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RESOLUTION NO.24-53

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION AMENDING THE EL PASO COUNTY
PERSONNEL POLICIES MANUAL

WHEREAS, pursuant to C.R.S. §§ 30-11-103 and 30-11-107(e), the Board of County Commissioners of El Paso County, Colorado ("Board" or "County"), has the legislative authority to manage the business and concerns of the County to ensure the welfare and interests of the County and its inhabitants; and

WHEREAS, the Employment and Risk Management Department ("ERM") and the County Attorney's Office have identified sections of the El Paso County Personnel Policies Manual that need to be revised and updated; and

WHEREAS, the Board agrees that there is a need to make the identified changes to protect County employees and to ensure effective management of the business and concerns of the County.

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners hereby approves and incorporates the requested changes thereby amending the El Paso County Personnel Policies Manual as identified in Exhibit 1.

BE IT FURTHER RESOLVED, that the herein identified manual shall replace and supersede all prior versions of the El Paso County Personnel Policies Manual effective February 1, 2024.

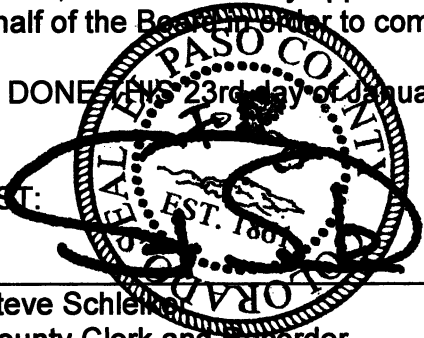
BE IT FURTHER RESOLVED, that Human Resources and the County Attorney's Office may make ministerial and formatting changes to the El Paso County Personnel Policies Manual which are necessary to place it in final form for publication to the employees.

BE IT FURTHER RESOLVED, that Cami Bremer, duly elected, qualified member and Chair of the Board of County Commissioners, or Carrie Geitner, duly elected, qualified member and Vice Chair, be and is hereby appointed and authorized to execute any necessary documents on behalf of the Board in order to complete implementation of the policy described herein.

DONE this 23rd day of January, 2024, at Colorado Springs, Colorado.

ATTEST:

By: Steve Schleiker
County Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Cami Bremer
Cami Bremer, Chair

Steve Schleiker
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El Paso County, CO



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**EL PASO COUNTY, COLORADO
PERSONNEL POLICIES MANUAL**

2024

El Paso County Personnel Policies

Effective February 1, 2024

As adopted before the
Board of County Commissioners,

El Paso County, Colorado


EL PASO COUNTY
COLORADO

Policy

Human Resources

<p><u>Document:</u></p>	<p><u>Title:</u> Personnel Policies Manual</p>	<p><u>Effective Date:</u> 02/01/2024</p>
<p><u>Prepared By:</u> Xavier Frost, Chief HR Officer Heather Hartfield, Division Manager Nicole Evans, Division Manager Rick Bransford, Division Manager Renee’ Mabe, Division Manager Jenn Kerr, Division Manager Christine Middleton, Division Manager Dan Davis, Compliance Officer</p>	<p><u>Reviewed By:</u> Xavier Frost, Chief HR Officer Bret Waters, County Administrator</p>	<p><u>Reassessment:</u> Annually</p>
<p><u>Standard:</u> N/A</p>	<p><u>Approved By:</u> El Paso County Board of County Commissioners</p>	<p><u>Revision Date:</u> 01/01/2024</p>

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

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

Employees of the District Attorney’s Office and sworn members of the Sheriff’s Office are not defined as County Employees for the application of this manual. However, these employees may be subject to a separate policy and procedure manual. These employees may be subject to County harassment, discrimination, and workplace violence policies in the event such policies are not covered, or are covered to a lesser extent, by a separate manual. Additionally, these employees may receive group insurance, workers’ compensation, retirement, and other benefits through the County.

Responsibilities: Ethics-Centered Government

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

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

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1 Preface, Application, Changes, Authority

1.1 Preface

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

1.2 Application

- 1.2.1 In general, this manual will apply to all County Employees. Application of this manual is further subject to specific exceptions as provided herein. Members of appointed boards, commissions, citizens committees, interns, volunteers, and Elected Officials are not County employees but may be subject to these policies where applicable and as outlined in this manual.
- 1.2.2 Employees of the District Attorney’s Office and sworn members of the Sheriff’s Office are not defined as County Employees for the application of this manual. However, these employees may be subject to a separate policy and procedure manual. These employees may be subject to County harassment, discrimination, and workplace violence policies in the event such policies are not covered or are covered to a lesser extent by a separate manual. Additionally, these employees may receive group insurance, workers’ compensation, retirement, and other benefits through the County.

1.3 Additions, Deletions, or Changes

- 1.3.1 Any proposed additions, deletions, or changes to this manual will be submitted to the Human Resources (HR) Department. The Chief Human Resource Officer or designee will review the proposal and solicit comments. If approved by the County Administrator and after legal review by the County Attorney, the proposed additions, deletions, or changes will be submitted to the Board for consideration. Except for the at-will nature of employment, El Paso County reserves the right to modify, suspend, interpret, or cancel any additions, deletions, and changes to this policy with or without notice.
- 1.3.2 Changes to the manual will be made available to all employees. The County may ask employees to acknowledge receipt and understanding of the manual, including any changes.

1.4 Authority of Elected Officials

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

2 RECRUITMENT AND SELECTION OF EMPLOYEES

2.1 Equal Employment Opportunity (EEO)

2.1.1 El Paso County is an equal opportunity employer. The County does not discriminate against persons because of their genetic information, age, gender, gender identity and gender expression, color, race, religion, national origin, marital status, sexual orientation, pregnancy, disability, political affiliation, traits that are historically associated with a person’s race, including stereotypes associated with hair texture, hair type, and protective hairstyles, or any other basis protected by federal, state, or local law in making employment decisions, including recruitment, selection, determining suitability for employment, compensation, promotion, transfers, education, discipline, demotion, or discharge. Selection decisions will be made in a non-discriminatory manner consistent with applicable laws, this policy, and EEO principles.

2.2 Immigration Act Compliance and E-Verify

2.2.1 In accordance with the Immigration Reform and Control Act of 1986, it is our policy to hire only those individuals who are authorized to work in the United States (U.S.). Pursuant to this law, all individuals who are offered employment will be required to submit documentary proof of their identity and employment authorization. Therefore, employees must complete and sign Federal Form I-9, Employment Eligibility Verification Form, and must present original, valid documents proving identity and eligibility to work in the U.S. within three (3) business days of their employment start date. The County will make and retain copies of employee identity and authorization documentation. The County must not knowingly hire or continue to employ any person not authorized to work in the U. S. and will not discriminate against U.S. citizens, lawful permanent residents, or authorized aliens because of national origin. The Federal Form I-9 is entered by HR into a system provided by the Department of Homeland Security called E-Verify or through any other system implemented by the Department of Homeland Security. E-Verify allows employers to verify the employment authorization of newly hired employees electronically.

2.3 Personnel Records

2.3.1 HR is the official custodian of the statutorily required personnel records of all County employees, with the exception of employees of the District Attorney’s Office. Personnel records will be maintained in accordance with appropriate laws. The information contained in personnel records is confidential and will be publicly released only in accordance with applicable laws.

2.4 Job Vacancies

2.4.1 The County complies with all provisions of Colorado’s Equal Pay for Equal Work Act (EPEWA) and all subsequent amendments.

2.4.2 In compliance with the EPEWA, job vacancies must be posted for a minimum of three (3) calendar days. Vacancies may be posted through one of the following options:

2.4.2.1 Department/Division only: posting is only open to employees within the specified Department/Division; or

- 2.4.2.2 County employees: posting is only open to all current County employees; or
- 2.4.2.3 Public: posting is open to employees and the general public.
- 2.4.3 Exceptions for posting under the EPEWA include:
 - 2.4.3.1 Confidentiality. A promotional opportunity need not be posted to all employees if the employer has a compelling need to keep a particular opening confidential because the position is still held by an incumbent employee who, for reasons other than avoiding job posting requirements, the employer has not yet been made aware they will be separated. If any employees are told of the opportunity, all employees must be told who either (1) meet the minimum qualifications or (2) have a job “substantially similar” (within the meaning of C.R.S. § 8-5-102 in the Act) to any employees being told of the opportunity. If the need for confidentiality ends before any deadline to apply for the job, the employer must then promptly comply with applicable posting requirements in the Act;
 - 2.4.3.2 Automatic promotion after trial (initial evaluation) period. No promotional posting to other employees is required for a promotion within one (1) year of an employee being hired with a written representation (whether in an offer letter; in an agreement; or in a policy the employer publishes to employees) that the employer will automatically consider the employee for promotion to a specific position within one (1) year based solely on their own performance and/or employer needs; and
 - 2.4.3.3 Temporary, acting, or interim hires. No immediate promotion posting is required to fill a position on a temporary basis for up to six (6) months where the hiring is not expected to be permanent, e.g., an acting or interim position. If the hire may become permanent, the required promotion posting must be made in time for employees to apply for the permanent position.
- 2.4.4 Candidates selected for consideration of a position, such as an interview, must meet all requirements of the job, including the required minimum qualifications and physical requirements.
- 2.4.5 If a current County employee is selected to participate in an interview for a position within any County department or office, and that interview takes place within the employee’s regular work schedule, the employee may request and be approved for work time for the interview and any applicable travel time.
- 2.4.6 Transfer of current employees
 - 2.4.6.1 Interdepartmental and intradepartmental transfer opportunities must comply with job vacancy and posting requirements set forth unless the opportunity is considered a lateral transfer.
 - 2.4.6.2 Employees who have not completed their initial evaluation period, who are on a Corrective Action Plan (CAP) or have received discipline (as defined in Chapter 7) in the previous 12 months are not eligible for interdepartmental/intradepartmental transfers or promotional opportunities unless approved by the current (for intradepartmental) or gaining Hiring Authority (for interdepartmental).

2.4.6.3 If an employee is on a CAP or has received discipline (as defined in Chapter 7) in the previous 12 months at the time of transfer, an evaluation of the continuation and fulfillment of the requirements of the CAP and discipline will be conducted by the HR department and applicable Hiring Authority at the time of the transfer or promotion.

2.4.7 Other exceptions may also apply in consultation with HR and the County Attorney's Office.

2.5 Application for County Employment

2.5.1 The County complies with all provisions of Colorado's Equal Pay for Equal Work Act (EPEWA) and all subsequent amendments.

2.5.2 The County requires a completed application for each position and will only accept employment applications for open positions. Unless otherwise specified by the Hiring Authority, all applications must be completed online. Resumes may be attached as supplemental data but do not replace the application. HR will retain the completed applications of non-selected applicants in accordance with any applicable records retention laws. Special application procedures may be listed on the individual job announcement.

2.5.3 El Paso County reserves the right to reject the application of any candidate who may fall under one of the following categories, including but not limited to:

2.5.3.1 Is found to lack any of the minimum qualification requirements specified in the job description or classification.

2.5.3.2 Does not meet the physical and mental health requirements of the position to which the applicant seeks employment. This does not include disabilities that can be accommodated per the Americans with Disabilities Act (ADA).

2.5.3.3 Does not meet the background screening standard established for the position.

2.5.3.4 Has received a positive test result, failed to appear, or refused to submit to the drug, alcohol, or other substance screening required for the position to which the applicant seeks employment. If a pre-employment test is positive for alcohol, illegal drugs, or misused prescription drugs, the applicant may not be considered for any position within the County for time periods determined by the Chief Human Resource Officer.

2.5.3.5 Has been discharged from any previous employment for good cause.

2.5.3.6 Has been discharged previously from the County, resigned during the pendency of an investigation or the commencement of an investigation conducted by HR, or whose documented performance was not meeting standards at the time of termination. Applications will not be considered for a period of six (6) months for employees who were discharged or resigned in lieu of discharge from employment with El Paso County.

2.5.3.7 Has made a materially false statement in the application or the hiring process, or has attempted to practice deception in connection with such application or hiring process.

- 2.5.3.8 Has taken an assessment/examination for the position as many times as allowed in a given period for a position as determined by the Chief Human Resource Officer.
- 2.5.3.9 Has been passed over for employment for good cause, or has failed to appear without good cause after accepting a job interview.
- 2.5.3.10 Is lacking in any other qualifications or standard of conduct for the position.

2.6 Rehire of Former Employees

- 2.6.1 In conjunction with sections 2.4 and 2.5, employees who voluntarily resign in good standing and whose performance meets expected performance standards may be considered for re-employment with the County. Former employees will be considered for job vacancies along with the other qualified candidates that apply for an open position. There is no guarantee of re-employment. Hiring decisions remain at the discretion of the Hiring Authority of the job vacancy. Employees who were discharged from employment with El Paso County or resigned in lieu of discharge will not be eligible for rehire with El Paso County for six (6) months from the date of termination of employment and will thereafter be evaluated for rehire eligibility on a case-by-case basis.
- 2.6.2 Pursuant to law and the El Paso County Retirement Policy, a Hiring Authority cannot re-hire a retired El Paso County employee part-time within ninety (90) days of the retiree's retirement date or their exit from employment date. Further, at the time of an employee's retirement or exit from employment date, a Hiring Authority cannot commit or agree to rehire the employee following their retirement.

2.7 Background Investigations

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

2.8 Employment References

- 2.8.1 County employees may give professional references for current or former employees, at their discretion, for employment, educational purposes, or other professional purposes. If an employee chooses to provide a reference, it will be accurate, factual, fair, made in good faith, and not embellished. Supervisors will not provide a reference that conflicts with the employee's performance or most recent performance evaluation.
- 2.8.2 County officials and Hiring Authorities are encouraged to cooperate with and provide employment-related information to one another upon request.

- 2.8.3 Department heads and elected officials may set their own reference procedures.
- 2.8.4 General employment verification, such as by a lending institution, Public Loan Service Forgiveness, or to verify previous employment information such as dates of hire/termination or salary information, will be overseen by the HR department.
- 2.9 Employment of Relatives
 - 2.9.1 The County wants to ensure that certain employment practices do not create a conflict of interest or the perception of favoritism based on the employment of immediate family members. This extends to practices that involve employee hiring, promotion, and transfer. Immediate family members are not permitted to be in positions that have a reporting responsibility to each other. A person shall not be hired, transferred, or promoted if such employment will place them in a position of supervising or being supervised by an immediate family member; or where an immediate family member occupies a position that could affect or have direct input into the other's employment, promotion, salary administration, or other related employment actions.
 - 2.9.2 If employees become immediate family members, and one party is in a supervisory position over the other, that person is required to inform HR immediately. HR and the employee will work together to resolve the conflict.
 - 2.9.3 No Hiring Authority shall appoint or employ any person within their immediate family, nor use their position to influence another County employee to hire a member of their immediate family.
 - 2.9.3.1 For the purposes of this policy section, immediate family member is defined as, but not limited to, spouse, partner, parents, stepparents, foster parents, in loco parentis, siblings, stepsiblings, children, stepchildren, grandchildren, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, step grandparents, uncles, aunts, nieces, nephews, or cousins. These familial relationships include adoption, blood, and marriage-based relationships. The County reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if no direct reporting relationship or authority is involved.
- 2.10 Relationships Among Employees
 - 2.10.1 A person shall not be placed in a position of supervising or being supervised by another employee with whom they are having or has had an intimate relationship; nor will an employee be placed in a position in which an employee with whom they are having or has had an intimate relationship which could affect the other's employment, promotion, salary, or other related management or personnel transaction.
 - 2.10.2 Any employee who is or has been involved in an intimate relationship with another employee to which this section applies, must report this relationship to their Hiring Authority immediately. If, after the required report is made, the intimate relationship changes, the employee must report this change to their Hiring Authority immediately.

2.11 Veterans' Preference

- 2.11.1 El Paso County follows all applicable state and federal laws concerning Veterans' Preference in employment.

3 CLASSIFICATION AND COMPENSATION PLANS

3.1 Classifications, Classification Specifications, and Job Descriptions

- 3.1.1 Positions are grouped into classifications based on the similarity of job duties, responsibility, and qualifications by HR. Each County position has a job description or classification specification (class spec) that defines the essential duties, responsibilities, exemption status, working conditions, and qualifications of that position. Job descriptions and class specs may be modified from time to time.

3.2 Classification Plan

- 3.2.1 The County complies with all provisions of Colorado's Equal Pay for Equal Work Act (EPEWA) and all subsequent amendments.
- 3.2.2 The County has established a salary plan that links its position classifications to their appropriate labor markets and provides a competitive level of compensation required to attract and retain qualified employees.
- 3.2.3 The County Administrator is authorized to create and maintain a formal compensation program. All departments and offices shall be subject to its provisions as permitted by law.
- 3.2.4 Classifications are assigned to a pay grade with a set salary minimum, midpoint, and maximum. An employee is paid within the established pay range for their position. An employee at the maximum of their pay range is not eligible to receive an increase to their base pay; any increase will be provided as a one-time lump sum payment.

3.3 Initial Evaluation Period

- 3.3.1 An employee is considered to be in the initial evaluation period when hired, promoted, transferred, or demoted into a full-time regular position, regardless of tenure, prior eligibility for due process or appeal rights, or previous employment status.
- 3.3.2 Employees within an initial evaluation period are subject to the El Paso County Personnel Policies Manual. Employees in their initial evaluation period are not eligible for transfers, reassignments, promotions, merit increases, or teleworking unless otherwise agreed upon by the Hiring Authority.
- 3.3.3 The initial evaluation period can only be extended in writing by a Hiring Authority, in coordination with HR, and may not exceed one (1) year of employment in the position. In order to be extended, approval of the extension must be obtained prior to the end of the evaluation period. An extension of an initial evaluation period is not subject to appeal rights.
- 3.3.4 The Hiring Authority may not waive nor reduce the initial evaluation period.

3.4 Career Progression Series

- 3.4.1 A job series is eligible to be considered a career progression series when the movement from one level to the next is based upon the employee meeting objective factors, such as job qualifications, job-specific matrix, or training/development plan.
- 3.4.2 An employee is eligible to advance to the next position within the series when the employee has met the criteria for advancement as notated within the job description/class spec and has received a recommendation from the Hiring Authority. Employees on an initial evaluation period, a Corrective Action Plan (CAP), or have received discipline (as defined in Chapter 7), are not eligible to progress to the next level of the series until successful completion.

3.5 Salary Adjustments

- 3.5.1 Salary adjustments must adhere to the formal compensation program. The effective date of a salary adjustment will occur on the date of the qualifying event, i.e., completion of the initial evaluation period, date of promotion, date of evaluation, or date of career progression.

3.6 Compensation Awards and Premiums

- 3.6.1 Compensation awards and premiums are overseen by the HR department and will be applied consistently throughout the County, as outlined below. One-time compensation awards and premiums do not become part of the employee's base pay.

3.6.2 One-Time Exemplary Performance Awards

3.6.2.1 Award Parameters:

- 3.6.2.1.1 All awards must be reviewed and approved by the HR department.
- 3.6.2.1.2 A recent performance evaluation must be on file with a rating of successful or better.
- 3.6.2.1.3 Awards must be in compliance with the Colorado EPEWA.
- 3.6.2.1.4 Monetary and non-monetary awards as described in c. and d. of this section cannot be combined.

3.6.2.2 Employee Eligibility:

- 3.6.2.2.1 Employee must not be on an initial evaluation period (not including initial evaluation periods for employees who have promoted, transferred, or voluntarily demoted), a Corrective Action Plan (CAP); or have received discipline (as defined in Chapter 7) in the previous 12 months.
- 3.6.2.2.2 Employee has taken on work assignments above and beyond their regular job duties and continues to perform all regular duties in an exemplary manner; or
- 3.6.2.2.3 has significantly contributed to the operations of the County as determined by the Hiring Authority; or

- 3.6.2.2.4 has an idea that either saves the County funds or greatly improves County operations. Such an idea must be outside the normal scope of the employee’s regular job duties, be a tangible benefit, and be successfully implemented by the County for the employee to be eligible for this award.
- 3.6.2.3 Monetary Award:
 - 3.6.2.3.1 The award amount is to be commensurate with the exceptional performance provided by the employee. The award amount is at the discretion of the Hiring Authority, in compliance with this manual and the Compensation Administrative Guidelines and Procedures.
- 3.6.2.4 Non-Monetary Award:
 - 3.6.2.4.1 In lieu of a monetary award, the Hiring Authority may provide a non-monetary, tangible award. The Hiring Authority may provide time off to an employee eligible for an award. Time off should not exceed five (5) business days per calendar year unless otherwise approved by Chief Human Resource Officer. Non-monetary awards may have tax implications for the employee and shall be reported to Payroll.
- 3.6.2.5 Group Award:
 - 3.6.2.5.1 A project group, workgroup, or committee that has produced tangible benefits to the County may be eligible for the monetary or non-monetary awards as described in sections 3.064. The Chief Human Resource Officer must approve group awards for employees spanning multiple departments.
- 3.6.2.6 Employee of the Month, Quarter, or Year:
 - 3.6.2.6.1 Each department may initiate an employee of the month, quarter, or year program in which all employees, including supervisors, are eligible. If a department chooses to implement such a program, the following guidelines must be followed:
 - 3.6.2.6.1.1 Departments can select to give monetary or non-monetary awards to participant recipients, as outlined in 3.6.2.3 and 3.6.2.4 of this section.
 - 3.6.2.6.1.2 If the Hiring Authority selects the award recipient, no employee may receive an employee of the month or quarter award more than once per calendar year.
 - 3.6.2.6.1.3 If department employees select the award recipient, all department employees must be allowed to participate in the voting.
 - 3.6.2.6.1.4 All non-executive department employees will be eligible.
 - 3.6.2.6.1.5 An employee cannot be the employee of the month or quarter more than one time per year.

3.6.3 One-Time Annual Performance-Based Incentive:

- 3.6.3.1 At the discretion of the County Administrator, and as the budget permits, employees may be eligible for a performance-based one-time monetary incentive.
- 3.6.3.2 This is typically paid near the end of the calendar year, after annual performance evaluations have been completed, and is based on employees' performance evaluation scores.
- 3.6.3.3 Employees must not be on a Corrective Action Plan (CAP) or have received discipline (as defined in Chapter 7) in the previous 12 months.
- 3.6.3.4 Criteria will be determined annually.

3.6.4 One-Time Recruitment and Retention Compensation Premiums

3.6.4.1 Premium Parameters:

- 3.6.4.1.1 All awards must be reviewed and approved by the HR department.
- 3.6.4.1.2 Awards must be in compliance with the Colorado EPEWA.
- 3.6.4.1.3 Signed documentation of acceptance of the premium and understanding of the requirements will be required on HR Department-issued forms.
- 3.6.4.1.4 Premiums are awarded in a lump sum.
- 3.6.4.1.5 The premium amount is determined by the Hiring Authority in partnership with the HR department. Premiums exceeding \$5,000 require the approval of the Chief Human Resource Officer. Premiums exceeding \$10,000 require the authorization of the County Administrator.
- 3.6.4.1.6 Exceptions to the payback/refund requirement may be made by the Chief Human Resource Officer if deemed in the best interest of the County.

3.6.4.2 Recruitment Premiums:

- 3.6.4.2.1 A Recruitment Premium may be offered under the following circumstances:
 - 3.6.4.2.1.1 To candidates for executive or managerial level positions; or
 - 3.6.4.2.1.2 Positions identified as difficult to recruit or retain as determined by the HR Department with input from the Hiring Authority.
- 3.6.4.2.2 Any proposed Recruitment Premium will be included in the employment offer letter.
- 3.6.4.2.3 The Recruitment Premium will require a payback or refund if an employee who receives a premium resigns or is discharged for cause prior to one (1) year of starting employment as permissible by law.

- 3.6.4.2.4 The employee will sign an acknowledgment of the amount received and the payback requirements.
- 3.6.4.2.5 If a Hiring Authority anticipates using a Recruitment Premium, this will ideally be posted in the job announcement.
- 3.6.4.3 Moving Expense Compensation Premium:
 - 3.6.4.3.1 A Moving Expense Premium may be offered under the following circumstances:
 - 3.6.4.3.1.1 To candidates for executive or managerial level positions; or
 - 3.6.4.3.1.2 Positions identified as difficult to recruit or retain as determined by the HR Department with input from the Hiring Authority.
 - 3.6.4.3.2 Any proposed Moving Expense Premium will be included in the employment offer letter.
 - 3.6.4.3.3 The Moving Expense Premium will require a payback or refund if an employee who receives a premium resigns or is discharged for cause prior to one (1) year of starting employment as permissible by law.
 - 3.6.4.3.4 The employee will sign an acknowledgment of the amount received and the payback requirements.
 - 3.6.4.3.5 If a Hiring Authority anticipates using a Moving Expense Premium, this will ideally be posted in the job announcement.
- 3.6.4.4 Retention Compensation Premium:
 - 3.6.4.4.1 A retention premium may be offered to employees by the Hiring Authority. Employees on an initial evaluation period (not including initial evaluation periods for employees who have promoted, transferred, or voluntarily demoted), Corrective Action Plan (CAP); or have received discipline (as defined in Chapter 7) in the previous 12 months are not eligible.
 - 3.6.4.4.2 Retention premiums will include a payback or refund period if the employee resigns or is discharged for cause. The employee will sign an acknowledgment of the amount received and the payback requirements.
 - 3.6.4.4.3 Exceptions to the payback/refund requirement may be made by the Chief Human Resource Officer if in the best interest of the County.
 - 3.6.4.4.4 A premium of 5% can be offered with a mandatory payback period of one year. A premium of 10% can be offered with a mandatory payback period of two years. Any premium exceeding 10% must receive approval from the Chief Human Resource Officer.
- 3.6.5 Vehicle Allowance Premium:
 - 3.6.5.1 A defined vehicle allowance is available for an Executive Director or Deputy Executive Director of a department or a Division Head (a division as outlined in County “Resolution to Establish the Organizational Structure of the County’s Governmental Offices”).

3.6.5.2 The receiving employee must:

3.6.5.2.1 Not be assigned a County vehicle.

3.6.5.2.2 Not drive County pool vehicles.

3.6.5.2.2.1 This does not include instances where the Executive Director or Division Head must transport other employees or appropriate personnel.

3.6.5.2.3 Frequently drive their personal vehicle for County business, not including to and from a work location.

3.7 Payroll Schedule

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

3.8 Direct Deposit of Pay

3.8.1 Direct deposit is required for all County employees.

3.9 Work Hours, Overtime, and Compensatory (Comp)

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

3.9.2 All full-time employees are scheduled to work forty (40) hours per workweek, excluding designated, paid County holidays. Unpaid meal periods are not included in hours worked. Work schedules will be determined by the Hiring Authority and are subject to change.

3.9.3 Employees' overtime exemption status under the Fair Labor Standards Act (FLSA) is determined by the HR department. Overtime exemption status is stated on the job description or class spec.

3.9.4 Non-exempt employees will be compensated at the appropriate overtime rate for all hours worked in excess of the forty (40) hour workweek. Hours worked do not include paid or unpaid leave or holidays. The overtime rate is one and one-half (1 ½) times the employee's regular rate of pay. Compensatory time may be granted in lieu of overtime pay at the rate of one and one-half (1 ½) hours for each hour worked that is more than forty (40) hours worked in one workweek.

3.9.5 If the County declares a state of emergency, exempt employees are eligible to receive emergency duty pay equivalent to their hourly rate worked beyond forty hours in a standard workweek from the time the state of emergency is declared until the state of emergency ends. These employees may be asked to keep track of and record hours worked during certain events. The County Administrator or the Hiring Authority will designate which exempt employees are subject to emergency duty pay.

3.10 Compensatory Time/Overtime Pay Policy (Non-Exempt Employees Only)

3.10.1 Requirement for Approval: The County may require full-time employees to work in excess of forty (40) hours in a workweek. All overtime must be approved in advance by the Hiring Authority or their designee.

- 3.10.2 Choice of Overtime Pay/Compensatory Time: All County employees must agree to accept compensatory time in lieu of overtime pay as a condition of employment with the County. Any compensatory time received may be retained, used, or paid out consistent with the provisions of the FLSA.
 - 3.10.2.1 Earned compensatory time will be utilized before vacation leave is used. As approved by the Hiring Authority, employees may accrue up to two hundred forty (240) hours of compensatory time, which represents one hundred sixty (160) hours of actual overtime work at time and one-half. For public safety employees (as defined by the FLSA), the maximum accrual is four hundred eighty (480) hours of compensatory time. Every effort will be made to schedule time off for employees with earned compensatory time.
- 3.11 Recording Hours Worked
 - 3.11.1 Non-exempt employees are required to keep accurate records for all hours worked during the pay period; each hour or fraction of an hour [fifteen (15) minutes minimum] worked must be accounted for. The time recorded will be approved by the Hiring Authority. County employees may be required to keep their supervisor advised of their departures from and returns to the premises during the workday.
 - 3.11.2 No one may record hours worked on another employee’s timecard. Tampering with another’s timecard or influencing anyone else to alter a timecard is cause for disciplinary action, including possible dismissal of both employees. This does not apply to supervisors making appropriate edits. In the event of an error in recording your time, report the matter to your supervisor immediately.
- 3.12 Flexitime
 - 3.12.1 The Hiring Authority may authorize flexitime within the same workweek.
- 3.13 Adverse Weather/Emergency Closure
 - 3.13.1 The Chair of the Board of County Commissioners, in coordination with the County Administrator, the El Paso County Sheriff, and the Clerk and Recorder (or their designees), will determine whether the County will close all operations except for essential services, or delay in opening because of adverse weather conditions. In the absence of the Chair or Vice-Chair, the decision will be made by the available Commissioners and the foregoing officials.
 - 3.13.2 When weather conditions are not adverse enough to warrant closing County offices, Elected Officials and Department Heads may grant additional time, up to a maximum of one (1) hour, without a reduction in pay to those employees who are unable to arrive at work on time because of the weather conditions.
 - 3.13.3 In the event of severe weather conditions or a national emergency, the County may be required to close its offices, with the exception of the Sheriff’s Office, the Department of Public Works-Transportation Division, and any other emergency services or functions. Employees who are excused from work under these conditions will receive their normal pay and benefits.

3.13.4 When County offices are closed due to inclement weather or emergencies, employees will be advised of closures by local media, posting on the County’s website, the County’s “snow line” at 719-520-SNOW, or other notification systems. Non-exempt employees who work will receive their normal pay and benefits for time worked. If an employee is on an approved time off during an emergency closure, their prior approved time off will not be changed.

3.13.5 Employees who have executed a teleworking agreement and are approved to telework may be required to telework during adverse weather or emergency closures.

3.14 Employee Payroll Deductions

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

3.15 Employee Tuition Program

3.15.1 Any full-time employee not on a Corrective Action Plan (CAP) or who have received discipline (as defined in Chapter 7) in the previous 12 months is eligible to participate in the Employee Tuition Program as stated in the Tuition Reimbursement Guidelines and Procedures, subject to funding. Elected Officials are not eligible to participate in this program. Payback periods also apply if an employee terminates employment for any reason. Details on this, and other stipulations, can be found in the Tuition Reimbursement Guidelines and Procedures. The Employee Tuition Program is overseen by the Employee Benefits Division of the HR Department.

4 LEAVE

4.1 Vacation Leave

4.1.1 Eligibility:

4.1.1.1 Vacation leave is earned by full-time employees upon hire, except while on leave without pay status. Vacation leave may be used in quarter-hour increments.

4.1.1.2 Employees in the District Attorney’s Office will earn vacation according to the schedule stated in the District Attorney’s Office Policies and Procedures Manual.

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

<u>Years of Continuous Full-Time Employment</u>	<u>Vacation Hours Earned Bi-Weekly</u>	<u>Vacation Hours Earned Annually</u>
0 – 4 years	3.6924	96
5 – 9 years	5.5386	144
10 – 14 years	6.4616	168
15+ years	7.3847	192


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

<u>Years of Continuous Full-Time Employment</u>	<u>Vacation Hours Earned Bi-Weekly</u>	<u>Vacation Hours Earned Annually</u>
0 – 4 years	4.6155	120
5 – 9 years	6.1539	160
10 – 14 years	7.6924	200
15+ years	9.2309	240

- 4.1.1.5 Employees are not eligible to use or be paid for vacation leave in advance of earning leave. The Hiring Authority will consider the needs and services of the County in conjunction with the personal desires of the employee when scheduling vacation leave. Vacation requests will not be unreasonably denied.
- 4.1.1.6 Designated County office closures, such as closures for adverse weather will not be charged as vacation leave unless the employee is already on approved vacation leave.
- 4.1.1.7 Vacation leave will not be used in the calculation of overtime.
- 4.1.1.8 Employees may not request leave without pay until the employee has exhausted all applicable leave. Employees may not take leave without pay unless approved in advance by their Hiring Authority.
- 4.1.1.9 If an employee is on leave without pay status, an employee will not accrue vacation leave; accrual of vacation leave will resume once the employee returns to a paid status.
- 4.1.1.10 Unused vacation leave carries over from year to year up to the established maximums.
- 4.1.1.11 Maximum Earned Leave:
- 4.1.1.11.1 Employees hired prior to January 1, 2006, with fifteen (15) or more years of continuous full-time employment, may earn a maximum of four hundred and ten (410) hours.
 - 4.1.1.11.2 Employees hired on or after January 1, 2006, may earn a maximum of two hundred and eighty (280) hours of vacation leave, regardless of years of service.
- 4.1.1.12 Vacation leave will accumulate throughout the calendar year. Employees over their maximum as set forth above as of the end of the December 31 of each year will forfeit all leave over the maximum.
- 4.1.1.13 It will be at the discretion of the Chief Human Resource Officer to determine the authorization for the employee to retain more than the above-outlined maximum hours.



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- 4.1.1.14 Temporary or part-time employees who become full-time employees will become eligible for vacation leave on their full-time hire date. Prior service as a temporary or part-time employee will not be credited to leave as set forth above.
- 4.1.1.15 Any employee who becomes incapable of performing their normal work duties as a result of illness or injury incurred within the scope of employment and who is receiving Workers' Compensation benefits is not eligible to use earned vacation leave.
- 4.1.1.16 If an employee becomes ill or injured while on vacation, the employee may convert vacation leave to sick leave. The employee must notify their supervisor at the time of the illness or injury.
- 4.1.1.17 If a full-time employee's status changes from full-time to part-time or temporary status, the employee will be paid for the unused balance of their earned vacation leave, up to the maximum set forth in Section 4.1.
- 4.1.1.18 Full-time employees who are rehired within six (6) months are eligible to have their accrual rate reinstated based on the accrual rate at the time of termination.
- 4.1.1.19 Employees who terminate from County employment, including retirement, will be paid for the unused balance of their earned vacation leave accrual, up to the maximum set forth in Section 4.1. An employee's actual time worked, and not purchased years, determines years of service for payment of unused vacation leave accruals. In the event of an employee's death while in County employment, the employee's estate will receive payment for all unused, earned vacation leave up to the maximum authorized as set forth above and in Section 4.1.
- 4.1.1.20 The County Administrator may implement a leave donation program for employees with serious health conditions as defined by HR.

4.2 Sick Leave

4.2.1 Eligibility:

- 4.2.1.1 Full-time employees will earn sick leave in accordance with the following schedule:

<u>Years of Continuous Full-Time Employment</u>	<u>Sick Hours Earned Bi-Weekly</u>	<u>Sick Hours Earned Annually</u>
0 – 4 years	3.6924	96
5 or more years	4.6155	120

- 4.2.1.2 Effective January 1, 2021, part-time and temporary employees will earn sick leave at the rate of 1 hour per 30 hours worked, up to 48 hours in a year.
- 4.2.1.3 Employees begin accruing sick leave upon hire. Paid sick leave may be used in quarter-hour increments.

4.2.1.4 In accordance with the Colorado Healthy Families Workplaces Act (HFWA), employees may use accrued paid sick leave to be absent from work when the employee:

4.2.1.4.1 The employee:

4.2.1.4.1.1 has a mental or physical illness, injury, or health condition that prevents the employee from working;

4.2.1.4.1.2 needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or

4.2.1.4.1.3 needs to obtain preventive medical care;

4.2.1.4.1.4 The employee needs to care for a family member who:

4.2.1.4.1.4.1 Has a mental or physical illness, injury, or health condition;

4.2.1.4.1.4.2 Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or

4.2.1.4.1.4.3 Needs to obtain preventive medical care;

4.2.1.4.1.5 The employee or the employee's family member has been a victim of domestic abuse, sexual assault, or criminal harassment and the leave is used to:

4.2.1.4.1.5.1 seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, or health condition caused by the domestic abuse, sexual assault, or harassment;

4.2.1.4.1.5.2 obtain services from a victim services organization;

4.2.1.4.1.5.3 obtain mental health or other counseling;

4.2.1.4.1.5.4 seek relocation due to the domestic abuse, sexual assault, or harassment, or

4.2.1.4.1.5.5 seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment, or health care or other counseling, victim services (including legal), or relocation;

4.2.1.4.1.5.6 The employee needs to grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after a family member's death.

4.2.1.4.1.5.7 Needs to provide care for a family member whose school or place of care has been closed due to an unexpected event that leads to the closure of the school or place of care, including inclement weather and loss of power, heating, or water.

4.2.1.4.1.5.8 Needs to evacuate the employee's place of residence due to an unexpected event that leads to the need to evacuate, including inclement weather and loss of power, heating, or water.

- 4.2.1.4.1.5.9 due to a public health emergency, a public official has ordered closure of:
 - 4.2.1.4.1.5.9.1 the employee's County work location, or
 - 4.2.1.4.1.5.9.2 the employee's child's school or place of care, and the employee needs to be absent from work requiring the employee to care for the child.
- 4.2.1.5 It is the employee's responsibility to follow their department's absence reporting procedures when an employee is unable to report to work as scheduled. Employees must also let their supervisor know when they expect to return to work. If an employee is absent for four (4) or more days, reasonable documentation may be required by the Hiring Authority. This documentation should indicate that the employee was unable to work due to a reason as stated in Section 4.2, item 3.
- 4.2.1.6 Employees are not eligible to use or be paid for sick leave in advance of earning leave.
- 4.2.1.7 Paid sick leave will not be used in the calculation of overtime.
- 4.2.1.8 If an employee is in leave without pay status, an employee will not accrue leave; accrual of sick leave will resume once the employee returns to a paid status.
- 4.2.1.9 Designated County office closures, such as closures for adverse weather will not be charged as sick leave, unless the employee is already on approved sick leave.
- 4.2.1.10 Unused sick leave carries over from year to year up to the established maximums.
- 4.2.1.11 Maximum Earned Leave:
 - 4.2.1.11.1 Employees hired by the County prior to January 1, 2003, may earn up to a maximum of one thousand four hundred and forty (1,440) hours of sick leave.
 - 4.2.1.11.2 Employees who have a balance of more than seven hundred and twenty (720) hours of sick leave may convert the excess amount to vacation leave at any time during the year. Every two (2) hours of sick leave may be converted to one (1) hour of vacation leave. An employee must submit a request to convert the sick leave to the employee's Hiring Authority before submitting it to the Financial Services Department - Finance Division for approval.
 - 4.2.1.11.3 Employees hired by the County on or after January 1, 2003, will earn a maximum of two hundred and sixty (260) hours of sick leave until February 1, 2024, when they will begin earning a maximum of four hundred and eighty (480) hours.
 - 4.2.1.11.4 Sick leave cannot at any time exceed the established maximums as set forth above. Employees will not earn sick leave until the balance falls below the set maximums.
- 4.2.1.12 When an employee has utilized all earned sick leave, any additional absence will be deducted from compensatory, vacation, or personal leave, if the employee has any such earned leave. After the utilization of all earned paid leave, an employee who remains medically unable to return to work, as documented by a health care provider's report, may apply, if eligible, for

short-term disability, long-term disability, or a leave of absence without pay.

- 4.2.1.13 Employees are not paid for unused sick leave accruals upon termination unless otherwise allowed as stated below:
 - 4.2.1.13.1 Full-time employees hired by the County prior to January 1, 2003, who terminate voluntarily, not including retirement, or involuntarily from employment and have five (5) or more years of continuous full-time will be paid for fifty percent (50%) of their earned sick leave, up to a maximum of seven hundred twenty (720) hours.
 - 4.2.1.13.2 Full-time employees hired by the County on or after January 1, 2003, with five (5) years or more of continuous full-time service will be paid fifty percent (50%) of the unused sick leave earned during their tenure with the County when employment is terminated, not including retirement.
- 4.2.1.14 Retiring employees are entitled to receive payment for their remaining sick leave hours using the schedule below. The maximum number of hours paid will not exceed one thousand and eighty (1,080) hours.

Years of Service	Paid Sick Leave
5	50%
10	55%
15	60%
20	65%
25	70%
30 years or more	75%

- 4.2.1.15 An employee’s actual time worked, and not purchased years, determines years of service for payment of unused sick as noted in this Section 4.2.
- 4.2.1.16 Part-time and temporary employees are not eligible to receive payout of the accrued sick leave.
- 4.2.1.17 In the event of a full-time employee's death while employed with the County, the employee's estate will receive payment for fifty percent (50%) of the employee's earned sick leave, up to a maximum of seven hundred twenty (720) hours, provided the employee had five (5) years or more of continuous full-time employment.
- 4.2.1.18 Employees rehired within six (6) months after the termination date will have their sick leave reinstated up to 80 (eighty) hours.
- 4.2.1.19 Any employee who becomes incapable of performing their normal work duties as a result of illness or injury incurred within the scope of employment and who is receiving Workers’ Compensation benefits may be required to use earned sick leave for the first three (3) days in accordance with the Colorado Workers’ Compensation Act.

- 4.2.1.20 Employees in the District Attorney’s Office will earn sick leave according to the schedule stated in the District Attorney’s Office Policies and Procedures Manual.
- 4.2.1.21 El Paso County does not participate in the Colorado FAMLI program. Beginning in 2024, employees have the choice to voluntarily opt-in to FAMLI as an individual by enrolling directly with the State of Colorado.
- 4.2.1.22 Additional rules may apply to sick leave in the case of a public health emergency.

4.3 Military Leave

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

4.4 Jury Duty / Court Leave / Testimony

- 4.4.1 The County recognizes jury duty as a civic responsibility. When summoned for jury duty, all employees will be granted leave to perform their duty as a juror.
- 4.4.2 If the employee is excused from jury duty during regular work hours, the employee is expected to report to work promptly or request paid leave from their supervisor.
- 4.4.3 All employees receive regular pay for the duration of jury duty if the employee provides confirmation to their supervisor of the juror service. Any compensation received for such service during paid working hours will be turned over to the County, except for verified parking expenses and mileage allowance.
- 4.4.4 An employee who is subpoenaed to appear as a witness in a case that relates directly to County duties, except for jury duty, will be paid on the condition that any compensation received for such services during working hours will be turned over to the County, except for verified parking expenses and mileage allowance.
- 4.4.5 The Hiring Authority, at their discretion, may pay an employee who is required to appear in court on matters that do not pertain directly to their position, if attendance is in the best interest of the public. This does not include jury duty.
- 4.4.6 An employee will notify the Hiring Authority within a reasonable timeframe when a notice to appear in court as a witness or for jury duty is received.
- 4.4.7 All employees shall promptly notify the Hiring Authority of any request or other attempt to communicate with them about any legal or administrative proceeding or other such matter as to which the County is either a party or has the potential to become a party. Such proceedings include, but are not limited to, County grievance hearings, proceedings involving the Department of Labor, the Equal Employment Opportunity Commission, or any other federal or state agency, and actual or potential lawsuits filed against the County. This section also applies to subpoenas.

- 4.4.8 In the event an employee is contacted by any person seeking to discuss such referenced proceedings or other legal matters involving the County, they shall report such contact to their Hiring Authority without delay. Absent a court order, a subpoena, or a directive from HR and/or the County Attorney, employees are not to communicate with anyone about such referenced proceedings, including any current or former employee who may be involved in such a proceeding, any non-County Attorney, or any other individual.
- 4.5 Domestic Abuse Leave Law/Leave for Domestic Violence
 - 4.5.1 Colorado Revised Statutes 24-34-402.7 permits an employee to request or take up to three (3) working days of leave from work in any twelve-month period, with or without pay, if the employee is the victim of domestic abuse, stalking, sexual assault, or any other crime related to domestic abuse.
 - 4.5.2 The County requires employees to first exhaust sick leave, then all other accrued paid leave before taking unpaid domestic violence leave.
 - 4.5.3 Except in cases of imminent danger, employees are required to provide the Hiring Authority with “appropriate advance notice” of the need for the leave. The employee may be required to provide documentation to their supervisor regarding the need for the leave. There will be no breach of confidentiality when taking measures to notify others for protection purposes.
- 4.6 Bereavement/Funeral Leave
 - 4.6.1 Full-time and part-time employees will be authorized three (3) business days absence from work with pay, in the event of the death of a member of the family defined as: spouse, partner, parents, in loco parentis, siblings, children, grandchildren, grandparents, uncles, aunts, nieces, or nephews by blood, marriage, or adoption or similar legal process.
 - 4.6.2 Bereavement leave in excess of three (3) business days provided by the County may be granted by the Hiring Authority. Bereavement leave in excess of three (3) days will be deducted from sick leave. If sick leave is not available, the employee will use compensatory, vacation, or personal leave. If the leave is not available, the employee may request a leave of absence without pay at the discretion of the Hiring Authority.
- 4.7 Voting
 - 4.7.1 Voting is an important responsibility we all assume as citizens. We encourage employees to exercise their voting rights in all municipal, state, and federal elections. Under most circumstances, it is possible for employees to vote by mail, or before or after work. If it is necessary for employees to arrive late or leave work early to vote in any election, employees should arrange with their supervisors/managers no later than the day prior to Election Day. Any employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two (2) hours for voting.

4.8 Paid Holidays

4.8.1 The following holidays will be observed by the County and will be granted with pay to all regular full-time employees:

- | | |
|--------------------------------|-----------------------------|
| 1. New Year's Day | January 1st |
| 2. Martin Luther King, Jr. Day | Third Monday in January |
| 3. President's Day | Third Monday in February |
| 4. Memorial Day | Last Monday in May |
| 5. Independence Day | July 4th |
| 6. Labor Day | First Monday in September |
| 7. Veteran's Day | November 11th |
| 8. Thanksgiving Day | Fourth Thursday in November |
| 9. The day after Thanksgiving | Fourth Friday in November |
| 10. Christmas Eve Day | December 24th |
| 11. Christmas Day | December 25th |

4.8.2 Employees are required to be on a paid status the day before or the day after a holiday in order to be eligible for holiday pay. Employees who are on leave without pay status or on Short Term Disability are not eligible for holiday pay. The County Administrator has the authority to modify the holiday schedule in the best interest of the County.

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

4.9 Personal Holiday Leave

4.9.1 The County respects and appreciates that employees may value different holidays than official holidays designated for closure by the County, therefore, the County is pleased to offer its employees three (3) personal holidays so that employees may observe holidays that are important to them and their families. However, employees are not required to use Personal Holiday Leave solely on holidays that the County does not close for.

4.9.1.1 Full-time employees are eligible for up to twenty-four (24) hours of personal holiday leave per

year. Personal holidays can be used at any time within the calendar year as approved by the Hiring Authority. Personal holiday leave may only be used in full-day increments.

- 4.9.1.2 Personal holiday leave within the first year of employment is dependent on the employee’s hire date within that calendar year as follows:

Hire Date	Hours of Personal Holiday Leave
January 1 st – April 30 th	Twenty-four (24) hours
May 1 st – August 31 st	Sixteen (16) hours
September 1 st – November 30 th	Eight (8) hours
December 1 st – December 31 st	None for that calendar year

- 4.9.1.3 Full-time employees will receive an additional eight (8) hours of personal holiday leave for every five (5) years of consecutive service with the County.
- 4.9.1.4 Personal holiday leave is not carried over to the next calendar year.
- 4.9.1.5 Personal holiday leave will not be used in the calculation of overtime.
- 4.9.1.6 Leave without pay will not be approved by the Hiring Authority until the employee has exhausted accrued personal holiday leave.
- 4.9.1.7 If an employee is in leave without pay status, an employee will not accrue personal holiday leave; accrual of personal holiday leave will resume once the employee returns to a paid status.
- 4.9.2 Employees who voluntarily or involuntarily terminate from the County within ninety (90) days of their full-time hire date will not be paid for unused personal holiday leave.
- 4.9.3 Full-time employees who voluntarily or involuntarily terminate employment with the County (including retirement) on or before January 31st of the calendar year will not be eligible for payment of unused personal holiday leave.

4.10 Failure to Report to Work/Job Abandonment

- 4.10.1 Employees may not be absent from work without authorization from their supervisor or without being on approved leave through the Benefits Division of the HR department. An employee who fails to report to work for two (2) consecutive workdays without properly communicating to their supervisor or the HR department and obtaining approval to be absent may be determined to have abandoned their position. Job abandonment is considered a voluntary termination, and the employee is not entitled to any due process rights. The employee may also be deemed ineligible for rehire.

4.11 Workers’ Compensation and Related Absences

- 4.11.1 Any employee who becomes incapable of performing their normal work duties as a result of illness or injury incurred within the scope of employment will be deemed to be on work-related absence until the employee is medically released to resume normal work duties or modified work duties, if

available. Employees who sustain a work-related illness or injury are eligible to receive statutory benefits pursuant to the Colorado Workers' Compensation Act, C.R.S. § 8-40-101, *et seq.*

- 4.11.2 The Colorado Workers' Compensation Act provides that an employee will not receive wage loss benefits for the first three (3) working days of absence due to a work-related illness or injury unless the period of the employee's absence from work lasts longer than two (2) weeks from the day the injured employee leaves work. If an injured employee returns to work before two (2) weeks from the date the employee initially left work, the employee must either deduct the first three (3) days of absence from accrued leave (sick, compensatory, vacation, or personal holiday) or take the three (3) days without pay.
- 4.11.3 Injured employees eligible to receive wage loss benefits under the Colorado Workers' Compensation Act and who have not been medically released to return to any work will receive sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage, not to exceed a specific maximum weekly amount calculated by the State of Colorado on an annual basis.
- 4.11.4 An absence due to a work-related illness or injury will be authorized only in those cases where:
 - 4.11.4.1 The employee has reported the injury to the HR department; and
 - 4.11.4.2 An employee has their work status addressed by an authorized treating physician coordinated by the HR department.
- 4.11.5 All employees must cooperate in the completion of necessary reporting forms required by the County.
- 4.11.6 During the period an employee is absent from work due to a work-related injury or illness, the employee must notify their supervisor and the HR department of their return-to-work status on a regular basis. Employees who have been released by their authorized treating physician to return to full or modified duty will immediately notify their supervisor and the HR department.
- 4.11.7 An employee who sustains a work-related injury that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA) will be placed on that leave on the date the employee is eligible for the leave.
- 4.11.8 An employee who sustains a work-related injury will not accrue sick and vacation time pursuant to 4.01 and 4.02 while on workers' compensation leave once they have been removed from payroll. Employees are responsible for making timely payments for the continuation of health insurance while absent due to a work-related injury or illness.
- 4.12 Family and Medical Leave (FML or FMLA Leave)
 - 4.12.1 Family and medical leave will be assessed and administered in accordance with the provisions of the Family and Medical Leave Act (FMLA). Employees may take leave for reasons including, but not limited to, any of the following:
 - 4.12.1.1 The birth of the employee's child or the placement of a child with the employee for adoption or foster care.

- 4.12.1.2 The care of a spouse, a domestic partner, a child (under 18 years of age, unless disabled), or a parent (not a parent-in-law) with a serious health condition.
- 4.12.1.3 An employee’s serious health condition.
- 4.12.1.4 To care for a family member injured in the line of active military service and those members whose pre-existing injuries were aggravated in the line of duty (“military caregiver leave”).
- 4.12.1.5 Leave needed as a result of a “qualified exigency” arising from a family member’s military active duty or call to active duty in a foreign country (“active duty leave” or “military exigency leave”).

4.12.2 How Much Leave May Be Taken

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

4.12.3 How Much Leave May Be Taken - Military Caregiver Leave

- 4.12.3.1 An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member may take twenty-six (26) workweeks of unpaid leave during the twelve-month (12-month) calendar year to care for the service member. A “covered service member” is defined as a member of the Armed Forces, “who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.” Military Caregiver Leave requires the serious injury or illness to have occurred in the line of duty or to have been aggravated in the line of duty if it existed prior to active duty service and must render the service member medically unfit to perform the duties of their office, grade, rank, or rating.
- 4.12.3.2 Eligible employees who need to take military caregiver leave can take no more than twenty-six (26) weeks of leave in a twelve-month (12-month) calendar year for all FMLA-qualifying reasons. That is, if an employee takes the full twenty-six (26) weeks of military caregiver leave in the twelve-month (12-month) calendar year, the employee is not entitled to any additional FMLA leave for another qualifying reason (such as their own serious health condition) during the same twelve-month (12-month) calendar year.

4.12.4 Intermittent Leave/Reduced Work Schedule

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

- 4.12.4.2 Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule unless the Hiring Authority agrees to such an individual leave request.
- 4.12.4.3 If an employee takes leave intermittently or on a reduced schedule basis, the employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the County's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the County may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

4.12.5 Employee Eligibility

- 4.12.5.1 Family leave is available to employees who have worked at least twelve (12) months for the County (this time does not have to be consecutive) and have worked more than one thousand two hundred and fifty (1,250) hours in the previous twelve (12) months. The County requires that an employee use their accrued sick leave, compensatory time, accrued vacation, personal holiday leave, and leave paid through short-term disability, and the Colorado FMLI (as applicable) concurrently with their FMLA leave. An absence related to an employee's Workers' Compensation injury will count against FMLA leave entitlement.
- 4.12.5.2 The County has adopted a rolling twelve (12) month period measured backward for purposes of FMLA entitlement. Therefore, subject to the requirements of this policy, each employee will be entitled to twelve/twenty-six (12/26) weeks of leave measured backward from the date the employee uses such leave.
- 4.12.5.3 Eligible spouses who work within the same department are limited to a combined total of twelve (12) workweeks of leave in a twelve (12) month period for the following FMLA-qualifying reasons:
 - 4.12.5.3.1 the birth of a son or daughter and bonding with the newborn child,
 - 4.12.5.3.2 the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly placed child, and
 - 4.12.5.3.3 the care of a parent with a serious health condition.
- 4.12.5.4 Eligible spouses are also limited to a combined total of twenty-six (26) workweeks of leave in a single twelve (12) month period to care for a covered servicemember with a serious injury or illness (commonly referred to as "military caregiver leave") if each spouse is a parent, spouse, son or daughter, or next of kin of the servicemember. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.
- 4.12.5.5 Employees with pregnancy-related disabilities may have the right to take pregnancy disability leave in addition to family leave.
- 4.12.5.6 Employees who are on FMLA-qualified leave may not engage in any form of self-employment

or perform work for any other employer during that leave, except when the leave is for military or public service or when the employment has been approved by the County under its Secondary (Outside) Employment policy, and the employee's reason for leave does not preclude outside employment.

4.12.6 Notice, Certification, and Reporting Requirements

- 4.12.6.1 If the need for leave is foreseeable, an employee must provide thirty (30) days' written notice prior to the requested start of the leave. If thirty (30) days' notice is not provided, the start of the leave may be delayed. An employee who does not give thirty (30) days' notice must explain why such notice was not practicable. If the need for the leave is not foreseeable, the employee or a member of their household must notify the supervisor of the need for leave as soon as possible before their usual reporting time. The failure to provide notice may result in the leave not being designated as FMLA leave.
- 4.12.6.2 If the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision in order to avoid disruptions to the operations of the County.
- 4.12.6.3 An employee requesting leave for their own serious health condition, to care for a family member with a serious health condition, or military caregiver leave must provide a healthcare provider's certification of the health condition. These certification forms are available from the Benefits Division of the HR Department.
- 4.12.6.4 In addition, an employee requesting intermittent leave, or a reduced work schedule must provide a health care provider's certification. These forms are also available from the Benefits Division of the HR Department.
- 4.12.6.5 During any leave, an employee must provide periodic reports regarding the status of leave and any change in the employee's plans on returning to work.

4.12.7 Benefits During Leave

- 4.12.7.1 An employee taking leave under this policy will continue to receive coverage under the County's health plan for up to a maximum of twelve/twenty-six (12/26) workweeks per calendar year at the same level of employment and under the same conditions of coverage as if the employee had continued in employment continuously for the duration of such leave. Arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. The County will continue to make the same premium contribution as if the employee had continued working. Under most circumstances, the County will not make premium contributions for a period longer than twelve/twenty-six (12/26) workweeks during the calendar year. If an employee fails to return following the leave, the employee may be required to repay the premiums paid by the County during the leave.
- 4.12.7.2 Employees are allowed to use personal holiday leave prior to vacation leave if they will lose their personal holiday leave while on approved FMLA leave.

4.12.8 Failure to Return to Work

4.12.8.1 An employee who does not return to work upon expiration of FMLA leave may be discharged regardless of remaining sick leave accrual. An employee who fails to return from FMLA leave may be required to refund all employer benefit contributions paid during the unpaid portion of the leave, unless the failure to return results from the continuation, recurrent, or onset of a serious health condition, or something beyond the employee's control.

4.12.8.2 If the employee is unable to perform an essential function of the position because of a physical or mental health condition, including the continuation of a serious health condition, they should consult with the Benefits Division of the HR Department regarding the County's Americans with Disabilities (ADA) process (see Chapter VI, Section 6.09).

4.12.9 Return to Work

4.12.9.1 Upon return to work from FMLA leave, employees will be restored to the same position or to one equivalent in pay, benefits, and other terms and conditions of employment.

4.12.9.2 If leave under the FMLA is based on a personal serious health condition, the employee must provide medical certification that they are able to resume the essential functions of their position when they return to work.

4.13 Colorado Family Care Act ("FCA") Leave

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

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

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

4.14 Colorado Pregnancy Protection Act and the Pregnant Workers Fairness Act (PWFA)

4.14.1 El Paso County is committed to maintaining a workplace that is free from discrimination, including discrimination against pregnant employees. We prohibit any form of discrimination, harassment, or retaliation based on pregnancy, childbirth, and related medical conditions, in accordance with the Colorado Pregnancy Protection Act, the PWFA and other relevant laws. If an employee is unable to perform an essential function of their position related to pregnancy, they should consult with the Benefits Division of the HR Department.

4.15 Modified Duty

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

- 4.15.1.1 An employee must be absent from work for a non-work-related injury or medical condition for more than five (5) working days before being eligible for modified duty.
- 4.15.1.2 It is the employee's obligation to make a request for modified duty for a non-work-related injury or medical condition.
- 4.15.1.3 The request for modified duty for a non-work-related or medical condition must be made to the employee's supervisor and to the HR department.
- 4.15.1.4 Modified duty for a work-related injury or medical condition is mandatory if available within an employee's temporary restrictions and will be coordinated by the HR department.
- 4.15.1.5 Eligibility for modified duty is based on availability of appropriate modified duty at the time of the request.
- 4.15.1.6 If the employee is eligible for modified duty, placement of the employee within their respective department or office will be attempted first. If modified duty cannot be accomplished within the employee's department or office, an attempt will be made to place the employee within another County department or office.
- 4.15.1.7 Modified duty will not exceed a total of sixty (60) working days per triggering medical event which must be used within (6) months. The six-month period may be extended with the approval of HR on a case-by-case basis. Assignment to a modified duty assignment does not in any way create a right for the employee to occupy that or any other position on a regular basis.
- 4.15.1.8 Temporary employees are only eligible for modified duty during the time of the temporary employment.

5 Working Conditions

5.1 Standards of Conduct

5.1.1 County employees are stewards of the public tasked with the mission of carrying out the will of the people of El Paso County. To maintain the trust and confidence of the public, certain conduct is expected of all employees including, but not limited to, courtesy, respect, and professionalism. The same is expected of interns and volunteers. Employees must comply with Title VI of the Civil Rights Act of 1964 in the performance of their job duties. Provisions under sections 5.5 and 5.6 apply to all employees regarding their conduct toward and interactions with other employees, interns, volunteers, and to the public.

5.1.2 Additional standards of conduct for all employees, interns, and volunteers include:

- 5.1.2.1 Duty of Loyalty: Employees should conduct themselves in a fashion that reflects their duty of loyalty to their organization. Duty of loyalty is the obligation that all employees have to an employer to be loyal to the mission and values of the organization and to not act in a manner that would undermine the authority of an Elected Official or other County agent.
- 5.1.2.2 Conflict of Interest: Employees, interns, and volunteers should avoid interests that would conflict with the interests of El Paso County. A conflict of interest arises when an employee's or volunteer's personal or financial interests conflict or appear to conflict with their official capacity and responsibility whether operating on their own time or equipment or operating on the employer's equipment or time. Conflict of interest includes, but is not limited to, the direct or indirect participation in any arrangement, agreement, investment, or other activity, which is conducted with any vendor, supplier, affiliate, or other party conducting business with El Paso County where said participation has resulted or could result in personal benefit to the employee. Conflict of interest may also include the direct or indirect receipt of any salary payments, loans, or gifts of any kind, any free service or discounts, or the payment of fees from or on behalf of any person or organization engaged in any transaction with El Paso County. The Hiring Authority will determine whether specific instances called to their attention apply in accordance with this policy. Employees will be subject to disciplinary action up to and including discharge from employment for any violations of this policy.
- 5.1.2.3 Attendance and Punctuality: Regular attendance is considered an essential function of every position at El Paso County and is necessary for the efficient operation of each department and office. All employees are expected to be on time and punctual in showing up to work in accordance with the employee's assigned schedule or required time to report. An employee who is going to be absent or late must contact their supervisor/manager prior to the start of their shift each day per the department and/or office's procedure, or otherwise follow their department's or division's call-out procedures. Employees may not be absent from work without authorization from their supervisor or without being on approved leave through the Benefits Division of the HR department.
- 5.1.2.4 Working Time: Employees are expected to work during all assigned periods, except during scheduled breaks and mealtimes. Employees may not perform work during breaks or mealtimes unless they receive approval from their supervisor. Non-exempt employees will be paid for any time worked during a break or mealtime.
- 5.1.2.5 Attire/Appearance and Work Area: All employees will report to work in attire suitable to their duties, as determined by the Hiring Authority. Generally, employees should dress appropriately for the occasion and maintain professionalism. Work sites will be kept in a neat and orderly fashion consistent with effective work methods and safety standards.
- 5.1.2.6 Confidential Information: Employees, interns, and volunteers shall NOT disclose confidential information entrusted to, or acquired by, the individual by virtue of employment with the County, nor shall any employee, intern, or volunteer use that information or permit others to

use it in the furtherance of a personal intent.

- 5.1.2.7 Recording of Employees or Elected Officials: Employees, interns, and volunteers shall not record employees, interns, volunteers, or elected officials in any manner. Recordings of others for legitimate business purposes, such as training, seminars, pre-disciplinary or disciplinary meetings, investigation interviews, or situations involving concerns of reasonable suspicion, shall not be deemed a violation of this section. Virtual meetings may be recorded for training or record-keeping purposes, so long as every participant is notified that the meeting will be recorded before the recording begins.

5.2 Performance Evaluations

- 5.2.1 Performance evaluations are performed at the end of any initial evaluation period and annually thereafter. Evaluations will be maintained by the HR department. Evaluations are not subject to appeal.
- 5.2.2 A Hiring Authority, in conjunction with the HR Department, may give an unscheduled evaluation under certain circumstances.
- 5.2.3 Any merit/pay for performance increase should adhere to the Compensation Administrative Guidelines and Procedures and supporting documentation.

5.3 Age of Employment

- 5.3.1 The County will follow all federal, state, and local laws pertaining to the minimum age of regular, seasonal, and part-time employees.

5.4 Change of Status

- 5.4.1 Every employee is responsible for ensuring the accuracy of the employee's name, address, phone number, marital status, and dependents within ten (10) days of the change. A name change will require proof that the change has been made with the Social Security Administration.

5.5 Discrimination, Harassment, Sexual Harassment, Retaliation Policy

- 5.5.1 El Paso County strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. El Paso County does not discriminate against any employee or applicant on the basis of the following protected classes:

- 5.5.1.1 Disability (a mental or physical impairment which substantially limits a major life activity)
- 5.5.1.2 Race (includes hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps).
- 5.5.1.3 Creed
- 5.5.1.4 Color
- 5.5.1.5 Sex

- 5.5.1.6 Sexual Orientation
- 5.5.1.7 Gender Identity
- 5.5.1.8 Gender Expression
- 5.5.1.9 Religion
- 5.5.1.10 Age
- 5.5.1.11 National Origin
- 5.5.1.12 Ancestry
- 5.5.1.13 Marital Status
- 5.5.1.14 Marriage to a Co-Worker (applies in limited circumstances)
- 5.5.1.15 Pregnancy, childbirth, and related conditions
- 5.5.1.16 Wage Transparency Act (sharing and comparing wage information with coworkers)
- 5.5.1.17 Genetic information (including family medical history)
- 5.5.1.18 Political affiliation
- 5.5.1.19 or any other basis protected by federal, state, or local law with respect to hiring, discharge, promotion, compensation, or any other terms, conditions, or privileges of employment. El Paso County will not tolerate unlawful discrimination or harassment of any kind amongst its employees or to the public; the County is committed to maintaining a positive work environment. Through enforcement of this policy and by education of employees, El Paso County will seek to prevent, correct, and discipline behavior that violates this policy.
- 5.5.2 All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy, up to and including discharge.
- 5.5.3 Managers and supervisors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to the HR department, are in violation of this policy and subject to discipline.
- 5.5.4 Harassment
 - 5.5.4.1 El Paso County does not tolerate harassment. Harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because the protected classes listed above, or any other basis protected by federal, state, or local law that:
 - a) has the purpose or effect of creating an intimidating, hostile or offensive work environment,
 - b) has the purpose or effect of unreasonably interfering with an individual's work performance,

or c) otherwise adversely affects an individual's employment opportunities.

5.5.4.2 Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

5.5.5 Sexual Harassment

5.5.5.1 El Paso County does not tolerate sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: a) an employment decision affecting that individual is made because the individual submitted to or rejected the unwelcome conduct; or b) the unwelcome conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment.

5.5.5.2 Sexual harassment can take many different forms. Unwelcome actions such as the following examples are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment:

5.5.5.2.1 Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail, texting, or other communication application such as Microsoft Teams;

5.5.5.2.2 Verbal abuse of a sexual nature;

5.5.5.2.3 Touching or grabbing of a sexual nature;

5.5.5.2.4 Repeatedly standing too close to or brushing up against a person;

5.5.5.2.5 Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested;

5.5.5.2.6 Giving gifts or leaving objects that are sexually suggestive;

5.5.5.2.7 Repeatedly making sexually suggestive gestures; or

5.5.5.2.8 Making or posting sexually demeaning or offensive pictures, cartoons, or other materials in the workplace.

5.5.6 Retaliation

5.5.6.1 El Paso County does not tolerate retaliation against employees who make discrimination or harassment complaints or participate in an employment investigation. It is a violation of this policy to engage in retaliatory acts against anyone who reports an incident of alleged discrimination or harassment, a retaliation complaint, or anyone who testifies, assists, or participates in a proceeding, investigation or, hearing relating to such allegations.

5.5.7 Employees' Reporting Channels

5.5.7.1 In order to take appropriate corrective action, HR must be aware of discrimination, harassment of any kind, or retaliation. Therefore, any employee who believes that they have been discriminated against, experienced, or witnessed harassment or retaliation should, as soon as possible, report such behavior to their immediate supervisor, any other supervisor, HR, or the County Attorney's Office citing the specific basis of the claim, including details of the discrimination, harassment, or retaliation. The County encourages all complaints to be in writing. Posting to social media is not an appropriate method of reporting an incident and may make a situation or concern worse. Also, posting personnel complaints may violate an individual's privacy rights, may result in disciplinary action, and may even create individual legal liability.

5.5.8 Supervisors' Obligation to Report

5.5.8.1 Any supervisor who experiences, witnesses, or receives a written or oral report or complaint of discrimination, harassment, sexual harassment, or retaliation shall document the date and time the notice was received, the names of the involved parties, and the names of any witnesses. The supervisor must inform HR of the complaint within twenty-four (24) hours of the report or witnessing the event. This obligation to report includes discrimination, harassment, or retaliation by a third party against an employee while an employee is working. Members of leadership are obligated to comply with and enforce the policy and report violations.

5.5.9 Obligation of Confidentiality

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

5.5.10 Investigation Process

5.5.10.1 HR, or their designee, will investigate the report or complaint under the legal guidance of the County Attorney or their designee. Reports or complaints under this policy shall be addressed and resolved as promptly as practicable after the complaint or report is made.

5.5.10.2 It is the responsibility of HR to determine the most appropriate means for addressing the report or complaint with the legal guidance of the County Attorney's Office.

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

5.5.10.4 Records of claims, reports, and investigations may be considered confidential, work-product, and attorney-client privileged and shall not be disclosed publicly except to the extent required by law.

5.6 Violence in the Workplace

- 5.6.1 The safety and security of El Paso County employees and the public are of vital importance. To provide a safer workplace, the County has adopted a zero-tolerance policy for threats or conduct amongst employees or toward the public that would cause a reasonable person to fear physical harm to themselves, their immediate family, or their co-workers.
- 5.6.2 Employees in violation of this policy may be subject to disciplinary action pursuant to this manual, up to and including discharge. Employees in violation of this policy may also be subject to civil or criminal liability for any violation of this policy, which may also constitute violations under federal, state, or local law.
- 5.6.3 Prohibited Behavior: The following list of prohibited behavior is meant as a guide but should not be interpreted as all-inclusive:
 - 5.6.3.1 Threats of physical harm to another person or property damage.
 - 5.6.3.2 Physical touching or the threat of such which causes injury to another person, places another person in fear of imminent bodily injury or creates a substantial risk of serious bodily injury to another.
 - 5.6.3.3 Harassing, annoying, intimidating, or alarming another person by touching, stalking, or verbal or written communications.
 - 5.6.3.4 Destroying, defacing, unauthorized removal or damaging, or permitting the same, to any County property.
 - 5.6.3.5 Open Display of Firearms: Except for law enforcement officials and the lawful carrying of a concealed weapon, the open display of firearms is prohibited in all County facilities where written or verbal notice of such prohibition has been given.
- 5.6.4 Application of Policy:
 - 5.6.4.1 Anyone who becomes aware of behavior violating this policy shall report such conduct or behavior as soon as possible to their immediate supervisor, another supervisor, or the Hiring Authority, and HR.
 - 5.6.4.2 If any employee believes the conduct poses an immediate threat or that a crime has been or is about to be committed, such person should contact the law enforcement agency with jurisdiction by dialing 911.
 - 5.6.4.3 The law enforcement agency with jurisdiction may investigate any criminal conduct concurrently with the County's internal investigation. In any incident involving a criminal act, the law enforcement agency with jurisdiction will be the primary investigating agency. All persons employed by the County will cooperate fully with the investigating law enforcement agency and the internal investigation.

- 5.6.4.4 Employees who have obtained a protection order against another person shall report the issuance of the order to their supervisor, Hiring Authority, and to HR upon returning to work. HR may notify County Security.

5.7 Substance Abuse/Drug and Alcohol Policy

- 5.7.1 The County is a drug-free workplace as required by the Drug-Free Workplace Act of 1988. It is the responsibility of the County and each employee to maintain such an environment.
- 5.7.2 The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol is prohibited in the workplace. A controlled substance is generally a drug or chemical whose manufacture, possession, or use is regulated by a government. Controlled substances are substances that are the subject of legislative control. This may include illegal drugs and prescription medications. Controlled substances include marijuana and medical marijuana.
- 5.7.3 An employee’s violation of this prohibition, or any other drug abuse violation, may result in disciplinary action up to and including discharge.
- 5.7.4 The County will provide educational information to employees on the damages of drug abuse in the workplace as it deems appropriate.
- 5.7.5 Information on the County’s Employee Assistance Program (EAP) is available from the Benefits Division of the HR department.
- 5.7.6 As required by the Drug-Free Workplace Act, each employee, as a condition of employment, must abide by the terms of this policy and notify the County in writing of their conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. Upon notification of any such conviction, the County will take immediate disciplinary action up to and including discharge pursuant to County policy.
- 5.7.7 Zero Tolerance
 - 5.7.7.1 The County has zero tolerance for the following:
 - 5.7.7.1.1 Illegal use of controlled substances,
 - 5.7.7.1.2 The use of illegal drugs,
 - 5.7.7.1.3 Exceeding the recommended dosage for over-the-counter drugs or the dosage prescribed by a medical healthcare provider for prescription drugs,
 - 5.7.7.1.4 On-the-job use of alcohol and marijuana, including medical marijuana, and,
 - 5.7.7.1.5 Being under the influence of alcohol or marijuana while on duty or in the performance of one’s work.
 - 5.7.7.2 For the purposes of this section, “Zero Tolerance” is intended to mean that after an investigation, if the employee is found more likely than not to have committed one or more of the above infractions, the employee shall be discharged from employment regardless of employment history or any other mitigating circumstances as permitted by law.

5.7.7.3 If an employee is prescribed medication by a healthcare provider, which substance may impair the employee’s ability to perform the essential functions of their job, the employee must inform their immediate supervisor and/ or the Benefits Division of the HR Department prior to performing the essential functions of the job. The employee may be required to provide documentation from a healthcare provider stating that the employee is able to perform the essential functions of the job while taking such medication. The supervisor, on the same day, must report the disclosure to the Benefits Division. If the employee is unable to perform the essential functions of the job while taking such medication, the employee may be required to use accrued sick leave or other approved leave.

5.7.8 Impairment

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

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

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

5.7.9 Rehabilitation

5.7.9.1 An employee may enter drug or alcohol rehabilitation using the County’s health plan. Please contact EAP for assistance.

5.7.10 Testing – General

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

5.7.10.1.1 When reasonable suspicion exists to believe that an employee is impaired by controlled substances, marijuana, medical marijuana, alcohol, or drugs while on the job or is using illegal drugs.

5.7.10.1.2 After motor vehicle accidents, as specified in section 5.7.12.

5.7.10.1.3 Pre-employment testing for applicants being considered for employment.

5.7.10.1.4 For CDL employees, under a program of random testing; and

5.7.10.1.5 For some employees who internally promote, transfer, or otherwise change positions within the County.

5.7.11 Reasonable Suspicion Testing

5.7.11.1 Reasonable suspicion drug and alcohol testing shall be conducted when one supervisor (or two supervisors when feasible) has reasonable suspicion that an employee is impaired by controlled substances, marijuana, medical marijuana, alcohol, or illegal drugs while on the job. A

supervisor shall immediately contact HR and then the supervisor shall immediately transport the employee to the designated medical facility for testing.

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

5.7.11.2.1 The witnessing of unusual demeanor, appearance, conduct, or irrational behavior (e.g., slurred speech, lack of balance, excessive aggressiveness, docility, or drowsiness); difficulty in performing or the inability to perform normal job function; the smell of alcohol, controlled substances, marijuana, medical marijuana, or illegal drugs;

5.7.11.2.2 Suspected possession of or use of alcohol, controlled substances, marijuana, medical marijuana, or illegal drugs on the job; or

5.7.11.2.3 A determination that an employee might be at fault in an on-the-job injury or in an operating accident involving vehicles, equipment, property, or personnel as discussed in section F below.

5.7.12 Post-Accident Testing (For Motor Vehicle Accidents)

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

5.7.12.1.1 A fatality or bodily injury to anyone involved in the accident; or

5.7.12.1.2 A citation for a moving traffic violation arising from the accident.

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

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

5.7.14 Results of Drug and/or Alcohol Use

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

5.7.14.2 An employee who refuses to submit to drug and alcohol testing in compliance with this policy

shall be deemed to have tested positive for illegal drugs and to be impaired by alcohol or controlled substances on the job. Refusal to submit to testing includes any of the following:

- 5.7.14.2.1 refusal to appear for testing;
 - 5.7.14.2.2 failure to remain at the testing site until the testing process is complete;
 - 5.7.14.2.3 failure to provide a specimen;
 - 5.7.14.2.4 in instances of observed or monitored collection, failure to allow observation or monitoring;
 - 5.7.14.2.5 refusal to sign the testing form;
 - 5.7.14.2.6 failure to take a second test as directed;
 - 5.7.14.2.7 otherwise fail to cooperate in the testing process;
 - 5.7.14.2.8 perform any actions which prevent the completion of the test;
 - 5.7.14.2.9 a test result reported by the Medical Review Officer (MRO) as a verified altered or substituted test;
 - 5.7.14.2.10 inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
 - 5.7.14.2.11 failure to undergo a medical examination or evaluation when directed;
 - 5.7.14.2.12 tampering with, attempting to alter, or substitution of the specimen, or interference with the collection procedure;
 - 5.7.14.2.13 not reporting to the collection site in the time allotted; or
 - 5.7.14.2.14 failure to comply with the requirement that the employee shall not use alcohol for either eight (8) hours following a motor vehicle accident or until the employee undergoes a post-accident alcohol test, whichever comes first,
 - 5.7.14.2.15 leaving the scene of an accident without a valid reason, as deemed by the County, before the tests have been conducted,
 - 5.7.14.2.16 refusal to provide the necessary authorization for obtaining hospital reports and other documents as required.
- 5.7.15 Controlled Substances and Alcohol Testing Policy for CDL Drivers and Employees in Safety-Sensitive Positions
- 5.7.15.1 Per section 2.5, El Paso County will not hire candidates who test positive for controlled substances even if an offer of employment has been made.
 - 5.7.15.2 This policy addresses drug and alcohol testing for employees in safety sensitive positions. This policy applies to all drivers who are required to hold a Commercial Driver's License (CDL) in order to perform their job for El Paso County or who perform a safety sensitive function. This

policy also applies to employees who hold a CDL and voluntarily remain in the pool of CDL drivers, although their current position may not require a CDL. In these cases, employees have agreed to be available for emergency and non-emergency operations that require a CDL. Without exception, employees who volunteer to perform operations that require a CDL remain in the El Paso County random drug/alcohol testing pool and are subject to the drug/alcohol testing requirements and consequences outlined in this policy, and any applicable federal changes of law.

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

5.7.16 Alcohol Prohibitions

- 5.7.16.1 Any alcohol misuse that could affect performance of a safety-sensitive function, including, but not limited to:

- 5.7.16.1.1 Use while performing safety-sensitive functions.
- 5.7.16.1.2 Use during the four (4) hours before performing safety-sensitive functions.
- 5.7.16.1.3 Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of .02 or greater.
- 5.7.16.1.4 Possession of alcohol unless alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.
- 5.7.16.1.5 Use during the eight (8) hours following an accident, or until they undergo a post-accident test. No driver shall leave the scene of an accident, without a valid reason before arranging to have both a controlled substance and alcohol test performed.
- 5.7.16.1.6 Refusal to take a required test.
- 5.7.16.1.7 Performance of safety-sensitive functions for at least 24 hours when a test shows an alcohol concentration of .02 to .039.

- 5.7.16.1.8 Interfering with accurate testing or altering test results.

5.7.17 Drug Prohibitions

- 5.7.17.1 Any drug use that could affect performance of safety sensitive functions, including, but not limited to:
 - 5.7.17.1.1 Use of any drug, except by a medical professional's prescription, and then only if the medical professional has advised the employee that the drug will not adversely affect the employee's ability to safely operate a Commercial Motor Vehicle (CMV). If the drug will adversely affect the employee's ability to safely operate a CMV, the employee shall obtain a statement from the medical professional indicating any work restrictions and

their duration. The employee shall present that statement to their supervisor prior to going on duty. The County does not permit the use of medical marijuana.

5.7.17.1.2 Testing positive for drugs, including medical marijuana or marijuana.

5.7.17.1.3 Refusing to take a required test.

5.7.17.1.4 Interfering with accurate testing or altering test results.

5.7.18 Prescription Medications:

5.7.18.1 It is the responsibility of each employee to notify their supervisor when they are taking ANY prescription that may create impairment.

5.7.18.2 The employee must have a valid and current doctor's prescription and must be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment. The County does not permit the use of medical marijuana.

5.7.18.3 If an employee tests positive and cannot produce a prescription, the MRO will report a positive result to the employer. Consequences for a positive test will apply.

5.7.18.4 If an employee tests positive and a prescription exists, the MRO will report the result as a negative, but will also report any safety concerns, which may require further evaluation.

5.7.19 Consequences for Violation of Prohibitions

5.7.19.1 The employee is subject to immediate corrective and/or disciplinary action up to and including discharge.

5.7.19.2 The employee shall not perform safety-sensitive functions until all return-to-duty requirements are met. Before returning to duty, the employee must undergo a return-to-duty test for:

5.7.19.2.1 alcohol (if the prohibited conduct involved alcohol) with verified return-to-duty test result of less than .02; or

5.7.19.2.2 drugs (if the conduct involved drugs) with a verified negative result.

5.7.19.3 The employee shall be advised by HR of the resources available in evaluating and resolving the problem. This shall include the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment services.

5.7.19.4 Prior to being allowed to return to safety sensitive functions the employee must be evaluated by a Substance Abuse Professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use. In addition, if the employee was identified as needing assistance in resolving the problem, the employee must:

5.7.19.4.1 be evaluated by the SAP to determine that the employee properly followed any prescribed rehabilitation program; and

- 5.7.19.4.2 be subject to unannounced follow-up alcohol and drug tests administered by the employer following the employee return-to-duty. The number and frequency of the tests are to be determined by the SAP but must consist of at least six (6) tests during the first twelve (12) months following the employee’s return-to-duty. Follow-up testing may be done for up to sixty (60) months.
- 5.7.19.5 The above consequences are minimum requirements as set out by the Department of Public Works – Transportation Division (Transportation Division). Compliance with the above does not guarantee a driver will be returned to work following a violation of this policy. Drivers will be subject to disciplinary action up to and including discharge for violation of this policy, regardless of eligibility to return to work under the Transportation Division regulations.
- 5.7.20 Tests Required for Employees in Safety-Sensitive Jobs (CDL REQUIRED)
 - 5.7.20.1 For the purpose of ensuring compliance with the Federal Department of Transportation Regulations and this policy, candidates for driving-related positions and employee drivers will be subject to controlled substance, including marijuana and alcohol screening under the circumstances described below. Candidates and drivers are required to submit to testing in the following circumstances as a condition of their employment:
 - 5.7.20.1.1 Pre-employment Testing (49 C.F.R. § 382.301)
 - 5.7.20.1.2 Post-Accident Testing (49 C.F.R. § 382.303)
 - 5.7.20.1.3 The County’s policy on Post-Accident Testing exceeds meets the minimum requirements of 49 C.F.R. § 382.303:
 - 5.7.20.1.4 As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:
 - 5.7.20.1.4.1 Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - 5.7.20.1.4.2 Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - 5.7.20.1.4.2.1 Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - 5.7.20.1.4.2.2 One or more motor vehicles incurring 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.
 - 5.7.20.1.5 As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

- 5.7.20.1.5.1 Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - 5.7.20.1.5.2 Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - 5.7.20.1.5.2.1 Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - 5.7.20.1.5.2.2 One or more motor vehicles incurring 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.
 - 5.7.20.1.6 Random Testing (49 C.F.R. § 382.305)
 - 5.7.20.1.6.1 As a term and condition of holding a CDL or safety-related position, employees will be subject to controlled drug and alcohol testing, including marijuana, at any time on a random basis.
 - 5.7.20.1.7 Reasonable Suspicion Testing (49 C.F.R. § 382.307)
 - 5.7.20.1.7.1 Drivers and those in safety-related positions may be subject to controlled substance, including marijuana, testing and alcohol testing at any time when there is reasonable suspicion to believe the employee has violated the prohibitions of these regulations.
 - 5.7.20.1.8 Return-To-Duty Testing (49 C.F.R. § 382.309)
 - 5.7.20.1.9 An employee who has violated the alcohol or drug prohibitions may return to safety sensitive functions after they are evaluated by a SAP and participate in any prescribed assistance program. Return-to-duty tests need not be confined to the substance involved in the violation.
 - 5.7.20.1.10 Follow-Up Testing (49 C.F.R. § 382.311)
 - 5.7.20.1.11 If the SAP determines that an employee needs assistance resolving problems associated with alcohol or drug use, HR shall ensure that the employee is subject to unannounced follow-up testing following the employee's return to duty.
- 5.7.21 Employee Drug Test Notifications
- 5.7.21.1 The MRO will contact the employee prior to verifying a positive test result. If the MRO is unable to reach the employee directly, the MRO shall contact HR. HR shall contact the employee and request the employee contact the MRO within twenty-four (24) hours. HR shall inform the MRO that the employee was so notified. If HR is unable to contact the employee with the results after reasonable attempts, disciplinary action may proceed pursuant to Chapter 7.

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

5.7.22.1 This provision regarding the refusal to submit to testing excludes candidates from employment. Refusal to submit to testing is a violation of this policy. Any employee refusing to submit to testing will face appropriate disciplinary action. The following behavior constitutes a refusal:

- 5.7.22.1.1 refusal to appear for testing;
- 5.7.22.1.2 failure to remain at the testing site until the testing process is complete;
- 5.7.22.1.3 failure to provide a urine specimen;
- 5.7.22.1.4 in instances of observed or monitored collection, failure to allow observation or monitoring;
- 5.7.22.1.5 refusal to sign the testing form;
- 5.7.22.1.6 failure to provide adequate breath;
- 5.7.22.1.7 failure to take a second test as directed;
- 5.7.22.1.8 otherwise fail to cooperate in the testing process;
- 5.7.22.1.9 perform any actions which prevent the completion of the test;
- 5.7.22.1.10 a test result reported by the MRO as a verified altered or substituted test;
- 5.7.22.1.11 inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation. Failure to undergo a medical examination or evaluation when directed;
- 5.7.22.1.12 tampering with, attempting to alter, or substitution of the specimen, or interference with the collection procedure;
- 5.7.22.1.13 not reporting to the collection site in the time allotted;
- 5.7.22.1.14 failure to comply with the requirement that the employee shall not use alcohol for either eight (8) hours following a motor vehicle accident or until the employee undergoes a post-accident alcohol test, whichever comes first; or
- 5.7.22.1.15 refusal to provide the necessary authorization for obtaining hospital reports and other documents as required.

5.7.23 Previous Employer Test Information

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

5.7.24 On Call/Emergency Call

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

5.8 Use of County Property and Resources

- 5.8.1 It is the duty of every County employee to protect, preserve, and conserve all County property and resources entrusted to the employee. The department will issue equipment and resources to the employee and keep written documentation of the condition of the property when issued to and returned by the employee. When an employee is instructed to return County property, an employee may not remove, delete, or destroy any or all electronic data from the County property. An employee returning County property in a condition worse than normal wear and tear may be subject to disciplinary action up to and including discharge.

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

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

- 5.8.3.1 Limited personal use of County issued data equipment, including phones and tablets may be authorized by the Hiring Authority provided:

- 5.8.3.1.1 The personal use is conducted during non-business hours, during designated lunch breaks, or for very minimal periods of time.

- 5.8.3.1.2 The personal use does not interfere with the employee's regularly assigned duties and responsibilities, nor those of their co-workers.

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

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

5.9 Inspection

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

- 5.9.2 The County will exercise its right to inspect all packages and parcels entering and leaving our premises. All offices, desks, lockers, and other storage areas are to be kept clean and used only for work-related reasons. The County reserves the right to inspect all offices, desks, lockers, etc., as well as digital data at any time with or without advance notice, and employees should have no expectation of privacy therein. A copy of any key or combination to all locks must be retained by the County at all times.
- 5.9.3 All County property, including but not limited to, computers, faxes, copiers, cell phones, and mail systems, including e-mail, voice mail, and text messaging, are intended for business use. Personal business should not be conducted through these systems. Under conditions approved by management, voice mail, e-mail, and text messages may be retrieved; and information may be retrieved regarding websites accessed and internet usage. Under conditions approved by management, the hard drive of your computer may be reviewed for content. Employees should not have any privacy expectations regarding information stored on any County property.
- 5.9.4 The following types of searches require the approval of the County Administrator or the Chief Human Resource Officer, in conjunction with the County Attorney’s Office:
 - 5.9.4.1 Any search of an employee’s personal property, such as handbags, backpacks, and vehicles parked on County property.
 - 5.9.4.2 Any search of an employee’s digital trail, such as web history, badge access history, or investigatory/disciplinary access to emails or calendars, etc.
 - 5.9.4.3 Any search of County property that is not typical and customary for the department or division, such as conducting a random locker search when the department has not historically conducted such a search.
- 5.10 Technology – Acceptable Use Policy
 - 5.10.1 Scope
 - 5.10.1.1 This policy defines the acceptable use of the County’s Technology Resources.
 - 5.10.1.2 This policy encompasses all usage of the County’s computer and information networks via a physical or wireless connection, regardless of the ownership of the device connected to the network.
 - 5.10.1.3 The use of the County’s Technology Resources is subject to local, state, and federal laws. Illegal activities may be reported to the appropriate authorities for possible legal action. El Paso County is not liable for any material viewed or downloaded.
 - 5.10.2 General Conditions
 - 5.10.2.1 **Technology Resources Definition.** Technology Resources include, but are not limited to, El Paso County-owned, licensed, leased, or managed computer equipment (such as computers, cell phones, land phones, pagers, etc.) software, software systems, accounts, networks, and data (such as files, email messages, activity logs, credentials, and related information assets)

that are created, processed, or stored on El Paso County devices, networks, data centers, mobile devices, and Internet connections regardless of their physical location or the form in which they are maintained (hereafter collectively referred to as “Technology Resources”).

- 5.10.2.2 **User Definition.** This policy applies to all uses and users of El Paso County Technology Resources. Users include full and part-time employees, elected officials, contractors, temporary employees, election judges, volunteers, interns, partners and authorized third parties (hereafter collectively referred to as “Users”).
- 5.10.2.3 **Business Unit Definition.** This policy applies to all El Paso County entities that have requested and been provisioned El Paso County Technology Resources including Offices of Elected Officials, Administrative Departments, and Affiliated Individuals or Agencies (hereafter collectively referred to as “Business Units”).
- 5.10.2.4 **Ownership.** A user has no ownership interest in El Paso County Technology Resources.
- 5.10.2.5 **Official Business.** El Paso County Technology Resources are to be used for official El Paso County Business Unit authorized operations and communications.
- 5.10.2.6 **Duty to Protect.** Users have an obligation to protect El Paso County Technology Resources and to act in a responsible, ethical, and legal manner at all times.
- 5.10.2.7 **Usage Integrity.** Usage of El Paso County Technology Resources must be consistent with El Paso County standards of business conduct and must occur as part of the normal execution of the users’ work responsibilities.
- 5.10.2.8 **Privacy.** A User has no reasonable expectation of privacy while using El Paso County Technology Resources and El Paso County is not responsible for the confidentiality of any personal information a user transmits via Technology Resources.
- 5.10.2.9 **Monitoring.** Use of El Paso County Technology Resources is subject to continuous monitoring to ensure effective resource stewardship and to manage network connectivity, operational demand, information security, incident response, compliance, and continuity of operations.
- 5.10.2.10 **Information Disclosure.** El Paso County may access, review, delete, and/or disclose Technology Resource information without notice or authorization from a user. El Paso County may disclose Technology Resource information to law enforcement authorities or to comply with the Colorado Open Records Act or the Colorado Criminal Justice Records Act.
- 5.10.2.11 **Prohibited Uses of Technology Resources.** Technology Resources shall not be used to,
 - 5.10.2.11.1 make or post indecent remarks, proposals, or materials,
 - 5.10.2.11.2 send or receive any material that is obscene or defamatory or is intended to annoy, harass, or intimidate another person,

- 5.10.2.11.3 for political purposes, personal economic gain, or purposes that otherwise violate the El Paso County code of conduct or ethics,
- 5.10.2.11.4 visit Internet sites that contain obscene, pornographic, hateful, or other objectionable material unless explicitly authorized by a Business Unit in the performance of job duties,
- 5.10.2.11.5 engage in any form of online gambling,
- 5.10.2.11.6 engage in libel, slander, or harass any other person is in violation of the El Paso County Personnel Policies Manual.
- 5.10.2.12 **License Agreement Compliance.** A User may not upload, download, or otherwise use or transmit commercial software or any copyrighted materials except in compliance with the material’s end user license agreement.
- 5.10.2.13 **Disclosure.** A User may not copy or disclose Technology Resources to external parties unless explicitly authorized by a Business Unit in the performance of job duties.
- 5.10.2.14 **Record Preservation.** Users are responsible for saving electronic messages, files, documents, and related information that is categorized as official county records to an approved network location to ensure the records are backed up until such time as the records can be destroyed in accordance with the official record retention schedule.
- 5.10.2.15 **Policy Breach.** Any breach of this policy may lead to disciplinary action and possible discharge, as well as legal action.
- 5.10.2.16 **Policy Administration.** This policy shall be administered by the El Paso County Digital, Strategy, and Technology (DST) department after formal approval by the El Paso County Board of County Commissioners.
- 5.10.2.17 **Audit Standards.** The El Paso County DST department, through formal approval by the County Attorney and County Administrator, will develop and publish technology audit standards and procedures to ensure the ethical, consistent, transparent, and confidential enforcement of this policy. All audit requests for information covered by this policy will be formally logged in the DST Department Request Management system.
- 5.10.3 Provisioning of Technology Resources
 - 5.10.3.1 **Role-Based Access.** A User is granted access to El Paso County Technology Resources, and/or Data based on a specific job description or function. A User may use only the Technology Resources for which they have been given explicit access authorization and as necessary to perform official tasks within the scope of their work responsibilities.
 - 5.10.3.2 **Role Changes.** User access to El Paso County Technology Resources, and/or Data may change when transferring to a different job description, function, role, Business Unit, or Elected Office / Department. A User’s supervisor is responsible for notifying El Paso County of changes in a user’s status, including, but not limited to, name change, transfer of User to another position, discharge of employment or contract, or any changes in the User’s

responsibilities that may alter the access rights required for User to perform their work functions.

- 5.10.3.3 **Remote Access Accounts.** Remote access accounts are available to Users when a business need exists to use or access Technology Resources from a location other than the Users normal worksite. Suitability for remote access shall be at the discretion of the Business Unit as further defined in the El Paso County Personnel Manual.
- 5.10.3.4 **Remote Access Security.** Remote access Users must always protect technology resources and ensure a remote connection is not used by non-authorized Users to gain access to Technology Resources. Remote access Users are subject to additional information security controls including multi-factor account authentication.
- 5.10.3.5 **Inactivity.** A User account will be deactivated after 30 days of inactivity. Deactivated accounts can` be restored on request to the DST Customer Support Center after appropriate approvals from the user`s Office/Department Business Unit.

5.10.4 Email

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

5.10.5 Sensitive Data Protection

- 5.10.5.1 **Sensitive Data Scope.** Sensitive Data includes Personally Identifiable Information (PII), Protected Health Information (PHI), Criminal Justice Information Services (CJIS), financial information, employee data, and related information deemed suitable for protection by a Business Unit leader, County Attorney, County Administrator, or the law. Such information will be encrypted while in transit outside of El Paso County Network and will be encrypted at rest while being stored on Technology Resources including laptop computers, tablets, and mobile devices.
- 5.10.5.2 **Encryption.** PII, PHI, and CJIS data must be encrypted while being emailed or transferred in an electronic manner outside the County network.
- 5.10.5.3 **Personal Information.** Users authorized to access citizen, client, or employee personal information must comply with local, state, and federal laws concerning the protection of personal information including the El Paso County Policy Concerning the Destruction or Proper Disposal of Personally Identifying Information as originally adopted by the El Paso County Board of County Commissioners on 9/1/2018. PII includes, but is not limited to, Social Security numbers, passport numbers, driver’s license, ID, or passport numbers, addresses, email addresses, photos, biometric data (as defined in section 6-1-716 (1)(a), C.R.S.), or any other information that can be traced to one individual. Medical, educational, financial transaction devices such as credit card numbers (as defined in section 18-5-701 (3), C.R.S.), and employment information all fall under PII.
- 5.10.5.4 **Health Information.** Users authorized to access Protected Health Information must comply with local, state, and federal laws concerning the protection of this information. Protected Health Information (PHI) means information, whether oral or recorded in any form or medium, that (a) is created by a healthcare provider, health plan, public health authority, employer, life insurer, school or university, or healthcare clearinghouse that (b) relates to the past, present or future physical or mental health or condition of an individual, the provision of healthcare to the individual, or the past, present, or future payment for the provision of healthcare to an individual and (c) identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- 5.10.5.5 **Criminal Justice Information.** Users authorized to access Criminal Justice Information Services (CJIS) information must comply with local, state, and federal laws concerning the protection of this information including fingerprints and criminal background check information gathered by local, state, and federal criminal justice and law enforcement agencies. Refer to the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Security Policy for specific terms and conditions.
- 5.10.5.6 **Credit Card Information.** Users authorized to accept credit cards as an official form of payment must comply with data protection procedures specified in the Payment Card Industry (PCI) Data Security Standard publication.

- 5.10.5.7 **Other Sensitive Information.** Data categorized as sensitive and suitable for protection by an Elected Official, the County Administrator, designated compliance official, or the County Attorney is to be protected at all times. A User who negligently or deliberately mishandles El Paso County’s sensitive data may be subject to disciplinary action. El Paso County may refer instances of misuse of sensitive Data to law enforcement authorities.
- 5.10.5.8 **Sensitive Data Access.** A User will be granted access to El Paso County sensitive data only if their Business Unit leader determines the user has a valid need to know and have access to such sensitive information.
- 5.10.5.9 **Disclosure.** Elected Officials, County Administrator, Administrative Department Executive Directors, the County Attorney, or their designee, may authorize the disclosure of sensitive data to parties outside of El Paso County.
- 5.10.5.10 **Information Distribution.** El Paso County may review the distribution of any information over the Internet (including by e-mail, instant messaging systems, and any other computer-based systems). El Paso County reserves the right to determine the suitability of the information distributed or shared using its Technology Resources.

5.10.6 Information Security

- 5.10.6.1 **Passwords.** Passwords associated with accessing Technology Resources are key elements of security and must be kept confidential. A User shall adhere to the El Paso County password policy as written and published by El Paso County DST department. A User shall not share their password with others for any reason. A User shall protect their passwords to prevent the unauthorized use or access of the El Paso County Technology Resources.
- 5.10.6.2 **User Credentials.** A User is responsible for all behaviors performed on Technology Resources under their assigned El Paso County system credentials (username/password). A User should always sign out of their account or password-lock the screen before leaving a workstation.
- 5.10.6.3 **Credential Protection.** Users shall not leave a desktop computer or mobile device "signed on" or leave the password available in an obvious place as this gives any "passer-by" the opportunity to send an Electronic Message which appears to be authored by whoever left the terminal (password) unsecured.
- 5.10.6.4 **Loss / Theft.** A User is responsible for safeguarding and protecting any Technology Resource assigned to them by El Paso County from loss or theft. A User should immediately—which means as soon as possible or within three (3) hours—report any loss or theft to the designated Risk Management or Property Control representative designated by the County Administrator.
- 5.10.6.5 **Applications.** A User may not download, install, or run any applications unless explicitly authorized to do so by their Business Unit director and in coordination with El Paso County DST department.
- 5.10.6.6 **Unauthorized Modifications.** A User may not modify any physical or logical configuration of

El Paso County Technology Resources without prior authorization from El Paso County DST department.

- 5.10.6.7 **Restricted Resources.** A User shall not attempt to access restricted Technology Resources, including an operating system, network, security software or other administrative applications without the prior written authorization from El Paso County DST department and the appropriate Business Unit system owner.
- 5.10.6.8 **Deliberate Interference.** A User shall not intentionally interfere in the normal operation of Technology Resources or take any steps that hinder other Users. A User shall not examine, change, or use another person's files or any other Technology Resources without the owner's explicit permission.
- 5.10.6.9 **Prohibited Elevation of Privilege.** A User is prohibited from elevating their access to Technology Resources above authorized and granted limits. A User shall not engage in deliberate activity to degrade the performance of Technology Resources, deprive an authorized User access to Technology Resources, obtain extra resources beyond those allocated, such as attempting to utilize additional disk space; or circumvent El Paso County computer security measures.
- 5.10.6.10 **Bypassing Security Controls.** A User shall not attempt to bypass or modify information security systems including but not limited to anti-malware programs, encryption mechanisms, virtual private networks, email security programs, vulnerability scanning and remediation programs, firewalls, gateways, group policy objects, and intrusion prevention devices without the prior written authorization from El Paso County DST department. A User shall not attempt to or use any spoofing techniques to disguise an email address or other Network activity.
- 5.10.6.11 **Compromised Device.** Any device that is discovered to be acting erratically or deemed to be compromised by El Paso County DST department will be immediately quarantined and/or isolated until reasonable determination can be made as to whether the device has been compromised and a threat assessment has been completed.
- 5.10.6.12 **Compromised Credentials.** User system credentials (username/password) that are compromised or suspected of being compromised shall be changed and/or disabled immediately at the direction of El Paso County DST department in coordination with technical representatives from the Offices of Elected Officials or Department Directors.
- 5.10.6.13 **Incident Notification.** A User shall immediately report any suspected or confirmed information security incident, compromise, or abnormality to El Paso County DST department, such as malware pop-ups, virus warnings, suspected attempts to gain unauthorized access to an El Paso County Technology Resource.
- 5.10.6.14 **Incident Response.** In the event of an information security incident or investigation, Users of potentially effected Technology Resources will cooperate with the directions given by the DST department. Failure to comply with a security investigation or incident may result in immediate suspension of access privileges to Technology Resources.

- 5.10.6.15 **Training.** Users will take and pass information security training classes to maintain their access to Technology Resources. Users who fail to take or pass required information security training may have their access to Technology Resources suspended until such time that training has been completed.
 - 5.10.6.16 **Disclosure.** Public disclosure of any security vulnerabilities, weaknesses, investigations, or incidents associated with Technology Resources is prohibited without the prior approval of the County Attorney, County Administrator, Elected Official, and Chief Information Officer.
 - 5.10.6.17 **Multi-Factor Authentication (MFA).** The County requires users to participate in the Multifactor Authentication (MFA) program to access technology resources. The County will provide users with an industry-standard method to complete the MFA process without requiring employees to use their personally supplied technology devices (mobile phone, tablet, etc.). Users may voluntarily use personally supplied technology devices to complete the MFA process at their discretion. Users will not be entitled to compensation if they voluntarily elect to use a personal device to complete the MFA process.
- 5.10.7 Limited Personal Use of County Technology Resources and Network
- 5.10.7.1 **Limited Personal Use.** Limited personal use of Technology Resources is permissible when the use does not interfere with the intended functioning and performance of El Paso County Technology Resources. Limited personal use of Technology Resources may be constrained or prohibited by a Business Unit leader.
 - 5.10.7.2 **Conditional Use.** The use of personal devices on explicitly designated El Paso County Public wireless networks is conditionally acceptable as long as the use of the device is in accordance with all other provisions in this policy and El Paso County Code of Ethics. All activities conducted on public networks are subject to active and passive monitoring.
 - 5.10.7.3 **Discernment.** A User is responsible for exercising good judgment regarding the reasonableness of personal use. Users should consult their supervisor and/or Elected Official or Department Director about any uncertainty regarding the type of personal use that is acceptable.
 - 5.10.7.4 **Support Responsibility.** El Paso County is not responsible for maintaining a User's personally supplied software, hardware, device, or peripherals. Users should contact their personal device's manufacturer or their carrier for operating system or hardware related issues. A User is personally liable for all costs associated with their personal device.
 - 5.10.7.5 **Sole Source Prohibition.** Personal devices should not be used to store El Paso County information, data, or communications when the personal device is the only location of an official County record including, documents, emails, voice messages, phone logs, and all related records.

- 5.10.7.6 **Sensitive Data Prohibition.** Storage or transmittal of sensitive, classified, or protected information on User personal devices is strictly prohibited including personal information, protected health information, credit card information, and criminal justice information.

5.11 Personnel Driving and Vehicle Usage Policy

5.11.1 General Guidelines for Vehicle Usage

- 5.11.1.1 County vehicles shall be used for official County business only. Other than authorized de minimis use, as described in paragraph 5.12.7, any other personal use of a County vehicle is prohibited. Vehicles will be driven and operated safely at all times.
 - 5.11.1.1.1 Employees are responsible for reasonable security of the vehicle and County-owned contents, and for keeping the inside of the vehicle organized and tidy.
 - 5.11.1.1.2 Employees will not operate a vehicle while physically, mentally, or chemically impaired.
 - 5.11.1.1.3 Prior to any employee operating a County vehicle, the following must be reviewed and approved by HR:
 - 5.11.1.1.4 Employee’s driver’s license
 - 5.11.1.1.5 Employee’s driving record
 - 5.11.1.1.6 Prior to operating any County vehicle, the Hiring Authority will ensure the employee is qualified and possesses the proper license to operate the vehicle.
 - 5.11.1.1.6.1 Employees are responsible for maintaining all required licenses and certifications to perform the essential job functions of their position.
 - 5.11.1.1.6.2 Employees whose essential job functions require a specific type of license shall immediately inform their Hiring Authority of any change in the type or form of license required to complete their essential job functions.
 - 5.11.1.1.6.3 Employees who fail to maintain all required licenses and certifications required for their position may be subject to disciplinary action up to and including discharge.
 - 5.11.1.1.6.4 Any employee who drives on County business without possessing a valid driver’s license may be subject to disciplinary action up to and including discharge.
 - 5.11.1.1.7 Employees whose job requires operation of a County vehicle shall report any loss, suspension, or revocation of their driver’s license; any traffic ticket over four (4) points; and any traffic/vehicle related arrest to their Hiring Authority and HR.
 - 5.11.1.1.7.1 A currently suspended or revoked license immediately disqualifies any job candidate or employee from the use of County vehicles.
 - 5.11.1.1.7.2 A previously suspended or revoked license may disqualify a job candidate or employee from the use of County vehicles.

- 5.11.1.1.8 Any job candidate or employee may be disqualified by HR from the use of County vehicles if their driving record includes a conviction for a serious offense or a pattern of disregard for traffic laws or safety.
- 5.11.1.1.9 Serious offenses, as determined by HR, may disqualify job candidates from further consideration for certain positions.
- 5.11.1.1.10 If an employee loses their license for a non-serious driving offense and cannot obtain a temporary driving permit that would satisfy the requirements of the employee's essential duties, the employee may be subject to one or more of the following actions:
 - 5.11.1.1.10.1 At the discretion of the employee's Hiring Authority, the employee may be permitted to use their accrued paid time off. After accrued time off has been exhausted, the employee may request an unpaid leave of absence from the employee's Hiring Authority.
 - 5.11.1.1.10.2 A temporary transfer within the employees' department to a non-driving position for which the employee is qualified, if available. The department is not obligated to create a position to satisfy this option. A corresponding reduction in pay may be made, as appropriate, for the position filled by the employee. Once the employee's driving privileges are reinstated, the Hiring Authority may reinstate the employee to their former position. An employee shall not hold this temporary position for a period greater than six (6) months.
 - 5.11.1.1.10.3 A permanent transfer or demotion to a vacant, non-driving position within the County for which the employee is qualified, if available. The County is not obligated to create a position to satisfy this option. A permanent transfer or demotion to a different department is only made as agreed upon by the receiving Hiring Authority. A corresponding reduction in pay may be made, as appropriate, for the position filled by the employee. The employee will not be automatically reinstated if the employee's driving privileges are reinstated. The employee may apply for their former position and compete in a competitive recruitment process, but no special consideration will be given.
 - 5.11.1.1.10.4 If the above options are exhausted, not feasible, or not approved, the employee may be discharged from employment with the County. Employees discharged under this provision may be eligible for re-hire through a competitive recruitment process for any driving or non-driving position after six (6) months and upon proof of an acceptable licensure and driving record.
- 5.11.1.1.11 Any employee who is found to be a habitual violator of traffic laws or vehicle safety shall not be permitted to drive on County business.
- 5.11.1.1.12 Employees involved in any accident will fill out a "Vehicle Accident Quick Reference" form. The form can be found with the vehicle's registration paperwork. If the form is not with the registration, employees can print the form from the Document and Forms section of the Employee Portal.

- 5.11.1.1.13 Employees shall immediately report any accident, theft, or damage involving any vehicle used for County business to their Hiring Authority and HR, regardless of the extent of damage or lack of injuries.
- 5.11.1.1.14 Employees are expected to cooperate fully with investigating authorities which may include HR in the event of an accident.
- 5.11.1.1.15 Employees are responsible for any driving infractions and fines incurred as a result of their driving. The County reserves the right to collect monies from employees to pay for such fines as permitted by law.
- 5.11.1.1.16 Employee licenses and driving records may be audited at any time.
 - 5.11.1.1.16.1 At a minimum, employee licenses and driving records will be audited monthly.
 - 5.11.1.1.16.2 Review of an employee’s motor vehicle record (MVR) shall entail review of the applicable Motor Vehicle Driving Record; all violations listed thereon; and a review of all vehicle accidents involving County vehicles, and accidents while driving on County business occurring during the review period.
 - 5.11.1.1.16.3 Employees who have been ruled ineligible for driving privileges due to a review of their past driving record and/or accident experience may have their privileges reinstated at the discretion of the Hiring Authority and HR.
- 5.11.2 Operation of County Vehicles by Non-County Employees
 - 5.11.2.1 Except for the following, County vehicles will not be operated by non-County employees:
 - 5.11.2.1.1 Operations necessary for repairs or servicing of vehicles.
 - 5.11.2.1.2 An emergency requiring a non-County employee to operate the vehicle.
 - 5.11.2.1.3 Usage authorized by the County Administrator, Chief Human Resource Officer, or Fleet Manager.
 - 5.11.3 Passengers in a County Vehicle
 - 5.11.3.1 Unless authorized by a Hiring Authority, no person is allowed to be a passenger in a County vehicle unless they are an Elected Official, County employee, County volunteer, or individual engaged in official business with the County.
 - 5.11.4 Permanent Assignment of a County Vehicle
 - 5.11.4.1 Due to specific job requirements, Hiring Authorities may permanently assign a vehicle to an employee. For a vehicle to be permanently assigned, doing so must be in the best interest of the County and the employee must have written approval from their Hiring Authority.
 - 5.11.5 Taking a Vehicle to Employee’s Home/Residence
 - 5.11.5.1 Employees who fill “on-call” positions or who have vehicles permanently assigned are authorized to take a County vehicle to their home/residence if doing so is in the best interest of

the County and they receive written approval from their Hiring Authority. The Fleet Manager should be notified of an employee that has a vehicle permanently assigned or any employee taking a vehicle to their home/residence.

5.11.5.2 If an employee takes a vehicle to their home/residence, the employee will ensure the vehicle is secured and parked in a safe, secure, and well-lit area. Failure to do so may result in the employee being held liable for any loss incurred. Damage or theft occurring to the vehicle while it is parked at the employee's home/residence will be reported to the employee's supervisor and HR as soon as possible.

5.11.5.3 Prior to an employee taking a County vehicle home, they must complete a "24 Hour Assignment of County Vehicle" form and have it approved and signed by their Hiring Authority. Employees can print the form from the Document and Forms section of the Employee Portal. Once the form has been approved and signed by the Hiring Authority, the form must be forwarded to the Fleet Manager for processing.

5.11.6 Vehicle Use Outside the County

5.11.6.1 No employee will take a County vehicle outside the County without written approval from their Hiring Authority. If a vehicle is taken outside of Colorado, the Fleet Manager must be notified in advance of the travel to ensure the vehicle is in safe operating condition and is equipped with necessary documentation and safety-related equipment.

5.11.7 De Minimis Travel

5.11.7.1 County vehicles shall be used for official County business only. However, under de minimis travel, an employee may make an occasional stop for a personal reason, such as an errand, along a direct route needed to conduct County business, and the distance of the stop along the route is minimal. Time for personal errands should not be counted toward an employee's workday hours.

5.11.7.2 De minimis travel is to be used occasionally under circumstances that do not interfere with an employee's regular work activities and should not be used regularly.

5.11.7.3 De minimis travel does not imply or include use for personal business, projects, or undertakings. For example, using a County vehicle to transport personal items, such as furniture, construction materials, etc., is prohibited.

5.11.7.4 De minimis travel will be adhered to when using a County vehicle for official travel to events such as off-site training or conferences.

5.11.7.5 Except in the event of an emergency, de minimis travel does not include transportation of an employee's family, friends, or others.

5.11.7.6 In the course of an employee's normal workday, or when using a County vehicle for official travel, employees may use the County vehicle to stop at a gas station, coffee shop, restaurant, etc., for the employee's periodic rest break, meal, etc. as long as doing so is in compliance with

the County’s definition of “de minimis travel” and the location of the stop does not give the appearance of misuse of the vehicle.

5.11.8 Vehicle Parking

5.11.8.1 Vehicles should be parked in safe, secure, and well-lit locations.

5.11.8.2 Employees will ensure vehicle parking locations do not give the appearance of misuse of the vehicle.

5.11.9 Vehicle Idling

5.11.9.1 ‘Idling’ is leaving a vehicle or equipment engine running when it is stopped, in park, or not in use. Operators of County vehicles will limit the idling of vehicles to the greatest extent practicable. Vehicle and equipment engines release Sulfur Dioxide, Nitrogen Oxide, and Volatile Organic Compounds, all of which are a concern to public health. Unnecessary idling of gasoline and diesel engines also wastes fuel, creates air pollution, and causes premature engine wear.

5.11.9.2 Vehicles will not be left running while parked unless one of the following situations apply:

5.11.9.2.1 The vehicle is forced to remain motionless on a public road because of traffic conditions over which the operator has no control.

5.11.9.2.2 The vehicle is being used as an emergency vehicle in an emergency situation, and the engine must remain on to power auxiliary equipment.

5.11.9.2.3 The vehicle’s engine provides auxiliary power for activities other than heating or air conditioning, such as loading, lighting, or powering attached/auxiliary equipment for which the vehicles use is intended.

5.11.9.2.4 Required by a federal, state, or local law or official, but only to the extent necessary to comply with such requirement.

5.11.9.2.5 Running the vehicle’s engine is necessary for maintenance, servicing, repair, or diagnostic purposes.

5.11.9.2.6 Running the vehicle’s engine during adverse weather conditions is necessary to ensure the safe operation of the vehicle.

5.11.9.2.7 Due to ambient outside air temperature, idling of the vehicle is necessary to ensure the safety or health of the vehicle occupants.

5.11.10 Cell Phone Usage

5.11.10.1 Hands-free devices must be used when making or receiving phone calls while driving.

5.11.10.2 Texting while driving is prohibited.

5.11.11 Use of Personal Vehicle to Conduct County Business

- 5.11.11.1 Hiring Authorities may authorize employees to use their personal vehicle to conduct County business if doing so is in the best interest of the County.
- 5.11.11.2 Employees must receive written approval from their Hiring Authority before using their personal vehicle to conduct County business.
- 5.11.11.3 Employees using their personal vehicle to conduct County business may receive mileage reimbursement or a vehicle allowance.
- 5.11.11.4 For mileage reimbursement, El Paso County uses the IRS standard mileage rate.
- 5.11.11.5 The following guidelines will be followed for employees who are eligible for a vehicle allowance:
 - 5.11.11.5.1 Contact HR or Financial Services for current forms and processes.
 - 5.11.11.5.2 Employees using their own vehicle must provide proof that their vehicle is insured adequately (currently 100/300/50).
 - 5.11.11.5.3 Annually, any employee authorized to receive a monthly vehicle allowance shall be requested to re-submit to HR a certificate of auto insurance with the limits as established.
 - 5.11.11.5.4 HR periodically checks the driving records of participants to determine whether participants remain eligible for participation.
 - 5.11.11.5.5 Employees receiving a vehicle allowance are not eligible to receive mileage reimbursements.
 - 5.11.11.5.6 Employees receiving vehicle allowance may be allowed to utilize County vehicles, when available, to make County business trips to the Denver metro area, or trips in excess of 150 miles round trip, either by using a pool-vehicle, or by using a vehicle regularly assigned to their department/office.
 - 5.11.11.5.7 The County Administrator and the Budget Officer annually and jointly shall establish the amount of monthly vehicle allowance available to employees. The cost for this allowance will be dispersed from the individual department/office budgets.
 - 5.11.11.5.8 The vehicle allowance will be reported by the County on an employee's W-2 income form as personal income and taxed at the applicable IRS rate as it is paid throughout the fiscal year. This allowance is not part of the employee's annual salary for retirement purposes or for calculating pay increases.
- 5.11.11.6 Should an employee who receives a vehicle allowance or mileage reimbursement become ineligible for driving privileges, that employee shall have their vehicle allowance revoked and shall not be permitted to drive while conducting County business, until such time as the employee meets the minimum driving record criteria and is eligible for and secures reinstatement of driving privileges.

5.11.11.7 The County will not pay for physical damage that occurs to an employee’s personal vehicle.

5.11.11.8 Employees who are allowed to use their personal vehicle for County business must ensure that their personal vehicle meets all legal requirements for safety and maintenance. Employees will report the loss of their automobile insurance to their Hiring Authority and HR within two (2) business days of the loss and will not drive on County business without proper insurance.

5.11.12 Pool-Vehicles

5.11.12.1 Employees who need a vehicle to conduct County business and who do not have a permanently assigned vehicle may use a vehicle assigned to their department. If a vehicle from their own department is not available, the employee can reserve a pool-vehicle from the Department of Public Works – Fleet Management Division on a first come, first served basis.

5.11.13 Pikes Peak Regional Office of Emergency Management (PPROEM) Vehicles

5.11.13.1 Vehicles assigned to PPROEM that are used to respond to emergency events will be equipped with appropriate emergency lighting and sirens.

5.11.13.2 PPROEM vehicles will be approved by the Director of the Office of Emergency Management with concurrence of the County Administrator.

5.11.13.3 State certification for PPROEM vehicles will be accomplished through the Sheriff’s Office.

5.11.13.4 Any driver who uses a PPROEM vehicle with installed emergency equipment while responding to an emergency event must have completed an Emergency Vehicle Operating Course (EVOC) and also received hands on training in the vehicle before operating any emergency equipment installed on the vehicle. Lights and sirens will not be engaged during non-emergency events.

5.11.14 Vehicle Markings

5.11.14.1 All vehicles, except for unmarked law enforcement vehicles, shall display County identification unless approved by the County Administrator. Identification shall be uniform in appearance.

5.11.15 Incident Review Panel

5.11.15.1 When damage occurs to a County vehicle, an Incident Review Panel will convene to determine if the damage was the result of an equipment defect or deficiency, a training deficiency, or due to employee negligence (i.e., at fault). At fault findings will be referred to the employee’s Hiring Authority for appropriate action. Employees found to be at fault may be subject to discipline up to and including discharge.

5.11.16 Telematics

5.11.16.1 County vehicles are equipped with telematic devices that can track the vehicle by location, date, time, and other details such as speed and braking. Any information collected by the

telematic devices may be used to resolve concerns with an employee's use of the County vehicle. Employees may be subject to discipline based on information obtained from the telematic devices. Additionally, employees have no expectation of privacy related to telematic data while using a County vehicle.

5.12 County Identification Cards

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

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

5.12.1.3 Official Travel

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

5.12.2.1 The expense is an ordinary, reasonable, and necessary traveling expense.

5.12.2.2 The expense is incurred while away from the employee's principal area of assignment or requires overnight lodging.

5.12.2.3 The expense is incurred while the employee is attending a seminar, conference, or other meeting to benefit the County.

5.12.3 Additional information about the County's official travel policy may be obtained from the Finance Division of the Financial Services department.

5.13 Safety Program

5.13.1 Employees and volunteers must comply with all their department's written and verbal safety rules. Hiring Authorities are responsible for ensuring that employees and volunteers under their direction are familiar with and comply with safety rules and the County's Safety Manual. Employees and volunteers shall utilize safety equipment provided by the County. Violation of any safety rule may result in disciplinary action up to and including discharge.

5.13.2 A County personnel safety official has the authority to stop any unsafe act to prevent injuries.

5.13.3 Reporting Accidents and Injuries:

5.13.3.1 Work-related injuries: Any employee who suffers an injury during working hours shall report the injury immediately to their supervisor, who will report the injury to HR no later than the

next business day.

- 5.13.3.2 Motor vehicle accidents: All motor vehicle accidents shall be reported immediately to the employee's or volunteer's supervisor or manager, who will report the accident to HR as soon as possible.

5.14 Parking

- 5.14.1 Parking spaces in County parking garages in the downtown complex have been allocated to employees and departments and are unavailable for public use. The Facilities and Strategic Infrastructure Management Department maintains a list of employees desiring a parking spot.
- 5.14.2 Employees are prohibited from parking in a space that is assigned to another employee or department without permission. Employees who do not have assigned spaces should use non-metered street parking, car-pool, or rent space in the parking structure. It is unlawful to park in a metered space for a period longer than the designated time (i.e., plugging a one-hour meter and parking in the space for longer than one hour).
- 5.14.3 The Facilities and Strategic Infrastructure Management Department will establish parking policies around County buildings not located within the downtown complex.

5.15 Bulletin Boards

- 5.15.1 Bulletin boards located throughout County facilities are for communicating information to County employees.
- 5.15.2 "Employee Classified Ads" - the electronic bulletin board located on the Employee Portal is for the general use of all County employees. Employees must agree to the guidelines prior to posting items on the bulletin board.
- 5.15.3 The Hiring Authority may establish requirements governing bulletin boards in their areas.

5.16 Solicitation

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

5.17 Prohibition Against Tax Lien Sale Participation

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

5.18 Political Activity

- 5.18.1 No employee shall, as a condition of employment, continued employment, or to receive any of the rights, privileges, or benefits of County employment, be required to engage in political activity. This includes requiring an applicant or employee to divulge their political beliefs or to make contributions to political parties or groups. This policy does not affect any duty of loyalty owed under the law by the employee to the employer, or otherwise affect the legal status of an “at-will” employee.
- 5.18.2 Employees shall not conduct political activity while on duty, nor shall they use public money or resources to support an election campaign or urge voters to vote in favor of or against any state or local ballot issue, referred measure, or recall election in accordance with Colorado law. Questions about the applicability of the Colorado Fair Campaign Practices Act should be directed to the County Attorney.
- 5.18.3 The Colorado Fair Campaign Practice Act has special provisions for Elected Officials. Elected Officials having questions about the applicability of the Colorado Fair Campaign Practices Act should be directed to the County Attorney.

5.19 Secondary Employment

- 5.19.1 Any employee’s employment with the County shall take precedence over any other occupational interest of the employee. No employee of the County or volunteer shall engage in any occupation which is incompatible with their employment with the County or presents a conflict of interest. A volunteer must disclose if their regular employment is incompatible with their volunteer duties with the County or presents a conflict of interest.
- 5.19.2 Any employee desiring to engage in secondary employment shall request and receive approval from their Hiring Authority prior to accepting or engaging in such employment. Applicants must disclose during the hiring process any secondary employment and obtain approval from their Hiring Authority to maintain any secondary employment. Requests for secondary employment are granted for a period of one year. All employees must resubmit for approval every year from the date of submission. If an employee transfers to a different department or office, the employee must request and receive approval from their gaining Hiring Authority to maintain any secondary employment.
- 5.19.3 No person may occupy more than one (1) regular position (full-time or part-time) with the County. Regular employees may occupy temporary/seasonal (extra help) positions if the duties of the temporary position are significantly different from those of the regular position. If a conflict of interest or incompatibility exists, the request to engage in secondary employment will be denied. If a

request is approved, such approval may be withdrawn at any time when such employment results in a conflict of interest or incompatibility with County employment.

5.19.4 Employees who engage in secondary employment will be expected to maintain efficiency and performance standards.

5.20 Teleworking (Remote Work)

5.20.1 Teleworking allows employees to work at an alternate work site for all or part of their workweek. The County considers teleworking to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Teleworking may be appropriate for some employees and jobs but not for others. Many County jobs require an in-person presence for, but not limited to, purposes of team building, networking, planning, training, and efficient service to the community. If teleworking is permitted by the employee’s Hiring Authority, this telework policy applies. Teleworking is not an entitlement, it is not an organization-wide benefit, and it in no way changes the terms and conditions of employment with the County.

5.20.2 The County recognizes two general types of telework arrangements:

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

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

5.20.3 Eligibility

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

5.20.3.1.1 Prioritize work to meet deadlines.

5.20.3.1.2 Accomplish job duties with minimal supervision.

5.20.3.1.3 Communicate effectively with clients, stakeholders, and team members.

- 5.20.3.1.4 Manage time effectively.
- 5.20.3.2 The County may refuse an employee’s request to telework and can end or modify a teleworking arrangement at any time based on business needs. Telework is not an employee right.
- 5.20.3.3 Further, some employees may not be eligible to telework because their job duties require in-person attendance.
- 5.20.4 Other
 - 5.20.4.1 Employees may not bring hard copies, or electronically unsecured copies (i.e., flash drives) of Personally Identifiable Information (PII) or other sensitive material to telework without supervisory consent. Employees shall perform due diligence to protect such information.
 - 5.20.4.2 Equipment may not be taken out of the country without the written approval of the Hiring Authority.
 - 5.20.4.3 An employee’s off-site workspace will be considered an extension of the County workplace. While teleworking, employees are required to comply with all County policies and conduct guidelines that would apply in a County workplace. Telework is not a substitute for child or dependent care.
 - 5.20.4.4 The County maintains any applicable rights to inspection as outlined in section 5.10, “Inspection.”
 - 5.20.4.5 The County has a responsibility to ensure its employees are fulfilling the obligations of the teleworking schedules agreed to. Various technologies, including workspace scheduling software (AgilQuest, etc.), building access scan logs, and network activity logs, may be used to verify that employees are working the agreed-upon in-office and remote schedules and may be reviewed during future agreement renewals to determine continuing eligibility for this program by the Hiring Authority.
- 5.20.5 Teleworking Agreement
 - 5.20.5.1 An employee must execute the County’s current Teleworking Agreement before beginning regular telework or continuing telework. The employee’s teleworking will be subject to the terms and provisions of the Teleworking Agreement as well as the County’s policies, timesheet recording requirements, Substance Abuse/Drug and Alcohol Policy, and federal regulations (particularly the Fair Labor Standards Act).
 - 5.20.5.2 This Policy and the Teleworking Agreement apply to work performed within the State of Colorado. Employees are not permitted to telework outside of the State of Colorado unless they have prior written approval from HR.
 - 5.20.5.3 Contact the HR department for more information about teleworking procedures or the Telework Agreement.

5.21 Work Assignment

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

5.22 Tobacco-Free Campus Policy

- 5.22.1 The El Paso County Tobacco-Free Campus Policy prohibits smoking and the use of all tobacco products, including smoke-free tobacco and the use of Electronic Nicotine Delivery Systems (ENDS), regardless of substance, in all designated Tobacco-Free campuses. The County's Centennial Hall and Citizens' Service Center campuses were designated Tobacco-Free Campuses by Resolution (16-256) of the Board of County Commissioners, effective January 1, 2017.
- 5.22.2 These Tobacco-Free campuses include parking garages, designated parking areas, and open areas or spaces that are associated with designated tobacco-free campuses. All persons entering a Tobacco-Free Campus are subject to this policy.
- 5.22.3 Employees are asked to be good neighbors and refrain from the use of substances detailed in this policy on any property that adjoins or is adjacent to the designated Tobacco-Free Campuses during working hours. This adjoining or adjacent property includes courtyards and parking areas.
- 5.22.4 Resources are available to support County employees in this initiative. Please contact the Benefits Division of the Human Resources Department for further information on these resources.

5.23 Employee Mandatory Disclosures

- 5.23.1 All employees shall provide timely and accurate notice to HR or the Hiring Authority relating to encounters with any law enforcement agency that resulted in the employee being arrested, receiving a summons for any traffic offense more than four (4) points, receiving a summons for any criminal offense regardless of the level of offense, or any civil or criminal contempt citation that may result in a possible jail sentence. This notice shall be provided to HR or the employee's Hiring Authority within three (3) days of the triggering event (arrest and/or summons) occurring. If the employee is in custody beyond the three (3) days and is unable to notify HR or the Hiring Authority, they must notify HR or the Hiring Authority within twelve (12) hours of their release. If this notice is only reported to the Hiring Authority, this information must be shared by the Hiring Authority with HR within twenty-four (24) hours of being notified by the employee.
- 5.23.2 All employees shall also inform HR of the results of any criminal cases/prosecutions noted in the preceding sentences, including any guilty plea, deferred sentence, or plea of nolo contendere within twenty-four (24) hours of the plea, sentence, and/or conviction of any traffic offense more than 4 points, or convicted of any crime within 24 hours of the conviction.
- 5.23.3 Encounters with law enforcement and any arrest/charge/summons will be evaluated on a case-by-case basis and may result in disciplinary action up to discharge.

5.24 Whistleblowing Policy

- 5.24.1 If an employee has knowledge of or a concern of work related illegal or dishonest/fraudulent activity, the employee is to contact their immediate supervisor or the Chief Human Resource Officer. All reports or concerns of illegal and dishonest activities will be promptly submitted by the receiving supervisor to the Chief Human Resource Officer, who is responsible for investigating and coordinating any necessary corrective action. Any concerns involving the Chief Human Resource Officer should be reported to the County Administrator or County Attorney. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Whistleblowers are protected by El Paso County’s anti-retaliation policy in 5.5.

5.25 Personal Belongings

- 5.25.1 The County is not liable for personal items an employee brings into the workplace and will not pay to replace broken or stolen personal property. In accordance with section 5.10, if an employee has personal items that they would not like subjected to search or inspection, these items should not be brought onto El Paso County premises or property.

5.26 Children in the Workplace

- 5.26.1 Generally, children of employees are not permitted to be in the workplace during working hours. This is to avoid disruptions in job duties of the employee and co-workers, help maintain a professional work environment, and reduce liability.
- 5.26.2 If bringing a child to work with the employee for more than a de minimis amount of time is unavoidable, the employee must contact their supervisor as soon as possible to discuss the situation and obtain permission.
- 5.26.3 Questions regarding children in the workplace should be directed to the employee’s supervisor. Failure to adhere to these guidelines could result in disciplinary action.

6 BENEFITS AND SERVICES

6.1 General Policy

- 6.1.1 The County offers a program of benefits and services for its Elected Officials, Appointed Officials, and all regular full-time employees.
- 6.1.2 All participants in the County's benefits and services are subject to the following guidelines:
 - 6.1.2.1 The County will determine, through the annual budget process, the amount and extent of County contributions toward the cost of employee benefits in any given year. All benefits and services offered by the County are periodically reviewed and are subject to change at any time.
 - 6.1.2.2 All elections, additions, deletions, or changes in benefits, coverage, beneficiaries, etc., must be submitted to the Benefits Division within required time limits and terms of the various programs.

- 6.1.2.3 All employees participating in benefit programs must strictly comply with all policies and procedures. The abuse or violation of the terms and conditions of benefit programs may result in employees being subject to disciplinary action, including discharge, and may subject employees to civil and criminal penalties.
- 6.1.2.4 Details on coverage, conditions of coverage, and specific terms and conditions are governed by the agreements between the providers and the County. New employees are advised about eligibility and enrollment during the onboarding process. Employees are also advised of benefits and conditions during the annual open enrollment period. For more information on employee benefits, please refer to the Employee Benefits Guidebook or contact the Benefits Division.
- 6.1.3 NOTE: The County's benefits and services are only summarized in this chapter. Nothing contained herein is intended to be a guarantee of a benefit to be received as a result of employment with the County. The County reserves the right to modify, amend, or discontinue any of the benefits described herein.
- 6.2 Health Insurance (Medical, Dental, and Vision)
 - 6.2.1 The County provides group health insurance medical, dental, and vision plan benefits to all full-time employees and their eligible dependents who elect to participate. For more information about these plans, please refer to the Employee Benefit Guidebook and Summary Plan Description or contact the Benefits Division. In the event the information in this manual conflicts with the actual terms and conditions of coverage, the latter governs.
 - 6.2.2 There will be an annual open enrollment period, during which eligible employees will be offered the choice of enrollment for themselves and their dependents in the County's benefit plans.
 - 6.2.3 Premiums, if applicable, will be deducted from the employee's paycheck twice monthly.
- 6.3 Life, Disability and Voluntary/Supplemental Insurance
 - 6.3.1 All regular full-time employees will participate in the group basic life insurance, short-term, and long-term disability programs. Additional supplemental benefits are available for employees and dependents. Information regarding these programs is available from the Benefits Division.
- 6.4 Flexible Spending Account
 - 6.4.1 The County offers all eligible regular full-time employees an employee-funded account of pre-tax dollars to defray the cost of dependent care and/or covered out-of-pocket health expenses. Information regarding this program is available from the Benefits Division.
- 6.5 Employee Assistance Program (EAP)
 - 6.5.1 The County provides an Employee Assistance Program to full-time employees and their immediate family members to address personal or work-related problems which may affect the employee's personal life or job performance.

- 6.5.2 The program is a confidential information, support, short-term counseling, and referral service to assist employees in resolving personal or work-related problems, such as marital problems, parenting problems, emotional problems, stress, drug or alcohol problems, and financial problems. Employees can obtain specific information on the EAP from the Benefits Division.
- 6.5.3 Employees who take time off from work to participate in the EAP must utilize any accrued leave or request a leave of absence without pay. A Hiring Authority may direct an employee to attend the EAP with the approval of HR, in which case the employee will be compensated for scheduled EAP appointments. Deferred Compensation
- 6.5.4 The County offers a voluntary deferred compensation plan for employees who wish to invest a portion of their wages to supplement other retirement programs. Information on these plans is available from the Benefits Division.
- 6.6 Retirement Plan
 - 6.6.1 The County provides a retirement program for all regular full-time employees of the County.
 - 6.6.2 All full-time County employees must be a member of the Plan. Membership in the Plan is effective on the full-time date of hire with the County.
 - 6.6.3 The employees and the County share the cost of the Plan. Each employee contributes a percentage of their salary, and the County also makes a contribution.
 - 6.6.4 The El Paso County Retirement Board administers the Plan. The retirement plan administrator will provide employees with retirement and eligibility information. Information may be requested from the Retirement Plan Administrator.
- 6.7 Medical Benefits Upon Retirement
 - 6.7.1 Regular full-time employees that retire from the County may be eligible for continuation of the County's self-funded medical benefits program at the time of retirement. Information regarding availability and eligibility is available from the Benefits Division. Medical Benefits available for retirees based on years of service will not include purchased years for employees hired on or after January 1, 2022.
- 6.8 Americans with Disabilities Act (ADA)
 - 6.8.1 An employee who has a disability, physical, or mental limitations that substantially limit the employee's ability to perform the essential job functions should report those circumstances to the Benefits Division. The Benefits Division encourages all employees to engage in an interactive process to arrive at accommodations for an individual who has a disability or the above-described limitations.

6.8.2 The Benefits Division will engage with the employee through the interactive process and provide the necessary forms to the employee requesting an accommodation. Within seven (7) days of receiving the forms, the employee must return a certification of disability from a Health Care Provider certifying that the employee has a disability and listing the type and duration of any work restriction(s) associated with the disability. The Benefits Division will review the work restriction(s) with the employee and the employee's department/office leadership. If the requested accommodation does not place an undue hardship on the department/office and does not pose a direct threat to the employee or coworkers or the public and supports the employee to fully and safely perform all of their essential job functions, a reasonable accommodation may be approved. If it is determined that a reasonable accommodation is not possible, the Benefits Division will discuss with the employee options for pursuing reassignment to another position. Under reassignment, an employee can transfer into an unfilled approved vacancy, so long as the employee meets the minimum qualifications for the position, is able to perform the essential functions of the position with or without reasonable accommodation, and the salary and status for the new position is equal to or less than the employee's current classification's salary and status. Reassignment does not include giving the employee a promotion, and therefore an employee must compete for any position that would constitute a promotion. The search for an alternative position will continue for up to thirty (30) days. The Benefits Division will expect the employee's cooperation in enlisting the support of treating healthcare professionals or other technical assistance. The County recognizes its obligations to its employees with disabilities to arrive at reasonable accommodations to allow them to perform the essential functions of their job without causing an undue hardship or direct threat to El Paso County. When a reasonable accommodation cannot be reached, the employee may be medically separated pursuant to 8.06.

6.9 Religious Accommodations

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

6.10 Employee Death from Work-Related Event

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

7 DISCIPLINE AND EMPLOYEE GRIEVANCES

7.1 General Policy and Applicability

- 7.1.1 The disciplinary policy contained in this manual will apply to all County employees unless specifically exempted or modified herein, or by Resolution of the Board of County Commissioners. All full-time employees who are not within an initial evaluation period are entitled to due process and appeal rights afforded by law.
- 7.1.2 The intent of this chapter is to define disciplinary offenses, procedures, and employee grievance procedures. Provisions of all other chapters may also subject the employee to discipline.

7.2 Disciplinary Offenses

- 7.2.1 The following list of offenses for which an employee may be disciplined or discharged contains examples only and is not all-inclusive. The County reserves the right to discipline and/or discharge an employee for conduct not contained in this list:
 - 7.2.1.1 The employee is unwilling or unable to perform the duties of their position to a satisfactory level of performance expected by the County; neglect of duties.
 - 7.2.1.2 The employee has failed to provide quality service to the public or partner agencies.
 - 7.2.1.3 The employee has failed to follow reasonable written or verbal policies, procedures, rules, or appropriate direction; or has otherwise been insubordinate.
 - 7.2.1.4 The employee has failed to meet conduct or professionalism standards or expectations of the County or department in their dealings with employees, customers, partner agencies, or the public.
 - 7.2.1.5 The employee has wasted, abused, or otherwise misused paid County work time, including but not limited to, conducting personal business or activities on County time, sleeping on the job, horseplay, or loafing.
 - 7.2.1.6 The employee has excessive or unauthorized non-protected absenteeism or tardiness.
 - 7.2.1.7 The employee has solicited or taken for personal use a fee, gift, or favor which would lead toward favoritism, a conflict of interest, or the appearance of either.
 - 7.2.1.8 The employee has stolen or taken without permission, misappropriated, destroyed, abused, wasted, or otherwise misused County property, or other public or private property, while on work time or within the scope of their work duties.
 - 7.2.1.9 The employee has used their County position or authority for personal gain.
 - 7.2.1.10 The employee has disclosed confidential or sensitive information, whether purposeful or due to neglect, without authorization.
 - 7.2.1.11 The employee has brought discredit or embarrassment to the County.

- 7.2.1.12 The employee has been dishonest, falsified records, falsely reported, or has otherwise departed from truth and accuracy. This may include, but is not limited to, systems, databases, reports, work products or records, employment applications, supplemental application materials, misrepresentation of oneself through the interview process, Kronos time, any leave requests, harassment, discrimination, retaliation, whistleblowing complaints, and FMLA or ADA paperwork.
- 7.2.1.13 The employee has failed to follow safety practices or otherwise knowingly acted or performed duties in an unsafe manner.
- 7.2.1.14 The employee has failed to cooperate in a County investigation or disciplinary process. This includes but is not limited to, failure to make oneself available, failure to maintain evidence or make evidence known and available, refusal or failure to attend meetings, failure to provide the complete truth, refusing to answer questions to the best of their knowledge, willful obstruction of the investigation, or failure to maintain confidentiality.
- 7.2.1.15 The employee has violated the tobacco-free campus policy.
- 7.2.1.16 The employee has 1) failed to report an interaction with law enforcement as outlined in the Employee Mandatory Disclosures policy, 2) violated local, state, or federal law, which could cause unfavorable publicity to the County, or the employee's credibility and representation within the community is undermined, jeopardizing the employee's ability to effectually perform their job duties, or 3) been convicted of a crime that precludes the employee from continued employment.
- 7.2.1.17 The employee has participated in prohibited political activity as outlined by the County Attorney's Office.
- 7.2.1.18 The employee has violated the County's Ethics-Centered Government model.
- 7.2.1.19 The employee has violated the County's violence in the workplace policy or has been abusive or threatening in language or conduct towards employees, customers of the County, or the public.
- 7.2.1.20 The employee has violated the County's drug and alcohol policy.
- 7.2.1.21 The employee has violated the County's harassment, discrimination, retaliation, or whistleblowing policies or laws.
- 7.2.1.22 The employee has failed or refused to cooperate in a fitness-for-duty evaluation.
- 7.2.1.23 The employee has been found more likely than not to have committed an infraction equal to the gravity of, but not otherwise covered in the reasons enumerated above.

7.3 Administrative Leave

- 7.3.1 An employee may be placed on administrative leave with pay, with or without notice, to permit HR or HR’s designee to review or investigate circumstances that may violate policy including, but not limited to, harassment, discrimination, retaliation, dishonesty, theft or misappropriation of County funds or property, workplace violence, or for any other conduct or reasonable concerns about the employee’s fitness for duty that warrants removing the employee from the workplace.
- 7.3.2 An employee may be placed on administrative leave with pay pending the outcome of a pre-disciplinary meeting or following the employee's receipt of the intent to suspend, demote, or terminate, pending the completion of the appeal hearing.
- 7.3.3 If an employee who was placed on administrative leave with pay requests a continuance or causes a delay of the appeal hearing, as referenced in 7.06, the administrative leave with pay may be changed to administrative leave without pay from the date of the employee’s requested continuance.
- 7.3.4 If an employee who was placed on administrative leave with pay refuses to cooperate in a fitness for duty evaluation, the administrative leave with pay may be changed to administrative leave without pay from the date of the employee’s refusal.
- 7.3.5 El Paso County reserves the right to convert paid administrative leave to unpaid administrative leave at any time, with or without notice.

7.4 Disciplinary Actions

- 7.4.1 All disciplinary matters are confidential and must be treated as such by all employees involved in the disciplinary process.
- 7.4.2 When directed, employees shall cooperate in the disciplinary process or action.
- 7.4.3 The Hiring Authority reserves the exclusive right to determine the type of discipline appropriate for each employee's conduct in consultation with HR. There is no requirement that disciplinary action be given in any specific or progressive sequence. Prior to utilizing disciplinary action, supervisors may counsel employees who are experiencing performance or conduct problems. A “counseling” session with the employee may not necessitate written disciplinary action or the placement of such within a personnel file; however, documentation of the meeting(s) may be made, maintained, and referenced if the problems continue. Action taken by the Hiring Authority in an individual case does not establish a precedent in other circumstances. Grievances may not be made for disciplinary actions; however, some types of discipline may be subject to appeal rights which are outlined below.
- 7.4.4 Below is the County’s formal disciplinary terminology and descriptions. Discipline is issued based on the severity of the infraction, and the County reserves the right to issue any level of discipline regardless of an employee’s previous disciplinary history.
 - 7.4.4.1 Written Reprimand: A written reprimand may be given to an employee for failing to respond to prior non-disciplinary corrective action, for conduct of a serious nature, or whenever appropriate as determined by the Hiring Authority. The employee receiving the reprimand may submit a written response within two (2) working days following receipt. The employee is

required to sign the written reprimand acknowledging that the reprimand was presented to them. The employee's signature is not to be construed as an admission. A copy of the written reprimand will be placed in the employee's personnel file along with any written response. A written reprimand is not subject to appeal rights.

7.4.4.2 Suspension: Suspension without pay must be approved by the Hiring Authority in consultation with HR and is used when stronger disciplinary action is deemed appropriate. If an employee is suspended without pay, the written notice of the suspension will state if appeal rights are available and, if so, the notice will provide appeal procedures. An employee may only appeal a suspension if the suspension is greater than two (2) working days.

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

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

7.4.4.4 Disciplinary Discharge: Discharge must be approved by the Hiring Authority in consultation with HR. A disciplinary discharge is appealable.

7.4.4.5 A corrective action plan (CAP) may be utilized as a structured approach to helping an employee improve their work performance. A CAP may be used in conjunction with discipline and contain a list of requirements that the employee must achieve. The length of a CAP may not exceed one year. At the discretion of the Hiring Authority, and in coordination with HR, an employee may be taken off a CAP early if the employee has demonstrated successful fulfillment of the requirements outlined in the CAP. A CAP is not subject to appeal rights.

7.4.5 The County reserves the right to classify an employee as eligible or ineligible for rehire dependent upon the reason for the termination of employment, and whether appropriate notice was given by the employee.

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

7.4.7 Five (5) years after receiving discipline (as defined in Chapter 7) and completing any associated requirements such as a Corrective Action Plan (CAP), an employee may submit a written request to the Chief Human Resource Officer to have the discipline removed if no further discipline has been received by the employee in that time. The Chief Human Resource Officer or designee will consider the request on a case-by-case basis. Requests will not be considered for discipline concerning harassment, sexual harassment, discrimination, retaliation, violence, or theft.

7.4.8 Formal Opportunity to be Heard

- 7.4.8.1 Before receiving the intent of notice to suspend for three (3) or more working days, demote, or discharge, the full-time employee who is not within an initial evaluation period shall be given an opportunity to be heard.
- 7.4.8.2 The employee should receive written notice of the proposed disciplinary action, which shall include the particular facts and specific grounds for the proposed action and the date of the pre-disciplinary meeting. The pre-disciplinary meeting is the employee's opportunity to be heard. The written notice does not require discovery as contemplated by the civil discovery rules. Such written notice should be given to the employee twenty-four (24) hours prior to the pre-disciplinary meeting. If the employee cannot be served with the written notice, verbal or other notice will be sufficient. In lieu of attending the pre-disciplinary meeting, the employee can respond by providing a written statement.
- 7.4.8.3 During the pre-disciplinary meeting, the employee shall be provided an opportunity to explain their conduct and performance issue(s) and to explain the reason(s) they should not receive the proposed discipline. No continuances of the pre-disciplinary meeting will be granted unless the County deems there are extraordinary circumstances.
- 7.4.8.4 An attorney can accompany the employee at the pre-disciplinary meeting at the employee's expense, but the attorney cannot speak for, or advocate on behalf of the employee. The employee may decline to provide an explanation of their conduct and performance(s) issues. If the employee does not appear or provide an explanation, the County will make a decision based on the available information.
- 7.4.8.5 An employee may be placed on administrative leave pending the outcome of the pre-disciplinary meeting.

7.5 Appeals of Discipline

- 7.5.1 Following the pre-disciplinary meeting, the employee will be provided written notice of an intent to demote, discharge, or suspend an employee for three (3) or more working days. The notice will state the reason(s) for such discipline and the employee's right to appeal. The written notice does not require complete discovery as contemplated by the civil discovery rules.
- 7.5.2 Written notice of the intent to suspend, demote, or discharge will include a statement concerning the employee's right to a hearing. An employee must request a hearing by submitting a written request to HR within two (2) business days of the employee's receipt of the notice of intent to suspend, demote, or discharge. The written request must include the employee's name and the reason(s) for appealing the disciplinary decision. If no written request for an appeal is received within two (2) business days, such discipline shall be final.
 - 7.5.2.1 If the employee appeals, an appeal hearing will be scheduled. The appeal hearing will be scheduled as soon as a hearing officer is available.
 - 7.5.2.2 The employee may be placed on administrative leave following the employee's receipt of the

intent to suspend, demote, or discharge, pending the completion of the appeal hearing.

7.5.2.3 If an employee who was placed on administrative leave with pay, requests a continuance or causes a delay of the appeal hearing, the administrative leave with pay may be changed to administrative leave without pay.

7.5.2.4 The parties will have the opportunity to present argument and evidence and examine and cross-examine witnesses supporting their respective positions. An employee may be represented by an attorney at the hearing but no scheduling of a hearing will be based on an employee's inability to retain counsel prior to the hearing or the unavailability of an employee's attorney at the scheduled time. After the hearing has been scheduled, an employee may request a continuance in writing in order to obtain an attorney or to accommodate an employee's attorney's schedule. The continuance shall not exceed seven (7) calendar days with the only exception being the hearing officer's availability.

7.5.2.5 The appeal hearing is recorded; no additional recordings are permitted. Appeal hearings may be conducted virtually at the discretion of the County.

7.5.2.6 In accordance with the requirements of law, the Hearing Officer may compel the appearance of witnesses. The County will make any County employee available as a witness if so requested.

7.5.3 County employees identified as a witness must cooperate in the appeal hearing.

7.5.3.1 The effective date of the employee's demotion will not be modified pending determination of the appeal.

7.5.3.2 If the employee does not appear for the hearing, the suspension, demotion, or discharge will be final on the date of the hearing.

7.5.3.3 The Hearing Officer will determine whether some competent evidence supports the reason for the employee's suspension, demotion, or discharge. The County will bear the burden of producing some competent evidence supporting the reason for such discipline. The employee will bear the burden to prove that the decision to discipline is not supported by some competent evidence or that the decision is arbitrary and capricious. If the Hearing Officer sustains the disciplinary action, the disciplinary action shall be deemed final on the date the Hearing Officer issues their decision.

7.6 Employee Grievances

7.6.1 Decisions related to employee grievances are not subject to an appeal. An employee may not file a grievance for any of the following issues:

7.6.1.1 Job re-classification and/or re-structuring, or department reorganizations;

7.6.1.2 Performance evaluations;

7.6.1.3 Assignment of duties;

- 7.6.1.4 Operational decisions;
- 7.6.1.5 Pay increases;
- 7.6.1.6 Initial evaluation period extensions;
- 7.6.1.7 Disciplinary actions;
- 7.6.1.8 Administrative leave, with or without pay;
- 7.6.1.9 Fitness for duty evaluations;
- 7.6.1.10 Promotions; and/or
- 7.6.1.11 Position eliminations.
- 7.6.2 Informal resolution of employee grievances concerning non-disciplinary work-related matters are encouraged. An employee with a grievance must submit a written grievance to their supervisor or Hiring Authority within ten (10) days after the action giving rise to the grievance. The written grievance must be designated as a "grievance" and contain a statement as to why the employee feels aggrieved and the employee's suggestion for resolution of the grievance.
- 7.6.3 The supervisor or Hiring Authority should take reasonable steps to resolve the grievance.
- 7.6.4 If the grievance involves an employee of another department, the grievance will be forwarded through the Hiring Authority to take the appropriate steps to resolve the grievance.
- 7.6.5 In the event a grievance is not resolved within the department as above, an employee may submit a written grievance, designated as a "grievance," to HR. HR will conduct an inquiry into the matter and attempt to resolve the grievance by communicating with the involved parties.
- 7.6.6 In the event an employee believes a violation of the harassment policy or violence in the workplace policy has occurred, the employee shall follow the procedures set forth under those provisions.

8 TERMINATION FROM EMPLOYMENT

8.1 Resignation

- 8.1.1 It is recommended that an employee who intends to voluntarily terminate their employment with the County submit a resignation in writing to the employee's supervisor or Hiring Authority at least two (2) weeks prior to the effective date of the employee's resignation. The Hiring Authority may accept the resignation, may make the resignation effective immediately, or accept the resignation with discipline pending. Employees shall be paid for the remainder of the two weeks if their resignation is accepted immediately.
- 8.1.2 The employee's last day of employment must be a scheduled workday. Employees may not annotate their last day of employment as a holiday or a weekend unless the holiday or weekend is a scheduled workday for the employee.

- 8.1.3 Requests to use available leave balances prior to an employee’s termination may not exceed thirty (30) consecutive calendar days. Approval of this request is at the discretion of the Hiring Authority.
- 8.1.4 The County reserves the right to change the employee’s last day of employment to the last day physically worked, as necessary, depending upon the situation.
- 8.1.5 The County reserves the right to classify an employee as eligible or ineligible for rehire dependent upon the reason for the termination of employment, and whether appropriate notice was given by the employee.
- 8.2 Recission of Resignation
 - 8.2.1 It is the sole discretion of the Hiring Authority to allow an employee to rescind their resignation once the resignation has been submitted either in writing or verbally.
- 8.3 Return of County Property
 - 8.3.1 Employees leaving County employment for any reason shall make immediate arrangements to return all County property. When an employee is asked to return County property, an employee may not remove, delete, or destroy County property and any and all electronic data from the County property. It is the responsibility of the Hiring Authority to ensure that a terminated employee has returned all County property including, but not limited to, identification card, keys, tools, cell phones, iPads, laptops, computer monitors, docking stations, cameras, electronic data, parking card, and uniforms. The cost of any County property not returned may be deducted from the employee’s final paycheck as allowed by law.
- 8.4 Exit Survey
 - 8.4.1 An employee who leaves the employment of the County for any reason may request or may be asked to voluntarily participate in an exit survey.
- 8.5 Position Elimination
 - 8.5.1 If a full-time County employee’s position is eliminated, the employee may receive severance pay in exchange for signing a waiver and release document. In addition, the employee will receive payment for accrued compensatory time, personal holiday leave, vacation leave, and sick leave subject to the County’s eligibility requirements.
- 8.6 Medical Separation
 - 8.6.1 An employee may be involuntarily separated from employment if the employee becomes unable to perform the essential functions of the employee’s position with or without a reasonable accommodation due to a disability, and reassignment is not an option or is declined by the employee. Prior to medical separation, the County will engage in the ADA interactive process. An employee who is medically separated is not eligible for due process as set forth in Chapter 7 of this policy manual.

9 DEFINITIONS

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

Board: The El Paso County Board of County Commissioners.

Career Progression: A position within a job series that is identified to progress through the applicable levels of the series as notated within the job description or class spec.

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

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

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

County: El Paso County, wherever noted.

County Employee: Solely for the purposes of this manual, a County employee is any person who performs full-time or part-time services for and receives a regularly scheduled bi-weekly paycheck from El Paso County, including employees of El Paso County Public Health and non-sworn employees of the El Paso County Sheriff's Office. Employees of the 4th Judicial District Attorney Office are not considered County Employees. The term "employee" used within this manual shall have the same meaning as County Employee unless otherwise defined.

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

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

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

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

Discharge: The involuntary termination of an individual's employment.

Driving Position: A position where an employee is required to drive at a minimum of one (1) time per week while on County time in order to perform the essential duties of their job. Driving positions are subject to Section. 5.12.


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Elected Official: Any of the following: Assessor, Clerk and Recorder, Coroner, County Commissioner, District Attorney, Sheriff, Surveyor, or Treasurer. Elected Officials are not County employees and, therefore, are not, with the exception of any and all harassment, discrimination, and workplace violence policies, subject to the provisions in this manual. Elected Officials may receive group insurances, workers' compensation, retirement, and other benefits as determined by the Board.

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

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

Fitness-for-Duty (FFD) Evaluation: A medical examination of an employee once the employee is on the job that is allowed for under the Americans with Disabilities Act as amended.

Flexitime: A work schedule with a flexible start and/or end time as approved by the Hiring Authority.

Full-Time Employee: A County Employee whose position is expected to work 40 hours in a workweek. Full-time employees are generally eligible to receive all County sponsored benefits.

Hearing Officer: The person that presides over disciplinary appeals as set forth in Chapter 7.

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

Initial Evaluation Period: A full-time employee must successfully complete a minimum of a six (6) month initial evaluation period, also known as a probationary period or review period, before having certain rights as afforded by this policy manual. Employees in the initial evaluation period do not have access to due process or appeal rights. An employee is considered to be in the initial evaluation period when hired, promoted, transferred, or demoted into a full-time regular position, regardless of tenure, prior eligibility for due process or appeal rights, or previous employment status.

Intern: An intern may perform services for the County and receive wages, but not other benefits provided by the County. An intern does not have the protection of due process or appeal rights as listed in this manual. Interns do not receive any benefits except those required by law. Interns must abide by all harassment, discrimination, and workplace violence policies of the County. Interns are also subject to conflict-of-interest disclosures.

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

Lateral Transfer: A transfer opportunity where the employee's title and pay remain the same.


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Modified Duty: A temporary assignment in an employee’s department or another County department or office that an employee is able to perform within the employee’s medical restrictions. Modified duty is subject to availability and will be coordinated by HR. An employee will receive their normal pay rate.

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

Non-Exempt Employee: An employee who, by virtue of their responsibilities and job duties and as defined by the Fair Labor Standards Act, is eligible for and required to receive overtime payments or compensatory time for hours worked beyond forty (40) hours in a workweek.

Operator: A person who is permitted by a Hiring Authority and HR to operate a motor vehicle to conduct County business.

Pay Grade: The grouping of classifications that have approximately similar authority, responsibilities, and qualifications. A pay grade contains a pay range with a minimum, midpoint, and maximum salary for the assigned classification.

Personnel File: A defined set of employment related documents, including but not limited to, employees’ job applications, educational records, disciplinary action, applicable and available training records, and job history.

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

Promotion: The movement by a Hiring Authority of an employee from one position to a more highly compensated and more responsible position after having applied for and been awarded the position as the result of an open, competitive selection process.

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

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

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

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

Safety Sensitive Position: Safety sensitive generally means that a position involves some aspect of a heightened danger that requires an employee's full and unimpaired skills and judgment to safely execute his or her job.

Secondary Employment: An employee is considered to have secondary employment when the employee receives regular wages, compensation, or other valuable consideration from another employer, organization, or individual, not affiliated directly with El Paso County for services, products, or benefits rendered. This also applies to those who are self-employed.

Serious Offense: Any traffic violation resulting in a penalty over 4 points to an operator’s driving record.

Supervisor: An employee who observes and directs the work, tasks, activities, and performance of assigned direct reports as part of their essential job duties.

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

Termination: The voluntary or involuntary separation of an individual’s employment.

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

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

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

END OF DOCUMENT