

- A) Voting is an important responsibility we all assume as citizens. We encourage employees to exercise their voting rights in all municipal, state and federal elections.
- B) 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 supervisors/managers no later than the day prior to Election Day.
- C) Any employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two (2) hours for voting. No such paid leave shall apply to any employee whose work schedule is such that there are three (3) or more hours between the time of opening and the time of closing of the polling site during which the employee is not required to be on the job.

#### **4.08 Paid Holidays**

- A) The following holidays will be observed by the County and will be granted with pay to all regular full-time employees:
  - 1) New Year's Day                      January 1<sup>st</sup>
  - 2) Martin Luther King, Jr. Day      Third Monday in January
  - 3) President's Day                    Third Monday in February
  - 4) Memorial Day                      Last Monday in May



5) Independence Day	July 4 <sup>th</sup>
6) Labor Day	First Monday in September
7) Veteran's Day	November 11 <sup>th</sup>
8) Thanksgiving Day	Fourth Thursday in November
9) The day after Thanksgiving	Fourth Friday in November
10) Christmas Eve Day	December 24 <sup>th</sup>
11) Christmas Day	December 25 <sup>th</sup>
12) Personal Days	Full-time employees are eligible for up to three (3) days per year, plus 1 additional personal day for every 5 consecutive years of full-time employment with the County

Employees are required to be on a paid status the day before or the day after a holiday in order to be eligible for holiday pay. Employees who are on leave without pay status are not eligible for holiday pay. Employees are not eligible for holiday pay while on Short Term Disability.

Holidays in which the day being observed falls on a Saturday will be observed on the preceding Friday; a holiday that falls on a Sunday will be observed on the following Monday. The Christmas Eve holiday will be observed on the business day before Christmas. The Benefits Division will provide a holiday schedule with specific dates in December of the year preceding the scheduled holidays.

B) Personal Days:

- 1) a. Full-time employees beginning employment with the County between January 1<sup>st</sup> and April 30<sup>th</sup> of each calendar year will receive three (3) personal days to be used at any time within the calendar year with the authorization of the Hiring Authority;
- b. Full-time employees beginning employment with the County between May 1<sup>st</sup> and August 31<sup>st</sup> of each calendar year will receive two (2) personal days to be used at any time within the remainder of the calendar year with the authorization of the Hiring Authority
- c. Full-time employees beginning employment with the County between September 1<sup>st</sup> and November 30<sup>th</sup> of each calendar year will receive one (1) personal day (defined as 8 hours) to be used at any time within the remainder of the calendar year with the authorization of the Hiring Authority); and
- d. Full-time employees hired on or after December 1<sup>st</sup> of each calendar year will not be eligible for any personal days for the remainder of that calendar year.
- 2) Full-time employees will receive an additional personal day for every five (5) years of consecutive service with the County.

- 3) Personal Days may not be carried over to the next calendar year. Employees, who voluntarily or involuntarily terminate from the County within ninety (90) days of their full-time hire date, will not be paid for unused personal days.
- 4) Full-time employees who voluntarily or involuntarily terminate employment with the County (including retirement) on or before January 31<sup>st</sup> of the calendar year will not be eligible for payment of unused Personal Days.
- 5) Personal days are not awarded to full-time employees who are on Leave Without Pay status, but accrual of personal days will resume once the employee returns to paid status.

#### **4.09 Absence without Authorization**

County employees will not be absent from work without authorization from their supervisor or on approved leave through the Benefits Division. When an employee is absent without authorization for at least one (1) full workday, the position may be declared vacant and abandoned by the employee at the discretion of the Hiring Authority. Any leave without pay must be approved in writing by the Hiring Authority. Any unapproved leave without authorization may result in dismissal, suspension or other disciplinary action, as deemed appropriate by the Hiring Authority.

#### **4.10 Worker's Compensation and Related Absences**

- A) Any employee who becomes incapable of performing their normal work duties as a result of illness or injury incurred within the scope of employment will be deemed to be on work-related absence until the employee is medically released to resume normal work duties or modified work duties as may be allowed. County employees who sustain a work-related illness or injury are eligible to receive statutory benefits pursuant to the Colorado Workers' Compensation Act, C.R.S. § 8-40-101, *et seq.*
- B) The Colorado Workers' Compensation Act provides that an employee will not receive wage loss benefits for the first three (3) working days of absence due to the work-related illness or injury unless the period of the employee's absence from work lasts longer than two (2) weeks from the day the injured employee leaves work. If an injured employee returns to work before two (2) weeks from the date the employee initially left work, the employee must either deduct the first three (3) days of absence from accrued leave or take the three (3) days without pay.
- C) Injured employees eligible to receive wage loss benefits under the Colorado Workers' Compensation Act and who have not been medically released to return to any work will receive sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage, not to exceed a specific maximum weekly amount calculated by the State of Colorado on an annual basis.
- D) Absence due to a work-related illness or injury will be authorized only in those cases where:

- 1) The employee has reported the injury to HR and a first report of injury has been completed by HR; and
  - 2) An employee obtains a written statement from a designated Workers Compensation health care provider concerning the employee's medical treatment and inability to return to work.
- E) An employee who is absent from work due to a work-related illness or injury may be required to undergo a periodic medical examination at the County's request. Failure to comply with such a request may result in the loss of workers' compensation benefits, including wage loss benefits.
- F) All employees will cooperate in the completion of necessary reporting forms required by the County.
- G) During the period an employee is absent from work due to a work-related injury or illness, the employee must notify the Hiring Authority and HR of their return to work status on a regular basis. Notification requirements will be determined by the Hiring Authority, but in no event will the required notification be less than once per week.
- H) Employees who have been released by their designated provider to return to full or modified duty will immediately notify and provide written documentation verifying their release to the Hiring Authority and HR.
- I) An employee who sustains a work-related injury that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA) will be placed on that leave on the date the employee qualifies for the leave.
- J) An employee who sustains a work-related injury will not accrue sick and vacation time pursuant to 4.01 and 4.02 while on worker's compensation leave once they have been removed from payroll.

#### **4.11 Family and Medical Leave (FML or FMLA Leave)**

Family and medical leave will be assessed and administered in accordance with the provisions of USERRA, Family and Medical Leave Act (FMLA),

Employees may take leave for reasons including, but not limited to, any of the following:

1. The birth of the employee's child or the placement of a child with the employee for adoption or foster care.
2. The care of a spouse, a domestic partner, a child (under 18 years of age, unless disabled), or parent (not parent-in law or grandparent) with a serious health condition.
3. An employee's serious health condition.

4. To care for a family member injured in the line of active military service and those members whose pre-existing injuries were aggravated in the line of duty (“military caregiver leave”).
5. Leave needed as a result of a “qualified exigency” arising from a family member’s military active duty or call to active duty in a foreign country (“active duty leave” or “military exigency leave”).

#### **How Much Leave May Be Taken**

An eligible employee is entitled to take up to twelve (12) workweeks of unpaid leave during a rolling twelve-month (12-month) year for the birth or placement of a child; to care for a spouse, child, or parent with a serious health condition; for the employee’s own serious health condition; or to deal with a “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of an eligible employee is on active duty or has been called to active duty in a foreign country. Leave for birth and care, or placement for adoption or foster care, must conclude within twelve (12) months of the birth or placement.

#### **How Much Leave May Be Taken - Military Caregiver Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member may take twenty-six (26) workweeks of unpaid leave during the twelve-month (12-month) calendar year to care for the service member. A “covered service member” is defined as a member of the Armed Forces, “who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.” Military Caregiver Leave requires the serious injury or illness to have occurred in the line of duty or to have been aggravated in the line of duty if it existed prior to active duty service and must render the service member medically unfit to perform the duties of their office, grade, rank, or rating.

Eligible employees who need to take military caregiver leave can take no more than twenty-six (26) weeks of leave in a twelve-month (12-month) calendar year for all FMLA-qualifying reasons. That is, if an employee takes the full twenty-six (26) weeks of military caregiver leave in the twelve-month (12-month) calendar year, the employee is not entitled to any additional FMLA leave for another qualifying reason (such as their own serious health condition) during the same twelve-month (12-month) calendar year.

#### **Intermittent Leave**

Employees may take intermittent leave. Intermittent leave is leave taken in separate blocks of time. A reduced work schedule is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Leave to care for a newborn or for a newly-placed child may not be taken intermittently or on a reduced work schedule unless the County agrees to such an individual leave request.

If an employee takes leave intermittently or on a reduced schedule basis, the employee must, when requested, make a reasonable effort to schedule the leave so as not to unduly

disrupt the County's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

### **Employee Eligibility**

Family leave is available to employees who have worked at least twelve (12) months for the County (this time does not have to be consecutive) and have worked more than one thousand two hundred-fifty (1,250) hours in the previous twelve (12) months. The County requires that you exhaust your accrued sick leave, compensatory time, accrued vacation, and personal days as part of the twelve/twenty-six (12/26) weeks of leave. An absence related to an employee's Workers Compensation injury will count against FMLA leave entitlement.

The County has adopted a rolling twelve (12) month period. Therefore, subject to the requirements of this policy, each employee will be entitled to twelve/twenty-six (12/26) weeks of leave measured backward from the date the employee uses such leave.

If an employee and their spouse are both eligible County Employees, the total amount of leave available to be used between both employees is twelve (12) weeks. Employees with pregnancy-related disabilities may have the right to take a pregnancy disability leave in addition to family leave.

Employees who are on an FMLA-qualified leave may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military or public service or when the employment has been approved by the County under its Outside Employment policy, and the employee's reason for leave does not preclude outside employment.

### **Notice, Certification, and Reporting Requirements**

If the need for the leave is foreseeable, an employee must provide thirty (30) days' written notice prior to the requested start of the leave. If thirty (30) days' notice is not provided, the start of the leave may be delayed. An employee who does not give thirty (30) days' notice must explain why such notice was not practicable. If the need for the leave is not foreseeable, the employee or a member of their household must notify the Supervisor of the need for leave as soon as possible before their usual reporting time. The failure to provide notice may result in the leave not being designated as FMLA leave.

If the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision in order to avoid disruptions to the operations of the County.

An employee requesting leave for their own serious health condition, to care for a family member with a serious health condition, or military caregiver leave must provide a health care provider's certification of the health condition. These certification forms are available from Benefits Division.

In addition, an employee requesting an intermittent leave or a reduced work schedule must provide a health care provider's certification. These forms are also available from Benefits Division.

During any leave, an employee must provide periodic reports regarding the status of leave and any change in the employee's plans on returning to work.

#### **Benefits During Leave**

An employee taking leave under this policy will continue to receive coverage under the County's health plan for up to a maximum of twelve/twenty-six (12/26) workweeks per calendar year at the same level of employment and under the same conditions of coverage as if the employee had continued in employment continuously for the duration of such leave. The County will continue to make the same premium contribution as if the employee had continued working, and the employee is responsible for reimbursing the County for contributions in premiums that they would normally be required to pay. Under most circumstances, the County will not make premium contributions for a period longer than twelve/twenty-six (12/26) workweeks during the calendar year. If an employee fails to return following the leave, the employee may be required to repay the premiums paid by the County during the leave.

Employees are allowed to use personal days prior to vacation if they will lose their personal days while on approved FML.

Employees may not engage in outside employment when they are on approved FML leave without prior written authorization by their Hiring Authority.

#### **4.12 Colorado Family Care Act ("FCA") Leave**

Colorado state law requires that as an Employer covered by the FMLA, we allow employees eligible for FMLA leave to take up to twelve (12) weeks of job protected leave to care for a partner in a civil union or a domestic partner (as defined in the state statute) who has a serious health condition.

This leave does not count against the leave to which an employee would be entitled under the FMLA. However, if an employee has exhausted all available leave under the FMLA, they is not entitled to additional leave to care for a partner in a civil union or domestic partner. In addition, an employee is entitled to take only the equivalent of the amount of unused leave under the FMLA to care for a partner in a civil union or domestic partner.

All definitions, rights and obligations, including notice and medical certification provisions in the FMLA, apply to leave taken under Colorado law.

#### **4.13 Colorado Pregnancy Protection Act**

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

#### **4.14 Modified Duty**

El Paso County is committed to providing modified duty to injured County employees. In order to further this commitment, modified duty is permitted in the following circumstances and manner:

- A) An employee must be absent from work for a non-work-related injury for more than five working days before being eligible for modified duty.
- B) It is the employee's obligation to make a request for modified duty.
- C) The request for modified duty must be made to the employee's supervisor or to Employee Benefits Division.
- D) Eligibility for modified duty is based on availability of appropriate modified duty at the time of the request.
- E) If the employee is eligible for modified duty, placement of the employee within their respective department or office will be first attempted. If modified duty cannot be accomplished within the employee's department or office, an attempt will be made to place the employee within another County department or office.
- F) If the employee is eligible for modified duty, the employee cannot perform the same job for which they were hired to perform. Essential functions of the employee's job cannot be excused.
- G) Modified duty will not exceed a total of forty-five (45) working days during a calendar year (annually) per triggering event
- H) Temporary Employees are only eligible for Modified Duty during the time of the temporary employment.

## CHAPTER V

### WORKING CONDITIONS

#### 5.01 Standards of Conduct

County Employees are employees of the public tasked with the mission of carrying out the will of the people of El Paso County. To maintain the trust and confidence of the public, certain conduct is expected of all County Employees including, but not limited to, courtesy, respect and professionalism. The same is expected of temporary employees and volunteers.

Additional standards of conduct for County Employees, temporary employees, and volunteers include:

A. Duty of Loyalty: Employees, including temporary employees, should conduct themselves in a fashion that reflects their duty of loyalty to their organization. Duty of loyalty is the obligation that all employees have to an employer to be loyal to the mission and values of the organization and to not act in a manner that would undermine the authority of an Elected Official or other County agent.

B. Conflict of Interest: Employees, including temporary employees, and volunteers should avoid interests that would conflict with the interest of El Paso County. A conflict of interest arises when an employee's or volunteer's personal or financial interests conflict or appear to conflict with their official capacity and responsibility whether operating on their own time or equipment or operating on the employer's equipment or time. Conflict of interest includes but is not limited to the direct or indirect participation in any arrangement, agreement, investment, or other activity, which is conducted with any vendor, supplier, affiliate or other party conducting business with El Paso County where said participation has resulted or could result in personal benefit to the employee. Conflict of interest may also include the direct or indirect receipt of any salary payments, loans or gifts of any kind, or any free service or discounts or the payment of fees from or on behalf of any person or organization engaged in any transaction with El Paso County. The Hiring Authority will determine whether specific instances called to their attention apply in accordance with this policy. Employees will be subject to disciplinary action up to and including termination from employment for any violations of this policy.

C. Working Time: Employees are expected to work during all assigned periods, except during scheduled breaks and mealtimes. Employees may not perform work during breaks or mealtimes unless they receive approval from their supervisor.

D. Tardiness: Employees are expected to be at work on time. Habitual tardiness will not be tolerated and may result in disciplinary action up to and including termination of employment. Employees expecting to be late for work should phone their supervisors immediately requesting approval.



E. Attire/Appearance and Work Area: All employees will report to work in attire suitable to their duties. Certain dress may be required as deemed appropriate by the Hiring Authority. Work sites will be kept in neat and orderly fashion consistent with effective work methods and safety standards.

F. Confidential Information: Employees, temporary employees, and volunteers shall NOT disclose confidential information entrusted to, or acquired by, the individual by virtue of employment with the County, nor shall any employee, temporary employees, or volunteer use that information or permit others to use it in the furtherance of a private intent.

G. Recording Employees or Elected Officials: Employees, temporary employees, and volunteers shall not record in any manner employees, temporary employees, volunteers or Elected Officials unless required by law or department policy. Recordings of others for legitimate business purposes, such as trainings and seminars, shall not be deemed a violation of this section.

## **5.02 Performance Evaluations**

Performance evaluations are typically performed at the end of any initial review evaluation period and annually after that at the discretion of the Hiring Authority. Employee may be requested to sign the evaluation and make any comments, as necessary. The evaluation will be placed in the employee's personnel record.

Any merit/pay for performance increase should be supported by supporting documentation.

## **5.03 Age of Employment**

The minimum age of employment with the County is age eighteen (18) years. However, minors aged sixteen (16) and seventeen (17) years of age may be hired by the County as allowed by state and federal law.

## **5.04 Change of Status**

Every employee will inform the Hiring Authority and HR of any change in the employee's name, address, phone number, marital status and dependents within ten (10) days of the change. A name change will require proof that the change has been made with the Social Security Administration.

## **5.05 Discrimination, Harassment, Sexual Harassment, Retaliation Policy**

El Paso County does not discriminate against any employee or applicant on the basis of genetic information, age, gender, color, race, religion, national origin, marital status, sexual orientation, gender identity and gender expression, pregnancy, disability, political affiliation, traits that are historically associated with a person's race, to include stereotypes associated with hair texture, hair type, and protective hairstyles or any other

basis protected by federal, state or local law with respect to hiring, discharge, promotion, compensation, or any other terms, conditions, or privileges of employment.

El Paso County is committed to maintaining a positive working environment and does not discriminate on the basis of genetic information, age, gender, gender identity and gender expression, color, race, religion, national origin, marital status, sexual orientation, pregnancy, disability, or political affiliation, traits that are historically associated with a person's race, to include stereotypes associated with hair texture, hair type, and protective hairstyles or any other basis protected by federal, state or local law. In pursuit of these goals, El Paso County will not tolerate acts of discrimination, harassment or sexual harassment of any kind or related retaliation against or by any employee, temporary employee, volunteer, independent contractor, or vendor. The County will take all reasonable steps to prevent discrimination, harassment, sexual harassment, and retaliation from occurring in the workplace. Included within the County's prohibition of harassment is specific prohibition of sexual harassment of any kind. It is intended that individuals who violate this Policy be disciplined or subjected to corrective action, up to and including termination.

Harassment can take many forms. It may be, but is not limited to: derogatory comments, slurs, or unwanted sexual advances, invitations, or comments, posters, photographs, cartoons, drawings, or gestures, or e-mails or text messages, words, signs, jokes, pranks, intimidation, threats, demands, retaliation, physical and visual contact, or violence. Harassment is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Harassment based on a person's genetic information, age, gender, color, race, religion, national origin, marital status, sexual orientation, disability, gender identity and gender expression, political affiliation, or traits that are historically associated with a person's race, to include stereotypes associated with hair texture, hair type, and protective hairstyles is unlawful and strictly prohibited.

It is also a violation of this Policy for anyone acting knowingly and recklessly either to make a false complaint of discrimination, harassment or sexual harassment, retaliation, or to provide false information regarding a complaint. It is intended that individuals who violate this Policy be disciplined or subjected to corrective action, up to and including termination.

El Paso County does not tolerate retaliation against employees who make discrimination or harassment complaints, or participate in an employment investigation. It is a violation of this policy to engage in retaliatory acts against anyone who reports an incident of alleged discrimination or harassment, a retaliation complaint, or anyone who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegations. Any employee who believes they have been retaliated against under this policy has an obligation to bring their concerns to the attention of their supervisor, their Hiring Authority, County Attorney's Office or HR. All employees are required to complete anti-discrimination and anti-retaliation training annually .

**A. Employee's Reporting Channels.** In order to take appropriate corrective action, HR must be aware of discrimination, harassment of any kind or related retaliation.

Therefore, any employee who believes that they have been discriminated against, experienced or witnessed harassment or related retaliation should immediately as soon as possible report such behavior to the immediate supervisor, or any other supervisor and HR citing the specific basis of the claim, including details of the discrimination, harassment, or related retaliation by a third party occurring while an employee is working. An employee may also file a complaint with any member of their departmental management if the immediate supervisor is the subject of the complaint, or file their complaint with HR or the County Attorney's Office. The County encourages all complaints to be in writing. Posting to social media is not an appropriate method of reporting an incident and may make a situation or concern worse. Also, posting personnel complaints may violate an individual's privacy rights, may result in disciplinary action and may even create individual legal liability.

Individuals who make complaints against El Paso County, members of management, other employees, their witnesses, supporters, and advisors shall be protected from retaliation, regardless of the outcome of the complaint. If an employee believes that they are experiencing retaliation, the individual may pursue a grievance through this policy and the matter will be investigated, and on any finding of fact, the offender will be subject to disciplinary action up to and including termination of employment.

**B. Supervisor's Obligation to Report.** Any supervisor who experiences, witnesses or receives a written or oral report or complaint of discrimination, harassment, sexual harassment or related retaliation shall document the date and time the notice was received, the names of the involved parties and the names of any witnesses and must inform HR of the complaint within 24 hours of the report or witnessing the event. This obligation to report includes discrimination, harassment, or related retaliation by a third party against an employee while an employee is working. To the extent possible, all complaints will remain confidential. All complaints will be promptly investigated by HR or designated representative under the guidance of the County Attorney's Office. Any finding that discrimination, harassment, or related retaliation has occurred will result in appropriate disciplinary action taken against the offender up to and including termination of employment. Members of management are obligated to comply with and enforce the policy and report violations.

**C. Obligation of Confidentiality.** The complainant, respondent/offender, supervisors, and all witnesses shall keep information regarding the complaint and any resulting investigation confidential to the extent possible and permitted by law. Violations of confidentiality will be subject to disciplinary action up to and including termination of employment. Confidentiality remains in effect throughout the employee's tenure with the County.

**D. Investigation Process.**

HR, or their designee, will investigate the report or complaint under the direction and advice of the County Attorney or their designee. Reports or complaints under this Policy shall be addressed and resolved as promptly as practicable after the complaint or report

is made. Ordinarily, investigations shall be concluded and reports submitted as soon as possible following the receipt of a complaint.

It is the responsibility of HR to determine the most appropriate means for addressing the report or complaint in coordination and with the advice of County Attorney's Office.

During an investigation, an employee may or may not be placed upon administrative leave with pay.

All records of claims, reports and investigations shall be considered confidential, attorney work-product and shall not be disclosed publicly except to the extent required by law.

## **5.06 Violence in the Workplace**

A. The safety and security of El Paso County employees is of vital importance. In an effort to provide a safer workplace, the County has adopted a zero-tolerance policy for acts or threats of conduct or action that would cause a reasonable person to fear physical harm to themselves, their immediate family or their co-workers.

B. Employees in violation of this policy may be subject to disciplinary action pursuant to this manual, up to and including termination of employment. Employees in violation of this policy may also be subject to civil or criminal liability for any violation of this policy, which may also constitute violations under federal, state or local law.

C. Prohibited Behavior: The following list of prohibited behavior is meant as a guide but should not be interpreted as all-inclusive and is subject to disciplinary action up to and including termination of employment:

1. Threats of physical harm to another person or property damage.
2. Physical touching or the threat of such which causes injury to another person, or places another person in fear of imminent bodily injury, or creates a substantial risk of serious bodily injury to another.
3. Harassing, annoying, intimidating or alarming another person by touching, stalking, or verbal or written communications.
4. Destroying, defacing, unauthorized removal or damaging, or permitting the same, to any County property.
5. Open Display of Firearms: Except for law enforcement officials and the lawful carrying of a concealed weapon, the open display of firearms is prohibited in all County facilities where written or verbal notice of such prohibition has been given.

D. Application of Policy:

1. Anyone who becomes aware of behavior violating this policy shall report such conduct or behavior as soon as possible to their immediate supervisor, or another supervisor, or the Hiring Authority, and HR.

2. If any employee believes the conduct poses an immediate threat or that a crime has been or is about to be committed such person should contact the law enforcement agency with jurisdiction by dialing 9-911 if using a County telephone.

3. The law enforcement agency with jurisdiction may investigate any criminal conduct concurrently with the County's internal investigation. In any incident involving a criminal act, the law enforcement agency with jurisdiction will be the primary investigating agency. All persons employed by the County will cooperate fully with the investigating law enforcement agency and the internal investigation.

4. Employees who have obtained a restraining order against another person shall report the issuance of the order to their Supervisor, Hiring Authority, and to the HR upon returning to work. HR may notify the Security Department.

#### **5.07 Substance Abuse/Drug and Alcohol Policy**

The County is a drug-free workplace as required by the Drug-Free Workplace Act of 1988. It is the responsibility of the County and each employee to maintain such an environment.

- The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance and alcohol is prohibited in the workplace. A controlled substance is generally a drug or chemical whose manufacture, possession, or use is regulated by a government. Controlled substances are substances that are the subject of legislative control. This may include illegal drugs and prescription medications. Controlled substances include marijuana and medical marijuana.
- An employee's violation of this prohibition, or any other drug abuse violation, may result in disciplinary action up to and including termination.
- The County will provide such educational information to employees on the damages of drug abuse in the work place as it deems appropriate.
- Information on the County's Employee Assistance Program (EAP) is available from the Department Heads.
- As required by the Drug-Free Workplace Act, each employee, as a condition of employment, must abide by the terms of this policy and notify the County in writing of their conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. Upon notification of any such conviction, the County will take immediate disciplinary action up to and including termination pursuant to County policy.

#### **A. Zero Tolerance**

The County has a ZERO tolerance policy regarding the illegal use of controlled substances and the use of illegal drugs. Exceeding the recommended dosage for over-the-counter drugs or the dosage prescribed by a medical doctor for prescription drugs is also prohibited. The County does NOT permit the on-the-job use of marijuana or medical marijuana. The County has a ZERO tolerance for being under the influence of marijuana while an employee is performing their job. The County has a ZERO tolerance of the use of alcohol while an employee is performing their job, and a ZERO tolerance for being under the influence of alcohol while an employee is performing their job.

If an employee is prescribed controlled substances by a medical doctor, which substance may impair the employee's ability to perform the essential functions of their job, the employee must inform their immediate supervisor and/ or Employee Benefits prior to performing the essential functions of the job and may be required to provide a doctor's statement stating that the employee is able to perform the essential functions of the job while taking such medication. The supervisor, the same day, must report the disclosure to Employee Benefits. If the employee is unable to perform the essential functions of the job while taking such controlled substances, the employee may be required to take accrued sick leave or other approved leave.

#### **B. Impairment**

Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT).

Any employee who is tested at 0.02 BAC (Blood Alcohol Content) or more will be deemed impaired by alcohol.

Any employee testing positive for an illegal drug will be deemed to have illegally used drugs.

Any employee testing positive for a controlled substance, marijuana or medical marijuana, will be deemed impaired.

#### **C. Rehabilitation**

An employee may enter into drug or alcohol rehabilitation using the County's health plan. Please see the EAP for assistance.

#### **D. Testing – General**

Information regarding all testing procedures is available at HR.

The County will conduct breath, urine, and/or blood tests to determine the presence of controlled substances, marijuana and medical marijuana, illegal drugs, or alcohol under the following circumstances:

- When reasonable suspicion exists to believe that an employee is impaired by controlled substances, marijuana, medical marijuana, alcohol, or drugs while on the job or is using illegal drugs;
- After motor vehicle accidents, as specified below;
- Pre-employment testing for applicants being considered for employment. If a pre-employment test is positive for alcohol and/or illegal drugs, to include marijuana, the applicant will be ineligible to re-apply for any position within the County for 12 months.
- For CDL employees, under a program of random testing; and
- For some employees selected for a promotion or some employees placed in a new position.

HR should maintain the testing procedures.

**E. Reasonable Suspicion Testing.**

Information regarding all testing procedures is available at HR.

If there is reasonable suspicion that an employee, while on the job, is impaired by controlled substances, marijuana, medical marijuana, alcohol or illegal drugs, the Hiring Authority, may require the employee to immediately submit for testing. A supervisor shall immediately contact HR and then the supervisor shall immediately transport the employee to the designated medical facility for testing.

The procedures for reasonable suspicion testing should be maintained by HR. Reasonable suspicion may be based on other facts and circumstances, including but not limited to the following:

- The witnessing of unusual demeanor, appearance, conduct, or irrational behavior (e.g., slurred speech, lack of balance, excessive aggressiveness, docility, or drowsiness); difficulty in performing or the inability to perform normal job function; smell of alcohol, controlled substances, marijuana, medical marijuana, or illegal drugs;
- Suspected possession of or use of alcohol, controlled substances, marijuana, medical marijuana, or illegal drugs on the job; or
- A determination that an employee might be at fault in an on-the-job injury or an operating accident involving equipment, property, or personnel as discussed in section F and G below.

**F. Post-Accident Testing (For Motor Vehicle Accident)**

Information regarding all testing procedures is available at HR.

For purposes of this section, the term “motor vehicle accident” includes (1) an occurrence during the course of performing job duties, involving a County vehicle or the employee’s personal vehicle, or (2) an occurrence during off-duty hours but involving a County vehicle resulting in:

- A fatality or bodily injury to anyone; or
- A citation for a moving traffic violation arising from the accident.

If an employee’s actions either contributed to a motor vehicle accident or cannot be discounted as a contributing factor to a motor vehicle accident, the employee shall provide, as soon as possible after the motor vehicle accident, breath, urine, and/or blood samples to be tested for controlled substances, marijuana, medical marijuana, drugs, and alcohol at a testing site designated by the County.

#### **G. Post-Accident Drug/Alcohol Testing (Worker’s Compensation)**

Information regarding all testing procedures is available at HR.

All injured employees whose injuries are covered and/or are reported to the County’s Worker’s Compensation carrier must be tested for controlled substances, marijuana, medical marijuana, drugs, and alcohol after a motor vehicle accident, which occurs during the course of performing job duties.

Unless unable to do so because of a serious injury, the employee must immediately contact a supervisor to report the accident. The supervisor shall arrange transportation to take the employee to the designated testing site.

If the employee is seriously injured and cannot provide a sufficient breath, urine, and/or blood sample, the employee shall provide the necessary authorization to permit the County to obtain hospital records and other documents that would indicate the concentrations, if any, of alcohol, controlled substances, marijuana, medical marijuana, and/or drugs in the employee’s system.

#### **H. Use of County Vehicles**

The above drug and alcohol policies are applicable to the personal and official use of County-owned vehicles.

#### **I. Results of Drug and/or Alcohol Use**

An employee found to be impaired by or using alcohol, controlled substances, marijuana, medical marijuana on the job; using illegal drugs at any time; or testing positive for controlled substances, marijuana, medical marijuana, or illegal drugs will face disciplinary action up to and including termination.

An employee who refuses to submit to drug and alcohol testing in compliance with this policy shall be deemed to have tested positive for illegal drugs and to be



impaired by alcohol or controlled substances on the job. Refusal to submit to testing includes any of the following:

1. refusal to appear for testing,
2. failure to remain at the testing site until the testing process is complete,
3. failure to provide a urine specimen,
4. in instances of observed or monitored collection, failure to allow observation or monitoring;
5. refusal to sign the testing form,
6. failure to provide adequate breath,
7. failure to take a second test as directed,
8. otherwise fail to cooperate in the testing process,
9. perform any actions which prevent the completion of the test,
10. a test result reported by the MRO as a verified altered or substituted test.
11. inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation. Failure to undergo a medical examination or evaluation when directed,
12. tampering with, attempting to alter, or substitution of the specimen, or interference with the collection procedure,
13. not reporting to the collection site in the time allotted,
14. failure to comply with the requirement that the employee shall not use alcohol for either eight (8) hours following a motor vehicle accident or until the employee undergoes a post-accident alcohol test, whichever comes first,
15. leaving the scene of an accident without a valid reason before the tests have been conducted,
16. refusal to provide the necessary authorization for obtaining hospital reports and other documents as required.

**5.08 Controlled Substances and Alcohol Testing Policy for CDL Drivers and Employees in Safety-Sensitive Positions**

El Paso County will not hire applicants who test positive for controlled substances even if an offer of employment has been made.

Information regarding all testing procedures is available at HR.

This policy addresses drug and alcohol testing for employees in safety sensitive positions. This policy applies to all drivers who are required to hold a Commercial Driver's License (CDL) in order to perform their job for El Paso County or who perform a safety sensitive function. This policy also applies to employees who hold a CDL and voluntarily remain in the pool of CDL drivers, although their current position may not require a CDL. In these cases, employees have agreed to be available for emergency and non-emergency operations that require a CDL. Without exception, employees who volunteer to perform operations that require a CDL remain in the El Paso County random drug/alcohol testing pool and are subject to the drug/alcohol testing requirements and consequences outlined in this Policy, and any applicable federal changes of law

A copy of this policy must be provided to all drivers requiring a commercial driver's license (CDL) and any employee serving in a safety-sensitive position, who shall then be subject to this policy and shall comply with all the conditions outlined below. References to tests in this policy/procedure shall include both Alcohol and Controlled Substances. The term drugs and controlled substances are interchangeable and have the same meaning. Drugs refer to marijuana, opiates, cocaine, phencyclidine (PCP) and amphetamines (including Methamphetamine).

**Prohibitions:** Employees in positions requiring a CDL, or employees in safety sensitive positions, are subject to the specific prohibitions and consequences specified in the OTETA (Omnibus Transportation Employee Testing Act of 1991).

A. **Alcohol Prohibitions:** any alcohol misuse that could affect performance of a safety-sensitive function, including, but not limited to:

1. Use while performing safety-sensitive functions.
2. Use during the 4 hours before performing safety-sensitive functions.
3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of .02 or greater
4. Possession of alcohol, unless alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.
5. Use during the 8 hours following an accident, or until they undergo a post-accident test. No driver shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.

6. Refusal to take a required test.
7. Performance of safety-sensitive functions for at least 24 hours when a test shows an alcohol concentration of .02 to .039.
8. Interfering with accurate testing or altering test results.

**B. Drug Prohibitions:** Any drug use that could affect performance of safety sensitive functions, including, but not limited to:

1. Use of any drug, except by a medical professional's prescription, and then only if the medical professional has advised the employee that the drug will not adversely affect the employee's ability to safely operate a Commercial Motor Vehicle (CMV). If the drug will adversely affect the employee's ability to safely operate a CMV, the employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The employee shall present that statement to their supervisor prior to going on duty. The County does not permit the use of medical marijuana.
2. Testing positive for drugs, including medical marijuana or marijuana.
3. Refusing to take a required test.
4. Interfering with accurate testing or altering test results.

**C. Prescription Medications:**

1. It is the responsibility of each employee to notify El Paso County or their supervisors when they are taking ANY prescription that may create impairment.
2. Employee MUST have a valid and current doctor's prescription and MUST be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment. The County does not permit the use of medical marijuana.
3. If an employee tests positive and cannot produce a prescription, the MRO will report a positive result to the employer. Consequences for a positive test will apply.
4. If an employee tests positive and a prescription exists, the MRO will report the result as a negative, but will also report any safety concerns, which may require further evaluation.

**D. Consequences for Violation of Prohibitions**

1. The employee is subject to immediate corrective and/or disciplinary action up to and including termination.
2. The employee shall not perform safety-sensitive functions until all return-to-duty requirements are met. Before returning to duty, the employee must undergo a return-to-duty test for:
  - a. alcohol (if the prohibited conduct involved alcohol) with verified return-to-duty test result of less than .02; or
  - b. drugs (if the conduct involved drugs) with a verified negative result.
3. The employee shall be advised by HR of the resources available in evaluating and resolving the problem. This shall include the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment services.
4. Prior to being allowed to return to safety sensitive functions the employee must be evaluated by a Substance Abuse Professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use. In addition, if the employee was identified as needing assistance in resolving the problem, the employee must:
  - a. be evaluated by the SAP to determine that the employee properly followed any prescribed rehabilitation program; and
  - b. be subject to unannounced follow-up alcohol and drug tests administered by the employer following the employee return-to-duty. The number and frequency of the tests are to be determined by the SAP, but must consist of at least six tests during the first 12 months following the employee's return-to-duty. Follow-up testing may be done for up to 60 months.
5. The above consequences are minimum requirements as set out by the Department of Public Works – Transportation Division (Transportation Division). Compliance with the above does not guarantee a driver will be returned to work following a violation of this policy. Drivers will be subject to disciplinary action up to and including termination for violation of this policy, regardless of eligibility to return to work under the Transportation Division regulations.

**E. Tests Required for Employees in Safety-Sensitive Jobs (CDL REQUIRED)**

Information regarding all testing procedures is available at HR.

*For the purpose of assuring compliance with the Federal Department of Transportation Regulations and this policy, applicants for driving-related*

*positions and employee drivers will be subject to controlled substance, including marijuana, and alcohol screening under the circumstances described below. Applicants and drivers are required to submit to testing in the following circumstances as a condition of their employment.*

1. Pre-employment Testing (49 C.F.R. § 382.301)
2. Post-Accident Testing (49 C.F.R. § 382.303)

All Post-Accident Testing Procedures may be reviewed at HR. The County's policy on Post-Accident Testing not only meets the minimum requirements of 49 C.F.R. § 382.303, but also includes:

- a. Testing when the accident involves a fatality or serious injury requiring immediate medical attention, or
  - b. Testing when the commercial vehicle driver receives a citation under state or local law for a moving traffic violation arising from the accident, or
  - c. Testing when the commercial vehicle driver damages any property of another person.
3. Random Testing (49 C.F.R. § 382.305)

All Random Testing Procedures may be reviewed at HR.

As a term and condition of holding a CDL or safety-related position, employees will be subject to controlled substance, including marijuana, testing and alcohol testing at any time on a random basis.

4. Reasonable Suspicion Testing (49 C.F.R. § 382.307)

All Reasonable Suspicion Testing Procedures may be reviewed at HR.

Drivers and those in safety-related positions may be subject to controlled substance, including marijuana, testing and alcohol testing at any time when there is reasonable suspicion to believe the employee has violated the prohibitions of these regulations.

5. Return-To-Duty Testing (49 C.F.R. § 382.309)

All Return-To-Duty Testing Procedures may be reviewed at HR.

An employee who has violated the alcohol or drug prohibitions may return to safety sensitive functions after they are evaluated by a SAP and participates in any prescribed assistance program. Return-to-duty tests

need not be confined to the substance involved in the violation.

6. Follow-Up Testing (49 C.F.R. § 382.311)

All Follow-Up Testing Procedures may be reviewed at HR.

If the SAP determines that an employee needs assistance resolving problems associated with alcohol or drug use, HR shall ensure that the employee is subject to unannounced follow-up testing following the employee's return to duty.

**F. Employee Drug Test Notifications**

1. The Medical Review Officer (MRO) will contact the employee prior to verifying a positive test result. If the MRO is unable to reach the employee directly, the MRO shall contact HR. HR shall contact the employee and request the employee contact the MRO within 24 hours. HR shall inform the MRO that the employee was so notified. The employee shall also be told which drugs were verified positive. If HR is unable to contact the employee with the results after reasonable attempts, disciplinary action may proceed pursuant to Chapter 7.
2. An applicant to whom an offer of employment has been made shall be notified of the results of the drug test, if the applicant requests the results within 60 days of being notified of the disposition of the employment application.

**G. Refusal to Submit to Testing (49 C.F.R. §§ 382.107 and 382.211)**

This provision regarding the refusal to submit to testing excludes applicants from employment. Refusal to submit to testing is a violation of this policy. Any employee refusing to submit to testing will be referred to a Substance Abuse Professional and will face appropriate disciplinary action. The following behavior constitutes a refusal:

1. refusal to appear for testing,
2. failure to remain at the testing site until the testing process is complete,
3. failure to provide a urine specimen,
4. in instances of observed or monitored collection, failure to allow observation or monitoring;
5. refusal to sign the testing form,
6. failure to provide adequate breath,

7. failure to take a second test as directed,
8. otherwise fail to cooperate in the testing process,
9. perform any actions which prevent the completion of the test,
10. a test result reported by the MRO as a verified altered or substituted test.
11. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation. Failure to undergo a medical examination or evaluation when directed.
12. Tampering with, attempting to alter, or substitution of the specimen, or interference with the collection procedure.
13. Not reporting to the collection site in the time allotted.
14. Failure to comply with the requirement that the employee shall not use alcohol for either eight (8) hours following a motor vehicle accident or until the employee undergoes a post-accident alcohol test, whichever comes first.
15. Leaving the scene of an accident without a valid reason before the tests have been conducted.
16. Refusal to provide the necessary authorization for obtaining hospital reports and other documents as required.

#### **H. Previous Employer Test Information**

In accordance with Federal Motor Carrier Safety Regulations prescribed by the U.S. Department of Transportation, El Paso County must obtain alcohol and substance testing results from previous employer(s) for applicants seeking positions requiring a Commercial Driver's License (CDL).

Collection and maintenance of such information is available from HR.

#### **I. On Call/Emergency Call**

On call and emergency call-in employees who are asked to report to work to perform their job must notify their supervisor if they cannot perform their job due to controlled substances or alcohol use.

### **5.09 Use of County Property**

It is the duty of every County employee to protect, preserve and conserve all County property entrusted to the employee. The department will issue equipment and tools to the

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employee and keep written documentation of the condition of the property when issued to and returned by the employee. When an employee is instructed to return County property, an employee may not remove, delete or destroy any or all electronic data from the County property. An employee returning County property in a condition worse than normal wear and tear may be subject to disciplinary action up to and including termination of employment.

Unless otherwise indicated, County property may not be used for personal reasons. Violation of this provision may result in disciplinary action up to and including termination of employment. County property shall not be used to violate any state or federal law, or violate any county policy or procedure.

**Personal Use of County issued data equipment to include phones and tablets:**

Limited personal use of County issued data equipment to include phones and tablets may be authorized by the Hiring Authority provided:

- The personal use is conducted during non-business hours, during designated lunch breaks, or for very minimal periods of time.
- The personal use does not interfere with the employee's regularly assigned duties and responsibilities, nor those of their co-workers.

Good judgment must be exercised in using the County's data equipment. Supervisors will be responsible for discussing any misuse with individual employees, which may result in disciplinary action.

County employees are discouraged from using the County mail system to send or receive personal mail, catalogs or packages.

**5.10 Inspection**

All County Property is subject to inspection at all times. Employees have no privacy interest in all County Property. For non-County owned property that is located in a County facility or vehicle, El Paso County must weigh respect for individual privacy against the need for maintaining and protecting the appropriate work environment. If the employee has personal items which they would not like subjected to search or inspection, these items should not be brought onto El Paso County premises or property. Any such search must be authorized by the County Administrator, HR Director or County Attorney, or their designee.

The County will exercise its right to inspect all packages and parcels entering and leaving our premises. All offices, desks, lockers, and other storage areas are to be kept clean and used only for work-related reasons. The County reserves the right to inspect all offices, desks, lockers, etc., at any time with or without advance notice and employees should have no expectation of privacy therein. A copy of any key or combination to all locks must be retained by the County at all times.



County owned vehicles, desks, telephones, and computers are the property of the County. The County reserves the right to enter and inspect your work area, including, but not limited to, file cabinets, desks, lockers, and computer storage disks, with or without notice to the employee.

All County property, including but not limited to, computers, faxes, copiers, cell phones, and mail systems, including e-mail, voice mail, and text messaging, are intended for business use. Personal business should not be conducted through these systems. Under conditions approved by management, voice mail, e-mail, and text messages may be retrieved; and information may be retrieved regarding web sites accessed and internet usage. Under conditions approved by management, the hard drive of your computer may be reviewed for content. Employees should not have any privacy expectations regarding information stored on any County property.

## **5.11 Technology – Acceptable Use Policy**

### **A. Scope**

- A.1 This policy defines the acceptable use of El Paso County, Colorado’s Technology Resources.
- A.2 This policy encompasses all usage of El Paso County computer and information networks via a physical or wireless connection, regardless of the ownership of the device connected to the network.
- A.3 The use of El Paso County Technology Resources is subject to local, state and federal laws. Illegal activities may be reported to the appropriate authorities for possible legal action. El Paso County is not liable for any material viewed or downloaded.

### **B. General Conditions**

- B.1 **Technology Resources Definition.** Technology Resources include, but are not limited to, El Paso County owned, licensed, leased, or managed computer equipment (such as computers, cell phones, land phones, pagers, etc.) software, software systems, accounts, networks, and data (such as files, email messages, activity logs, credentials, and related information assets ) that are created, processed, or stored on El Paso County devices, networks, data centers, mobile devices, and Internet connections regardless of their physical location or the form in which they are maintained (hereafter collectively referred to as “Technology Resources”).
- B.2 **User Definition.** This policy applies to all uses and users of El Paso County Technology Resources. Users include full and part-time employees, elected officials, contractors, temporary employees, election judges, volunteers, interns, partners and authorized third parties (hereafter collectively referred to as “Users”).
- B.3 **Business Unit Definition.** This policy applies to all El Paso County entities that have requested and been provisioned El Paso County Technology Resources including Offices of Elected Officials, Administrative Departments, and Affiliated Individuals or Agencies (hereafter collectively referred to as “Business Units”).

- B.4 **Ownership.** A user has no ownership interest in El Paso County Technology Resources.
- B.5 **Official Business.** El Paso County Technology Resources are to be used for official El Paso County Business Unit authorized operations and communications.
- B.6 **Duty to Protect.** Users have an obligation to protect El Paso County Technology Resources and to act in a responsible, ethical and legal manner at all times.
- B.7 **Usage Integrity.** Usage of El Paso County Technology Resources must be consistent with El Paso County standards of business conduct and must occur as part of the normal execution of the Users work responsibilities.
- B.8 **Privacy.** A User has no reasonable expectation of privacy while using El Paso County Technology Resources and El Paso County is not responsible for the confidentiality of any personal information a user transmits via Technology Resources.
- B.9 **Monitoring.** Use of El Paso County Technology Resources is subject to continuous monitoring to ensure effective resource stewardship and to manage network connectivity, operational demand, information security, incident response, compliance, and continuity of operations.
- B.10 **Information Disclosure.** El Paso County may access, review, delete, and/or disclose Technology Resource information without notice or authorization from a user. El Paso County may disclose Technology Resource information to law enforcement authorities or to comply with the Colorado Open Records Act or the Colorado Criminal Justice Records Act.
- B.11 **Prohibited Uses of Technology Resources.** Technology Resources shall not be used to,
- make or post indecent remarks, proposals, or materials,
  - send or receive any material that is obscene or defamatory or is intended to annoy, harass, or intimidate another person,
  - for political purposes, personal economic gain, or purposes that otherwise violate the El Paso County code of conduct or ethics,
  - visit Internet sites that contain obscene, pornographic, hateful, or other objectionable material unless explicitly authorized by a Business Unit in the performance of job duties,
  - engage in libel, slander, or harass any other person is in violation of the El Paso County Personnel Policies Manual.
- B.12 **License Agreement Compliance.** A User may not upload, download, or otherwise use or transmit commercial software or any copyrighted materials except in compliance with the material’s end user license agreement.
- B.13 **Disclosure.** A User may not copy or disclose Technology Resources to external parties unless explicitly authorized by a Business Unit in the performance of job duties.

- B.14 **Record Preservation.** Users are responsible for saving electronic messages, files, documents, and related information that is categorized as official county records to an approved network location to ensure the records are backed up until such time as the records can be destroyed in accordance with the official record retention schedule.
- B.15 **Policy Breach.** Any breach of this policy may lead to disciplinary action and possible termination of employment as well as legal action.
- B.16 **Policy Administration.** This policy shall be administered by the El Paso County Information Technology Department after formal approval by the El Paso County Board of County Commissioners.
- B.17 **Audit Standards.** The El Paso County Information Technology Department, through formal approval by the County Attorney and County Administrator, will develop and publish technology audit standards and procedures to insure the ethical, consistent, transparent and confidential enforcement of this policy. All audit requests for information covered by this policy will be formally logged in the Information Technology Department Request Management system.

### C. Provisioning of Technology Resources

- C.1 **Role-Based Access.** A User is granted access to El Paso County Technology Resources, and/or Data based on a specific job description or function. A User may use only the Technology Resources for which they have been given explicit access authorization and as necessary to perform official tasks within the scope of their work responsibilities.
- C.2 **Role Changes.** User access to El Paso County Technology Resources, and/or Data may change when transferring to a different job description, function, role, Business Unit or Elected Office / Department. A User's supervisor is responsible for notifying El Paso County of changes in a User's status, including, but not limited to, name change, transfer of User to another position, termination of employment or contract, or any changes in the User's responsibilities that may alter the access rights required for User to perform their work functions.
- C.3 **Remote Access Accounts.** Remote access accounts are available to Users when a business need exists to use or access Technology Resources from a location other than the Users normal worksite. Suitability for remote access shall be at the discretion of the Business Unit as further defined in the El Paso County Personnel Manual.
- C.4 **Remote Access Security.** Remote access Users must protect Technology Resources at all times and ensure a remote connection is not used by non-authorized Users to gain access to Technology Resources. Remote access Users are subject to additional information security controls including multi-factor account authentication.
- C.5 **Inactivity.** A User account will be deactivated after 30 days of inactivity. Deactivated accounts can be restored on request to the IT Customer Support Center after appropriate approvals from the user's Office/Department Business Unit.

## **D. Email**

- D.1 **Email Usage.** Email Usage. Email is provided to Users for El Paso County business. Users are responsible for appropriate use of email systems in compliance with all provisions of this policy.
- D.2 **Retention of Official Email.** The retention of records stored in email systems is governed by CRS 24-80-101 to 24- 80-111 (Colorado Public Records Law). A User shall process email in accordance with the Colorado Public Records Law with an understanding that most email is classified as a public record.
- D.3 **Temporary Repository.** The email system is not designed to be used as an official record keeping repository. Email should routinely be moved to official record keeping systems as designated by a Business Unit or deleted as prescribed in an official record retention schedule.
- D.4 **Retention of Non-Official Email.** Unless specifically designated by an official record retention schedule, legal notice to preserve, or legal hold, email shall not be retained in the email system for longer than **180 days**.
- D.5 **Email Encryption.** Email shall not be used for private or confidential business unless a User has been authorized and trained on the appropriate use of secure email and encryption features. Private/confidential information is defined in the El Paso County Policy Concerning the Destruction or Proper Disposal of Personal Identifying Information as originally adopted by the El Paso County Board of County Commissioners on 9/1/2018.
- D.6 **Address Accuracy.** A User should take all reasonable steps to confirm the accuracy of an email address prior to sending email.
- D.7 **Email Access.** Users are not authorized to access or copy another User's email without prior authorization from a Business Unit leader.

## **E. Sensitive Data Protection**

- E.1 **Sensitive Data Scope.** Sensitive Data includes Personally Identifiable Information (PII), Protected Health Information (PHI), Criminal Justice System Information (CJIS), financial information, employee Data, and related information deemed suitable for protection by a Business Unit leader, County Attorney, County Administrator or the law. Such information will be encrypted while in transit outside of El Paso County Network and will be encrypted at rest while being stored on Technology Resources including laptop computers, tablets, and mobile devices.
- E.2 **Encryption.** PII, PHI, and CJIS Data must be encrypted while being emailed or transferred in an electronic manner outside the County network.
- E.3 **Personal Information.** Users authorized to access citizen, client, or employee personal information must comply with local, state, and federal laws concerning the protection of personal information including the El Paso County Policy Concerning the Destruction or Proper Disposal of Personal Identifying Information as originally adopted by the El Paso County Board of County Commissioners on 9/1/2018. Personal identifying information means, a social

security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric Data, as defined in section 6-1-716 (1)(a), C.R.S.; an employer, student, or military identification number; or a financial transaction device, as defined in section 18-5-701 (3), C.R.S.

- E.4 **Health Information.** Users authorized to access Protected Health Information must comply with local, state, and federal laws concerning the protection of this information. Protected Health Information (PHI) means information, whether oral or recorded in any form or medium, that (a) is created by a healthcare provider, health plan, public health authority, employer, life insurer, school or university, or healthcare clearinghouse that (b) relates to the past, present or future physical or mental health or condition of an individual, the provision of healthcare to the individual, or the past, present, or future payment for the provision of healthcare to an individual and (c) identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- E.5 **Criminal Justice Information.** Users authorized to access Criminal Justice Information Services (CJIS) information must comply with local, state, and federal laws concerning the protection of this information including fingerprints and criminal background check information gathered by local, state, and federal criminal justice and law enforcement agencies. Refer to the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Security Policy for specific terms and conditions.
- E.6 **Credit Card Information.** Users authorized to accept credit cards as an official form of payment must comply with data protection procedures specified in the Payment Card Industry (PCI) Data Security Standard publication.
- E.7 **Other Sensitive Information.** Data categorized as sensitive and suitable for protection by an Elected Official, the County Administrator, designated compliance official, or the County Attorney is to be protected at all times. A User who negligently or deliberately mishandles El Paso County's sensitive Data may be subject to disciplinary action. El Paso County may refer instances of misuse of sensitive Data to law enforcement authorities.
- E.8 **Sensitive Data Access.** A User will be granted access to El Paso County sensitive Data only if their Business Unit leader determines the user has a valid need to know and have access to such sensitive information.
- E.9 **Disclosure.** Elected Officials, County Administrator, Administrative Department Executive Directors, the County Attorney, or their designee, may authorize the disclosure of sensitive Data to parties outside of El Paso County.
- E.10 **Information Distribution.** El Paso County may review the distribution of any information over the Internet (including by e-mail, instant messaging systems, and any other computer-based systems). El Paso County reserves the right to determine the suitability of the information distributed or shared using its Technology Resources.

## F. Information Security

- F.1 **Passwords.** Passwords associated with accessing Technology Resources are key elements of security and must be kept confidential. A User shall adhere to the El Paso County password policy as written and published by El Paso County Information Technology Department. A User shall not share their password with others for any reason. A User shall protect their passwords to prevent the unauthorized use or access of the El Paso County Technology Resources.
- F.2 **User Credentials.** A User is responsible for all behaviors performed on Technology Resources under their assigned El Paso County system credentials (username/password). A User should always sign out of their account or password-lock the screen before leaving a workstation.
- F.3 **Credential Protection.** Users shall not leave a desktop computer or mobile device "signed on" or leave the password available in an obvious place as this gives any "passer-by" the opportunity to send an Electronic Message which appears to be authored by whoever left the terminal (password) unsecured.
- F.4 **Loss / Theft.** A User is responsible for safeguarding and protecting any Technology Resource assigned to them by El Paso County from loss or theft. A User should immediately—which mean as soon as possible or within three hours—report any loss or theft to the designated Risk Management or Property Control representative designated by the County Administrator.
- F.5 **Applications.** A User may not download, install, or run any applications unless explicitly authorized to do so by their Business Unit director and in coordination with El Paso County Information Technology Department.
- F.6 **Unauthorized Modifications.** A User may not modify any physical or logical configuration of El Paso County Technology Resources without prior authorization from El Paso County Information Technology Department.
- F.7 **Restricted Resources.** A User shall not attempt to access restricted Technology Resources, including an operating system, network, security software or other administrative applications without the prior written authorization from El Paso County Information Technology Department and the appropriate Business Unit system owner.
- F.8 **Deliberate Interference.** A User shall not intentionally interfere in the normal operation of Technology Resources or take any steps that hinder other Users. A User shall not examine, change, or use another person's files or any other Technology Resources without the owner's explicit permission
- F.9 **Prohibited Elevation of Privilege.** A User is prohibited from elevating their access to Technology Resources above authorized and granted limits. A User shall not engage in deliberate activity to degrade the performance of Technology Resources, deprive an authorized User access to Technology Resources, obtain extra resources beyond those allocated, such as attempting to utilize additional disk space; or circumvent El Paso County computer security measures.
- F.10 **Bypassing Security Controls.** A User shall not attempt to bypass or modify information security systems including but not limited to anti-malware programs, encryption mechanisms, virtual private networks, email security programs, vulnerability scanning and remediation programs, firewalls, gateways, group

policy objects, and intrusion prevention devices without the prior written authorization from El Paso County Information Technology Department. A User shall not attempt to or use any spoofing techniques to disguise an email address or other Network activity.

- F.11 **Compromised Device.** Any device that is discovered to be acting erratically or deemed to be compromised by El Paso County Information Technology Department will be immediately quarantined and/or isolated until reasonable determination can be made as to whether the device has been compromised and a threat assessment has been completed.
- F.12 **Compromised Credentials.** User system credentials (username/password) that are compromised or suspected of being compromised shall be changed and/or disabled immediately at the direction of El Paso County Information Technology Department in coordination with technical representatives from the Offices of Elected Officials or Department Directors.
- F.13 **Incident Notification.** A User shall immediately report any suspected or confirmed information security incident, compromise, or abnormality to El Paso County Information Technology Department, such as malware pop-ups, virus warnings, suspected attempts to gain unauthorized access to an El Paso County Technology Resource.
- F.14 **Incident Response.** In the event of an information security incident or investigation, Users of potentially effected Technology Resources will cooperate with the directions given by the Information Technology Department. Failure to comply with a security investigation or incident may result in immediate suspension of access privileges to Technology Resources.
- F.15 **Training.** Users will take and pass information security training classes to maintain their access to Technology Resources. Users who fail to take or pass required information security training may have their access to Technology Resources suspended until such time that training has been completed.
- F.16 **Disclosure.** Public disclosure of any security vulnerabilities, weaknesses, investigations, or incidents associated with Technology Resources is prohibited without the prior approval of the County Attorney, County Administrator, Elected Official, and Chief Information Officer.

## **G. Limited Personal Use of County Technology Resources and Network**

- G.1 **Limited Personal Use.** Limited personal use of Technology Resources is permissible when the use does not interfere with the intended functioning and performance of El Paso County Technology Resources. Limited personal use of Technology Resources may be constrained or prohibited by a Business Unit leader.
- G.2 **Conditional Use.** The use of personal devices on explicitly designated El Paso County Public wireless networks is conditionally acceptable as long as the use of the device is in accordance with all other provisions in this policy and El Paso County Code of Ethics. All activities conducted on public networks are subject to active and passive monitoring.

- G.3 **Discernment.** A User is responsible for exercising good judgment regarding the reasonableness of personal use. Users should consult their supervisor and/or Elected Official or Department Director about any uncertainty regarding the type of personal use that is acceptable.
- G.4 **Support Responsibility.** El Paso County is not responsible for maintaining a User's personally supplied software, hardware, device or peripherals. Users should contact their personal device's manufacturer or their carrier for operating system or hardware related issues. A User is personally liable for all costs associated with their personal device.
- G.5 **Sole Source Prohibition.** Personal devices should not be used to store El Paso County information, Data, or communications when the personal device is the only location of an official County record including, documents, emails, voice messages, phone logs, and all related records.
- G.6 **Sensitive Data Prohibition.** Storage or transmittal of sensitive, classified, or protected information on User personal devices is strictly prohibited including personal information, protected health information, credit card information, and criminal justice information.

## 5.12 Personnel Driving and Vehicle Usage Policy

### A. **County Vehicle Usage and Operation**

- 1. Vehicles shall be used only for official County business.
- 2. Vehicle operation is subject to prior approval by the operator's immediate Hiring Authority and requires the operator to have complied with all applicable operator policies below.
- 3. A Hiring Authority shall not authorize an operator to use any vehicle for County business unless the Authority has previously coordinated with HR to:
  - a. Request the operator's driving record;
  - b. Verify that the operator has a valid driver's license; and
  - c. Ensure that the operator is eligible for coverage under County insurance.
- 4. Vehicles shall not be operated by non-operators, except in the following circumstances:
  - a. Operation necessary for repairs and/or servicing of vehicles;
  - b. An emergency requiring a non-operator accompanying an operator to drive the vehicle; or
  - c. Usage authorized by the Fleet Management Director or County Administrator.



5. Unless otherwise authorized by a Hiring Authority, vehicles shall only be used to transport passengers who are Elected Officials, County employees, volunteers, or individuals engaged in official business with the County. Under no circumstances may any employee, or person who is subject to the County's self-insured and excess carrier policy, drive a County vehicle with a non-County employee present in the County vehicle unless it is pursuant to their official assigned duties.
6. An operator who resides outside of El Paso County shall not drive a County vehicle to their residence without the prior written approval of a Hiring Authority.
7. Vehicles assigned to the Office of Emergency Management that are subject to respond to emergent events will be equipped with the appropriate lights and sirens. These vehicles will be approved by the Director, Office of Emergency Management with concurrence of the County Administrator. State certification for these vehicles will be accomplished through the Sheriff's Office. Any driver subject to respond to emergent events who operates any of these vehicles with installed emergency equipment must have completed an emergency vehicle operating course (EVOC).

In the case where a County employee utilizes these vehicles during non-emergent events who is not subject to respond nor EVOC trained the emergency lights and sirens will not be engaged.

8. All vehicles, with the exception of unmarked law enforcement vehicles, shall display County identification unless otherwise exempt by the Department of Public Works – Fleet Management Division approved by the County Administrator.
9. Operators using a vehicle and a cellular phone are required to use a hands-free device. Texting while driving is prohibited.
10. Operators who need transportation in the course of their normal daily work activities may be assigned a vehicle for their exclusive use or receive a stipend for their personal vehicle. See Section, B. 14 below. Other operators needing transportation for County business may use vehicles assigned to their department or those drawn from the motor pool.
11. Operators using any County or personal vehicle must drive safely and ensure the security of the vehicle and its contents.
12. Vehicles may not be driven outside of Colorado without the prior approval of a Hiring Authority. Such trips must be coordinated with HR at least at least five (5) days in advance of travel.

B. Vehicle Operators

The following apply regardless of whether an employee is operating a County vehicle or their own vehicle while conducting County business.

1. An employee may only use their vehicle for County business with the approval of the Hiring Authority and HR. The County will not pay for physical damage that occurs to the employee's vehicle.
2. All operators who drive during the course and scope of their duties must possess a valid Colorado driver's license appropriate to the type of vehicle to be driven. A Commercial Driver's License (CDL) is required for County employment in certain positions. Possession of the appropriate license may be made a condition of employment for certain positions. All operators must comply with all state and federal laws while operating any vehicle on duty.
3. All operators shall be subject to audits of their license and driving record upon initial hire or sworn date and, at least annually, by HR.
4. Operators are responsible for any driving infractions and fines incurred as a result of their driving.
5. Operators whose job requires driving shall report any traffic ticket or arrest for violation to the operator's Hiring Authority and HR pursuant to Section 5.26.
6. Operators who are allowed to use their personal vehicle for County business must maintain the Colorado minimum coverage for automobile insurance, provide proof of that insurance annually, sign an affidavit stating they agree to maintain that insurance, and ensure that their personal vehicle meets all legal requirements for safety and maintenance at the request of the Hiring Authority or HR.
7. Operators shall not, under any circumstances, operate any vehicle on County business while physically or mentally impaired, including chemically impaired. This prohibition includes, but is not limited to, circumstances in which the operator is temporarily unable to operate a vehicle safely due to illness, medication, alcohol or other mood-altering substance.
8. Operators shall report any loss, suspension, or revocation of their driver's license and if using a personal vehicle for County business, loss of their automobile insurance, to their Hiring Authority and HR within two (2) business days of the loss.

9. If an operator loses their license for non-serious driving offense and cannot obtain a temporary driving permit that would satisfy the requirements of the operator's duties, the operator may be subject to one or more of the following actions:
  - a. Transfer or demotion to a vacant, non-driving position for which the operator is qualified. El Paso County is not obligated to create a position to satisfy this option. Once the operator's driving privileges are reinstated, the Hiring Authority may reinstate the operator to their former position. An operator shall not hold this temporary position for a period greater than twelve (12) months.
  - b. Assignment to non-driving position, if available, within the operator's department, and as determined necessary by the Hiring Authority.
  - c. Transfer to another department with assignment to non-driving responsibilities, if available and determined necessary by the Hiring Authority.
  - d. Corresponding reduction in pay may be made to address the compensation for performing the modified essential job functions not exceeding ten percent (10%) of the operator's gross salary. Suspension (with or without pay) until the operator obtains the required license. Such license must be obtained within ten (10) business days from the date the operator was determined ineligible for driving privileges. Suspension is at the discretion of the Hiring Authority.
  - e. Lay-off or termination, if none of the above alternatives can be achieved within ten (10) working days from the date when the employee was determined ineligible for driving privileges. Operators terminated under this provision may be eligible for re-hire for any driving or non-driving position after six (6) months and upon proof of an acceptable licensure and driving record.
10. Should an operator who receives a car allowance or mileage reimbursement become ineligible for driving privileges, that operator shall have their car allowance revoked and shall not be permitted to drive while conducting County business, until such time as the operator meets the minimum driving record criteria and is eligible for and secures reinstatement of driving privileges.
11. If an operator commits any additional driving offense within twelve (12) months of an offense resulting in a job action under subparagraph (8) above, the operator shall receive additional corrective action, which may

include termination. The twelve (12) month period is calculated from the date of the initial offense.

12. Any operator who is found to be a habitual violator of traffic laws shall not be permitted to drive on County business.
13. El Paso County uses the IRS standard mileage rate. Financial Services distributes the mileage rate to all departments/offices annually.
14. Operators using their personal vehicle for County business shall receive a vehicle allowance in an amount approved by the Budget Officer and County Administrator for the use of the operator's vehicle. The allowance is to compensate the operator for the costs of gasoline, oil, depreciation, and insurance. Only exempt employees are eligible for this allowance.
  - a. The County Administrator and/or the Countywide Elected Official shall make the determination of who is eligible for the Flat Monthly Vehicle Allowance in consultation with the Budget Officer.
  - b. The Department/Office will submit the approval from the County Administrator or the Countywide Elected Official and a copy of appropriate insurance coverage (currently 100/300/50) to HR and Financial Services, Finance Division. , The Finance Division will initiate the vehicle allowance in the payroll system and will submit to HR any additional participants or exclusions or deletions as they occur and any new participant's insurance information.
  - c. Annually, any individual authorized to receive a monthly vehicle allowance, shall be requested to re-submit to HR a certificate of auto insurance with the limits as established (currently 100/300/50).
  - d. HR periodically checks the driving records of participants to determine whether participants remain eligible for participation.
  - e. Employees receiving vehicle allowance shall not submit mileage reimbursements.
  - f. Employees receiving vehicle allowance may be allowed to utilize County vehicles, when available, to make County business trips in excess of 150 miles round trip (Denver is considered more than 150 miles round trip), either by using a "pool" vehicle, or by using a vehicle regularly assigned to their department/office. An employee may be approved to use a County vehicle for out of state trips. Risk Management must be notified in advance of any out-of-state trip in a County vehicle so that insurance arrangements can be completed prior to the trip.

- g. The County Administrator and the Budget Officer annually and jointly shall establish the amount of monthly vehicle allowance available to employees. The cost for this allowance will be dispersed from the individual department/office budgets.
  - h. The Flat Monthly Vehicle Allowance will be reported by the County on an employee's W-2 income form as personal income and taxed at the applicable IRS rate as it is paid throughout the fiscal year. This allowance is not part of the employee's annual salary for retirement purposes or for calculating pay increases.
15. Operators shall report any accident, theft, or damage involving any vehicle used on County business to their Hiring Authority and HR, regardless of the extent of damage or lack of injuries. Such reports shall be made as soon as possible, but no later than two (2) business days after the incident. Operators are expected to cooperate fully with investigating authorities in the event of an accident. However, operators should not make any statements admitting the operator was responsible for, or at fault in causing, the accident.

C. License and Driving Record Audits

- 1. Prospective and current operators must have an acceptable driving record.
- 2. Any prospective or current operator may be disqualified by HR from use of vehicles for County business if their driving record includes a conviction of a serious offense.
- 3. Serious offenses may disqualify job applicants from further consideration by El Paso County for certain positions, as determined by HR.
- 4. A currently suspended or revoked license immediately disqualifies any operator or job applicant from use of vehicles.
- 5. A previously suspended or revoked license may disqualify an operator or job applicant from use of vehicles, at the discretion of HR and the Hiring Authority.
- 6. Operators are responsible for maintaining all required licenses and certifications, including Commercial Driver's Licenses (CDL). HR may elect to provide employees with notification of the expiration of required licenses or certifications for those departments that have positions in which driving is part of the operator's job responsibilities. However, such notice is a courtesy to employees, and does not in any way relieve the operator from liability for failure to maintain any required license or certification. Failure to maintain licenses or certifications may be grounds for corrective action, up to and including termination.

7. Possession of a valid Colorado driver's license is a condition of continued employment with El Paso County for persons whose position requires such a license. Any operator who drives on County business without possessing a valid Colorado driver's license shall be terminated.
8. Any operator whose job description requires a specific type of license shall immediately inform their Hiring Authority (but in any event, within two (2) business days) of any change in type or form of license. The operator shall produce any copies of documents received from any licensing or law enforcement agency regarding such license, including any temporary or probationary license or permit. Any operator failing to comply with this subparagraph, or who misrepresents the status of their driver's license, is subject to corrective action, up to and including termination.
9. Review of the MVR shall entail review of the Colorado Motor Vehicle Driving Record; all violations listed thereon; and a review of all vehicle accidents involving County vehicles, and accidents while driving on County business occurring during the review period.

D. Reinstatement of Driving Privileges

1. Operators who have been ruled ineligible for driving privileges due to a review of their past driving record and/or accident experience may have their privileges reinstated under the following options, at the discretion of the Hiring Authority and HR:
  - a. The operator successfully completes a Defensive Driver Training Program approved by HR, and submits evidence of satisfactory completion of the program to HR. The operator may be required to participate in an approved Defensive Driver Training Program on their own time and not during the regularly scheduled work hours. Completion of this course excuses the most recent single offense or accident.
  - b. The Defensive Driving option may not be used to excuse a serious offense. Operators with a serious offense are not eligible for driving privileges until their driving record meets the criteria under this policy.
  - c. An operator who has been ruled ineligible for driving privileges may use the defensive driving course option only once every three (3) years.
2. Operators who are ineligible for driving privileges and who do not or cannot exercise the Defensive Driver Training Program option shall

remain ineligible for driving privileges until their driving record meets the driving standards under this policy.

### **5.13 County Identification Cards**

At the discretion of the Hiring Authority, employees who have contact with the public in locations that are not in County buildings may be issued a County Identification Card by the Facilities and Strategic Infrastructure Management Department. The Hiring Authority must authorize the issuance of an identification card to the employee.

Employees who lose their identification card will promptly report the loss to the Facilities and Strategic Infrastructure Management Department who will issue a replacement card upon authorization of the Hiring Authority.

### **5.14 Official Travel**

All travel by County officials and employees will be for the benefit of the County and will be performed at the most economical and reasonable cost and with employee safety in mind. The County official or employee will be reimbursed for authorized expenditures (including, but not limited to, meals, lodging, toll fees, and gas and rental cars) as a business expense, if any of the following three conditions are satisfied, as may be determined by the Hiring Authority:

1. The expense is an ordinary, reasonable and necessary traveling expense.
2. The expense is incurred while away from the employee's principal area of assignment or requires overnight lodging.
3. The expense is incurred while the employee is attending a seminar, conference or other meeting to benefit the County.

Additional information about the County's official travel policy may be obtained from the Financial Services Department - Finance Division.

### **5.15 Safety Program**

Employees and volunteers are required to comply with all written and verbal safety rules of their department. Each Hiring Authority will familiarize the employees and volunteers under their direction with all County and divisional/departmental safety rules, and will require compliance with same. Employees and volunteers shall utilize safety equipment provided by the County. Violation of any safety rule may result in disciplinary action up to and including termination of employment.

Reporting Accidents and Injuries:

1. Work-related injuries: Any employee who suffers an injury during working hours shall report the injury immediately to their supervisor, who will report the injury to HR no later than the next business day.
2. Motor vehicle accidents: All motor vehicle accidents shall be reported immediately to the employee's or volunteer's supervisor, who will report the accident to HR as soon as possible.

Employees and volunteers shall review and be familiar with the County's Safety Manual.

### **5.16 Parking**

Parking spaces in County parking garages in the downtown complex have been allocated to employees and departments and are unavailable for public use. The Parking and Security Division maintains a list of employees desiring a parking spot.

Employees are prohibited from parking in a space that is assigned to another employee or department without permission. Employees who do not have assigned spaces should use non-metered street parking, car-pool or rent space in the parking structure. It is unlawful to park in a metered space for a period longer than the designated time (i.e., plugging a one-hour meter and parking in the space for longer than one hour).

Parking policies around County buildings not located within the downtown complex will be established by the Facilities and Strategic Infrastructure Management Department.

### **5.17 Bulletin Boards**

Bulletin boards located throughout County facilities are for communicating information to County employees.

"Employee Classified Ads" - the electronic bulletin board located on the Employee Portal website is for the general use of all County Employees. Employees must agree to the guidelines prior to posting items on the bulletin board.

The Hiring Authority may establish policies governing bulletin boards in their areas.

### **5.18 County Awards**

The County recognizes outstanding service provided by employees and private citizens. At the discretion of the Elected Officials or Hiring Authorities outstanding service may be acknowledged by:

- A. Certificate of Appreciation: HR has a supply of County certificates that may be used to officially recognize outstanding service to the County. They may be presented by the Board of County Commissioners, Elected



Officials or Hiring Authorities to employees or citizens who have provided exemplary service.

- B. Retirement Resolution: A framed resolution signed by the members of the Board will be presented to each retiring employee. Presentation will normally be made at the regular meeting of the Board that immediately precedes the employee's retirement.

### **5.19 Solicitation**

Commercial or non-commercial solicitors, vendors and salespersons not conducting County business may not solicit County employees at the workplace during work hours, with the exception of charitable organizations that have Board approval. Solicitation of funds by private vendors through attempts to sell products or services by, of, or to County employees on the job through County facilities, equipment or on premises is also prohibited. Bulletin boards and County facilities may not be used for solicitation, except by County employees for non-commercial individual purposes. Employee mailing lists will not be furnished for the purpose of commercial solicitation and payroll deductions will not be authorized for payment of a product or service except to pay the employee's share of benefits approved by the County. Commercial agents, vendors and salespersons who want to offer a service or product to the County or any of its departments will do so in accordance with the policies detailed in the County Procurement and Contracts Manual.

### **5.20 Prohibition Against Tax Lien Sale Participation**

Current Elected Officials, employees, members of their immediate family, or the agent of any such current County official or employee may not acquire land by the El Paso County Treasurer's tax lien sale. Exemptions from provisions in this section are listed in C.R.S. § 39-1 1-151. Violations of this policy are considered criminal and may include punishment as set forth in C.R.S. § 18-1.3-501.

### **5.21 Political Activity**

No employee shall, as a condition of employment, continued employment, or to receive any of the rights, privileges or benefits of County employment, be required to engage in political activity. This includes requiring an applicant or employee to divulge their political beliefs or to make contributions to political parties or groups. This policy does not affect any duty of loyalty owed under the law by the employee to the employer, or otherwise affect the legal status of an "at-will" employee.

Employees shall not conduct political activity while on duty nor shall they use public money or resources to support an election campaign, or to urge voters to vote in favor of or against any state or local ballot issue, referred measure or recall election in accordance with Colorado law. Questions about the applicability of the Colorado Fair Campaign Practices Act should be directed to the County Attorney

The Colorado Fair Campaign Practice Act has special provisions for Elected Officials. Elected Officials having questions about the applicability of the Colorado Fair Campaign Practices Act should be directed to the County Attorney

## **5.22 Secondary (Outside) Employment**

Both part-time and full-time positions held by an employee of the County shall take precedence over any other occupational interest of the employee. No employee of the County or volunteer shall engage in any occupation which is incompatible with their employment with the County or presents a conflict of interest. A volunteer must disclose if their regular employment is incompatible with their volunteer duties with the County or presents a conflict of interest.

Any employee desiring to engage in secondary employment shall request and receive approval from the Hiring Authority prior to accepting or engaging in such employment. No person may occupy more than one (1) regular position (full-time or part-time) with the County. Regular employees may occupy temporary/seasonal (extra help) positions, if the duties of the temporary position are significantly different from those of the regular position. If a conflict of interest or incompatibility exists, the request to engage in secondary employment will be denied. If a request is approved, such approval may be withdrawn at any time when such employment results in a conflict of interest or incompatibility with County employment. Employees who engage in secondary employment will be expected to maintain efficiency and performance standards.

## **5.23 Tele-Working**

Teleworking allows employees to work at an Alternate Work Site for all or part of their workweek. EPC considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Teleworking is primarily an arrangement to facilitate the accomplishment of work. Teleworking may be appropriate for some employees and jobs but not for others. Many County jobs require an in-person presence for, but not limited to, purposes of team building, networking, planning, training and efficient service to the community. If teleworking is permitted by the employee's Hiring Authority, this telework policy applies. Teleworking is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with EPC. EPC recognizes two general types of telework arrangements:

**Occasional telework:** Occasional teleworking is infrequent and not regularly scheduled. Requests for occasional telework are determined on a case-by-case basis. An employee's supervisor must approve a request for occasional telework and such approval must be documented, which can be done by email. Occasional telework can be revoked at any time by the employee's Hiring Authority. Nothing in the approved defined occasional telework period changes an employee's at-will status or guarantees employment.

**Regular telework:** Regular telework arrangements are for ongoing telework and must be approved by the Employee's supervisor and the employee's Hiring Authority. Before an employee is permitted to telework on a regular basis, the employee must execute EPC's Telework Agreement. The arrangement for regular telework can last for a defined period or is subject to renewal on an annual basis. Regular telework may be revoked at any time by the employee's Hiring Attorney. Nothing in the approved defined regular telework period changes an employee's at-will status or guarantees employment.

### **Eligibility**

Some employees may be better prepared than others to manage the unique requirements of teleworking. When evaluating a request to telework (either for occasional telework or regular telework), the employee's supervisors and/or the employee's Hiring Authority will consider whether the employee has a record of satisfactory performance in the workplace and has demonstrated the ability to:

- Prioritize work to meet deadlines
- Accomplish job duties with minimal supervision
- Communicate effectively with clients, stakeholders, and team members
- Manage time effectively

EPC may refuse an employee's request to telework and can end or modify a teleworking arrangement at any time based on business need. Telework is not an employee right.

Further, some employees may not be eligible to telework because their job duties require in-person attendance.

### **Teleworking Agreement**

An employee must execute EPC's current Teleworking Agreement before beginning regular telework or continuing telework. The employee's teleworking will be subject to the terms and provisions of the Teleworking Agreement as well as EPC's policies, timesheet recording requirements, Substance Abuse/Drug and Alcohol Policy, and federal regulations (particularly the Fair Labor Standards Act).

**\*\*\*This Policy and the Teleworking Agreement apply to work performed within the State of Colorado. Employees are not permitted to telework outside of the State of Colorado unless they have prior written approval from Human Resources.\*\*\***

If you would like more information about Tele-working procedures, the Tele-work Agreement please contact HR.

#### **5.24 Work Assignment**

An employee may be reassigned at any time to a position in the same classification within the same department at the discretion of the Hiring Authority.

#### **5.25 Tobacco-Free Campus Policy**

The El Paso County Tobacco-Free Campus Policy prohibits smoking and the use of all tobacco products, including smoke free tobacco and the use of Electronic Nicotine Delivery Systems (ENDS) regardless of substance, in all designated Tobacco-Free campuses. The County's Centennial Hall and Citizens' Service Center campuses were designated Tobacco-Free Campuses by Resolution (16-256) of the Board of County Commissioners effective January 1, 2017.

These Tobacco-Free campuses include the parking garages, designated parking areas and open areas or spaces which are associated with designated tobacco-free campuses. All persons entering a Tobacco-Free Campus are subject to this policy.

Employees are asked to be good neighbors and refrain from the use of substances detailed in this policy on any property which adjoins or is adjacent to the designated Tobacco-Free Campuses during working hours. This adjoining or adjacent property includes courtyards and parking areas.

Resources are available to support County employees in this initiative. Please contact the Employee Benefits Division for further information on these resources.

#### **5.26 Employee Mandatory Disclosures**

All employees shall provide timely and accurate notice of all charges to HR relating to encounters with any law enforcement agency that resulted in the employee being arrested or receiving a summons for any traffic offense more than 4 points, arrested, or receiving a summons for any criminal offense and/or convicted of any traffic offense more than 4 points, and/or convicted of any crime. All employees shall also inform HR of the results of any criminal cases/prosecutions noted in the preceding sentences, including any guilty plea, deferred sentence, or plea of nolo contendere within 24 hours of the plea and/or sentence. These notices shall be provided to HR within 3 (three) days of the triggering event (arrest and/or summons) occurring. If the employee is in custody beyond the 3 (three) days and is unable to notify HR, they must notify HR within 12 hours of their release.

HR must notify the Hiring Authority the same day they receive the notice from the employee.

#### **5.27 Whistleblowing Policy**

If an employee has knowledge of or a concern of work related illegal or dishonest/fraudulent activity, the employee is to contact their immediate supervisor or

the HR Director. All reports or concerns of illegal and dishonest activities will be promptly submitted by the receiving supervisor to the HR Director, who is responsible for investigating and coordinating any necessary corrective action. Any concerns involving the HR Director should be reported to the County Administrator or County Attorney. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Whistleblowers are protected by El Paso County's anti-retaliation policy in 5.05.

## CHAPTER VI

### BENEFITS AND SERVICES

#### **6.01 General Policy**

The County offers a program of benefits and services for its Elected Officials, Appointed Officials, and all regular full-time employees.

All participants in the County's benefits and services are subject to the following guidelines:

- A) The County will determine, through the annual budget process, the amount and extent of County contributions toward the cost of employee benefits in any given year. All benefits and services offered by the County are periodically reviewed and are subject to change at any time.
- B) All elections, additions, deletions or changes in benefits, coverage, beneficiaries, etc., must be made in writing to Benefits Division within required time limits and terms of the various programs.
- C) All employees participating in benefit programs must strictly comply with all policies and procedures. The abuse or violation of the terms and conditions of benefit programs may result in employees being subject to disciplinary action, including termination, and may subject employees to civil and criminal penalties.
- D) Details on coverage, conditions of coverage and specific terms and conditions are governed by the agreements between the providers and the County. New employees are advised about employee eligibility and enrollment during new employee orientation or through email. Employees are also advised of benefits and conditions during the annual open enrollment period. For more information on employee benefits, please refer to Employee Benefits Guidebook or contact Benefits Division.

NOTE: THE COUNTY'S BENEFITS AND SERVICES ARE ONLY SUMMARIZED IN THIS CHAPTER. NOTHING CONTAINED HEREIN IS INTENDED TO BE A GUARANTEE OF A BENEFIT TO BE RECEIVED AS A RESULT OF EMPLOYMENT WITH THE COUNTY. THE COUNTY RESERVES THE RIGHT TO MODIFY, AMEND OR DISCONTINUE ANY OF THE BENEFITS DESCRIBED HEREIN.

#### **6.02 Health Insurance (Medical, Dental and Vision)**

El Paso County provides group health insurance medical, dental and vision plan benefits to all full-time employees and their eligible dependents that elect to participate. For more information about these Plans, please refer to the Employee Benefit Guidebook and Summary Plan Description or contact the Benefits Division. In the event the information

in this manual conflict with the actual terms and conditions of coverage, the latter governs.

There will be an annual open enrollment period, during which eligible employees will be offered the choice of enrollment for themselves and their dependents in the County's health insurance plans.

Premiums, if applicable, will be deducted from each participating employee twice monthly.

### **6.03 Life, Disability and Voluntary/Supplemental Insurance**

All regular full-time employees will participate in the group basic life insurance, short-term and long-term disability programs. Additional supplemental benefits are available for employees and dependents.

Information regarding these programs is available from the Benefits Division.

### **6.04 Flexible Spending Account**

The County provides all eligible regular full-time employees an employee-funded account of pre-tax dollars to defray the cost of dependent care or covered out of pocket health expenses.

Information regarding this program is available from the Benefits Division.

### **6.05 Employee Assistance Program (EAP)**

The County provides an Employee Assistance Program to full-time employees to address personal or work-related problems which may affect the employee's personal life or job performance.

The program is a confidential information, support, short-term counseling, and referral service to assist employees in resolving marital problems, parenting problems, emotional problems, stress, drug or alcohol problems and financial problems. Employees can obtain specific information on the EAP from Benefits Division.

Employees who take time off from work to participate in the EAP must utilize any accrued leave or request a leave of absence without pay. A Hiring Authority may direct an employee to attend the EAP with the approval of HR and the County Attorney, in which case the employee will be granted administrative leave with pay.

### **6.06 Deferred Compensation**

The County offers a voluntary deferred compensation plan for employees who wish to invest a portion of their wages to supplement other retirement programs. Information on these plans is available from Benefits Division.

## **6.07 Retirement Plan**

The County provides a retirement program for all regular full-time employees of the County.

- A) All County employees must be a member of the Plan. Membership in the Plan is effective on the full-time date of hire with the County.
- B) The employees and the County share the cost of the Plan. Each employee contributes a percentage of their salary and the County also makes a contribution.
- C) The El Paso County Retirement Board administers the Plan. The retirement plan administrator will provide employees with retirement and eligibility information. Information may be requested from the Retirement Plan Administrator.

## **6.08 Medical Benefits Upon Retirement**

Regular full-time employees that retire from the County may be eligible for continuation of the County's self-funded medical benefits program. Information regarding availability and eligibility is available from the Benefits Division.

Medical Benefits available for retirees based on years of service will not include purchased years for employees hired on or after January 1, 2022.

## **6.09 Americans with Disabilities Act (ADA)**

An employee who has a disability, physical or mental limitations that substantially limit the employee's ability to perform the essential job functions should report those circumstances to the Benefits Division. The Benefits Division encourages all employees to engage in an interactive dialogue process to arrive at accommodations for an individual who has a disability or the above-described limitations. The Benefits Division will expect the employee's cooperation in enlisting the support of treating healthcare professionals or other technical assistance. The County recognizes its obligations to its employees with disabilities to arrive at reasonable accommodations to allow them to perform the essential functions of their job without causing an undue hardship or direct threat to El Paso County.

## **6.10 Religious Accommodations**

Federal law requires employers to reasonably accommodate the sincerely held religious beliefs and practices of employees, so long as an accommodation would not cause undue hardship or direct threat to the business. It is the employee's responsibility to notify EPC if the employee faces a conflict between their religious beliefs or practices and their work and that the employee may require an accommodation. Although El Paso County is not obligated to adopt an employee's preferred method of accommodation, it will work with the employee to identify potential accommodations that may resolve the conflict without



causing undue hardship or direct threat to the El Paso County. Employees and the Hiring Authority must promptly notify HR of such accommodation requests.

**6.11 Employee Death from Work Related Event**

Dependents of an employee who dies in a work-related event may qualify for the continuation of all County benefits for up to 12 months from the end of the month in which the work-related death occurred, so long as the dependents had such benefits pursuant to the County Plan at the time of the employee's work-related death, as well as additional benefits. Information regarding availability and eligibility is available from the Benefits Division.

**6.12 Crown Act**

State Law prohibits discrimination based on a person's traits that are historically associated with a person's race, to include stereotypes associated with hair texture, hair type, and protective hairstyles.

## CHAPTER VII

### DISCIPLINE AND EMPLOYEE GRIEVANCES

#### **7.01 General Policy and Applicability**

The disciplinary policy contained in this manual will apply to all County employees, as that term is defined, unless specifically excepted or modified herein, or by Resolution of the Board of County Commissioners. All full-time employees who are not within their initial review period are entitled to due process afforded by law. However, the specific procedures outlined in 7.04, 7.05 and 7.06 do not apply to Executive Directors; or attorneys within the County Attorney's Office.

The intent of this chapter is to define disciplinary offenses and procedures and employee grievance procedures. Provisions of all other chapters may also subject the employee to discipline.

#### **7.02 Disciplinary Offenses**

The following list of offenses for which an employee may be disciplined or terminated contains examples only and is not all-inclusive. The County reserves the right to discipline and/or terminate an employee for conduct not contained in this list:

- A) Failure to perform the duties of the position because of inadequate knowledge, skills or ability. This includes a department's or office's internal policies, procedures and rules;
- B) Unsatisfactory work conduct to include tardiness, violation of break and/or meal policy, departing prior to the designated time, and excessive absenteeism;
- C) Unauthorized absence from work;
- D) Abuse of paid and unpaid leave;
- E) Failure to maintain a satisfactory working relationship with other employees, including failure to conduct oneself in a professional and courteous manner to supervisors, superiors, subordinates and other employees;
- F) Failure to observe verbal or written County or department rules, policies and procedures;
- G) Failure or inability to meet established standards of performance;
- H) Insubordination, including refusal or failure to comply with proper instruction of the supervisor or superior;

- I) Theft, misappropriation, destruction, abuse, waste or misuse of County property, or private property while acting in the course of employment;
- J) Violating the drug and alcohol policy;
- K) Acceptance of a gift given with the knowledge that it will influence the employee in performing official duties;
- L) Using official position or authority for personal gain;
- M) Disclosing confidential information from County records without authorization;
- N) Falsifying records or false reporting, including but not limited to, employment applications, Kronos time, any leave requests, harassment, discrimination, retaliation, whistleblowing complaints, and FMLA or ADA paperwork;
- O) Failure to conduct oneself in a professional and courteous manner to the public, or partner agencies;
- P) Failure to follow established safety practices;
- Q) Conducting personal business on County time;
- R) Horseplay, loafing or sleeping on the job;
- S) Neglect of duties;
- T) Violation of the County's harassment, anti-discrimination, retaliation or whistleblowing policies;
- U) Violation of the County's violence in the workplace policy.
- V) Failure to assist in an internal investigation, failure to provide truthful information or failure to keep information regarding an investigation confidential;
- W) Violating the tobacco-free campus policy; and
- X) A finding of probable cause by a judicial officer that an employee has violated state and/or federal criminal law.

### **7.03 Administrative Leave with or without Pay**

Pending the investigation of possible disciplinary offenses or based on reasonable concerns about the employee's fitness for duty, the Hiring Authority may place an employee on administrative leave with pay.

If an employee who was placed on administrative leave with pay, continues or causes a continuance of an Appeal Hearing as referenced in 7.06, or refuses to cooperate in a fitness for duty evaluation, the leave may be changed to leave without pay at the discretion of the County Administrator in consultation with HR and the County Attorney's Office from the date of the employee's requested continuance or refusal.

#### **7.04 Disciplinary Actions**

All disciplinary matters are confidential and must be treated by all employees, to include witness employees, as confidential.

Employees shall cooperate in any disciplinary investigation or action.

The Hiring Authority reserves the exclusive right to determine the level of discipline appropriate for each employee's conduct. There is no requirement that disciplinary action be given in any specific or progressive sequence. Prior to invoking disciplinary action supervisors may meet privately with employees who are experiencing performance or conduct problems when they first occur. A "counseling" session with the employee will not necessitate written disciplinary action or the placement of such within a personnel file; however, documentation of the meeting(s) may be made and maintained and referenced if the problems continue.

Disciplinary actions may range from an informal discussion with the employee about the matter to immediate discharge. Action taken by the Hiring Authority in an individual case does not establish a precedent in other circumstances.

Examples of types of disciplinary action may include the following but not necessarily in this order:

A) Verbal Reprimand: A verbal reprimand is a documented warning given by the supervisor. The employee receiving the reprimand may submit comments within one (1) working day following receipt. The employee is required to sign a document stating that a reprimand occurred. The employee's signature is not to be construed as an admission. A verbal reprimand is not subject to appeal rights.

B) Written Reprimand: A written warning may be given to an employee for failing to respond to prior discipline, for conduct of a serious nature, or whenever appropriate as determined by the Hiring Authority. The employee receiving the reprimand may submit comments within one (1) working day following receipt. The employee is required to sign a document stating that a reprimand occurred. The employee's signature is not to be construed as an admission. A copy of the written reprimand/warning will be placed in the employee's personnel file. A written reprimand is not subject to appeal rights.

C) Suspension: Suspension without pay must be approved by the Hiring Authority in consultation with HR or the County Attorney and is used when stronger disciplinary action is deemed appropriate. If an employee is suspended without pay, the

written notice of the suspension will state if appeal rights are available and, if so, the notice will provide appeal procedures. An employee may not appeal a suspension without pay for less than three (3) days or thirty (30) hours of suspension. An employee may only appeal a suspension if the suspension is greater than two (2) working days.

An employee suspended during a period including an authorized holiday will not be paid for that holiday. An employee may not use any accrued leave during a suspension without pay.

D) Disciplinary Demotion: A disciplinary demotion must be approved by the Hiring Authority in consultation with HR or the County Attorney. A demotion reduces the classification and salary grade of an employee due to the employee's failure to maintain satisfactory job performance or for other disciplinary reasons. A disciplinary demotion is appealable.

E) Termination: Termination must be approved by the Hiring Authority in consultation with HR or the County Attorney. A termination is appealable.

HR may audio record any pre-disciplinary or disciplinary meeting. No employee may record any pre-disciplinary or disciplinary meeting. The meeting may be conducted virtually at the discretion of the County.

#### **7.05 Opportunity to be Heard**

Before receiving intent of notice to suspend, demote, or terminate, the full-time employee shall be given an opportunity to be heard.

The employee should receive written notice of the proposed disciplinary action; the proposed effective date; the particular facts and specific grounds for the proposed action; and, the option to respond, either orally or in writing. The written notice does not require discovery as contemplated by the civil discovery rules. Such written notice should be given to the employee one (1) full working day or twenty-four (24) hours prior to the date the discipline is to be imposed. If the employee cannot be served with the written notice, verbal or other notice will be sufficient.

After the employee receives written notice or otherwise receives notice, a pre-disciplinary meeting will be set. The employee will be provided notice of the pre-disciplinary meeting date. The employee(s) shall be informed that they have the greater of one (1) full working day or twenty-four (24) hours to provide an explanation of their conduct and performance issue(s) leading to concern and to respond stating whatever reasons that they feel that they should not receive discipline at the pre-disciplinary meeting. No continuances will be granted of the pre-disciplinary meeting, unless the County deems there exists extraordinary circumstances.

The pre-disciplinary meeting is the employee's opportunity to be heard. An attorney can accompany the employee at this meeting, but the attorney cannot advocate on behalf of the employee. An employee may respond in writing to the written notice in lieu of

appearing at the pre-disciplinary meeting. The employee may decline to provide an explanation of their conduct and performance(s) issues.

An employee may be placed on administrative leave pursuant to 7.03 pending the pre-disciplinary meeting.

#### **7.06 Appeals of Discipline**

Written notice of an intent to demote or terminate, or an intent to suspend an employee for more than two (2) working days will be given to the employee and will state the reason(s) for such discipline and the employee's right to appeal such discipline. The written notice does not require complete discovery as contemplated by the civil discovery rules.

- 1) Written notice of the intent to suspend, demote or terminate will be given to the employee at least two (2) working days prior to the effective date of such discipline and will state the reason(s) for such discipline.
- 2) Written notice of the intent to suspend, demote or terminate will include a statement concerning the employee's right to a hearing. An employee shall request a hearing within two (2) working days of the employee's receipt of the notice of intent to suspend, demote or terminate by submitting a written request for a hearing to HR. The written request shall provide the name of the employee, address and phone number and shall state the reason(s) for appealing the termination. If no written request is submitted to HR within two (2) working days of the date the notice of intent to demote or terminate is received by the employee, such discipline shall be final.
- 3) If the employee appeals, the HR will schedule an appeal hearing. The appeal hearing will be scheduled as soon as a hearing officer is practicably available following receipt of the notice of appeal by HR.
- 4) The parties will have the opportunity to present argument and evidence and to examine and cross-examine witnesses in support of their respective positions. An employee may be represented by an attorney at the hearing but no scheduling or rescheduling of a hearing will be based on an employee's inability to retain counsel prior to the hearing or the unavailability of an employee's attorney at the scheduled time. If a continuance is requested by the employee in order to obtain an attorney or to accommodate an employee's attorney's schedule, the continuance shall not exceed seven (7) calendar days. The only exception to this seven (7) days is the hearing officer's availability.
- 5) HR will record the appeal hearing. No additional recordings are permitted. Appeal hearings may be conducted virtually at the discretion of the County.
- 6) In accordance with the requirements of law, the hearing officer may compel the appearance of witnesses. The County will make any County employee available as a witness if so requested.

- 7) Employee witness shall cooperate in the appeal hearing.
- 8) The employee may be placed on administrative leave with pay by the Hiring Authority following the employee's receipt of the intent to suspend, demote or terminate and pending the completion of the appeal hearing.
- 9) If an employee who was placed on paid administrative leave, continues or causes a continuance of the appeal hearing, the administrative leave may be changed to administrative leave without pay pursuant to 7.03.
- 10) The effective date of demotion will not be modified or tolled pending determination of the appeal.
- 11) If the employee does not appear for the hearing, the suspension, demotion or termination will be final on the date of the hearing.
- 12) The Hearing Officer will determine whether some competent evidence supports the reason for the employee's demotion or termination. The County will bear the burden of producing some competent evidence supporting the reason for such discipline. The employee will bear the burden to prove that the decision to discipline is not supported by some competent evidence or that the decision is arbitrary and capricious. If the Hearing Officer sustains the disciplinary action, the disciplinary action shall be deemed final on the date the Hearing Officer issues their decision.
- 13) A County employee may request in writing that a Hiring Authority remove an employee's prior disciplinary action from the employee's personnel file five (5) years after the imposition and completion of the disciplinary action and any applicable probation, if the employee has not had any additional disciplinary action within that five (5) year period. The requests must be reviewed by HR prior to approval by the Hiring Authority or Elected Official. This provision does not apply to disciplinary actions resulting from violations of Section 5.05.

#### **7.07 Employee Grievances**

- A) Decisions related to Employee Grievances are not subject to an appeal. An employee may not file a grievance for any of the following issues:
- 1) Job re-classification and/or re-structuring, or department reorganizations;
  - 2) Performance evaluations;
  - 3) Assignment of duties;
  - 4) Operational decisions;

- 5) Pay increases;
- 6) Promotions; and/or
- 7) Position eliminations.

B) Informal resolution of employee grievances concerning non-disciplinary work-related matters are encouraged. An employee with a grievance must submit a written grievance to their supervisor or Hiring Authority within ten (10) days after the action giving rise to the grievance. The written grievance must be designated as a "grievance" and contain a statement as to why the employee feels aggrieved and the employee's suggestion for resolution of the grievance.

C) The supervisor or Hiring Authority should take reasonable steps to resolve the grievance.

D) If the grievance involves a County employee of another department, the grievance will be forwarded through the Hiring Authority to take the appropriate steps to resolve the grievance.

E) In the event a grievance is not resolved within the department as above, an employee may submit a written grievance, designated as a "grievance," to HR. HR will conduct an investigation and attempt to resolve the grievance by communicating with the involved parties.

F) In the event an employee believes a violation of the harassment policy or violence in the workplace policy has occurred, the employee shall follow the procedures set forth under those provisions.



## CHAPTER VIII

### SEPARATION FROM EMPLOYMENT

#### **8.01 Resignation**

It is recommended that an employee who intends to voluntarily terminate their employment with the County should submit a written letter of resignation to the employee's supervisor or Hiring Authority at least two (2) weeks prior to the effective date of the employee's resignation. The Hiring Authority may accept the resignation, or may make the resignation effective immediately, or accept the resignation with discipline pending.

#### **8.02 Return of County Property**

Employees leaving County employment for any reason shall make immediate arrangements to return all County property. When an employee is asked to return county property, an employee may not remove, delete or destroy County property and any and all electronic data from the County property. It is the responsibility of the Hiring Authority to ensure that a terminated employee has returned all County property including, but not limited to, identification card, keys, tools, cell phones, iPad's, laptops, cameras, electronic data, personnel manual, parking card and uniforms.

#### **8.03 Exit Interview**

An employee who leaves the employment of the County for any reason may request to participate or may be asked to voluntarily participate in an exit interview to be arranged by and with HR.

#### **8.04 Re-Hire of Retired Employees**

Pursuant to law and El Paso County Retirement Policy, a Hiring Authority cannot re-hire a retired El Paso County employee part-time within ninety days (90) of the retiree's retirement date or their exit from employment date. Further, at the time of an employee's retirement or exit from employment date, a Hiring Authority cannot commit or agree to rehire the employee following their retirement.

#### **8.05 Position Elimination**

If a County Employee's position is eliminated, the employee will receive a severance equal to ten (10) day's pay and will receive payment for accrued overtime, vacation leave, and sick leave subject to the county's eligibility requirements.

## CHAPTER IX

### DEFINITIONS

The following words, terms and phrases are defined as they relate to the El Paso County Personnel Policies Manual. All terms not defined will have their common meaning.

Board: The El Paso County Board of County Commissioners.

Classification (Class) Description: A written description of a classification consisting of a title, a statement as to the nature and level of work, the essential functions for the positions within the classification, and minimum qualifications for the classification.

Classification: A title given which describes one or more positions that are similar enough in terms of the duties performed, level of responsibility, essential functions, minimum qualifications, and compensation ranges.

Compensatory (Comp) Time: Leave time awarded to non-exempt employees in lieu of paid overtime compensation for hours worked above their normal work schedule, and computed at one and one-half times the hours worked.

County: El Paso County, wherever noted.

County Employee: Any person who performs full-time or part-time services for and receives a regularly scheduled bi-weekly paycheck from El Paso County, including employees of El Paso County Public Health and non-sworn employees of the El Paso County Sheriff's Office. 4<sup>TH</sup> Judicial District Attorney Office employees are not considered County Employees.

The term "employee" used within this manual shall have the same as County Employee unless otherwise defined.

County Property: Any County owned physical property issued to the employee. Any County business related electronic data.

Department: A Department or Office of the County or Elected Official.

Division: A team of employees within a Department or Office of the County.

Demotion: The assignment of an employee from one position to a lower paid position. Demotions may be voluntary, disciplinary, or based on an approved reorganization.

Discharge: The termination of an individual's employment.

Elected Official: Any of the following: Assessor, Clerk and Recorder, Coroner, County Commissioner, District Attorney, Sheriff, Surveyor or Treasurer. Elected Officials are not County employees and, therefore, are not, with the exception of any and all harassment, discrimination, and workplace violence policies, subject to the provisions in this manual. Elected

Officials may receive group insurances, workers' compensation, retirement, Social Security and other benefits as determined by the Board.

Employee Portal: An internal website for El Paso County employees containing employment and County related information.

Exempt Employee: An employee who, by virtue of their responsibilities and job duties and as defined by the Fair Labor Standards Act, is not required to receive overtime payment or compensatory time for hours worked beyond their normal work schedule.

Full Time Employee: A County Employee who regularly works a 40-hour (or the equivalent) workweek. Full time employees generally receive all County sponsored benefits.

Hearing Officer: The person that presides over disciplinary appeals as set forth in Chapter VII.

Hiring Authority: The Board, an Elected Official, an Executive Director, a Department Head, or a Division Manager, or their designee, who has the complete authority to make hiring and/or firing decisions.

Independent Contractor: Independent contractors are not County employees. All contracts with independent contractors will be reviewed by the County Attorney and approved by the Board prior to any contractual arrangements being final. An independent contract is defined by Colorado law and IRS Regulations generally. An independent contractor shall perform all work activities and abide by all of El Paso County's environment, harassment, discrimination and workplace violence policies.

Initial Evaluation Period: A full-time employee must successfully complete a minimum of a six (6) month initial evaluation period before having full time employment status. Employees in the initial evaluation period do not have access to due process, appeal, or the grievance procedures.

During this initial review period, employees are subject to all other policies and procedures contained within the El Paso County Personnel Policies and Procedures Manual. This initial evaluation period can only be extended by the Hiring Authorities and must be in writing in coordination with HR and may only be extended for up to one (1) year.

Employees in their initial evaluation period are not eligible for transfers, reassignments, promotions, merit increases or tele-working unless otherwise agreed upon in writing by the Hiring Authority.

The Hiring Authority may reduce in writing the initial evaluation period with a specific date noted.

Intern: An intern may perform services for the County and receive wages, but not other benefits provided by the County. All intern arrangements must be approved by the County Attorney to insure compliance with applicable law. An intern does not have the protection of due process, appeal, or the grievance processes as listed in this manual. Interns do not receive any benefits except those required by law. Interns must abide by all harassment, discrimination, and

workplace violence policies of the County. Interns are also subject to conflict of interest disclosures.

Intimate Relationship: A relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Job Description: A detailed listing of essential functions, tasks and responsibilities to be performed by a person in a specific position.

Non-Board Elected Official: Assessor, Clerk and Recorder, Coroner, District Attorney, Sheriff, Surveyor or Treasurer.

Non-Exempt Employee: An employee who, by virtue of their responsibilities and job duties and as defined by the Fair Labor Standards Act, is eligible for and required to receive overtime payments or compensatory time for hours worked beyond 40 hours in a workweek. Some non-exempt employees may be paid on a salary basis.

Personnel File: The file wherein official documents are maintained and preserved by HR designee.

Part-Time Employee: A County employee who regularly works up to 25 hours or less per workweek. Part-time employees do not receive any benefits except those required by law. Part-time employees are not entitled to the benefits of due process, appeal or the grievance procedures. Part-time employees must abide by all other El Paso County Personnel Policies and Procedures. Part-time employees must abide by all harassment, discrimination, and workplace violence policies of the County Part-time employees are also subject to conflict of interest disclosures.

Promotion: The movement by a Hiring Authority of an employee from one position to a more highly compensated and more responsible position after having applied for and been awarded the position as the result of an open, competitive selection process. A promotion may be granted by a Hiring Authority upon completion of further education or licensure or experience without the employee going through the selection process.

Reassignment: The movement by a Hiring Authority of an employee from an assignment within the same job classification, but in a different unit or with slightly different responsibilities. A reassignment does not result in a higher or lower salary.

Reorganization: A Hiring Authority's change of duties by deletion or addition through a process intended to change the work flow process of the department/division and designed to improve efficiencies. The resulting job content change(s) does not constitute a vacancy and does not require a posting.

Regular Employee: A regular employee may be a full-time employee who has successfully completed the initial evaluation period.

Retiree: An employee whom the El Paso County Retirement Plan has found to be eligible for retirement benefits and is receiving a monthly pension benefit from the El Paso County Retirement Plan.

Temporary Employee: An employee who is hired for a limited duration and who will be subject to seasonal lay-off or fluctuations in work hours on an as-needed basis. Temporary employees may work a full-time or part-time schedule while employed. Temporary employees do not receive any benefits except those required by law or by contract with the referring agency. Temporary employees are not entitled to the benefits of due process, appeal or the grievance procedures. Temporary employees must abide by all other El Paso County Personnel Policies and Procedures. Temporary employees must abide by all harassment, discrimination, and workplace violence policies of the County. Temporary employees do not have the right to appeal any disciplinary actions. Temporary employees are also subject to conflict of interest disclosures.

Transfer: The movement of an employee from one position to a position in the same pay band within the same or different department.

Upgrade/Downgrade: The movement of an employee from one position to a position of a higher/lower pay grade without the use of an open, competitive hiring process, usually the result of an analysis of the position or the addition or deletion of job duties.

Volunteer: A volunteer performs services for the County but does not receive any compensation or other benefits from the County for said services. A volunteer does not have the protection of due process, appeal or the grievance benefits as listed in this manual. Volunteers must abide by all harassment, discrimination, and workplace violence policies of the County. Volunteers are also subject to conflict of interest disclosures.

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