



MORGAN COUNTY MISSION STATEMENT

To establish and maintain services both of a mandatory and discretionary nature to protect the safety, health, welfare and quality of life for the people of Morgan County.

MORGAN COUNTY GOVERNMENT PERSONNEL POLICY

ADOPTED DATE: October 18, 2022

Mark A. Arndt, Commissioner
Board of County Commissioners

David D. Martin, Sheriff

Jon J. Becker, Chair
Board of County Commissioners

Robert Sagel, Treasurer

Gordon H. Westhoff, Commissioner
Board of County Commissioners

Timothy M. Amen, Assessor

Kevin Strauch, County Clerk

Don Heer, Coroner

Nicole F. Hay, Surveyor



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**MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2015 BCC 05

**A RESOLUTION ESTABLISHING A CONFLICTS OF INTEREST POLICY FOR
COUNTY EMPLOYEES AND ELECTED OFFICIALS**

WHEREAS, Colorado law governs when a County employee or elected official has a conflict of interest that impacts his or her duties and responsibilities and establishes a procedure for reporting conflicts of interest; and

WHEREAS, the Board of County Commissioners desires to formally adopt a conflict of interest policy for County employees and elected officials, which is consistent with Colorado law.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

Section 1. The following conflicts of interest policy is hereby adopted by the Board of County Commissioners, and it shall be added to the Morgan County Government Personnel Policy immediately after the "Code of Ethics" section.

CONFLICTS OF INTEREST

A. Purpose. Certain provisions of the Colorado Revised Statutes govern conflicts of interest involving County employees and elected officials. The rules set forth herein constitute the Morgan County Conflicts of Interest Policy, which is intended to implement applicable state law relating to conflicts of interest. Nothing set forth herein shall limit the responsibility of an employee or elected official to comply with other provisions of state law that may govern conflicts of interest, violations of which may affect the individual's employment with the County or qualifications for public office.

B. C.R.S. § 18-8-308. An employee or elected official exercising any influence or decision-making authority in connection with a County contract, purchase, payment or any other pecuniary transaction who is a director, president, general manager or similar executive officer or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, shall give seventy-two hours written advance notice of the conflict to the Board of County Commissioners and to the Colorado Secretary of State. Failure to disclose a conflict of interest may be grounds for immediate dismissal, and is a crime under State law.

C. C.R.S. § 24-18-109(2)(a). No employee or elected official shall engage in a substantial financial transaction for his or her private business purposes with a person whom he inspects or supervises.

D. C.R.S. § 24-18-109(2)(b). No employee or elected official may perform an official act (a vote, decision, recommendation, approval, disapproval, or other action or inaction,

involving discretionary authority) that directly and substantially benefits a business or other undertaking in which the employee or elected official has a substantial financial interest, or in which the employee or elected official serves as counsel, consultant, representative or agent. For purposes of this policy, a "financial interest" is defined as a substantial interest held by the elected official which is:

- (1) An ownership interest in a business;
- (2) A creditor interest in an insolvent business;
- (3) An employment or a prospective employment for which negotiations have begun;
- (4) An ownership interest in real or personal property;
- (5) A loan or any other debtor interest; or
- (6) A directorship or officership in a business.


E. C.R.S. §§ 24-18-109(3) and 24-18-110. No County Commissioner shall vote or attempt to influence the decision of other County Commissioners if such County Commissioner has a personal or private interest in any matter proposed or pending before the County Commissioners, unless: (1) his or her participation is necessary to obtain a quorum or otherwise enable the Board of County Commissioner to act; and (2) prior to acting, he or she discloses the nature of the interest in writing to the Colorado Secretary of State, listing the amount of the financial interest, if any, the purpose and duration of the Commissioner's services rendered, if any, and the compensation received for the services or such other information as is necessary to describe the interest. If the Commissioner then performs the official act, at the time of performing the act the Commissioner shall state for the record the fact and summary nature of the interest.

APPROVED this 10th day of February, 2015.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO


Brian McCracken, Chairman


Laura Teague, Commissioner


Jim Zwetzig, Commissioner



ATTEST:
(SEAL)


Susan Bailey, Clerk to the Board

PREAMBLE

These personnel policies are adopted consistent with the following principles:

- (1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
- (2) training employees, as needed, to the extent possible to assure high-quality performance;
- (3) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- (4) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, religion, gender, gender identity, sexual orientation, disability, genetic information or veteran status and with proper regard for their privacy and constitutional rights as citizens. Morgan County seeks to uphold and observe all applicable local, state, and federal laws. Morgan County promotes an environment in which all staff, whether elected officials, supervisors, or employees, treat others in a fair manner consistent with treatment they would desire from others;
- (5) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office; and
- (6) all employees of Morgan County are members of a team working together with the primary objective of service to the citizens of Morgan County. Employees who fail to follow the rules and regulations governing conduct not only penalize themselves, but do a disservice to the citizens of the County.
- (7) employment with Morgan County government is at-will and may be terminated by either party at any time with or without cause.

CODE OF ETHICS

Preamble

Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While Morgan County Government officials agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases the principles contained in the Code of Ethics provide valuable guidance in reaching decisions which are governed, ultimately, by the dictates of the individual conscience of the public official and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements: actions that should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: actions to be avoided and conduct to be condemned.

The Code of Ethics for local government officials has been created for local elected officials. **However, these principles apply to the day to day conduct of both elected and appointed officials and employees of Morgan County Government.**

It is recognized that these Code of Ethics should serve as a value reference guide for all those in whom the public has placed its trust.

Ethical Principles

The ethical Morgan County Government official should:

- Properly administer the affairs of Morgan County.
- Promote decisions that only benefit the public interest.
- Actively promote public confidence in Morgan County.
- Keep safe all funds and other properties of Morgan County.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of Morgan County.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.

- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of Morgan County.
- Faithfully comply with all laws and regulations applicable to Morgan County and impartially apply them to everyone.

The ethical local government official should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source that is offered to influence his or her action as a public official.

The ethical county official accepts the responsibility that his or her mission is that of servant and steward to the public.

Employee Conduct

Morgan County employees are expected to treat all other County employees, supervisors, department heads, elected officials, customers, visitors and the public with respect and in a professional manner. Morgan County recognizes its responsibility to the community as a whole and expects its employees to conduct themselves at all times at work in a professional manner as representatives of local government. Employees are expected to conduct themselves in a manner that contributes positively to the County's reputation. All employees shall be responsible for demonstrating the characteristics of customer service, public service, quality work, positive attitude, effort, and appropriate appearance in the conduct of the duties and responsibilities of their jobs.

In addition, our sole function and primary purpose is to provide services to the citizens of Morgan County. All positions, therefore, are public service positions and all position holders are expected to provide excellent customer service at all times. Employees are expected to take the commitment to serving the public very seriously and to refrain from any behavior that would show disrespect, retribution, or violence to any citizen or group of citizens.

An employee is responsible for his/her conduct on Morgan County property whether on or off duty. Morgan County's general rules of conduct and behavior expectations also apply when an employee is traveling on Morgan County business, as well as any time an employee is working for or is representing Morgan County away from the premises.

An employee engaging in any unlawful activity during off-duty work hours can be disciplined up to and including termination of employment.

I. INTRODUCTION

The purpose of the Morgan County personnel policy is to provide a framework for efficient and cost effective personnel management for all County operations. The Morgan County Board of County Commissioners (BOCC) may, at any time, amend these policies and procedures with or without prior notice to County employees. The contents of these policies and procedures and statements made by County officials and other employees do NOT create a property right or employment contract between the County and any employee. All employees and all persons appointed by any elected official serve at the pleasure of the elected official who appoints them and the department head by whom they are supervised. No employee can rely on the statements or promises of any other employee or supervisor to change this provision.

Although certain procedures are provided in this manual, those procedures are provided as a guideline. It is expressly not intended that these policies and procedures cover all of the employment questions that may arise during the day to day operations of Morgan County. The County expressly reserves the right to deviate from the policies set forth herein in order to best serve the citizens of Morgan County. This right must, of necessity, be reserved to the management of Morgan County.

The policies and procedures outlined in this manual apply to all Morgan County employees except when otherwise indicated. The Morgan County Sheriff's Office (MCSO) has promulgated a policies and procedures manual which contains disciplinary and internal investigation procedures and operational procedures specific to MCSO. This manual does not apply to MCSO in those areas, but does apply to employees of MCSO in all other subject matters contained in this manual. In the event of conflict between this manual and MCSO's manual, the provisions of this manual prevail in those areas where this manual is applicable. Likewise, the Communications Center, Coroner, the Department of Human Services, and Morgan County Ambulance Service may have internal policies and procedures manuals which apply to their specific departments except as provided herein. This manual shall prevail over any conflicts with departmental policies.

Any Department Head or Elected Official may establish work rules applicable to the department or office so long as such rules do not conflict with these personnel policies and procedures or any state or federal law. To be effective, any such work rule must be in writing and be approved by the BOCC.

The policies and procedures contained in this manual describe the general standards of personnel operations for the County. This manual is not a contract. This manual may be eliminated, amended or changed in whole or in part without notice. The ultimate authority for interpretation of these policies belongs to the BOCC. Contact the Human Resources Department if you have

questions or concerns regarding these policies. This manual supersedes and replaces all previous editions of this manual.

The elected officials of Morgan County meet periodically in order to: (1) provide the BOCC with proposals and recommendations on personnel policies and procedures and benefit policies; (2) provide a central point for exchange of information and ideas among elected officials; (3) provide coordination of personnel actions which affect all County employees; (4) provide coordination of any County-wide employee program; and (5) recommend amendments to these policies and procedures.

II. GENERAL EMPLOYMENT POLICIES

Purpose: To provide appropriate employment conditions and to promote an atmosphere conducive to producing quality work.

A. Policy: Recruiting, Selection and Promotion

Recruiting, selection, and promotion of County employees is based on the candidate's or employee's relative ability, knowledge, skills, and qualifications to successfully complete the requirements of a position. Department Heads and Elected Officials are responsible for applying these principles to the recruiting, selecting, and advancing of candidates and employees.

A vacancy may be filled from within a department or candidates may be limited to existing County employees. If public recruiting is used, qualified applicants may be attracted by use of private or public job recruiting services, public advertisements, posting of notices, or any other method reasonably calculated to attract qualified applicants.

All applications shall be reviewed on the basis of the above principles. Tests, interviews, references, and other reasonable selection processes may be used to determine the most qualified candidate.

B. Policy: Job Sharing

The County permits job sharing when feasible and when endorsed by the Department Head or Elected Official, whichever is the applicable supervisor. Job sharing is defined as two (2) individuals taking on the responsibilities of one (1) position. The specifics regarding work hours and duties of the two employees involved must be put in writing and approved by the employee's supervisor and the BOCC. Benefits for such employees are determined as part-time employee benefits.

C. Policy: Appearance

All employees should dress appropriately for the position held and the nature of the work performed, as determined by the supervisor. Those employees in contact with the public represent the County and should dress accordingly. All employees shall maintain adequate hygiene while on duty.

D. Policy: Use of County Property

No County employee shall use any County property, equipment, vehicle, or other materials for private gain, use, or convenience. Use of County property in special situations must be authorized in writing by the BOCC.

E. Policy: Smoking

Morgan County's policy concerning non-smoking is designated to foster the health and safety of all employees in the conduct of County business. Smoking is prohibited in any work area of the County. This includes but is not limited to private offices, conference rooms, rest rooms, stairwells, elevators, common areas, all county vehicles, trucks, and equipment. Morgan County complies with the Colorado Indoor Clean Air Act, and also broadly defines "smoking" as the burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco or marijuana; use of e-cigarettes or electronic vaporizing devices; and the use of any product that can be used to deliver tobacco, nicotine, or marijuana to the person inhaling from the device.

F. Animals/Pets

Morgan County's policy concerning animals/pets is designed for the health and safety of employees and the public who frequent County facilities. Service animals are allowed on premises. If it is not apparent what services an animal provides the Department Head or Elected Official may ask, "Is the dog/animal a service animal required because of a disability and what work or task the dog/animal has been trained to perform?" According to the Department of Labor, staff cannot ask about the person's disability, require medical documentation, or require a special registration card or training documentation for the dog/animal. Staff cannot ask for the dog/animal to perform the work or task.

G. Policy: Travel

In general, when an employee travels away from home on County business, such time spent traveling is considered work time, regardless of whether the employee is driving or not. Yet, travel time is not compensable for travel by the employee to and from home and their normal place of work. The time the employee spends away from home but outside of work or travel

time, such as eating or sleeping time, is not considered hours worked. Employees and their supervisors are encouraged to discuss and confirm any travel time prior to the employee traveling.

The County provides a pool of vehicles for travel on County business by employees. In some instances, a vehicle may be assigned to one employee or to a department for the use of multiple employees. In these situations, the supervisor is responsible for proper scheduling of vehicle usage. If no assigned vehicle is available, the employee must request a pool vehicle from the fleet department. A pool vehicle shall be used when available unless the use of the employee's personal vehicle is approved by the employee's department head. If a personal vehicle is used, trip mileage payments shall only be paid for mileage to and from the meeting or business purpose and no personal travel shall be reimbursed. In the event an elected official or department head determines personal car use is reasonable and prudent and it can be determined that a fleet car is available: the reimbursement shall be according to the County Reimbursement Policy. In the event an elected official or a department head determines personal car use is reasonable and prudent and it can be determined that a fleet car is not available: the reimbursement shall be according to the County Reimbursement Policy.

Any employee using his or her personal vehicle while conducting County business must sign the "Employee Notification Regarding Use of Personal Vehicles and Property for County Purposes" notification form. In general, when a County employee is using their personal vehicle for County purposes: (1) the owner of the vehicle is responsible for liability insurance on the vehicle and assumes liability; (2) the driver is covered by workers' compensation for injuries while in the scope and course of their duties for the County if the driver is being paid for their services, other than expense reimbursement; (3) the at-fault vehicle's auto insurance is the primary insurer for the property damage and medical costs for injuries to others. For non-employees, each person is responsible for their own medical costs until a determination of liability is established.

When an employee is required to travel and the employee is non-exempt, the employee will be paid for time spent traveling during their normal working hours on their regular working days or on non-working days when approved by the Department Head or Elected Official. If non-exempt employee is required to drive or to be a passenger in a car, then this travel time is considered work time. See Section IV(E) for related time sheet requirements.

When traveling by automobile and the County has a vehicle for this purpose, the employee may be required to use the County vehicle. A vehicle trip ticket shall be obtained from the Administrative Services Manager for each request to utilize a County vehicle. This "trip ticket" shall specify approval or denial for the utilization of the County vehicle. The employee shall be reimbursed at a rate as set by the Morgan County BOCC when a County vehicle is not being used.

Employees may receive a maximum per diem per meal rate set by the Morgan County BOCC. The per diem maximum rate for meals set by the Morgan County BOCC shall be the guiding standard for direct payment of meals by County check when traveling for County purposes. Employees may use the County credit card for reasonable lodging costs, airplane costs, and ground transportation or be reimbursed when accompanied by a receipt. Employees who are expected to be first responders in emergency, unusual, or bad weather situations are assigned a County vehicle which they may take home so that it shall be available for such a response. Persons who regularly perform duties requiring more than incidental travel before or after their work day begins or before or after they report to their normal work station may also be assigned a County vehicle which they may take home. Such assignments are made in the sole discretion of the BOCC.

No County employee shall take a passenger in a County vehicle who is not a County employee without prior permission of such employee's supervisor. While using a County vehicle, an employee shall comply with all applicable County policies and all applicable laws.

Any employee who takes a County vehicle home for any reason may not use it for any purpose other than County business or traveling to and from work. An employee who is assigned a specific vehicle who takes that vehicle home outside their normal work schedule is allowed to pick up and drop off family members while traveling between home and work.

H. Policy: Meal Reimbursement/Per Diem

While traveling away from home, there shall be no meal reimbursement for same day travel. Meal reimbursement will be made only for overnight travel and will be paid on a per-diem basis, as set forth by the Morgan County BOCC. If meals are provided as part of the event, no reimbursement will be provided.

In order to be reimbursed for meals, employees must substantiate the date, location, and purpose of the trip to be reimbursed by attaching to their reimbursement request a copy of the meeting agenda or any other documentation that will provide the information necessary for approval of the reimbursement request.

It is the responsibility of the department head/elected official to review employee reimbursement requests for validity.

Advances can be obtained for per diem. Advance request forms must be completed and submitted to the Finance Department thirty (30) days prior to travel. Amounts advanced must be reconciled by the requesting office/department. Any excess advance must be returned to the County and is the responsibility of the requesting department.

I. Policy: Attendance

The employee's regular attendance on the job is important to the operation of each department. Frequent or unexplained absence from work or tardiness in reporting for work shall seriously impair the value of the employee's services to the County and shall be considered sufficient cause for disciplinary action up to and including termination of employment.

If it is necessary for an employee to be late or absent from work, it is the employee's responsibility to contact his or her supervisor, according to department procedure, within one hour to eight hours prior to the employee's designated start time. Failure to comply may result in an unexcused absence. This notification is required for each day absent unless an extended absence has been previously approved. The employee shall submit a request for leave to his or her supervisor for approval in advance for any planned absences so the supervisor can plan accordingly. Request for leave documentation shall be forwarded to the Payroll Department. A written release from a physician specifying the dates that the employee could not work for health reasons and return to work date may be required before returning to work after absences of four (4) or more consecutive days.

J. Policy: Employee Identification Cards

Employee identification cards may be required by some departments. The individual departments set criteria as to whether one wears the card in a visible location or if one is to carry the card in one's wallet or purse. These cards identify the employee as a County employee and must be surrendered upon termination of employment.

K. Policy: Employment of Relatives

No employee shall be hired, promoted, or retained in a position under any of the following conditions:

1. An immediate family member of such employee would exercise direct supervisory, appointment or dismissal authority, or disciplinary action over the employee;
2. An immediate family member of such employee would audit, verify, receive, or be entrusted with moneys received or handled by the employee;
3. An immediate family member of such employee would have access to the employer's confidential information, including payroll and personnel records;
4. The BOCC determines employment is not in the best interest of the County, such as a conflict of interest situation.

A potential conflict of interest is a personal interest, including financial interests or familial or co-habitation relationships that may lead to the appearance of a conflict of interest with respect to that employee carrying out his or her duties. Failure to disclose a potential conflict may result

in consequences to the employee. In applying this provision, an “immediate family member” shall include a spouse, parent, parent-in-law, child, brother, sister, spouse of a brother, spouse of a sister, or a person who is the functional equivalent (as determined case by case by the BOCC) of an immediate family member to the employee in question.

This provision shall become effective upon the adoption of this document, and shall apply to all persons hired after such date. This provision shall not be applied to an employee who was hired prior to the effective date of this provision unless such employee changes position, relationship, or marital status after such effective date. If a change in position, relationship, or marital status is contemplated by any employee who would be affected by this provision, such employee shall bring the situation to the attention of his or her immediate supervisor so that all parties affected may be involved in planning for the change.

In the event that an immediate family member of an employee is elected as a County Official, the employee shall not be required to resign or be reassigned as long as the employee began employment with the County prior to the election of the immediate family member and the newly Elected Official is not the employee’s direct supervisor.

L. Policy: Equal Opportunity and Employment Selection

Morgan County does not discriminate against any employee in appointment, hiring, promotion, dismissal, or any other term or condition of employment because of political affiliation, race, color, age, national origin, religion, gender, gender identity, sexual orientation, disability, genetic information and veteran status.

M. Policy: Discrimination, Harassment, and Intimidation

All Morgan County employees who feel they have been harassed sexually or for any other legally protected reason or who have witnessed such harassment should immediately report the incident to their supervisor. In the event the person does not feel comfortable with reporting the incident to their supervisor or if the supervisor is involved in the alleged incident, it may be reported directly to the Human Resources Director. Alternatively, it may be reported directly to the County Attorney’s Office.

In all cases the names and identifying information of the complaining party, the alleged victim, the alleged perpetrator, and witnesses shall be kept confidential from all individuals except as it is necessary to any investigation or litigation. The filing of any complaint outside the Morgan County personnel system or legal action by any person shall be considered a waiver of that person’s confidentiality. Any individual may affirmatively waive their confidentiality.

In the event that the report involves, either as an alleged victim or an alleged perpetrator, any Elected Officials, members of the County Attorney's Office, or the Human Resources Director the matter may be referred to a neutral third party for investigation.

An employee or group of employees has the right to discuss the conditions of employment, employer's standards, job description, work environment, performance evaluation, and personnel policies with the department head or elected official supervising the employee or group of employees without fear of discrimination or reprisal.

N. Policy: Disabilities

The County does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

The County has designated the Human Resources Director as its American's with Disabilities Act (ADA) coordinator to coordinate compliance with the non-discrimination requirements contained in section 35.107 of the Department of Justice regulations. Information concerning the provisions of the (ADA) and the rights provided thereunder are available from the ADA coordinator.

The Americans with Disabilities Act of 1990, as it may be amended from time to time, prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship. The law covers applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies, and labor organizations.

O. Policy: Outside Employment - Moonlighting

The County depends on its employees to devote their full attention and effort to the duties to which they have been assigned. Outside employment shall not be considered an excuse for poor performance, absenteeism, tardiness, or refusal to work overtime and shall not excuse any loss of productivity. Under no circumstances shall outside employment be undertaken which would involve the employee in a conflict of interest between the County and such employer.

A potential conflict of interest is a personal interest, including financial interests or familial or cohabitation relationships that may lead to the appearance of a conflict of interest with respect to that employee carrying out his or her duties. Failure to disclose a potential conflict may result in consequences to the employee.

P. Policy: Political Activity

Political beliefs, activities, and affiliation shall be a private matter of employees. No employee or applicant shall be required as a condition of employment or employment related benefits or working conditions to divulge political beliefs as a requirement of employment or be required to participate in or contribute to any individual, political party, or group. No employee shall participate in or be required to participate in any political activity or make any contributions to political parties, groups, or candidates while on County time.

Employees are encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of Local, County, State, or National political activity. An employee may take an active part in political management or in political campaigns except an employee may not (1) use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or (2) knowingly solicit, accept, or receive a political contribution from any person except as provided by the Hatch Act (5 U.S.C. Sections 7321-7326).

An employee shall not use County-owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer on-line and access charges, etc.) when engaged in political activity.

An employee shall not discriminate in favor of or against any person or applicant for employment based on political activities. No person employed by the County may be dismissed from service as a result of political opinion or affiliation.

An employee shall not use the employee's title or position while engaging in political activity.

No County Elected Official or employee may submit any expense report for reimbursement that includes, in whole or in part, any funds expended while engaging in partisan political activity.

An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and allow employees to serve as voting district officers and as State or County delegates without jeopardizing public programs for which he/she is responsible or affiliated.

No County officer or employee, whether elected or appointed, may directly or indirectly coerce, command, advise, or solicit any officer or employee to pay, lend, or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No County officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the

employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity. Nothing in this section shall preclude voluntary contributions by a County employee to the party or candidate of the employee's choice.

Nothing contained in this section shall be construed to permit partisan political activity of any County employee who is prevented or restricted from engaging in such political activity by the provisions of the Federal Hatch Act.

Q. Policy: Personnel Files and Personnel Records

The policy of the County is to maintain certain records regarding each employee which are directly related to employment with the County. Each employee's personnel file shall contain only such information as is needed by the County in conducting its business or as required by Federal or State law.

The Human Resources Director is the legal custodian of all personnel files and shall have the responsibility to ensure that appropriate confidentiality and access is maintained regarding personnel files. All permanent personnel records shall be maintained in the Human Resources office or the appropriate storage area.

Access to personnel records, except for an individual's own records, is strictly on a need to know for official purposes basis.

Access to personnel records is authorized as follows:

- The individual concerned, anyone authorized in writing by the individual concerned, and anyone else authorized by law to have access to an individual's personnel records.
- The Human Resources Director and Human Resources employees. The County Finance and Accounting personnel shall have access to those portions of any individual's personnel file necessary for payroll, leave accounting, and calculation of benefits purposes.
- The individual's supervisor and persons who are above the individual in the normal chain of command.
- County attorneys and attorneys retained by the County for purposes of legal advice or litigation.
- Anyone authorized by Colorado or Federal law to have access to individual personnel records.

Any County employee or official with access to information contained in an employee's personnel files (including without limitation, medical, performance, payroll, benefit, or other personal employee information) shall maintain its confidentiality and shall not disclose such information except as necessary to conduct County business or to comply with the Colorado Open Records Act.

Personnel records shall not be removed from the Human Resources office except with the permission of the Human Resources Director. Anyone removing personnel files from the Human Resources office shall sign a receipt with the name of the person removing the record, their signature, and expected date of return of the record to the Human Resources office.

Each employee is allowed to inspect and request copies of his or her personnel records. Pursuant to County policy and State law, copies may be furnished at a charge of 25 cents per page and must be made by the Human Resources Department in order to preserve the integrity of the files. Copy charges for official County use are waived.

Personnel files shall be maintained for ten (10) years after an individual's separation from county employment. If there is the possibility that the individual was exposed to toxic chemicals during his or her employment with the county, their personnel files shall be retained for thirty (30) years.

Sheriff Office personnel investigation files will be maintained by the Sheriff and disclosed in accordance with Colorado law.

R. Policy: United States Immigration Law (IRCA)

Morgan County complies with all federal immigration laws, which includes inspection of identification documents of newly-hired employees.

S. Policy: Tax Lien Sale

Colorado law provides that County officials or County employees, members of their immediate family, or their agents may not acquire a tax lien or take conveyance of any property for which a tax lien is sold in any annual tax lien sale of Morgan County property held during the time the official or employee holds his/her office or employment except in certain specific situations described in statute (C.R.S. § 39-11-151).

T. Policy: Social Media

1. Definitions

- a. *County social media web sites* means those established for the benefit of the County with authority granted as outlined in this policy for media relations, public communications, awareness and thought leadership on particular issues or initiatives, collaboration, creation, organization, editing, commenting, or combining or sharing content. County, social media web sites does not include any personal social media accounts of employees, elected officials, or volunteers.

- b. *Designated Page Manager* is the person(s) authorized by a department director to maintain a specific social media site for the County or County department or program by creating posts and monitoring responses.
- c. *Social media* means, but is not limited to, web sites that focus on creating and fostering online social communities for a specific purpose and connect users from varying locations and interest areas, including, but not limited to, social networks (such as Facebook and LinkedIn), instant messaging (including SMS), blogs, wikis and online collaboration (such as SoundCloud), microblogging (such as Twitter), status updates, online forums and discussion boards or groups, web site link sharing, video conferencing, virtual worlds, location-based services, VOD and podcasting, geo-spatial tagging (such as Foursquare and Facebook Checkin), and photo and video sharing (such as Flickr, Instagram, SnapChat, TikTok and YouTube). The County acknowledges that this type of technology changes rapidly, and therefore, this list is intended to be illustrative rather than comprehensive, and this definition should in no way be construed to limit the applicability of this policy.

2. Social Media Policy

- a. Acceptable uses of County social media web sites and blogs:
 - i. Promote the County by sharing information about the County and County departments, services and programs that serve residents, businesses and visitors to the County.
 - ii. Engage citizens.
 - iii. Raise awareness of County services, programs, issues, and events.
 - iv. Provide advisory, special situation, and emergency information.
 - v. Recruit employees.
 - vi. Share stories about County residents, businesses, or visitors, with their permission.
- b. Rules and guidelines for use of County social media web sites and blogs:
 - i. Except as provided herein, establishment of a County social media web site shall be under the general identity and branding of Morgan County.

Individual departments, divisions, and offices may participate directly under the Morgan County identity, or create “sub-identities” that must be integrated under the Morgan County umbrella. The County’s Information Systems Director shall initially establish all County social media web sites or blogs and remain an administrator on all social media accounts at all times.

- ii. Use of County social media web sites and blogs must comply with all applicable laws, regulations, and policies, including, without limitation, copyright laws, as well as proper business etiquette. If an employee is unsure as to whether information or images are copyright protected or may be displayed on or transmitted through a County social media web site, contact the Information Systems Director.
- iii. County social media sites and blogs may not be used for personal or private purposes, or for the purpose of expressing a personal view on any issue.
- iv. The Information Systems Director may add additional designated page managers to County social media web sites and/or blogs.
- v. Only the designated page manager is permitted to post to a County social media web site or blog.
- vi. All designated page managers must relinquish access to County social media web sites and blogs upon separation from County employment, including providing to the Information Systems Director all passwords and security information used by the designated page manager to access the County social media web site and/or blog, in accordance with the procedures in Sec. IX(A) of these personnel policies. Nothing herein shall prohibit the County from requiring relinquishment of passwords and security information used by the designated page manager to access the County social media web site and/or blog at any time prior to the date of separation or for a violation of the County’s social media policy. The designated page managers must complete procedures initiated by the Information Systems Director to confirm removal of their account from social media web sites and/or blogs. The Information Systems Director shall promptly ensure that a designated page manager who has relinquished access under this provision no longer has access to the County social media site and/or blog.

- vii. Social media content is subject to public records laws generally and specifically the Colorado Open Records Act. Relevant record retention schedules apply to social media content. Content shall be managed, stored and be retrievable to comply with all applicable laws and policies.
 - viii. Disclosure of sensitive, confidential or personal identifying information is prohibited. This includes information about litigation or information about claims that could be brought against the County; nonpublic information of any kind; proprietary, personal, sensitive or confidential information of any kind; medical or private information that violates a person's HIPAA protection; statements, video or audio that could be viewed as malicious, threatening, obscene or intimidating; and statements, video or audio that disparages County employees, the public, partners and affiliates, or others, or that might constitute harassment or bullying.
- c. County Employees may not use County resources or work time to sign up for or access personal social media accounts. This restriction shall not apply to employees of Sheriff's Office or Department of Human Services who utilize personal social media accounts in the performance of their job duties.
- d. Employees who engage in personal use of social media outside of work may not use the trademark, logo, or name of the County or that of any County department or program, nor may they use their affiliation with the County in association with that personal use. Employees may not speak as a representative of the County in the course of their personal use of social media. In cases where an employee's personal use of social media may be perceived as being on behalf of the County, such as if an employee identifies himself or herself as a County employee or is widely known to be a County employee, an employee shall include a visible disclaimer on their account to inform other users that their opinions are their own and do not represent those of the County. The following guidance is for County employees who decide to have a personal social media or social networking site or who decide to comment as a member of the public on posts about official County business:
 - i. State your name and, if relevant, your position with the County, when discussing County business; and
 - ii. Use a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions of the County for which I work." Or, when commenting on a County site, "This comment is from my perspective as an individual citizen, not as an employee of the County."

- e. An employee's personal use of social media that is business-related may subject that employee and their personal account to this Policy, including, but not limited to, disclosure of records subject to the Colorado Open Records Act and all other County policies, including every provision of this Manual, specifically including, but not limited to, Article X, Disciplinary Actions. Employees are advised that their conduct on Social Media may also reflect on their fitness to perform their jobs.
- f. Nothing herein shall prevent Elected Officials from establishing social media for that Elected Official's department that are not subject to Sec. 2(b)(i) above. However, in establishing separate social media under this provision, the Elected Official shall adopt policies that comply with Sec. 2(b)(ii) through (viii) and 2(d) above. All social media established under this provision must include the following disclaimer:

The Morgan County [Elected Official]'s [facebook, twitter, etc.] page are created and maintained by the Morgan County [Elected Official] and reflect the opinion and views of the [Elected Official]'s office, and not necessarily the opinion and views of Morgan County.

III. HEALTH, SAFETY, AND WORKERS' COMPENSATION GUIDELINES

Purpose: Because the County's employees are its most valuable resource, a safe and healthy work environment is promoted.

A. Policy: Safety

Morgan County recognizes that its employees are essential contributors to its public service mission. Safety is everyone's concern, and it is up to each employee to make the County a safe place to work. All employees are to work in a safe manner, use available safety equipment and devices, attend required safety training or make up the training, and inform supervisors of any potential hazards or unsafe practices which they observe or of which they have knowledge. If an employee encounters a potential safety hazard, the supervisor should be notified immediately. Supervisors should report any safety hazards to the Director of Human Resources and/or the Morgan County Safety Committee.

1. At all times, employees are to wear seat belts when driving a County vehicle equipped with seat belts [except as provided is CRS 42-4-237 (3)].

2. In some instances, an employee may be required to wear other safety equipment or a County uniform. In these instances, it is the responsibility of the unit supervisor to train, post, and announce all mandatory safety rules at the time of new hire orientation and at least annually thereafter.

3. Employees are prohibited from possessing firearms or other weapons on County property unless it is related to an essential function of the employee's position or with proper legal credentials and with the approval of the BOCC. Additional safety rules shall be posted in a conspicuous place in each department. All safety-designated classes shall be attended by all departmental or County employees and Elected Officials, if mandated by the BOCC or the appropriate unit head.

4. Failure to follow any posted or stated safety rule on the job may result in reduced workers' compensation indemnity for covered individuals and possible disciplinary action up to and including immediate discharge. Such disciplinary action shall not interfere with any rights the employee may have under applicable workers' compensation laws.

To further improve and encourage safety in the workplace, a Safety Committee shall be maintained. The safety committee shall consist of staff members appointed by the Morgan County BOCC. A majority of members form a quorum. Additional non-appointed staff members, from time to time, may be asked to join the committee; as such these participants do not have voting rights. The safety committee will identify and address safety concerns for Morgan County employees. Employees may report unsafe conditions they observe in writing to the Safety Committee or the Human Resources Department after immediately reporting the unsafe conditions to their supervisor.

B. Policy: Work Related Injuries or Illness

1. General

Morgan County is committed to returning injured or ill employees to work, within safe and healthy medical practices, as soon as practical.

On the job injuries or job-related illnesses are to be reported in writing immediately, if practicable, to the employee's supervisor or to the Human Resources Department. In no event shall a report of injury be delayed beyond ten (10) days. An initial report of workers' injury or illness shall be completed by the employee, or the supervisor or witness if the injured employee is unable to do so, by the end of the shift. The employee's supervisor or another County official or supervisor shall conduct an immediate inspection of the site of the injury or illness, discover the conditions and/or behaviors leading up to the injury or illness, identify any witnesses, and determine what steps or conditions would prevent a future injury or illness of a similar nature.

This information is to be included on the Supervisor's Accident/Incident Report and filed within ten (10) days or less under Colorado law.

If an injury or illness is determined not to be work-related, an employee may be denied workers' compensation benefits and injury leave coverage. The County reserves the right to conduct or authorize any investigations of the injury or illness or the records of the worker as deemed necessary.

Accidents involving equipment damage or personal injury, regardless of how slight, shall be promptly reported to the supervisor who shall then report to the Human Resources Department and the BOCC. The County provides Workers' Compensation Insurance in compliance with the Workers' Compensation Act of Colorado. The terms of coverage and benefits are covered by the Act, which may be amended from time to time. If personal injury occurs, the employee shall complete an "Employee's Written Notice of Injury" form and submit it to his or her supervisor within ten (10) working days of the injury. The supervisor shall complete a "Supervisor's Report of Accident" and submit it along with the employee's written Notice to the Human Resources Department by noon of the next working day after receiving the Notice from the employee.

2. Medical Treatment

Except in the case of an emergency all County employees who incur a job related injury or illness which requires medical treatment are required to report to one of the County's designated medical service providers in order to be reimbursed for medical expenses.

In the case of an emergency, treatment should be sought at the nearest emergency medical facility. One of the County's designated medical service providers should be notified as soon as possible by the employee or the supervisor, if the employee is unable to do so.

3. Employee Responsibilities

The employee is required to:

- Cooperate with reasonable medical treatment plans; and

- Schedule and attend all follow-up medical appointments and therapy as required under the medical plan; and

- Contact or visit, if possible, the supervisor promptly after each medical appointment; inform the County of his/her ability to return to work; and provide a copy of the Physician's Report, keeping the County informed of work status and conditions; and

Observe and follow all established physical and medical restrictions at all times and at all places, or return to the doctor for any necessary adjustment of those restrictions; and

Perform temporary modified duty for the County, if assigned, within medical restrictions; and

Accurately record any time charged to workers' compensation and submit time sheets as directed; and

Keep in contact as needed with Human Resources to arrange for the proper paperwork to be completed; and

Return to work as soon as possible after the medical provider has cleared the employee to go back to work; and

Provide copies of any workers' compensation checks and any other information to the Payroll Department as requested.

4. Return to Work

When the employee is medically able to return to work, a written medical release from the designated medical service provider must be submitted to the Human Resources Department. If the medical release specifies that the employee may return to work, the employee shall be returned to work immediately or as soon as practical. Return to work documentation is contained within the Physician's Report, Form M164.

Morgan County reserves the right to require any treating physician to review the employee's job description, including a description of essential duties, and express an opinion whether the employee may safely perform the essential job functions, before putting the employee back to work with or without temporary modifications or more permanent accommodations.

5. Employee Compensation

An employee who has an on the job injury or job-related illness shall receive County pay for the balance of the work shift, time spent traveling to and from the designated provider's office, time spent waiting at the designated provider's office, and time in initial diagnosis and treatment. If the physician's initial report indicated the employee can return to work, then the employee is expected to work the next shift immediately following the injury. If, however, the physician's initial report indicates the employee is unable to return to regular work until a future date, the County shall pay for the balance of the day the employee was working at the time of the injury. An employee will use accrued leave for the first three (3) shifts absent after a work related

injury, or be in a leave without pay status if no PTO is available. No compensation is payable from Workers' Compensation for the first 3 shifts' disability unless the period of disability exceeds 14 days as provided by law.

An employee will not receive additional payment from the County while being compensated by Workers' Compensation insurance. If an employee is receiving payment from Workers' Compensation insurance and not from the County, PTO leave accruals will not be earned.

Any time off to recover from a work related injury or illness that exceeds three consecutive shifts will be charged against the employee's Family Medical Leave Act time to run concurrently with the time compensated by Workers' Compensation insurance. If an employee is unable to return to work (with or without reasonable accommodation) upon exhaustion of the employee's Family Medical Leave Act leave, the County shall have the option of terminating the employee's employment and compensating the employee for all compensable accrued leave, not to exceed 480 hours or allowing the employee to take accrued leave while remaining in an employed status until the employee has exhausted all accrued leave. Such decision shall be made by the County based on the needs of the employee's department, the hardship leaving the employee's position open creates for the department and the County's operations, and other County employees who may be affected by the employee's absence. Nothing herein shall be deemed to alter an employee's rights under the ADA to receive reasonable accommodations.

The employee is required to follow medical instructions, including specified behaviors or conduct, whether on or off the job, to facilitate recovery and to prevent re-injury. The only exceptions made to this guideline shall be for religious beliefs of the employee.

6. Temporary Modified Duty

Morgan County is committed to returning injured employees to work, within safe and healthy medical practices, as soon as practical. If the medical release puts any limitations on the employee's physical or mental ability to fully perform the duties of the job, or limits the performance of those duties by requiring any adjustments in duties, equipment, or tasks; or any adjustments in break or work times or frequencies, then the medical release must specify in detail any physical or mental conditions which the employee still has which requires the adjustments. The medical release must also specify how long those conditions are expected or predicted to last, or how frequently they may recur. If the medical provider has any suggestions regarding possible modifications for temporary conditions to enable the employee to go on temporary modified duty, those can be included in the written medical release to return to work. Temporary modified duty for purposes of this guideline does not mean "busy work" created for the purpose of keeping the employee occupied.

The BOCC, Elected Official, or Department Head, may (but is not required to) grant an injured employee a temporary assignment while recovering from a work related injury or illness. Any such temporary assignment must be supported in detail by the written recommendation of the designated medical provider and have the approval of the Elected Official, or Department Head. Denials of temporary assignment should be based on the business necessity of the County. Such temporary assignment shall be reevaluated from physician appointment to physician appointment. This type of temporary assignment is contingent on medically appropriate work being available in the County and for which the employee is otherwise qualified under the usual minimum qualifications of the job.

C. Policy: Distracted Driving Policy

In order to increase employee safety and eliminate unnecessary risks behind the wheel, Morgan County has enacted a Distracted Driving Policy, effective January 1, 2013. Morgan County discourages employees from using a mobile device, eating and/or drinking, applying makeup, or adjusting the seat and/or radio while operating any County vehicle.

D. Policy: Accidents: Vehicle and Mobile Equipment

Morgan County is committed to the health and safety of its employees as well as the public it serves. In the event of an accident an employee, if physically able, should obtain assistance in responding to the accident. All necessary medical attention for injured people following an accident is a priority and should not be delayed for any reason. No part of this Policy shall be construed to require a delay in necessary medical care.

All employees involved in a motor vehicle or equipment accident either within or outside of Morgan County shall notify their immediate supervisor, department head, or supervising elected official within two (2) hours of the accident unless physically unable to do so. Supervisors, department heads or elected officials may be contacted at their homes after business hours until 9:00 p.m. If a supervisor, department head, or elected official cannot be contacted prior to 9:00 p.m., contact must be made the next morning after 7:00 a.m. and before 9:00 a.m. All instructions received from a supervisor after contact must be followed.

Furthermore, as soon as practicable following an occurrence in accordance with the Morgan County Drug and Alcohol Policy, any covered employee must undergo drug and/or alcohol testing after any accident that involves a County vehicle or equipment or any private vehicle or equipment being used for County purposes if any of the following occurred:

- Human Fatality (A fatality means any injury that results in death of a person at the time of the accident or within thirty (30) days of the accident.)

- An employee receives a citation for a moving violation arising from the accident under state or local law within eight (8) hours of the occurrence, and if:
- Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
- One or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. Excluded from disabling damage is:
 - Damage which can be temporarily remedied at the scene without special tools or parts;
 - Tire disablement without other damage;
 - Headlight or taillight damage; and,
 - Damage to turn signals, horn, and windshield wipers that makes any or all of them inoperable.

Any employee, who leaves the scene of an accident for any reason other than a period of time necessary to obtain assistance in responding to the accident, to obtain necessary emergency medical care, or in compliance with the instructions of a law enforcement officer, shall be subject to County Action as stated in this Policy in Section E, subsection 10.

E. Policy: Alcohol, Drug, and Controlled Substances

The County is committed to complying with the requirements of the Federal Drug-Free Workplace Act of 1988, 41 U.S.C. § 701, *et seq.* In order to provide a drug-free workplace, Morgan County strictly prohibits the unlawful manufacture, distribution, dispensation, possession, or use (including reporting for work or working under the influence) of controlled substances, including medical marijuana. In addition, the County prohibits the possession, use, or sale (including reporting for work or working under the influence) of alcohol on County property. The County utilizes pre-employment drug testing for certain applicants in safety-sensitive positions, and other types of drug testing for current covered employees, in accordance with this Policy and applicable regulations and laws.

Morgan County supports the principles of a drug and alcohol free work place in order to ensure the safety and welfare of the public and its employees. In furtherance of this Policy, the following rules of conduct and procedures shall be followed in conducting any employee drug or alcohol test. In determining whether an employee is “covered” under a particular test, reference shall be made to the employee’s job class and the tests that are applicable to that job class. For all definitions, reference is made to the statutes cited above.

1. At no time shall a County motor vehicle or any County mobile equipment be operated while a driver or operator is under the influence of drugs or alcohol.
2. It is the employee's responsibility to remain unimpaired and free of alcohol, illegal drugs, (defined to include all marijuana even if that consumption is permitted under state law), and prescription drugs with or without a valid prescription while on duty. The use of Cannabidiol (CBD) products which results in a positive test is not an exception to this policy.
3. Employees must be unimpaired by any prescribed drug side effects that could impair job performance. Employees must consult a physician to ensure that legal prescriptions do not interfere with the essential functions of their position. The physician shall provide the employee with clearance to work, or, if necessary, with medical recommendation for modified duties. The employee is responsible for informing the employee's direct supervisor and Human Resources of any such limitations.
4. As a condition of employment, federal law requires all covered employees to immediately notify the County of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after the conviction and to fully abide by the terms of the drug-free workplace policy.
5. Any covered employee must undergo drug/alcohol testing after any accident involving a County vehicle or equipment or any private vehicle or equipment being used for County purposes in which the employee was the driver or operator and in which there was personal injury and/or property damage exceeding \$1,000.00 in accordance with the County Drug Policy.

Questions regarding this policy should be forwarded to the Morgan County Drug and Alcohol Policy Coordinator, who is the Morgan County Human Resources Director. All test results shall be certified by the County's designated Medical Review Officer. The designated Medical Review Officer (MRO) is a person who is a licensed physician or other professionally qualified person who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program, and conducting medical examinations for certain drug or alcohol test results. Please contact the Morgan County Human Resources Director for further information. All testing requirements shall meet any and all regulatory requirements that are currently in place and as they may be amended from time to time.

Therefore, in order to implement and enforce this Policy, Morgan County hereby adopts the following guidelines and procedures for the pre-hire and on-duty testing of certain employees and prospective employees.

1. Testing Standards:

For the purpose of this Policy, Morgan County adopts, as its own, the drug and alcohol limits established by Title 49, Part 382 of the Code of Federal Regulations (“C.F.R.”), as adopted by the Federal Highway Administration. The substances tested for include those substances referenced in Title 49, C.F.R. § 382, *et seq.*, as amended.

Title 49 C.F.R. § 382, *et seq.*, requires testing for misuses of alcohol or controlled substances for every person who operates a commercial motor vehicle in commerce in any State and is subject to commercial driver license requirements. A copy of Title 49, C.F.R. § 382 is available to view at, among other places, the Colorado Supreme Court Law Library, 1300 Broadway, Denver, Colorado.

2. Testing Procedures:

Morgan County will utilize testing in the following circumstances:

1. Pre-employment testing for safety-sensitive positions;
2. Post-accident testing in instances as described above in section D;
3. Random testing for safety sensitive positions;
4. Reasonable suspicion testing of drug and/or alcohol use; and
5. Follow-up testing pursuant to the recommendations of a Substance Abuse Professional (SAP).

For a position to be “safety sensitive” in nature, the job duties of the position must involve activities that if impaired by drug or alcohol use would pose a great danger to the public. Safety sensitive positions include, but are not limited to, the following positions: law enforcement employees, firefighters, emergency vehicle operators, commercial drivers licensed employees, employees who care for minors or incapacitated individuals, and operators of heavy machinery (vehicles or equipment weighing more than 20,000 pounds gross vehicle weight).

Breathalyzer and/or urinalysis are used to determine the presence of drugs or alcohol in the system. The Morgan County BOCC shall designate the collection site for specimens.

Morgan County shall pay all costs of testing including the cost of transportation to and from the testing site, and shall deem the time required away from regular duties to provide specimens as work time for purposes of compensation and benefits.

A “positive test” is any drug or alcohol test result that meets the stated regulatory requirements and is verified by a designated MRO to show the probable presence of drugs or alcohol in the individual’s system.

At or shortly after the time of the test, an employee shall be given an opportunity to present documentation for prescription drugs or to identify any nonprescription drugs or substances which the employee may be taking. Prescriptions must be obtained on or before the date of the drug test.

Adulterated and/or tampered samples shall be considered a positive drug test and treated as such. For the purposes of this Policy, a refusal to test by an employee shall be considered a positive result and treated as such.

3. Pre-employment Testing

All applicants for safety sensitive positions, who have been presented a conditional offer of employment with Morgan County, are tested to determine the presence of drugs and/or alcohol in the individual’s system.

Morgan County intends to test all prospective employees for safety sensitive positions for the presence of drugs and alcohol in accordance with the provisions of this Policy, and the laws and regulations referenced as a condition of hiring. Pre-employment testing for any prospective employee for a safety sensitive position is done in accordance with Title 49, C.F.R. § 382, *et seq.* including the following:

All potential new hires that test positive for any illegal drug or its metabolites, for a controlled drug or its metabolites (that has not been legally prescribed for the potential new hire), or for alcohol or its metabolites shall be subject to County Action as stated in this Policy in section E, subsection 10.

4. Employee Testing

Morgan County intends to test County employees for the presence of drugs or alcohol in accordance with the provisions of this Policy.

The following County employees should expect to be tested:

1. All county employees are subject to testing for reasonable suspicion or follow-up testing under the recommendations of a SAP only;
2. Employees whose regular and essential job duties include the regular operation of a County motor vehicle, emergency vehicle, any mobile equipment, or heavy machinery are

subject to testing for post-accident, reasonable suspicion, or follow-up testing under the recommendations of a SAP;

3. Employees whose regular and essential job duties include the responsibility for the care of minors or persons who are incapacitated are subject to testing for post-accident, reasonable suspicion, or follow-up testing under the recommendations of a SAP;

4. Employees who are required by law to maintain a Commercial Driver License are subject to testing for post-accident, or reasonable suspicion, random, or follow-up testing under the recommendations of a SAP;

5. Employees of the Sheriff's Office who are in a deputized job class or position, or who have on-duty access to contraband property or illegal drugs confiscated by a law enforcement official are subject to testing for post-accident, reasonable suspicion, random, and follow-up testing under the recommendations of a SAP; and

6. Employees who currently seek to transfer into or be promoted into a job or to be trained for such a job that includes any of the above job duties are subject to testing for the corresponding reasoning.

5. Post-accident Testing:

"Post-accident testing" is testing that is required following certain events such as vehicular accidents. Post-accident testing for any employee is done in accordance with Title 49 C.F.R. § 382.303.

Following a qualifying accident, as outlined above in section D of this Policy, an employee must submit to post accident drug and alcohol testing as soon as practicable.

Alcohol testing must be performed within two (2) hours of a qualifying accident or citation. An employee who is subject to post accident testing must remain available for testing and refrain from consuming alcohol for eight (8) hours following the accident, or until they submit to an alcohol test, whichever occurs first.

Testing for controlled substances must be performed within thirty-two (32) hours of the qualifying accident. An employee subject to post accident testing shall remain available for such testing or may be deemed by the employer to have refused to submit to testing.

If an alcohol or controlled substance test is not completed within the time frames of a qualifying accident, a written statement as to the reason why must be prepared and submitted to Human Resources. The Morgan County BOCC will evaluate the statement and determine if any County

Action is required as stated in this Policy in section E, subsection 10. Human Resources will maintain submitted statements on file.

Testing for accidents that involve vehicles shall be at the site designated by the Board of County Commissioners.

All testing shall be done by urinalysis and/or breath testing. Tests performed by any method for other purposes such as medical evaluation, diagnosis, or law enforcement purposes may be considered under this Policy.

All post accident testing and analysis for drivers and operators of emergency vehicles and vehicles or equipment weighing more than 20,000 pounds gross vehicle weight shall be done in accordance with the applicable portions of Title 49, § C.F.R. 382.

Any employee who tests positive for an illegal drug or its metabolite, for a controlled drug or its metabolite (that has not been prescribed for that employee), or for alcohol or its metabolite shall be subject to County Action as stated in this Policy, section E, subsection 10.

No drug or alcohol testing is conducted without the employee's consent. However, refusal or failure to provide a sample within the required time frames as requested by a supervisor for the County shall be considered a positive test. The employee shall go into unpaid suspension status until the next Morgan County Board of County Commissioner's meeting. At that time, the BOCC shall make the final determination as to the effects of the refusal or failure.

6. Random Testing

Random testing is regularized periodic testing for all employees within a job title or group of job titles conducted in compliance with a statistically valid neutral selection process. Random testing for employees in safety sensitive positions, must be done in accordance with Title 49, C.F.R. § 382, as amended from time to time.

In the event that more than one department is subject to random testing, the selection on a random basis will be made separately for each group. The random drawing for each group shall be statistically controlled separately. In the event that a selected employee is on PTO leave, sick leave, or otherwise not at work, another random selection may be substituted or the first drawn employee may be tested when the employee returns to work.

7. Reasonable Suspicion Testing

Reasonable suspicion testing for any employee is done in accordance with Title 49, C.F.R. § 382. Those procedures require that reasonable suspicion testing is done only after a "trained observer" makes the determination that the on-duty behaviors and condition of an employee under all the

circumstances present reasonable grounds to believe that the employee is currently impaired by possible substance abuse on the job and is reporting for duty unfit for the performance of his or her job duties. If the “trained observer” makes the recommendation to the employee’s supervisor, then that supervisor has the authority to require that the employee submit to the reasonable suspicion testing in a timely manner. If the “trained observer” is actually that employee’s supervisor, then that “trained observer” may require that the employee submit to the reasonable suspicion testing.

For the purpose of this Policy and procedure, a “trained observer” is one who has received training at the “supervisor level” under the requirements of Title 49, C.F.R. § 382. Only such a “trained observer” may conduct reasonable suspicion observations and make a recommendation for reasonable suspicion testing on behalf of the County. This training requirement (in the standards of reasonableness for detection of alcohol or substance abuse by observation of an individual’s symptoms or behavior) ensures that the persons conducting a reasonable suspicion review are knowledgeable regarding the legal requirements for “reasonable suspicion” and for requiring testing only on that basis. A list of those persons trained and certified shall be available for the County Drug and Alcohol Policy Coordinator, who is the Morgan County Human Resources Director.

8. Follow-up Testing

Follow-up testing is done in accordance with the recommendations of the Substance Abuse Professional for any employee who is required to seek substance abuse treatment as a condition of continued employment. This testing and all treatment shall be monitored and certified by the designated Medical Review Officer. The recommendations of a Substance Abuse Professional in a substance abuse treatment plan shall be required to be followed by an employee who has had a positive test under this Policy. It shall be written in accordance with the regulations at Title 49, C.F.R. § 382.

9. Confidentiality of Medical Information

All medical records that pertain to any tests performed under this Policy shall be maintained by the designated Medical Review Officer. The County shall make every effort to preserve the confidentiality of any medical information in its possession. It shall treat all such information as highly confidential and release such information only on an absolute need to know basis. However, Morgan County BOCC and other elected officials reserve the right to review and discuss such recommendations and records in executive session pending County Action.

10. County Action

If a prospective applicant's test result is positive for illicit substance(s), controlled substance(s) without a valid prescription or alcohol the applicant is not eligible for employment; however, the applicant may reapply for employment with Morgan County Government after a period of ninety (90) days has lapsed from the date of the result of the positive test.

If an employee's test result is positive, or if an employee fails to comply with the duties listed in this Policy, Morgan County's BOCC or its designated confidential representative may review the medical analysis with the designated Medical Review Officer in confidence in order to determine the best response.

The Morgan County BOCC or the elected official shall impose disciplinary actions, including but not limited to the following:

1. Immediately require an employee to go on paid or unpaid leave or any other leave available to the employee;
2. Receive an evaluation by a SAP;
3. If a SAP recommends that the employee should seek treatment, the employee shall be required to enter a SAP approved program. If a SAP recommends the employee does not need treatment, the employee may be returned to their normal work duties following a negative drug test result, and with or without additional conditions of employment;
4. Receive a reprimand or written warning;
5. Require an employee to meet conditions of continued employment, including but not limited to compliance with specified behaviors or submissions to and compliance with a SAP; and/or
6. Any other discipline up to and including transfer, demotion, unpaid suspension, or termination.

11. Assistance for Alcohol and/or Drug Abuse

Any employee requesting assistance for drug and/or alcohol abuse may contact the Morgan County Human Resources Director.

F. Workplace Safety Whistleblower Protection

The County does not discriminate, take adverse action or retaliate against employees who:

1. Raise reasonable concerns about workplace violations of government health or safety rules or about an otherwise significant workplace threat to health and safety.
2. Voluntarily wear personal protective equipment that provides a higher level of protection than equipment provided by employer or recommend by a federal, state or local public health agency with jurisdiction over the workplace so long as the increase protective equipment does not render the employee incapable of performing the employee's duties.
3. Oppose any practice that the employee believes is unlawful pursuant to Article 14.4, Title 8 of the Colorado Revised Statutes, as may be amended, or make a charge, testify, assist, or participate in any investigation, proceeding, or hearing related to matter the employee believes to be unlawful.

This protection for employees does not apply in cases where the employee discloses information that the employee knows to be false or with reckless disregard for the truth or falsity of the information.

Complaints or concerns regarding workplace safety are encouraged to contact the Human Resources Director.

IV. COMPENSATION

A. Policy: Compensation and Raises

To provide compensation for all County employees based on the skills and responsibilities of the job as well as being generally competitive in the marketplace.

Any performance-based salary increase must be approved by both the appropriate department head/elected official and the Morgan County BOCC. Compensation of the deputies, assistants, and employees of elected officials shall be fixed by the elected official with the approval of the BOCC as per CRS 30-2-104. New employees shall be paid at the minimum rate of pay for their job classification. This range shall be set by using the job description/pay scale information contained in the Job Description Guide which shall be provided by the BOCC, or the information shall be provided by them with the annual budget specifications. This pay scale information will be updated annually.

Based on the discretion of the Department Head/Elected Official and with the approval of the BOCC, employees may be hired at a higher rate of pay than the minimal rate for the position classification.

B. Policy: Evaluations

All Elected Officials, Department Heads, and Supervisors shall evaluate the performance of employees no less than annually. Favorable evaluations do not guarantee any raise or increase in compensation or continued employment. The sole purpose of evaluation is to document each employee's performance and to set goals to be accomplished prior to the next evaluation. The original copy of all evaluations shall be forwarded to the Human Resources Department. No annual merit increase shall be considered without an annual evaluation for such employee until such annual evaluation has been submitted to the Human Resources Department.

After the first year of employment, the employee shall be evaluated at a minimum annually by the employee's supervisor. Records of evaluation shall be filed with the Human Resources Department. These shall be kept confidential in the personnel office.

C. Policy: Frequency of Paychecks

Employees are paid once per month on the last working day of the month. Any employee who begins working for the County after the 15th day of the month shall receive their first paycheck on the last working day of the following month. The County makes deductions for F.I.C.A. Social Security, Medicare, Federal Income Tax, State Income Tax, and the County's Retirement Plan. In addition, an employee may authorize deductions from his or her paycheck for other benefits (see "Benefits").

D. Policy: Jury Duty

The County's full-time and part-time employees shall be paid regular pay while serving on jury duty provided such duty does not exceed three (3) days. Any reimbursement less mileage received by the employee from the Court for jury duty shall be remitted to the County. In order to be granted a paid civil/jury leave, the employee must submit a copy of the summons to the Department Head/Elected Official before the start of the leave period.

E. Policy: Time Sheets

All County employees are required to keep a daily record of hours worked. Supervisors must approve and verify all time sheets and time cards.

Non-exempt employees should not arrive at their work station any earlier than seven (7) minutes prior to the time set for the beginning of their shift or sign out any later than seven (7) minutes later than the end of their shift without the approval of their supervisor. Time worked should be rounded to the nearest one-quarter (1/4) hour.

Only the employee, the employee's supervisor, or payroll staff may enter time worked or leave taken on the time sheet or time card. All time sheets and time cards must be verified by both the employee and the employee's supervisor. All time physically worked and all leave taken **MUST** be accurately reported on time sheets or time cards. Failure to accurately report time worked or leave taken is a violation of these Personnel Policies.

Depending on the circumstances, failure to accurately report time worked and leave taken may also be a criminal offense. Failure to comply with any of these requirements may subject an employee to disciplinary action up to and including termination.

All full-time non-exempt employees are compensated with a monthly salary based on a forty (40) hour work week (Saturday 12:01 A.M. until Friday at 12:00 Midnight) for time worked. Personal Time Off (PTO) leave shall be computed at eight (8) hours per day of such leave utilized. Overtime compensation is computed only after employees exceed forty (40) hours of time physically worked in a given work week. Time worked excludes PTO time and holiday time. Law enforcement's work period is 28 days. Overtime for law enforcement is calculated at a rate of one and one half times the actual hours worked over 171 during the work period. All time worked must be verified by the employee and approved by the employee's supervisor.

Employees are not entitled to breaks, and supervisors must approve breaks. Any breaks exceeding twenty (20) minutes, and breaks of any duration in which the employee leaves County premises, shall be recorded on time cards and time sheets. Lunch or other breaks not taken may not be accumulated or aggregated.

When traveling on County business, employees must clock-in when leaving County premises and clock-out upon return. While traveling, work time must be adjusted to account for meal breaks, personal business, errands, shopping, or the like.

F. Policy: Flexible Work Schedule

Morgan County Government has incorporated a flexible work schedule which can be implemented by departments if the department head/elected official feels it is beneficial to their department. The flexible work schedule consists of four (4) ten (10) hour days per week, giving the employee one extra day off per week. The day the employee chooses as their day off must be approved by the department head/elected official of the department.

G. Policy: Overtime Compensation (Non-exempt employees)

Non-exempt employees ordinarily shall accrue payment for overtime (as defined below) normally in the form of overtime pay. The BOCC, in its sole discretion, subject to the Fair Labor Standards Act (FLSA), may determine to instead award compensatory time off for overtime worked.

Non-exempt employees (other than those employees as addressed in FLSA) who work in excess of a forty (40) hour week (work in excess of one hundred seventy one (171) hours in a twenty-eight (28) day period for law enforcement personnel as defined by FLSA) are compensated for overtime in compliance with the FLSA. In order to be eligible for overtime, an employee must obtain advanced authorization from either the department head or elected official who supervises the employee's work except in emergencies. In case of emergencies, the authorization may be obtained after the work is performed. All elected officials, department heads, policy-making appointees, and all executive, administrative, and professional employees, as defined in the FLSA, are exempt from the overtime provisions of the FLSA and cannot collect overtime pay.

Hours physically worked in excess of forty (40) per week (one hundred seventy one (171) in a designated twenty-eight (28) day period for law enforcement personnel) shall be compensated by either overtime pay or compensatory time as determined by the BOCC, at a rate of one and a half (1.5) times the number of overtime hours physically worked. Holiday or PTO leave taken may be counted towards county straight pay if it results in hours reported in excess of forty (40) or one hundred seventy one (171), as applicable, the excess shall be compensated at a rate of one (1) to one (1) (straight time) of the hours in excess of forty (40) per week or one hundred seventy-one (171) in a designated twenty-eight (28) days. Only hours physically worked in excess of the applicable minimum shall be compensated by FLSA compensatory time or cash overtime payment.

H. Policy: Emergency Pay

An emergency must be classified by the Emergency Management Board (Board of County Commissioners) before emergency pay will be granted. If a non exempt employee is called out to work an emergency outside the employee's regular working hours, they will be compensated at one and a half (1.5) times the employee's salary. Emergency pay will be compensated according to Fair Labor Standards Act (FLSA).

I. Policy: Emergency Haz Mat Pay

If a non-exempt employee is part of the Emergency Hazardous Material (Haz Mat) team, and the employee is called to help with a Haz Mat emergency during regular working hours, the employee will be compensated their regular salary. If the employee is called out during regular

working hours and the time they are out for the emergency goes beyond regular working hours, the employee will be compensated at one and a half (1.5) times the employee's salary for the time that is beyond regular working hours. If an employee is called out to an emergency after hours, they will be compensated at one and a half (1.5) times the employee's salary for the entire time they are out with the emergency in accordance with FLSA.

J. Policy: On-Call Pay

The needs of particular departments (Building Maintenance, Communication Center, Department of Human Services, Information Systems Road/Bridge, and Sheriff) may require employees to be on-call from time to time. "On-call" shall mean that the employee is required to report to his or her work place at times outside the employee's normal working hours within a specific period of time and fully able to effectively carry out the normal functions of their job.

Unless permitted by the employee's supervisor, the on-call employee must remain in Morgan County and carry a pager or mobile device during the on-call period. If the employee cannot remain on call for the entire on-call period, the employee is responsible for finding a replacement for the on-call period and for obtaining approval by the employee's supervisor of the change.

For each on-call period, regardless of duration, employees will be paid an amount equal to one hour of work at a rate of one and one-half times their regular hourly rate of pay. If the employee's waiting time is compensable or if the employee responds to any calls during the on-call period, this payment takes the place of the first hour of compensable time and will not result in a duplicate payment for compensable hours. Except for the initial hour paid at one and one-half the regular rate of pay (as applicable), all employees will be compensated at one and one-half their regular rate of pay while performing work in response to a call during their on-call period.

Compensation for waiting time while on call will be provided in accordance with the Fair Labor Standards Act (FLSA). Whether an employee will be compensated for waiting time while on call depends upon the particular restrictions imposed on the employee during the on-call period. Time spent waiting while on call may be compensable for some employees and not for others depending upon the nature of the applicable on-call restrictions. Compensable hours for on-call time (whether the hours are for compensable waiting time while on call or for work performed responding to calls while on call) count as hours worked during the established work week for overtime calculation purposes. Non-exempt employees will receive overtime compensation for all compensable work hours in accordance with the FLSA.

Importantly, an employee who is not officially "on-call" is discouraged from checking email and from answering or returning telephone calls except in cases of emergency. Employees can feel comfortable requesting citizens and residents who may approach them about County business

off-site and outside of normal working hours to call during business hours to make an appointment to address their questions or concerns.

K. Policy: Shift Differential

Morgan County Government implements shift differential for certain departments.

1. Regular Shift Differential – Regular shift differential is paid to non-exempt employees at one-half (.5) times the employee's regular hourly rate of pay when called out to work outside normally scheduled work hours between 11:00 p.m. and 7:00 a.m. Building Maintenance and Road and Bridge Departments use this most frequently.

2. Holiday Shift Differential – Holiday shift differential is paid to non-exempt employees who are required to come into work on a County designated holiday, when they would not normally do so. If an employee is called into work on a holiday, he or she will be compensated one and a half (1.5) times his or her normal hourly rate of pay. The Road and Bridge Department uses this most frequently.

3. Night Shift Differential - Night shift differential will be paid to non exempt employees in the Communications Center and the Sheriff's Office at \$1.00 an hour over the regular hourly rate of pay for hours worked between 11:00 p.m. and 7:00 a.m.

4. Training Shift Differential – Training shift differential will be paid to non-exempt employees in the Communications Center and the Sheriff's Office at the rate of \$1.25 per hour over the regular rate of pay only when they are training new employees.

L. Policy: Breaks and Lunch Periods

Lunch periods ordinarily are not counted as time worked. However, if an employee is traveling and attending an event where a meal is provided as part of the event, this meal time is considered work time.

Employees are not entitled to breaks, and supervisors must approve breaks. Any breaks exceeding twenty (20) minutes, and breaks of any duration in which the employee leaves County premises, shall be recorded on time cards and time sheets. Lunch or other breaks not taken may not be accumulated or aggregated.

When traveling on County business, employees must clock-in when leaving County premises and clock-out upon return. While traveling, work time must be adjusted to account for meal breaks, personal business, errands, shopping, or the like.

V. BENEFITS

Purpose: To provide a competitive and cost effective benefit package in recognition of the influence benefits have on the economic and personal welfare of each employee.

A. Policy: Compulsory Coverage

The following coverage is provided for all employees:

1. Social Security and Medicare - the County shall deduct the amount determined by law from the employee's check; the County shall also contribute the employer's portion as determined by law. Employees need not apply for this benefit; it is handled automatically by the County.
2. Workers' Compensation - The County provides Workers' Compensation Insurance in compliance with the Workers' Compensation Act of Colorado. The terms of coverage and benefits are covered by the Act, which may be amended from time to time.
3. Unemployment Insurance - The County provides Unemployment compensation in compliance with Colorado statutes. Eligibility for Unemployment is controlled by Colorado law.
4. Participation in CHP (County Health Pool) health, vision, and life insurance for the employee. The minimum life coverage is attached to the Health insurance as is customary, and not severable.

B. Policy: Health Insurance Coverage Options

An employee assigned to a full-time position or who is regularly scheduled to work at least thirty (30) hours per week is eligible for the health insurance coverage benefits (covered employee). These generally begin on the first day of the month following the first full month of employment (i.e. if the employee starts work within the first three days of a month, the employee is eligible for benefits at the beginning of the following month; if the employee starts working on the fourth day of the month the employee is eligible for benefits after the first full month of employment).

All employees will be subject to the County's Patient Protection and Affordable Care Act (PPACA) look-back measurements/stability period to determine whether or not the employee meets the PPACA definition of fulltime employee (average of 30 hours per week) to be eligible for medical benefits. Morgan County's look-back/measurement period is 12 months beginning with the 1st day of the month following an employee's date of hire. Morgan County's waiting period is 30 days, and the stability period is 12 months.

Beginning January 1, 2022, the County will pay up to **\$966.70** a month (**subject to change annually**) toward a health insurance premium with CHP for each covered employee. This is for Plan A coverage under CHP, subject to the Plan A deductibles and copays. It represents 100% of the employee premium of the most expensive plan.

If the employee chooses to elect another plan of coverage available from CHP, in order to use a portion of the County-paid health insurance premium to pay for coverage for enrolled eligible dependents, the employee may do so within the Election Period for each year. For example, if the employee elects a lower cost Plan B, the difference in costs between the Plan A and Plan B for a single coverage will be applied to defray the cost for dependents.

However, if the employee determines to NOT enroll any dependents in any CHP plan, additional funds resulting from the election of a plan other than Plan A will not be available to the employee as income.

The terms of the benefits are amended from time to time at the sole discretion of the County. For current information concerning these benefits, contact the Human Resources Department.

Some categories of part-time employees and seasonal employees, such as Emergency Medical Technicians, are not eligible for any such benefits at this time.

C. Policy: Retirement

An employee assigned to a full-time position or who works at least twenty (20) hours per week upon hire date is required to participate in the Morgan County Government retirement plan. Eligible employees are required to contribute four percent (4%) of their salary to their retirement account. Morgan County Government shall match eligible employees' contributions up to four percent (4%) of their regular salary.

For current information concerning the retirement plan, contact the Human Resources Department. Part-time Emergency Medical Technicians are not eligible for any such benefits.

D. Policy: Other Benefits

Employees assigned to full-time or part-time positions over twenty (20) hours per week may be eligible to participate in other benefit programs, such as a Deferred Compensation Plan. For current information on such benefits, consult the Human Resources Department.

VI. LEAVES

General: Morgan County provides personal time off (PTO), holiday, bereavement, military, emergency, sick and compensatory time (when applicable).

PTO may not be taken in advance of accrual. Employees on leave without pay will not accrue leave.

PTO and compensatory time taken are deducted from the employees leave balances after the leave is taken.

A department head/elected official may require an employee to take time off to draw down the employee's PTO or compensatory time leave balances.

A. Policy: Personal Time Off (PTO)

1. PTO Leave Accrued

PTO will be granted to employees and may be utilized: (a) for vacations; (b) when the employee is ill or incapacitated; (c) for medical, dental, or optical appointments; (d) for the care of the employee's spouse, child, parent; or (e) as allowed by the Board of County Commissioners.

PTO will accrue at the rate of 1.5 hours per week for the first month of employment for newly hired fulltime permanent employees. Subsequent months PTO will accrue as detailed below.

Full time permanent employees shall be awarded at the beginning of each month, PTO at the following rates:

- 0 – less than 1 year employment: 96 hours per year (8 hours/month)
- 1 – less than 5 years employment: 160 hours per year (13.33 hours/month)
- 5 – less than 10 years employment: 200 hours per year (16.67 hours/month)
- 10 – less than 15 years employment: 216 hours per year (18 hours/month)
- 15 years and over: 240 hours per year (20 hours/month)

Full time paramedics and EMTs working 24-hour shifts will be awarded at the beginning of each month, PTO at the following rates:

- 0 – less than 1 year employment: 120 hours per year (10 hours/month)
- 1 – less than 5 years employment: 240 hours per year (20 hours/month)
- 5 – less than 10 years employment: 288 hours per year (24 hours/month)
- 10 – less than 15 years employment: 312 hours per year (26 hours/month)
- 15 years and over: 336 hours per year (28 hours/month)

Permanent part time employees who work twenty (20) or more hours per week shall accrue PTO at the fraction of forty (40) hours per week that the employee works; for example, an employee who works thirty (30) hours per week and has three years of service shall accrue ten (10) hours per month, or one hundred twenty (120) hours per year. Part-time EMTs are not eligible for and shall not accrue PTO.

2. Use Of Personal Time Off (PTO)

Notice of absence must be given to the department head or elected official within one hour of the employee's designated start time. Employees in departments with a twenty-four (24) hour schedule (ambulance, communications, sheriff), must give notice of absence to the department head or elected official within eight (8) hours of the beginning of their shift. If absence is due to illness, a written doctor's statement (at the discretion of the department head/elected official) may be required if more than four (4) days of absence is necessary. The County may begin the time periods set out in the Family Medical Leave Act (FMLA), as amended from time to time, if the employee qualifies for FMLA leave, and PTO must be used concurrently with FMLA qualifying leave. Non-notification of an absence may result in disciplinary action up to and including termination.

If an employee is on scheduled PTO time off when there is an emergency closure day, then PTO will be adjusted accordingly.

PTO leave may be taken only when authorized by the department head/elected official, who may deny the request based on the reasonable needs of the department. Leave taken without prior authorization may be granted as PTO leave at the discretion of the department head/elected official. Leave without pay may be charged for any leave which was not authorized in advance. PTO must be taken in a minimal increment of fifteen (15) minutes.

Except in situations that would cause the department undue hardship, PTO leave shall not be denied by the department head or elected official when the denial, based on carryover limitations, could result in the forfeiture of accumulated personal leave.

A full time employee may not carry forward more than four hundred eighty (480) hours of PTO leave from one calendar year to the next year. Employees will have until payroll cutoff in December of the calendar year to reduce their PTO leave balance to four hundred eighty (480) hours. If at that payroll cutoff, an employee has PTO leave in excess of four hundred eighty (480) hours, the County will be pay the employee compensation for the excess PTO leave, up to a maximum of eighteen (18) days (one hundred forty-four (144) hours at the employees' current daily rate of regular pay. PTO leave in excess of the compensable 18 days (144 hours) will be forfeited.

Permanent part time employees who work 20 or more hours per week may not carry forward more than the fraction of full time employee's schedule that the employee worked during the calendar years (for example, three hundred sixty (360) hours for three-quarter (.75) part time employees; two hundred forty (240) hours for half-time (.5) part time employees). If an employee has accrued PTO in excess of the employee's maximum leave balance, the employee will have until payroll cutoff in December of the calendar year to reduce their balance below the maximum amount. A permanent part time employee may opt to be compensated for up to the fraction of a full time employee's hours per year (for example, one hundred eight (108) hours per year for three-quarter (.75) part time employees; seventy-two (72) hours per year for half-time (.5) part time employees). The compensation shall be as follows:

Three-quarter part time employees: Up to eighteen (18) days (one hundred eight (108) hours using a six (6) hour day) per year at the employees' current daily rate of regular pay.

Half-time (.5) part time employees: Up to eighteen (18) days (seventy-two (72) hours using a four (4) hour day) per year at the employees' current daily rate of regular pay.

Use of PTO leave days due to a serious medical condition as defined by the FMLA will run concurrently with leave taken under the FMLA.

On a case-by-case basis, the Board of County Commissioners may authorize donation of accrued PTO from one employee to another. PTO may not be donated to an employee who has sufficient accrued PTO. No employee may receive more than two hundred forty (240) hours of donated PTO in any single calendar year. In determining whether to authorize the donation, the Commissioners shall consider the following factors:

1. The reason why the recipient needs donated PTO (use of donated PTO for any reason other than medical reasons for the employee or the employee's spouse, child, or parent will be denied absent unusual circumstances); and
2. The impact on the recipient's department of providing additional time off to the recipient and the hardship it will cause the recipient's department.

Upon separation from County employment, an employee shall be paid for accrued PTO up to the maximum number of hours an employee may accrue by the end of each year (four hundred eighty (480) for full time employees, three hundred sixty (360) hours for three-quarter (.75) time employees, and 240 for half-time employees). If separation occurs prior to the 16th day of a calendar month, the employee shall be paid only for PTO accrued up to the last day of the previous month. If separation occurs on the 16th day or later of a calendar month, the employee shall be paid for the entire PTO accrual of that month. If an employee separates from County

employment with less than one year of employment, they will not receive compensation for any accrued PTO accruals.

Any employee whose employment with the County is terminated for any reason and then is subsequently re-employed by the County shall be treated as a new employee on the date of the subsequent re-employment, if the rehire date is greater than 6 months from termination date. If re-employed within 6 months of termination date, salary will be at the same rate and PTO will accrue in accordance to previous rate.

B. Policy: Sick Leave

Employees who are not eligible for PTO may be eligible for sick leave. Sick leave shall accrue at a rate of one (1) hour for every thirty (30) hours worked, up to a maximum of forty-eight (48) hours annually. Sick leave accrual begins as soon as the employee commences working for the County and must be taken in a minimal increment of fifteen (15) minutes. Up to forty-eight (48) hours of accrued, but unused, sick leave carries forward to a subsequent year. If accrued leave falls below 48 hours, the employee may accrue leave up to the maximum of 48 hours in the following year.

Sick leave may be taken for the following reasons:

1. the employee has a mental or physical illness, injury, or health condition that prevents the employee from working; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
2. the employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
3. the employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work to seek medical attention for either the family member or the employee; obtain services from a victim services organization to obtain mental health counseling, seek relocation or seek legal services related to the domestic abuse, sexual assault or harassment; or
4. A public official has ordered the closure of the school or place of care of the employee's child or of the employee's place of business due to a public health emergency, necessitating the employee's absence from work.

After four (4) consecutive days of sick leave, the County may request documentation to demonstrate that the leave is for the purposes stated herein. Unused accrued sick leave will not be included as compensation at the time of separation from employment.

Use of sick leave due to a serious medical condition as defined by the FMLA will run concurrently with leave taken under the FMLA.

In the event that a part time employee transfers into a full time position, the sick leave balance will convert to PTO on a 1 to 1 ratio. ie.) 1 hour of sick leave = 1 hour of PTO.

C. Policy: Holidays

All full time employees receive eight (8) hour paid holidays as granted by the BOCC by resolution for each calendar year. When a holiday falls on a Saturday, the preceding Friday must be taken off. When a holiday falls on a Sunday, the following Monday must be taken off. To be eligible for holiday pay, a full-time employee must be on paid active status the workday before and the workday after the holiday. Holiday pay is not granted to temporary or part-time employees.

The needs of particular departments (Ambulance, Communication Center, Sheriff's Office and Solid Waste) may require that certain non-exempt employees work on holidays. The employees in these departments will be paid eight (8) hours of additional holiday pay whether they work on the holiday or not.

Non-exempt County employees who are approved to work on County holidays, as established annually by the BOCC, will be paid their regularly hourly rate for hours worked in addition to eight (8) hours of holiday pay.

D. Policy: Bereavement Leave

Bereavement leave with pay may be granted to an employee due to the death of the employee's parent, step-parent, parent-in-law, spouse, partner, child, sibling, grandchild, or grandparent. The leave may not exceed forty (40) hours. Leave occasioned by the death of a family member other than those herein designated or for a period exceeding forty (40) hours may be allowed at the discretion of the employee's supervisor, if granted and is approved by the supervisor, the employee must use Personal Time Off (PTO) leave for such absence from work, if available. If neither are available, the absence will be leave without pay.

Permanent part time employees who work twenty (20) or more hours per week shall be granted bereavement leave due to the death of the employee's parent, step-parent, parent-in-law, spouse, partner, child, sibling, grandchild or grandparent. The leave may not exceed the number of hours

per week that the employee works; for example an employee who works thirty (30) hours per week will be granted thirty (30) hours of bereavement leave. If leave is greater than the number of hours the part time employee works is approved by the supervisor, the employee must use PTO leave for such absence from work, if available. Otherwise the absence shall be defined as leave without pay.

E. Policy: Military Leave

Any employee of the County, who is a member of the National Guard or reserve components of the United States Armed Forces, may be given up to fifteen (15) calendar days (one hundred twenty (120) hours) paid military leave for military training purposes in any single calendar year. An employee is entitled to military leave if he or she returns to work at the end of the required military service unless prevented from doing so through no fault of his or her own. If an employee taking military leave does not return to work at the end of the leave, other than for reasons not the fault of the employee, the leave taken shall be deducted from the employee's other leave accruals, if any, or if leave accruals are insufficient shall be considered leave without pay.

The period of military leave shall be determined by the employee's unit, state, or federal orders except Mandatory Unit Training Assemblies (M.U.T.A.) (week-end drills). A copy of the orders must be given to the employee's supervisor and forwarded to the Human Resources Department to receive military leave. Human Resources shall notify the Payroll Department.

Personal Time Off (PTO) leave or leave without pay may be used for additional military purposes such as Active Duty for Training (A.D.T.). PTO leave or leave without pay shall be scheduled as set out in the appropriate section for those types of leave.

A County employee who is involuntarily called to active military duty may be reinstated (at the employee's request) after release from active duty, in accordance with applicable state and federal law.

Other provisions of law may affect military leave and reinstatement. Please contact the Human Resources Department if you have any questions.

F. Policy: Colorado Pregnancy Act -C.R.S. § 24-34-402.3

The County is committed to complying with the Pregnant Workers Fairness Act, C.R.S. § 24-34-402.3, which requires employers to provide reasonable accommodations for employees whose ability to perform essential job duties is limited because of pregnancy, childbirth, or a related medical condition. It is the policy of the County to provide a reasonable accommodation to an employee for health conditions related to pregnancy, a condition following childbirth, or related

medical condition where:

1. An accommodation is necessary to perform the essential functions of the job;
2. The employee has requested an accommodation; and
3. The accommodation would not impose an undue hardship on the County.

A reasonable accommodation is one that:

1. Does not require significant difficulty in the operation of the County's business or significant expense to the County; or
2. Does not require the County to hire new employees, fire an employee, create a new position, or transfer or promote an employee to provide a requested pregnancy accommodation; and
3. Enables the employee to perform the essential duties and responsibilities required of the position.

Examples of reasonable accommodations to be considered includes, but are not limited to: more frequent or longer break periods; more frequent restroom; food and water breaks; time off to recover from childbirth; temporary transfer to a less strenuous or hazardous position; limitations on lifting; light duty; job restructuring; modified work schedule; and providing private (non-bathroom) space for expressing breast milk.

1. Procedures for Requesting an Accommodation.

Initiating the Interactive Process: The employee shall notify her immediate supervisor, department head, or the Appointing Authority, as the employee chooses, that the employee requires an accommodation due to pregnancy, childbirth, or a related medical condition. The request may be in the form chosen by the employee; however, the employee is urged to put the request in writing. Upon notification of the request, the immediate supervisor, department head, or the Appointing Authority will respond to the request in a timely manner in light of the urgency of the request. The purpose of the response is only to notify the employee of a time, date, and location of the interactive process meeting and that it may be held in person, by phone, or via electronic means depending on time-sensitive nature of the request.

Engaging in the Interactive Process: The purpose of the interactive process is to ensure that the County understands the individualized needs of the employee, and to have the opportunity to explore the existence and feasibility of various ways in which it can meet those needs. The interactive process involves the supervisor, department head, or the Appointing Authority communicating in good faith with the employee, whether in person, by phone, or via electronic means, in an open and expeditious manner in light of the urgency of the request.

Requesting Medical Documentation: The County may require the employee to provide a note from a licensed health care provider stating the necessity of a requested accommodation. If the County believes that the provided documentation is insufficient, the County may request additional documentation, or, upon the consent of the employee, speak with the health care provider who provided the documentation before denying the request based on insufficient documentation.

Concluding the Interactive Process: The interactive process is ongoing until one of the following occurs:

1. A reasonable accommodation is reached; or
2. It is determined that:
 - a. No accommodation is available that will not cause an undue hardship to the County, or
 - b. Even with the accommodation the employee could not meet the essential requisites of the job.

Once a conclusion is reached, either to offer an accommodation, or that no accommodation can be made, the County will promptly notify the employee in writing of the determination and that the interactive process had ended.

2. Pregnancy Discrimination Prohibited.

It is the policy of the County that all pregnant workers are entitled to a workplace free of discrimination or gender-based harassment related to requests for pregnancy-related accommodations. Pregnancy discrimination or harassment will not be tolerated. A prompt investigation of all claims and complaints of pregnancy discrimination or harassment will be undertaken, and effective and appropriate corrective action will be taken when determined to be warranted based on the investigation.

Examples of conduct which may constitute pregnancy discrimination or pregnancy-related harassment include, but are not limited to: comments about a pregnant individual's weight or appearance, their age in relation to their pregnancy, their commitment to their job, or their ability to focus. Denial of employment opportunities to the employee because of a request or need for an accommodation in the future; requiring an employee to take leave if another reasonable accommodation can be provided; or requiring an employee to accept an accommodation that was not requested or that is unnecessary for the employee to perform essential job duties.

No employee shall be subjected to reprisal, retaliation, or adverse action for requesting or using

an accommodation. The employee should report immediately any incidents of reprisal, retaliation, or adverse action that occur as a result of making such a request or using an accommodation.

3. Reporting Pregnancy Discrimination or Harassment Related to Pregnancy.

Any employee who believes that she is being subjected to pregnancy-related harassment should inform the person responsible for the conduct that such conduct is unwelcome and plainly request that it stop immediately.

Any employee who believes that she is being subjected to pregnancy-related harassment or pregnancy discrimination shall inform the County of the harassment or discrimination by notifying her immediate supervisor, department head, the Appointing Authority, or the Mayor, as the employee chooses. The notification may be in the form chosen by the employee; the employee is urged to put the notification in writing.

No employee shall be subjected to reprisal or retaliation for making such a notification. The employee should report immediately any incidents of reprisal, retaliation, or harassment that occur as a result of making such a notification.

Upon notification, an investigation will be undertaken promptly. Disciplinary and/or corrective action will be taken when determined to be warranted pursuant to the investigation. The complaining employee will be notified of the results of the investigation.

To the extent possible, complaints and investigations will be handled in a confidential manner. The County cannot promise confidentiality for people who make retaliation complaints, but will protect the confidentiality of witnesses and others who participate in an investigation of complaints of harassment or discrimination to the extent possible. Complete confidentiality cannot be guaranteed, as an effective investigation may require revealing relevant information to a variety of individuals. Instead, identities of witnesses and others who participate in an investigation will be revealed only on a need-to-know basis.

If it is determined that any employee's conduct constitutes pregnancy discrimination or pregnancy-related harassment, the employee shall be subject to corrective and/or disciplinary action. That action may include verbal or written reprimand, suspension, or discharge as justified based on the findings of the investigation.

Failure to comply with any of the requirements in this Section VI(F) may subject an employee to disciplinary action up to and including termination.

G. Policy: Family Medical Leave Act

Eligible employees are entitled to take twelve (12) weeks of unpaid Family Medical Leave during any twelve month period for any of the following reasons:

- (1) To care for the employee's newly born or adopted child;
- (2) To care for a foster child newly placed in the employee's care;
- (3) To care for the employee's spouse, child, or parent who is suffering from a serious health condition;
- (4) To recuperate from a serious health condition that makes the employee unable to perform his or her job; or
- (5) For various military connected activities of an employee of a family member (consult with Human Resources for what activities may apply – also known as Qualified Exigency Leave).

To be eligible for Family Medical Leave, an employee must have worked for the County for at least twelve (12) continuous months immediately prior to taking Family Medical Leave. Also, the employee must have worked at least 1,250 hours in that twelve (12) month period.

The 365 days during which an eligible employee may take up to twelve (12) weeks of unpaid Family Medical Leave is measured from the first day which the employee takes Family Medical Leave. This eligibility requirement must be met again after the exhaustion of Family Medical Leave benefits. That is, after exhausting Family Medical Leave benefits the employee does not qualify for Family Medical Leave for another twelve (12) months.

An employee requesting Family Medical Leave must use all other accrued paid leave concurrently with FMLA prior to being on an unpaid status. Any leave taken shall count against the Family Medical Leave twelve (12) week maximum. For example, an employee who has total accrued leave balances of six (6) weeks may take six (6) additional weeks of unpaid Family Medical Leave after the accrued leave balances have been exhausted, but the entire twelve (12) weeks counts as Family Medical Leave.

When the need for Family Medical Leave is foreseeable, such as in the birth of a child, the employee must provide notice to his or her supervisor at least thirty (30) days before the date that the leave is expected to begin. When prior notice is not possible, the employee shall provide the notice as soon as possible.

If an employee desires to take Family Medical Leave because of his or her own serious health condition or the serious health condition of a family member the employee must provide adequate documentation of the serious health condition from that person's doctor or other health care provider. If Family Medical Leave is taken due to the employee's own serious health

condition the employee must provide to the County, before returning to work, certification from the employee's doctor or other health care provider that the employee is able to resume work. This certification must specifically state any restrictions that would restrict the employee from being able to perform the essential functions and duties of his or her job.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
 - (1) A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - treatment two (2) or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within seven (7) days and both within thirty (30) days of the first day of incapacity); or
 - one treatment by a health care provider (*i.e.*, prescription medication, physical therapy); or
 - (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

When the employee returns to work from Family Medical Leave he or she is entitled to be restored to either his or her original job or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. If the employee is one of the highest paid 10% of all County employees, the County may deny equivalent reinstatement.

While taking unpaid Family Medical Leave, an employee does not accrue benefits such as seniority, promotions, Personal Time Off (PTO) leave, or any other employment benefit.

While an employee is taking Family Medical Leave the County shall continue to pay for health insurance coverage for the employee. Any additional premiums for health insurance coverage for the employee's dependents shall continue to be paid by the employee. If the employee does not return to work at the end of the Family Medical Leave, he or she shall be required to reimburse the County for the employee health insurance premiums paid during the Family Medical Leave unless the failure to return to work is caused by circumstances beyond the employee's control or the employee is otherwise relieved of this requirement by the BOCC.

If both parents of a newborn or newly adopted child are employed by the County they may take no more than a total of twelve (12) weeks of Family Medical Leave combined for both employees for the care of the child during one twelve (12) month period. Spouses are similarly limited to a combined total of twelve (12) weeks Family Medical Leave to care for a parent with a serious health condition.

H. Policy: Personal Leave without Pay

Employees may be granted personal leave without pay for extenuating circumstances as the BOCC deems appropriate. Conditions imposed on a discretionary personal leave without pay may include (a) continuation of health benefits only at the employee's expense; or (b) a limited commitment on the County's part as to restoration of employment at the expiration of the leave; or both.

The employee will be required to exhaust all accumulated PTO as a condition of receiving personal leave without pay. Except in cases of military leave and other applicable legal requirements, PTO leave accruals shall not continue during such leave without pay.

In granting personal leave without pay, each case is to be considered individually. The employee's job performance record, employee's attendance record, and the needs of the particular department may be considered in acting on an unpaid leave application. A written request and supporting documentation may be required, at the discretion of the department head and/or Elected Official, and/or, if appropriate, the BOCC. All such leave must be approved in writing by both the department head and/or Elected Official, and/or, if appropriate, the BOCC in advance and before, it becomes effective. If the leave is not approved in advance it will be

deemed an unauthorized absence (Policy I). If the employee fails to return to work on or before the date that the leave expires, or fails to provide supporting documentation or respond to additional requests for documentation supporting the need for continued leave, the employee is deemed to have terminated his or her employment with the County. If the employee does not return to work on or before the date the leave expires, he or she shall be required to reimburse the County for the employee health insurance premiums paid during unpaid leave unless the failure to return to work is caused by circumstances beyond the employee's control or the employee is otherwise relieved of this requirement by the BOCC.

I. Policy: Inclement Weather/Emergency Closure of County Departments

It is the policy of Morgan County Government to remain open during most periods of inclement weather; however, where extraordinary circumstances warrant, due to weather or other unforeseen business interruptions, the Board of County Commissioners reserves the right to close its' offices. If the offices are to be closed, the person authorized to make the decision shall ensure all supervisors are notified (following the protocol as determined by the BOCC), who shall in turn notify their subordinate staff. The decision will also be communicated to the local radio stations and be posted on the County website. The closure and its' approval will be noted in the BOCC's consent agenda the following week. Full-time employees shall not lose pay, benefits, or pre-approved time off for any time that the County offices are officially closed for emergency closure.

Subject to Department Head approval, employees who choose to remain home or to leave work early due to unusual road conditions in their vicinity when the County offices are not officially closed may use Personal Time Off (PTO) or if employee does not have any available leave, leave without pay will be granted. If the County offices are then officially closed for part of the day, the affected employee shall be charged leave only for that part of the day when the offices are open.

Employees who are not able to leave their positions and must continue to work (Sheriff's Office, Communication Center, and Ambulance) will receive additional pay at straight time (not included in overtime calculations) in accordance with BOCC approval.

J. Policy: Unauthorized Absences

Any unauthorized absence of an employee may be grounds for disciplinary action, including dismissal. Any employee absent without prior notice may be considered to have resigned. If extenuating circumstances are later proven, the action may be altered to a form of approved leave at the discretion of the employee's supervisor, ratified by the BOCC.

K. Policy: Domestic Abuse Leave

An employee may request or take up to three working days of leave from work in any twelve-month period, with pay, if the employee is the victim of domestic abuse, stalking, sexual assault, or any other crime related to domestic abuse. Such leave may only be requested after all PTO has been exhausted.

Please contact your supervisor if you have any questions or concerns regarding Sections IV, Compensation; V, Benefits; or VI, Leaves, or about how your pay, evaluations, time sheets, leave, or benefits are counted or calculated.

L. Policy: Colorado Public Health Leave

During a public health emergency and under specific circumstances additional leave may be available to employees. Please contact the Human Resources Director with questions.

VII. TRAINING/EDUCATION

Purpose: To provide training and education opportunities to County employees in order to promote career development and enhance the County's human resources.

A. Policy: Training

When fiscally practical, the BOCC shall allow employees to participate in County funded job-related training or educational courses approved by the department head or Elected Official for whom the employee works. The training or educational courses requested must benefit the County and must be directly applicable to the employee's current job classification.

As a condition of funding such training, the Department Head or Elected Official may require a commitment from the employee to continue employment with the county for a fixed period of time or may require total or partial reimbursement to the County of the cost of the training if the employee voluntarily separates from County employment within the stated time.

A Tuition Reimbursement Program is evaluated on an annual basis and funded subject to budgetary constraints. Program guidelines and application procedure are available through the Human Resources Department.

VIII. CONDUCT AND EMPLOYEE DISCIPLINE

Purpose: Every County employee should be aware that he or she is a public employee and is obligated to serve citizens in a courteous and efficient manner.

A. Policy: Conduct and Discipline

Any employee of Morgan County may be subject to any of the following disciplinary actions for corrective counseling or disciplinary purposes by the sole discretion of the Department Head or Elected Official for whom he or she works:

1. Verbal warning
2. Written reprimand.
3. Probation.
4. Suspension with pay.
5. Suspension without pay.
6. Demotion.
7. Dismissal.
8. Conditioning future employment on corrective action such as counseling or behavior changes.

There is no express or implied right to receive the disciplinary actions set forth above in a progressive order, or in any order or at all, prior to the termination of employment. An employee may be dismissed for a first-time offense where circumstances warrant. There is no express or implied right to receive corrective action or counseling prior to or in conjunction with a disciplinary action.

Elected Officials or, at their discretion, their subsidiary department heads may impose disciplinary actions. Examples of conduct for which an employee may be disciplined include, but are not limited to:

1. Neglect of duty.
2. Inattention to duty.
3. Failure to perform job duties.
4. Conduct endangering the safety or well-being of fellow employees or of the public.
5. Negligent or intentional damage to or waste of public property.
6. Failure to comply with lawful orders, policies, or regulations.
7. Violation of any ordinance, resolution, state or federal law, order, policy or regulation.
8. Disrespect or insolence toward a citizen or fellow employee.

9. Unexcused absence without leave.
10. Tardiness or abuse of PTO and sick leave.
11. Misuse of County funds or property.
12. Falsification of records or reports.
13. Intoxication.
14. Unauthorized use or possession of a controlled substance.
15. Failure to perform assigned duties.
16. Failure to carry out supervisory responsibilities.
17. Sexual or other harassment of another employee or member of the public.
18. Disclosure of confidential information.
19. Provoking a fight while on County property or while on duty.
20. Failure to follow safety procedures.
21. Unauthorized possession of firearms or other weapons on County property.
22. Theft of County or employee property.
23. Any other act or conduct deemed inappropriate by the supervising Department Head or Elected Official(s).

The Department Head or Elected Official(s) administering discipline may determine the action to be taken based on the principles set out in the preamble to this manual and on the following principles:

1. Severity of the offense.
2. Frequency of occurrence as reflected by the personnel records and as reported by the Department Head or Elected Official(s),
3. Attitude, honesty and sincerity on the part of the employee in correcting existing deficiencies or compliance with regulations.
4. Any other job related factors deemed relevant by supervisory personnel, Elected Official(s), or Department Head such as the ability to work as a team member or, compliance with standards of behavior.

Where appropriate and practical as determined at the discretion of an employee's Department Head, supervising Elected Official or other supervisor, an employee may be given an opportunity to respond to allegations of improper conduct and/or performance issues prior to the imposition of any disciplinary action.

IX. SEPARATION FROM COUNTY EMPLOYMENT

Purpose: To clarify the different reasons for employee separation from County employment and issues surrounding it.

A. Policy: Separation

All separations from County employment fall into one of the following categories:

1. Voluntary resignation.
2. Retirement or death.
3. Reduction in force.
4. Dismissal.

The separation date shall be the last day worked by the employee. Accrued Personal Time Off (PTO) leave cannot be used to extend the separation date. The employee's supervisor must submit a Personnel Action Form to the Human Resources Department as soon as notice of separation is given. All pay and personnel records must be completed. Each employee must make an appointment with Human Resources to complete separation paperwork.

All County property, including the County identification card, keys to buildings, gates and equipment and, as applicable, all information required under the County's social media policy in Sec. II(T)(2) of these personnel policies, must be returned to the employee's supervisor or the Human Resources Department on the last day physically worked. If County property is not turned in or otherwise satisfactorily accounted for, the replacement value of such property shall be deducted from the employee's final paycheck. An employee shall receive his or her final paycheck on the next regular pay day following the last day worked, unless otherwise provided by law. The eligible employee shall be paid for accrued and unused Personal Time Off (PTO) leave as provided in this personnel policy manual. Group insurance shall continue through the last calendar day of the month of termination. Retirement paperwork shall be provided to the exiting employee during the separation interview with the Human Resources department.

B. Policy: Voluntary Resignation

An employee may resign from County employment for any reason at any time. Prior notice is not required, but two (2) weeks notice is requested. The employee's supervisor may, at his or her discretion, shorten the period that the employee works after giving notice to less than two (2) weeks if it is in the best interests of the department affected.

C. Policy: Retirement

An employee who has decided to retire must notify the Department Head or Elected Official for whom he or she works in writing of that decision. The County does not have a mandatory retirement age. Retirement benefits shall not be accrued on compensatory time which is paid out at the time of retirement or other separation.

D. Policy: Reduction in Force - Lay-Offs

The BOCC has the discretion to determine under what circumstances positions should be terminated or employees laid off, when it becomes necessary to reduce the work force due to funding reductions, workload changes or policy changes.

E. Policy: Dismissals

All dismissals shall be verified by the Human Resources Department to insure that County property and keys have been returned, a separation interview has been completed, and that personnel records reflecting the dismissal are properly completed.

X. DEFINITIONS

ACTING APPOINTMENT - An interim appointment created to fill a job vacancy when an employee is unavailable for work as a result of injury or leave.

ANNIVERSARY DATE – The day of hire.

APPLICANT - A person who has filed a completed County application for employment in order to be considered for a posted vacant position.

APPOINTMENT - Formal hiring of an individual to fill a job vacancy.

CHILDBIRTH - Labor or childbirth, whether or not it results in a live birth.

COMPENSATION - Salary, wages, paid time off, allowances, and all other forms of valuable consideration earned by or paid to any employee for service in any position.

EXEMPT EMPLOYEE - Any person not subject to the overtime provisions of the Fair Labor Standards Act.

FULL-TIME EMPLOYEE - Employee that normally works equal to or greater than 30 hours per week.

INTERACTIVE PROCESS - The process by which an employer engages with an employee in a cooperative dialogue or in an open, problem-solving conversation based on the employee's request for an accommodation or the belief that an employee might benefit from an accommodation.

POSITION - An aggregate of work activities, duties, and responsibilities defined in a job description.

PART-TIME EMPLOYEE - An employee whose normal work week is less than 30 hours per week for an indefinite duration and who fills a position budgeted as part-time.

PART-TIME EMERGENCY MEDICAL TECHNICIAN – A part-time employee with the Ambulance Service who works on an as-needed basis for an indefinite duration and who fills this position budgeted as part-time.

PREGNANCY – The state of being pregnant and symptoms of pregnancy, including without limitation, nausea, morning sickness, dehydration, increased appetite, swelling of extremities, and increased body temperature.

PREGNANCY-RELATED MEDICAL CONDITION – Any medical condition that is related to, or caused by pregnancy or childbirth, including, but not limited to, infertility, gestational diabetes, pregnancy induced hypertension, preeclampsia, post-partum depression, miscarriage, lactation; and recovery from childbirth, miscarriage, and termination of pregnancy.

RESIGNATION - The voluntary separation of an employee from County employment.

RETIREMENT – The voluntary separation of an employee from County employment.

TEMPORARY EMPLOYEE/POSITION - A position budgeted for a fixed period of time or an employee holding such a position. Employment lasts through the completion of a project or for a specified period of time.

SEPARATION - Separation of an employee from County employment.

SMOKING – The burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco or marijuana; use of e-cigarettes or electronic vaporizing devices; or the use of any product that can be used to deliver tobacco, nicotine, or marijuana to the person inhaling from the device.

TRANSFER - The movement of a County employee from one department or position to another department or position.

WORKERS' COMPENSATION - Insurance fund established to provide benefits to employees injured on the job.

Morgan County Government Personnel Policy
Effective: October 18, 2022

I acknowledge that I have received, reviewed, read and understand the attached Morgan County Government Personnel Policy adopted.

I acknowledge the policies stated in this Morgan County Government Personnel Policy are subject to change and that employees may or may not be notified of such changes.

I understand employment with Morgan County Government is at-will and may be terminated by either party at any time with or without cause.

Employee Signature	Printed Name:
Department:	Date:

