

## ACKNOWLEDGMENT OF RECEIPT

I have received a copy of the Logan County Employee Handbook which outlines employment policies of the County. I have read and understand the information in this handbook and agree to follow the policies during my employment.

I understand that this handbook represents brief summaries of County policies, which are not all-inclusive, and are subject to change without prior notice. **I also understand that the contents of this handbook do not constitute an express, or implied employment contract.**

If I have questions, I will ask my Elected Official, Department Head, Supervisor or Personnel Director to clarify them.

Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

# CHAPTER ONE - PURPOSE AND ORGANIZATION

This Handbook supersedes and replaces all previous handbooks, personnel policy manuals, personnel policy amendments and personnel policy resolutions issued by the Board of County Commissioners or the Logan County Personnel Board and applies to all employees except for those specifically exempted as provided in the Handbook.

## **PURPOSE AND INTENT**

The purpose of the Employee Handbook is to provide a framework for efficient and cost effective personnel management for all Logan County operations. The Employee Handbook also serves the purpose of guiding Elected Officials and Department Heads in making decisions in employment-related matters. The Personnel Board may, at any time, amend this Employee Handbook with or without notice to County employees. Such amendments will become effective upon their date of adoption and may be made without the prior approval of, or notice to, any employees.

**Nothing in this Employee Handbook creates an employment contract nor should there be any construed or implied contract between the County and any of its employees by or through statements made by County Officials or their agents nor does this Employee Handbook create a property interest in employment.**

Although certain procedures are provided, those procedures are provided as a guideline, and it is expressly understood that this Employee Handbook is not intended to cover all of the employment questions which might arise during the day-to-day operations of Logan County.

Thus, the County expressly reserves the right to deviate from the policies set forth herein in order to best serve the citizens of Logan County. Those decisions must, of necessity, be reserved to the management of Logan County. The rules are applicable to all employees except as otherwise provided herein or by statute. In the event of conflict between the terms of this Employee Handbook and any applicable state or federal statute, the statute shall prevail; however, the remaining portion of this Employee Handbook shall remain in effect.

The office of the Logan County Sheriff shall be exempt from the policies and work rules contained in this handbook except Fair Labor Standards Act (FLSA) requirements and the benefits (insurance benefits, PTO leave, etc.) portion of this handbook.

Nothing contained in these policies shall be construed to authorize Department Heads, Elected Officials, or Supervisors to exceed his/her appropriated budget or level of assigned authority.

Any Department Head or Elected Official may establish additional policies and procedures applicable to the department or office so long as such policies and procedures do not conflict with the Employee Handbook.

## **PERSONNEL BOARD**

The Logan County Assessor, Board of County Commissioners, Clerk and Recorder, Sheriff and Treasurer comprise the Personnel Board whose responsibility it is to adopt the personnel policies and work rules included in the Employee Handbook.

Any amendments, revisions, additions or deletions to the Employee Handbook must be approved by two of the three Elected Officials (Assessor, Clerk and Recorder, Treasurer) and two County Commissioners. The Sheriff shall be a non-voting member of the Personnel Board on all issues except for those which affect the Sheriff's Department i.e. insurance benefits, PTO leave, retirement, etc.

## **COVERED EMPLOYEES**

Employees of the following offices and departments are covered by the Employee Handbook:

- Logan County Assessor's Office.
- Logan County Attorney's Office.
- Logan County Commissioners' Office.

- Logan County Clerk and Recorder's Office.
- Logan County Treasurer's Office.
- Logan County Finance Department.
- Logan County Buildings & Maintenance Department.
- Colorado State University County Extension Office.
- Logan County Fairgrounds Department.
- Logan County Planning Department.
- Logan County Road and Bridge Department.
- Logan County Department of Social Services.
- Logan County Solid Waste Department.
- Logan County Heritage Center.
- Logan County Tourist Information Center.

### **EMPLOYEES NOT COVERED**

The following employees are not covered by the Employee Handbook:

- All employees of the Logan County Sheriff's Office.
- All Colorado State University County Extension Agents.

The benefits portion (insurance, PTO leave, retirement, etc.) of the Employee Handbook shall apply to the Sheriff's Office Employees, except that the granting of administrative leave for employees of the Logan County Sheriff's Office shall be in the sole discretion of the Sheriff.

## **CHAPTER TWO - WORKING CONDITIONS**

### **ORIENTATION**

When you begin your employment with Logan County, you will be informed about your benefits and responsibilities as a new county employee. Your responsible Department Head, Elected Official or immediate Supervisor will coordinate your orientation training sessions and will introduce you to your fellow employees.

### **CHANGE OF ADDRESS, NAME & TELEPHONE**

Employees are required to promptly notify their Supervisor, Department Head, or Elected Official as well as the Finance Department of any change of address, name, telephone number, emergency contact numbers, marital status or dependent status.

For any changes that may affect your County insurance status or withholding allowance, you are required to notify the Finance Department in writing.

Employees are encouraged to periodically check their personnel records to ensure that they are accurate.

### **WORK HOURS, LUNCHES, BREAKS**

The normal work week is 40 hours. Your starting and quitting times are set by your department. The use of flex-time is at the discretion of the Department Head or Elected Official.

Each Department Head or Elected Official establishes department policy for the length and scheduling of breaks and lunch times.

You must take your lunch breaks every day. You cannot save them up to use another day nor can you work overtime or compensatory time unless it is approved in advance in writing by your Department Head or Elected Official.

### **ATTENDANCE**

If you have to be late or absent, you are responsible for contacting your Supervisor within your first scheduled hour of work. If you know you are going to be absent or late in advance, you should notify your Supervisor as soon as possible beforehand to make the necessary arrangements (leave forms, work schedule, etc.)

If an employee fails to report to work without notice or approved leave, the County shall construe such unauthorized leave as a voluntary resignation unless there is an emergency which prevents that employee from notifying the County of the leave.

### **EMERGENCY CLOSING**

If the County offices are closed because of bad weather or other emergency, the Board of Commissioners will have that information broadcast on local radio stations.

Some County employees are considered "essential" personnel and must report to work regardless of weather. If you are called, you are expected to come in. You will, of course, be compensated according to the County overtime policy.

If the County offices are open but you cannot get to work in bad weather, you will have to use compensatory time or PTO leave if you do not have compensatory time. If you do not have any earned compensatory or PTO leave, you will have to report leave without pay.

### **COUNTY PROPERTY**

County tools and equipment may be used only for County work. They are not available for your personal use or convenience. You are responsible for the proper use and security of all County property assigned to you, and all County property must be returned upon your separation from employment. A County

employee may not use County property for personal business without prior written approval of the appropriate Department Head or Elected Official.

In special situations your Supervisor may authorize, in writing, your personal use of County property.

### **SAFETY PROVISIONS**

Safety is everyone's concern, and it is up to each of us to make Logan County a safe place to work. It is Logan County's intent to provide a secure work environment for its employees to prevent exposure and/or eliminate hazards. If you ever encounter a safety hazard, notify your Supervisor immediately. Supervisors will report safety hazards to the responsible Department Head or Elected Official.

If you have a job for which your department issues uniforms or safety equipment, you must use them. Your Supervisor will advise you of safety rules and procedures.

### **OPERATION OF MOTOR VEHICLES ON COUNTY BUSINESS**

Any employee operating either a personal or county-owned or leased motor vehicle on county business must have a valid Colorado driver's license of the proper classification for the vehicle operated. Logan County reserves the right to investigate the driving records of all employees who operate motor vehicles on county business, and to verify that employee's maintain valid driver's licenses and, in the case of personally owned vehicles, individual automobile insurance.

Employees who operate motor vehicles on county business must notify their supervisor of any adverse action by licensing authorities that causes a possibility of suspension, or actual suspension, of the employee's driver's license. The County may verify any employee's license status at any time. The suspension or revocation of an employee's driver's license may, depending on the circumstances, be cause for employee discipline, up to and including dismissal.

Employees must wear seat belts while operating motor vehicles on county business, obey all laws, and be safe and courteous drivers. Employees should not carry any non-employee passengers without permission of their supervisor, or permit non-employees to operate the vehicles. Employees should never carry dangerous or hazardous materials in county vehicles.

Logan County will not pay any tickets or fines resulting from operation of motor vehicles on county business. The County will reimburse employees for any parking fees, but not parking fines, necessarily incurred during job-related use of County or personal vehicles.

Employees must immediately report to their supervisor any citations for traffic infractions received while operating motor vehicles on county business, or motor vehicle accidents that occur while operating motor vehicles on county business, including the accident date, time, location, involved persons, and the extent of property damage and any injuries.

### **SEAT BELT POLICY**

All operators, drivers, and passengers of Logan County motorized equipment and motor vehicles including personal vehicles used for Logan County business (mileage and expense reimbursement), shall use safety belts as equipped for the particular vehicle.

### **ACCIDENTS**

You must report any workplace accidents that cause personal injury or property damage, no matter how minor. You must report any automobile accident involving a County vehicle or involving a private vehicle used on County business. All Logan County employees are covered by Workers' Compensation Insurance for job-related injuries, but only if the accident is reported in writing. Tell your Supervisor or the Department Head about an accident immediately as he or she must complete an accident report in writing and file it with the Commissioner's Office within 24 hours.

If you need medical attention, you must go to one of the designated County physicians in order to be reimbursed and to establish your eligibility for Workers' Compensation. The names of designated County physicians will be provided to you when you report an accident. A list of designated County physicians is posted in the Commissioner's office. (See Chapter Nine for more information on Worker's Compensation.)

# **IN EMERGENCIES, EMPLOYEES SHOULD GET MEDICAL ATTENTION FROM THE NEAREST MEDICAL FACILITY.**

## **CONDUCT AND APPEARANCE**

You've been hired for your skills and professionalism, so your conduct and dress should reflect favorably on the County. You need to dress appropriately for your job. Be in uniform if your job requires it. Of course, you are to be tactful and courteous to all the people with whom you deal.

## **SMOKING**

The County maintains a smoke free environment for its employees. Employees must refrain from smoking in all county owned or leased buildings and all county vehicles.

## **DRUG-FREE WORKPLACE**

In accordance with the Drug-Free Workplace Act of 1988, Logan County, as a federal grant recipient, is required by federal law to certify to agencies we receive grants from, that we ensure a drug-free workplace. Failure to comply with this requirement could result in suspension or termination of the grant payments.

It is our policy to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance while traveling on or performing County business, on County premises and other work sites where employees may be assigned. County vehicles, as well as private vehicles, parked on County premises or work sites are locations included within this prohibition.

No employee may report for work, remain on duty, or drive a County vehicle while under the influence. Under the influence is defined as being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety of the individual, other employees, the public or County property; and/or having any detectable level of illegal drugs in the body or blood/alcohol in excess of .05 percent. Excluded are prescribed drugs when used in the manner, combination and quantity as prescribed unless job performance could be affected. Any employees who must use an over-the-counter or a prescription drug that may affect their ability to perform work in a safe and productive manner must notify his/her Department Head prior to starting work. The Department Head, after proper inquiry, will decide if the employee can remain at work and what work restrictions, if any, are necessary.

The County will conduct drug tests in accordance with Department of Transportation regulations. The County may also test an employee for cause based on reasonable suspicion that an employee may be under the influence of drugs or alcohol following a workplace accident or unsafe practice. An employee testing positive on a drug or alcohol test will be subject to disciplinary action, which may include termination or mandatory attendance and successful completion of a drug abuse assistance program.

Any employee who is convicted under a criminal drug statute for a violation occurring in the workplace or who pleads guilty to or no contest to such charges must notify the Personnel Director within five (5) days of such conviction or plea. Employees convicted or who plead guilty or no contest to these provisions may be subject to termination or mandatory attendance and successful completion of a drug abuse assistance or similar program as a condition of continued employment.

## **CHAPTER THREE - EMPLOYEE ACTIVITIES**

### **OUTSIDE EMPLOYMENT**

Prior to accepting outside employment, you must follow these guidelines:

- You must notify the responsible Department Head, Supervisor or Elected Official of your intent to accept outside employment.
- Your outside job shall not conflict with your established County work hours.
- It shall not affect your job performance.
- You shall not engage in any outside business activities during County working hours.
- It shall not create a conflict of interest.

If the above guidelines are not followed, the responsible Department Head, Supervisor or Elected Official may initiate disciplinary action.

### **CONFLICT OF INTEREST**

Colorado State law C.R.S. 18-8-308, as amended requires that an employee or Elected Official exercising any influence in connection with a County contract, purchase, payment or any other financial or monetary transaction who is a director, president, general manager or similar executive officer or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, shall give seventy-two (72) hours written advance notice of the conflict to the County Attorney.

Your failure to disclose a conflict of interest may be grounds for immediate dismissal, as well as a violation of State law.

### **POLITICAL ACTIVITY**

Your political beliefs, activities, and party affiliation are private. You cannot be asked about your politics or be requested to participate in political activities. You cannot be asked to contribute to political parties or groups as a requirement of employment. Employees may not engage in political activities while on the job.

## **CHAPTER FOUR - DISCIPLINARY ACTION**

### **DISCIPLINARY ACTION**

All County Employees, including appointed officials and department heads, serve at the pleasure of the Elected Official(s) by whom they are appointed or hired. No County employees, except for those employees who have an express written contract with the County, have a vested or contractual right to a job with Logan County.

You are a public employee, and it's your duty to serve the citizens of Logan County courteously and efficiently. You need to maintain a standard of conduct consistent with the best interests of the County. The Department Head or Elected Official you work for has the sole authority and discretion to determine what disciplinary action, if any, is appropriate.

In consideration of federal, state, and local laws, as well as internal consistency and employee morale, the Personnel Director or County Attorney may be consulted prior to any disciplinary suspension or discharge action. The Personnel Director or County Attorney may also be consulted if there is a question about proper disciplinary action to be taken. The following is not to be construed as progressive disciplinary procedure and is to clarify types of discipline that may be used at the discretion of the elected official.

### **WRITTEN COUNSELING AND REPRIMANDS**

This may include a statement of the problem and actions necessary to correct the problem.

### **INVESTIGATORY SUSPENSION**

Employees whose conduct is under investigation may be suspended with pay for a maximum of three (3) working days pending the results of the investigation. Investigatory suspensions may or may not warrant disciplinary action. The three (3) day suspension time limit may be extended if circumstances as determined by the Supervisor, Department Head, or Elected Official deem it necessary to acquire all relative and pertinent information.

### **DISCIPLINARY SUSPENSION**

As a disciplinary action, employees may be suspended without pay up to a maximum of ten working days.

### **DEMOTION**

If you do not perform satisfactorily in your position, you may be demoted to a lower position classification and duties. If an employee is demoted, his or her pay shall be adjusted to the lower pay grade.

### **DISMISSAL**

The responsible Supervisor, Department Head or Elected Official may dismiss an employee by giving a written notice of intent to dismiss the employee, specifying the reasons for the proposed dismissal.

The County is unable to set forth each and every termination situation. Situations will arise which will require termination which shall be at the discretion of the Elected Official or Department Head. The decision of the elected official is final.

Cause for disciplinary action can include, but is not limited to, actions involving unsatisfactory work performance by an employee or conduct which is prejudicial to the public interest.

There is no express or implied right to receive disciplinary action in a progressive order or in any order, nor do employees have a right to any disciplinary measures prior to termination. There is no express or implied right to receive a corrective action or counseling prior to or in conjunction with a disciplinary action

### **GRIEVANCE**

An employee who is dismissed, demoted, or suspended without pay (or with partial pay), may appeal such discipline, as follows:

The employee must file a written appeal with the Personnel Director within 72 hours (excluding holidays and weekends) of the action being appealed.

Upon receipt of a written appeal by the Personnel Director, the Personnel Director shall notify the Personnel Board who will convene a randomly selected Evidentiary Hearing Board of three elected officials, none of whom can be the person whom the grievance is filed against or from that particular department. The Evidentiary Hearing Board shall conduct an evidentiary hearing within 10 days of the filing of the appeal. A written advisory decision shall be issued within 5 days of the evidentiary hearing.

The purpose of the evidentiary hearing shall be to answer the following three questions:

- a. Did the incident or act on which the disciplinary action was based occur?
- b. Was the incident or act prohibited by County Policy or valid requirements of Colorado or Federal law?
- c. Were the procedures set forth in the Employee Handbook followed?

The Evidentiary Hearing Board shall:

1. Uphold the action of the supervisor, elected official, or department head or
2. Uphold the position the employee.

An elected official who imposed discipline may accept or reject the recommendation of the Evidentiary Hearing Board. The decision of the elected official is final.

A supervisor or department head who is not an elected official may accept or reject the recommendation of the Evidentiary Hearing Board, but any decision adverse to the employee may be further appealed to the County Board of Commissioners whose decision shall be final.

# CHAPTER FIVE - RECRUITMENT AND SELECTION

## EQUAL EMPLOYMENT OPPORTUNITY

Logan County affirms the right of all its applicants and employees to be treated equally in matters of recruiting, hiring, training, promotion, discharge, transfer, working conditions, and compensation without regard to race, color, religion, sex, age, creed, national origin, handicap, disability or veteran status.

## POSTING AND ADVERTISING

The office or department with the vacancy always has the right to promote from within the department or County itself. All persons having the authority to hire, discharge, transfer or promote personnel, must follow a non-discriminatory policy of hiring or transferring any qualified applicant. This policy applies without regard to race, color, religion, national origin, age, sex, veteran, disability or handicap status unless the handicap disqualifies the person from performing duties as stated in the job description.

If internal recruiting is not requested (or not successful), the office or department must publicly advertise the vacancy. Both current County employees and the general public are welcome to apply for the vacancy and any other advertised position. Temporary positions may be filled without advertising upon the written approval of the responsible Elected Official.

## NEPOTISM - EMPLOYMENT OF RELATIVES/WORKPLACE RELATIONSHIPS

A member of an employee's immediate family will be considered for employment by Logan County, either in the same or a different county department, if the applicant possesses all of the qualifications for employment. An "immediate" family member of an employee includes persons related by blood, marriage or adoption, including the following: parents, children, dependents, siblings, spouse, grandparents, grandchildren, step-parents, step-children, in-laws, and any other member of the employee's household.

An immediate family member may not be hired, however, if the employment would:

- (A) Create either a direct or indirect supervisor/subordinate relationship with an immediate family member, such as in managing, supervising or reviewing the performance of the other; or
- (B) Create either an actual conflict of interest or the appearance of a conflict of interest which might occur in situations where one family member works with or has access to confidential information or personnel records regarding the other, or where either would audit, verify, receive, or become entrusted with monies received or handled by the other, or where one would otherwise occupy a position which has influence over the other's employment, promotions or salary administration.

These criteria will also be considered when assigning, transferring or promoting an employee.

Employees who marry or become members of the same household may continue employment as long as there is not:

- (A) A direct or indirect supervisor/subordinate relationship between the employees; or
- (B) An actual conflict of interest or the appearance of a conflict of interest.

Logan County may provide a reasonable time for related employees to resolve the matter if their working relationship is contrary to this policy, or if their relationship causes or could cause a conflict of interest or management problems of supervision, safety, security or morale. If a resolution is not possible, subject to applicable law, the County may require one or both individuals to transfer or resign. Allowance of any exceptions to the policy requires the approval of the Board of County Commissioners.

# **CHAPTER SIX - NON-DISCRIMINATION POLICY**

## **COUNTY POLICY**

As an Equal Opportunity Employer, Logan County will not condone discrimination against any of its employees, based on an employee's race, ethnic heritage, religion, sex, creed, age, national origin, disability, handicapped condition, or political affiliation or activity.

## **DISCRIMINATION COMPLAINTS**

If you feel you have been treated in a discriminatory fashion, you may file a complaint with the Personnel Director or County Attorney. The Personnel Director or County Attorney will investigate the complaint.

## **SEXUAL HARASSMENT COMPLAINTS**

All employees should be able to enjoy a work environment free from all forms of illegal discrimination, including sexual harassment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is persistent, not welcome and personally offensive.

Supervisors are responsible for maintaining a work-place free of sexual harassment.

An employee's refusal to submit to sexual advances will not adversely affect the employee's employment, performance evaluation, pay, advancement, assigned duties, shifts or any other condition of employment.

Prohibited conduct includes but is not limited to:

- A. Unwelcome sexual flirtations, advances or propositions.
- B. Verbal abuse of a sexual nature.
- C. Graphic verbal comments about an individual's body.
- D. Sexually degrading words used to describe an individual.
- E. The display in the work-place of sexually suggestive objects or pictures.
- F. Insulting, degrading or explicit sexual treatment.
- G. Unsolicited, unwelcome or improper physical contact or verbal sexual overtures or conduct.

Logan County recognizes that making allegations of sexual harassment can be awkward and difficult. Any employees who believe they have been sexually harassed should report incidents immediately to the Personnel Director unless the Personnel Director is the employee alleged/accused of the harassing conduct in which case incidents should be reported to the Board of County Commissioners. Complaints of sexual harassment will be investigated promptly and effectively. The employee, the Supervisor and the Board of County Commissioners will be advised of the findings and conclusions.

## **CONFIDENTIALITY**

If you feel you have been the target of sexual harassment, or any other type of discrimination, notify the Personnel Director at once. The Personnel Director, or their designee, will coordinate an internal investigation. The county prohibits any type of retaliatory action as a result of reporting and/or investigating any discriminatory activity.

The Personnel Director will promptly complete the investigation and give the responsible Elected Official a report. If the report supports the complaint, all appropriate actions will be taken to correct the problem. Sexual harassment will not be tolerated by employees, Department Heads, or Elected Officials of Logan County.

# **CHAPTER SEVEN**

## **CLASSIFICATION AND EMPLOYEE STATUS**

### **PAY GRADE STRUCTURE**

Logan County believes that County employees should receive uniform and competitive pay within budgetary limitations. Your job--and every County job--belongs to a pay-grade. The County performs periodic pay surveys to compare County salaries with the regional, and in some cases, the statewide job markets. Individual position audits may be conducted at the request of the responsible Elected Official or Department Head. Logan County's Classification and Compensation Plan is established and maintained by the Board of County Commissioners.

Each grade has a range of pay. Full-time, part-time, and temporary positions with the County will be given a position title. Each position will have a job description of duties, responsibilities and qualifications. The minimum and maximum pay assigned to a position is established by the pay grade. Monthly or hourly pay rates within a grade may be determined by performance evaluations.

### **HIRING RATE OF PAY**

New employees normally start at the minimum range of their pay grade. In some cases, the Department Head or Elected Official may approve a starting rate, budget permitting, above the minimum but no more than midpoint, for the pay-grade unless prior approval is received from the Board of County Commissioners. In such cases the employee's prior experience, training and education will be the determining factors.

The performance of any new employee or person transferred to a new position shall be evaluated in writing by the Elected Official, Supervisor or Department Head within six months of the date of employment or assuming the new position.

If you are re-appointed to a position with Logan County following a break in your service for the County, the Elected Official or Department Head may consider your previous pay and length of service in setting a starting rate. A break in service is 60 days after last day of employment.

### **QUALIFICATIONS FOR REHIRE**

Re-employment of previous employees will be based on the same needs and qualifications as are considered in the employment of any other qualified applicant.

Employees who leave the County and are re-employed by the County within sixty (60) calendar days may be granted continuous service.

A former County employee rehired after sixty (60) calendar days is considered a new employee.

Employees who leave their jobs with the County for training or service in the Armed Forces are granted re-employment rights without loss of seniority if they re-apply within the time requirements of the act that governs re-employment of veterans.

- A. By law, these employees must be hired into the same or similar jobs without loss of pay or benefits.
- B. The law also states the employee be kept on the employee list for at least one year unless it is the employee's decision to terminate or if the County has just cause for termination.

### **PERFORMANCE EVALUATION**

Employees will have a written annual performance evaluation each year. Additional evaluations may be performed each year at the discretion of the responsible Department Head or Elected Official. The performance of any new employee that is full-time, part-time, or temporary, or is a person transferred to a new position, shall be evaluated in writing by the Elected Official, Department Head or Supervisor effective on the first day of the first full pay period following the anniversary date of the sixth month of employment.

## **PROMOTIONS**

Logan County encourages employee advancement. Any employee who meets the minimum requirements for a higher grade may apply in the event of a vacancy. Promotions are effective on the first day of the first full pay period following the date of promotion. Promotions are within the same department. If you are promoted, you may receive up to a 5% raise or be placed at the minimum level of the new grade as determined by the Department Head, Supervisor or Elected Official.

## **TRANSFER**

If an employee accepts a transfer into a position that has the same pay grade as his/her current position, there will be no change in pay. If there is a transfer to a higher grade, you may receive up to a 5% raise or be placed at the minimum level of the new grade as determined by the Department Head, Supervisor, or Elected Official.

If an employee requests a transfer to a position with a lower pay grade, the change must be reviewed by the Personnel Director.

## **MERIT RAISES AND COST OF LIVING ADJUSTMENTS**

Based on your performance, your annual evaluation will include a recommendation for an adjustment, if any, in pay, budget permitting. Allowable increases are set yearly by the Board of County Commissioners. The Board of County Commissioners may also stipulate a total department increase. You must have a satisfactory appraisal from your Department Head or Elected Official to be recommended for an increase. Cost of living increases are determined by the Board of County Commissioners and take effect at the beginning of the new fiscal year.

# CHAPTER EIGHT - COMPENSATION

## **REPORTING YOUR TIME**

Non-exempt employees are required to keep a daily record on the County time sheets of their hours worked. You must document the time you start, the time you quit, and the time you spend on a meal period. You must obtain your Supervisor's approval before making up time, working extra hours, or working overtime, unless there is an emergency situation requiring overtime. Your Supervisor will approve your time sheets, and you will be paid on the basis of the time you report.

Time sheets must be completed and signed by each non-exempt employee and the employee's supervisor.

## **PAY PERIOD**

Logan County has bi-weekly pay periods. Your Department Head or Elected Official will have your paycheck or your direct deposit verification for you on the bi-weekly paydays established each year. Each pay distribution will consist of pay for the prior pay period.

If you will be away on a payday, you may want to leave instructions for your Supervisor.

Effective August 10, 2009, all new hires must participate in direct deposit payroll distribution.

## **MANDATORY PAYROLL DEDUCTIONS**

**Federal Income Tax (FIT):** The Federal Government requires Logan County to withhold a percentage of an employee's pay for Federal taxes each year. The percentage amount withheld is based on the amount of pay and the number of exemptions claimed, as indicated on the employee's W-4 form. The number of exemptions may be changed by the employee at any time.

**State Income Tax (SIT):** The State of Colorado requires mandatory deduction for State Income Tax. The amount taken out of an employee's pay is based on pay and the number of exemptions claimed on the W-4 form.

**Social Security Taxes (FICA):** This program provides old age, disability and survivors benefits. The percentage deducted is determined by Federal Law. This amount is matched dollar-for-dollar by Logan County.

**Retirement:** After one year of full-time employment, employees are required to contribute a percentage of their pay to the Colorado Officials' and Employees' Retirement Association. Logan County also contributes that same percentage to this retirement fund. The percentage is set by the Board of County Commissioners.

**Garnishments and wage assignments:** When required, the County will deduct garnishments or wage assignments from the employee's paycheck. Garnishments and wage assignments may be reviewed by the County Attorney.

## **FAIR LABOR STANDARDS ACT (FLSA)**

The Fair Labor Standards Act (FLSA) sets minimum wage, overtime pay, equal pay, record keeping, and Child Labor Standards for employees who are covered by the Act and are not exempt from specific provisions.

Not all workers are covered by FLSA. Certain workers who are outside the reach of the Act include: elected officials and their personal staffs, political appointees, legal advisors, bona fide volunteers, and independent contractors. Other employees, while covered by the record keeping provisions of the Act, are exempt from the overtime and minimum wage requirements. These include executive, administrative and professional employees.

Your Department Head or Elected Official will inform you at the time of your employment whether you are exempt or non-exempt from FLSA provisions.

## **OVERTIME**

The Fair Labor Standards Act (referred to as the FLSA) requires that overtime be paid or compensatory time be given to all non-exempt employees for all hours worked over forty (40) in a work week, or, if the employee works in the sheriff's office, for all hours worked over 171 hours during a 28-day consecutive work period. Exempt employees include those in an executive, professional and/or administrative position. Check with your supervisor if you have a question regarding exempt and non-exempt status.

In order to earn overtime, you must work more than 40 hours during the work week. Logan County defines a work week as beginning at 12:01 a.m. Monday morning until midnight Sunday night. Use of PTO leave and earned compensatory time do not count toward computing your overtime. With the exception of the Sheriff's Department, County holidays do count in computing your overtime only for the hours actually worked on a holiday. County policy requires that your Supervisor, Department Head or Elected Official must authorize, in writing, any overtime that you work prior to working any overtime hours. It is a condition of employment that you must work any assigned overtime. Failure to follow this policy will result in a denial of the overtime pay and discipline.

Overtime hours are compensated at one and one-half times the regular hourly rate of pay. Compensatory time is calculated at one and one-half times the number of overtime hours. As a political subdivision of the State, either overtime pay or compensatory hours are allowed provided there is an agreement or understanding prior to performance of work.

The Board of County Commissioners shall determine the method of overtime compensation to insure that compensation is consistent throughout county departments. Please note that the Fair Labor Standards Act (FLSA) only allows employees to carry 240 hours of compensatory time calculated at one and one-half hours per hour worked. This 240 hours does not apply to certain public safety and emergency response employees who are allowed to carry 480 hours. Further, overtime provisions are different for law enforcement personnel. Please check with the County Sheriff for further information. Compensatory time in excess of 240 or 480 hours will be converted to overtime pay according to FLSA.

## **USE OF COMPENSATORY TIME**

All requests for compensatory time off must be submitted, in writing, on the designated leave form to your Department Head or Elected Official. Prior to taking any compensatory time off, you must obtain the written approval of your Department Head or Elected Official.

## **MANDATORY USE OF COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES**

Effective October 1, 2001, the Board of County Commissioners imposed a limit on the number of compensatory hours (Comp Time) that an employee may accumulate. The limit will depend on whether an employee is a "Public Safety and Emergency Response" employee or not. "Public Safety and Emergency Response" employees are non-clerical employees of the Sheriff's Department, and any seasonal employees of the County. The maximum amount of Comp Time that Public Safety and Emergency Response (PS/ER) employees may accumulate at any one time is 160 hours. All other County Employees who are not classified as PS/ER employees may accumulate a maximum of 80 hours Comp Time at any one time.

Any employee, other than a PS/ER employee, whose total Comp Time at the end of a pay period is 40 hours or more will be notified by the Elected Official or Department Head to whom they report, that they should submit a request(s) within 10 days after receipt of notice to use at least 20 hours of Comp Time (not necessarily on consecutive days). The request(s) are subject to the approval of the Elected Official or Department Head, and should be granted unless they cause undue disruptions of workplace operations.

Any PS/ER employee whose total Comp Time at the end of a pay period is 80 hours or more, will be notified by the Elected Official or Department Head to whom they report, that they should submit a request(s) within 10 days after receipt of notice to use at least 40 hours of Comp Time (not necessarily on consecutive days). The request(s) are subject to the approval of the Elected Official or Department Head, and should be granted unless they cause undue disruptions of workplace operations.

In the event any employee's total accumulated Comp Time at the end of the pay period exceeds the accrual cap, (80 hours, or 160 hours for PS/ER employees), the Elected Official or Department Head shall schedule the use of comp time as outlined in the preceding paragraphs within the next two pay periods

after the employee receives notice that he or she needs to use comp time. The Employee shall be notified at least 2 working days prior to the scheduled time off. The scheduling of Comp Time shall be at the discretion of the Elected Official or Department Head and is mandatory.

### **MILEAGE REIMBURSEMENT**

If you use a personal vehicle for County business, you must have a valid Driver's License, which is not suspended, revoked, or under judicial limitation. Any driver who is subject to restrictions due to physical attributes noted on their license must follow those restrictions while driving vehicles. Employees are responsible for all fines, parking violations and tickets they incur.

Employees will normally be reimbursed for use of private vehicles for business-related travel at a rate per mile established by the Board of County Commissioners. Employees using their own vehicles must have appropriate vehicle registration, licensing, and insurance certification. The County's liability for accidents of employees in personal vehicles on County business is limited to Workers' Compensation for the employee's injuries. Passengers are not covered unless they are County employees on County business.

# CHAPTER NINE - BENEFITS

## FULL-TIME, PART-TIME, AND TEMPORARY ELIGIBILITY

Logan County has three employee classifications. You are either a full-time employee, a part-time employee or a temporary employee.

If you are assigned to a full-time position, requiring forty hours a week, you are a full-time employee and you receive all County benefits.

If you are assigned to a part-time position requiring less than forty hours a week, you are a part-time employee, and you accrue Paid Time Off (PTO) leave based on the number of hours you work each pay period. Part-time employees must work thirty hours per week to be eligible for the County's health and life insurance coverage and twenty hours per week to accrue PTO.

If you are assigned to a temporary position established for a specific period of time or for the duration of a specific assignment, you are a temporary employee, and you do not receive County benefits.

## PTO LEAVE

Full-time and part-time employees earn PTO leave for each full pay period they work. Employees may temporarily accrue leave in excess of their maximum accrual limit until the end of each calendar year. PTO leave earned is based on how many years you have worked for the County.

If you are a full-time employee, your PTO leave is credited as follows for each bi-weekly pay period:

<u>Years of Service Completed</u>	<u>Hours Accrued</u>	<u>Annual Accrual</u>	<u>Maximum Accrual</u>
Under 5 completed	7.5 Hours	195 Hours	288 Hours
5 but less than 10 completed	8.5 Hours	221 Hours	324 Hours
10 or more completed	9.5 Hours	247 Hours	360 Hours

Part-time employees accrue PTO leave on a pro rata basis depending on the number of hours they actually worked during the pay period and their number of years of continuous service with the County.

Employees are strongly encouraged to plan ahead for foreseeable work requirements, and schedule advance use of PTO leave accordingly.

Full-time and part-time employees earn PTO leave for each full pay period they work. Employees may temporarily accrue leave in excess of their maximum accrual limit until the end of each calendar year. Any accrued but unused PTO leave remaining over the maximum accrual limit at the end of any calendar year shall be forfeited effective upon the close of business on December 31.

## SICK LEAVE TRANSITION RESERVE

Employees who had sick leave accrual balances as of July 7, 2008 will have their balance rolled over into their own individual Sick Leave Transition Reserve which will be useable only for sick leave purposes after the PTO conversion date, using the same sick leave use and cash out criteria that is outlined in this section.

Your Sick Leave Transition Reserve is for medical reasons only. If you are ill, you must notify your Supervisor of your absence within the first hour of your work day. When you schedule health examination, appointments, or treatments, you must request Sick Leave Transition Reserve from your Supervisor as soon as you make the appointment.

If you are required to care for a dependent or a member of your immediate family in an emergency, the county may require you to use PTO or Sick Leave Transition Reserve until other arrangements can be made. Logan County defines "immediate family" as relatives by blood or marriage, to include your spouse and your children, step-children, parents, step-parents, grandparents, grandchildren, and brothers and sisters of yours or your spouse. You must make arrangements with your Supervisor, Department Head or Elected Official to use Sick Leave Transition Reserve for family illness. If you have no Sick Leave

Transition Reserve available, your Department Head or Elected Official may require you to use PTO leave. Maternity leave is an appropriate use of Sick Leave Transition Reserve.

Upon returning to work, the employee shall submit a Sick Leave Transition Reserve form for the approval of the Department Head or Elected Official. The Elected Official or Department Head may choose to investigate illness claims and may request a physician's statement at any time and the expenses relative thereto shall be paid by the employee.

In some circumstances, the utilization of Sick Leave Transition Reserve will be governed by the Family and Medical Leave Act of 1993. Please see Attachment A for a description of your rights and responsibilities under that act.

Unused Sick Leave Transition Reserve will be purchased or transferred in accordance with the following provisions:

- A. Any employee with a Sick Leave Transition Reserve balance above 400 hours may purchase eight (8) hours of pay for thirty-two (32) hours of accumulated Sick Leave Transition Reserve or convert thirty-two (32) hours of accumulated Sick Leave Transition Reserve for eight (8) hours of PTO leave. Under no circumstances shall an employee be permitted to purchase or transfer accumulated Sick Leave Transition Reserve below the four hundred (400) hour accrual amount.
- B. Upon the retirement, resignation or dismissal of any employee with at least ten (10) years of active, continuous employment with the County, the County will grant eight (8) hours of pay for every thirty-two (32) hours of all unused Sick Leave Transition Reserve.
- C. Upon the resignation or dismissal of any employee with less than ten (10) years of active, continuous employment with the County, the County will grant eight (8) hours of pay for every thirty-two (32) hours of unused Sick Leave Transition Reserve between the four hundred (400) and seven hundred twenty (720) hour accrual amounts.

**ACCRUAL OF PTO LEAVE**

Full-time and part-time employees begin to accrue PTO leave at the beginning of the first full pay period that they work for the County. Part-time employees earn PTO leave on the basis of the hours they work during the pay period. PTO leave for part-time employees will be computed in accordance with the following Pro-rated Accrual Table. Please use the appropriate hours column that corresponds to your years of service to determine the PTO leave you accrue in a pay period.

<b>PART-TIME EMPLOYEE PRORATED PTO ACCRUAL BASED ON NUMBER OF HOURS WORKED IN PAY PERIOD</b>					
<b>Years of Service</b>	<b>80+ Hours worked</b>	<b>70-79 hours worked</b>	<b>60-69 hours worked</b>	<b>50-59 hours worked</b>	<b>40-49 hours worked</b>
<b>Under 5 completed</b>	7.5	6.5	5.5	4.5	3.75
<b>5 but less than 10 completed</b>	8.5	7.5	6.5	5.5	4.25
<b>10 or more completed</b>	9.5	8.5	7	6	4.75

**USING PTO LEAVE**

You cannot use PTO leave in advance of earning it. No PTO leave may be taken until after the pay period in which it is accrued. You may take your accrued PTO leave in units of one-half hour or more.

PTO leave generally may not be taken without two working days advance written notice, unless it is determined for sick purposes.

## **HOLIDAYS**

Logan County full-time employees receive the following paid holidays:

- New Years Day - January 1.
- Martin Luther King Day - 3rd Monday of January.
- Presidents' Day - 3rd Monday of February.
- Memorial Day - last Monday of May.
- Independence Day - July 4.
- Labor Day - 1st Monday of September.
- Columbus Day - 2nd Monday of October.
- Veterans' Day - November 11.
- Thanksgiving Day - 4th Thursday of November.
- Day after Thanksgiving day - 4th Friday of November.
- Christmas Eve Closing at noon - December 24 (i.e. 4-hour benefit).
- Christmas Day - December 25.

If the holiday falls on a Saturday, the County celebrates the preceding Friday. If it falls on a Sunday, you will have the following Monday as the holiday.

Part-time employees will receive holiday pay pro-rated on the amount of hours they work during the pay period. Part-time employees must work a minimum of 20 hours each week to receive holiday pay.

## **LEAVE WITH PAY**

Logan County recognizes that there are occasions when full-time employees should be granted special paid leaves. The County provides the following types of leaves with pay.

### **MILITARY LEAVE**

If you are in the National Guard or the Reserve Forces, you may request up to fifteen calendar days a year for military leave. You need to give your Supervisor a copy of your orders as soon as you receive them. You will get your regular pay in addition to your military pay, will accrue PTO leave, and have all your other County benefits.

If you are required to continue in service for more than the fifteen calendar days, you are entitled to administrative leave for up to four calendar months.

The rights and conditions for reinstatement at completion of extended Military Service are governed by C.R.S. 28-3-601, et. seq. amended by the Veterans Re-Employment Rights Act.

### **CIVIL LEAVE**

If you are called for jury duty, you must give your Department Head or Elected Official a copy of your notice. Employees of the County shall not lose regular pay or leave accrual while serving on jury duty or while appearing as a witness under subpoena in a court proceeding. All jury and subpoena fees paid to the employee, irrespective of his or her regular pay, shall be returned to the County.

### **FUNERAL LEAVE**

You will be granted funeral leave with pay in the event of a death in your immediate family. Logan County defines "immediate family" as relatives by blood or marriage, to include your spouse, your children,

step-children, parents, step-parents, "in loco parentis," grandparents, grandchildren, and brothers and sisters of yours or your spouse.

You may request up to 24 hours funeral leave. All requests must be submitted in writing to your Department Head or Elected Official on the designated leave form.

Paid funeral leave may also be granted by the appropriate Elected Official on a case by case basis where the employee can show a close relationship to the decedent that does not meet the immediate family definition. Requests must be made in writing to the appropriate elected official.

### **INJURY LEAVE**

If you are injured at work, you may be granted injury leave without pay. You must meet three conditions:

- You must be a full-time, part-time or temporary employee or covered volunteer.
- Your injury must be covered by Worker's Compensation.
- A County - designated physician must certify that your injury has disabled you from performing your normal duties.

You may be granted injury leave for a maximum of 30 days for a single accident. You will receive Workers' Compensation payments directly. The county may require you to use injury leave in conjunction with Family and Medical Leave (See Attachment A).

You continue to accrue PTO leave while you are on injury leave and receive Workers' Compensation benefits. If you are unable to return to work after 30 days, you may be placed on administrative leave an additional 90 days with no continued accrual of benefits while on administrative leave. After administrative leave is exhausted, termination may be possible.

If you have accrued PTO leave, it may be applied retroactively to the injury leave period not covered by Workers' Compensation.

### **FAMILY AND MEDICAL LEAVE ACT OF 1993**

The County will comply with all applicable requirements of the Family and Medical Leave Act of 1993 ("FMLA"). See Attachment A for a more complete description of your rights and responsibilities under the FMLA.

### **ADMINISTRATIVE LEAVE**

The Board of Commissioners may grant administrative leave for good and sufficient personal reasons when it is in the best interest of the County. The granting of administrative leave is discretionary. Administrative leave may last for a maximum of four months.

To be eligible for consideration, you must be a full-time employee. Your Department Head or Elected Official will complete the necessary paper work for your administrative leave request. You must have your request approved before your leave begins. There are two types of administrative leave - paid and unpaid. If you have accrued PTO leave, you must use it.

If you don't return to work by the end of the approved leave period, it is considered a voluntary termination.

As a new parent, you may request up to four months of administrative leave following the birth or adoption of a child. If you have accrued PTO leave, you must use it. The use of PTO leave for maternity leave may not extend the administrative leave period. The county may require you to use administrative leave in conjunction with Family and Medical Leave.

PTO leave may not extend your administrative leave beyond four months whether the administrative leave is paid, unpaid or any combination thereof. Once your PTO leave is used up, the remainder of your administrative leave is unpaid administrative leave.

## **DOMESTIC ABUSE LEAVE**

Employees who have completed twelve months of service to the County and who are the victims of domestic abuse and related crimes are allowed up to three working days of leave in any twelve month period for the following purposes: seeking a civil protection order; obtaining medical care or mental health counseling needed by the employee or children as a result of the crime; making the employee's home secure from the perpetrator or seeking new housing; or seeking legal assistance to address issues and court proceedings arising from the incident. Domestic abuse leave is allowed only if the employee is using the leave to protect himself or herself, and only if the employee is the victim of the following crimes as defined by Colorado statute: domestic abuse, stalking, sexual assault, or any other crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

Domestic abuse leave will generally be unpaid leave. However, the employee may elect to use any earned Sick Leave Transition Reserve for situations otherwise meeting Sick Leave Transition Reserve eligibility, or PTO leave. Any use of approved unpaid domestic abuse leave will not result in loss of County insurance benefits or loss of PTO leave accruals in the month the leave is used. The County may require documentation substantiating the need for domestic abuse leave. All information relating to the employee's use of domestic abuse leave shall be kept confidential.

## **LEAVE WITHOUT PAY**

Department Heads and Elected Officials may approve up to a maximum of forty (40) hours of leave in a calendar year without pay for full-time and part-time employees. Requests for leave without pay must be approved in advance and in writing, on the designated leave form.

## **MAINTAINING YOUR BENEFITS WHILE ON LEAVE**

If you are on paid leave, your insurance coverage will automatically be continued. However, if you are on unpaid leave, and not subject to the Family and Medical Leave Act, you must make arrangements for your insurance payments each month. Contact the Finance Department, your Department Head or Elected Official to make the necessary arrangements to continue your insurance coverage while you are on unpaid leave. You are paid for holidays and your accrued PTO leave while you are on paid leave. Once you are on unpaid leave, you do not accrue PTO leave for that entire pay period. If you are on unpaid leave involuntarily as a result of a disciplinary suspension of 10 days or less, you will not accrue PTO leave in that pay period. However, if a disciplinary suspension of 10 days or less spans over two pay periods, you will lose the accrual of PTO leave only in the pay period in which the suspension commences. Holidays will not be paid if they fall immediately prior to or following the use of an unpaid leave day.

County-imposed furloughs for non-disciplinary reasons shall not be deemed unpaid leave for purposes of health insurance coverage and PTO leave accruals. The County will continue to provide your insurance coverage and you will continue to accrue PTO leave during pay periods involving an absence from work due to a furlough unless you are otherwise placed on unpaid leave in that pay period for reasons other than the furlough.

In the case of maternity leave, PTO leave or Sick Leave Transition Reserve may be used to extend benefits. This is discretionary with the Department Head or Elected Official.

## **WORKERS' COMPENSATION**

Every employee of Logan County is covered by Workers' Compensation Insurance as required by state law. If you are injured or become ill in the course of your work, you may be eligible for benefits. You must see the County designated physician for a determination and inform your Supervisor in writing within four (4) days - preferably within 24 hours.

When an employee is injured on the job, it must be reported immediately so to assure quality medical care is provided in a timely manner. The first priority after an injury is to get appropriate medical care. If your work related injury requires emergency response, if you are transported to the nearest medical facility, or if the injury occurs after normal business hours or on a weekend, you must follow up with one of our designated workers' compensation providers as soon as possible. Also, please call the county's workers' compensation claim contact immediately to report the injury and address any questions. Your elected official or department head can tell you who the county's contact person for your department is.

The county has designated a primary care provider who will direct all medical care for employees injured on the job. Employees should not seek care from other providers unless it is an emergency. The designated provider is:

Family Care Clinic  
615 Fairhurst Street  
Sterling, CO 80751  
970-521-3223  
Monday -Friday 7 AM - 5 PM

The county's workers' compensation insurance is provided by the County Workers' Compensation Pool (CWCP) and claims are administered by County Technical Services, Inc. (CTSI). All reasonable and necessary, authorized treatment related to your injury will be paid by the CWCP. You will also be reimbursed for mileage to and from medical or therapy appointments. Medical providers should mail claims (bills) to: CTSI Workers' Compensation Department, 800 Grant Street, Suite 400, Denver, CO 80203. Phone: (303) 861-0507 or (800) 544-7868. Fax: (303) 861-1022.

### **INSURANCE**

If you are a full-time employee, the County provides, individual health, life, dental, vision, and short and long term disability insurance coverage. It begins on the first of the month after you've worked for the County for one full calendar month. Health, life, dental, vision and short and long term disability insurance premiums are prepaid in advance each month for employees.

Part-time employees must work a minimum of thirty hours per week to be eligible for health, life, dental, vision, short and long term disability insurance coverage.

Additional insurance programs such as term life insurance, intensive care and cancer insurance are available to full-time and part-time employees on a payroll-deduction basis. The employee pays the full amount for the additional insurance programs. For further information, contact your Department Head, Elected Official or the Finance Department. An employee can use PTO or Comp. hours available to fill in their time to receive a full check. The disability insurance does not allow the use of SLTR in conjunction with disability and will reduce the disability benefit allowed.

### **SECTION 125 SPENDING ACCOUNTS AND INSURANCE PREMIUM CONTRIBUTIONS**

Section 125 of the IRS Code has provisions which allows for pretax deductions under certain conditions for some benefits. For a description of how Section 125 can benefit you or the limitations or drawbacks of Section 125, please contact the Human Resource Office. A salary reduction agreement completed, signed and dated by the employee must be on file in the Finance/HR Office (Payroll) to utilize the pretax deduction of premiums. In the absence of a salary reduction agreement premium contributions will be withheld as an after tax deduction. Open enrollment occurs each year prior to the beginning of the benefit year. No changes can be made in the election amount unless a qualifying event occurs during the benefit year. A qualifying event is explained in the plan document, maintained in the Finance/HR Office. The following are the situations in which the pretax deductions are allowed by the County.

A. Insurance Premiums - Most employee contributions for insurance premiums are withheld from the employee's pay check under this IRS provision. The premiums are withheld prior to the calculation of FICA, federal, and state income taxes. Please be advised that for some types of insurance coverage, pretax withholding of the premiums will cause the benefit received to be taxable.

B. Spending Accounts - The County offers participation in Flexible Spending Accounts, whereby employees may elect to have money deducted from their pay on a pretax basis to pay for either unreimbursed medical expenses or child care expenses. The amount to be withheld is calculated by the employee and then withheld in equal installments throughout the year. This money may be used for expenses incurred in the benefit year only. The benefit year begins on January 1 and runs through December 31.

If you have questions regarding these spending accounts, contact the Finance/HR Department.

## **RETIREMENT BENEFITS**

If you are a full-time employee or a part-time employee working 20 hours or more per week, both you and Logan County contribute to your retirement account. You are required to participate through payroll, and the County matches your share dollar-for-dollar.

Full-time and part-time employees who work over 20 hours per week will be eligible to participate and have retirement deductions taken out after 1 full year of employment for the above mentioned employees; you are fully vested after 5 years of participation in the plan. For further details, contact your Elected Official, Department Head or the Finance Department.

## **DEFERRED COMPENSATION**

At any time, you may put part of your income into a tax-deferred, interest-bearing fund, where it will continue to grow until you retire. For further information, contact the Finance Department.

Deferred compensation plans allow employees the opportunity to supplement retirement plans through the investment of funds in a variety of financial markets. Details on the plans and enrollment in a plan are available through the Finance/HR Department. Deferred compensation is deducted from an employee's salary, and the County forwards the deduction on the employee's behalf to the deferred compensation plan provider.

These plans offer major tax advantages to participants. No federal or state income tax is withheld from the contribution, but employees are charged FICA taxes on the deferred amount.

## **DISABILITY INSURANCE**

The County provides disability insurance for regular full time and part-time (minimum 30 hours) employees for wage continuation in the event an employee suffers a non-service related illness or injury that requires the employee to be absent from work for an extended period of time. The employee's position will only remain available for twelve (12) weeks according to the requirements of FMLA.

## **GENERAL ASPECTS OF THE DISABILITY INSURANCE PLANS**

Premiums for disability insurance are paid by the employee for both the short term disability (STD) and long term disability (LTD) plans using a "gross up" option. The "gross up" option increases every employee's salary by the monthly premium amount, and then the premium is deducted from the employee's salary. A minimal amount of taxes is withheld on the gross up amount. According to IRS rules, the disability income benefit is considered taxable income when the monthly insurance premium is paid by the employer. However, when it is paid by the employee, only the premium payment for coverage is taxable and the actual income benefit becomes non-taxable in the event you become disabled and need this benefit.

Eligibility for both plans begins the first day of the month following one month of continuous employment.

In the instance of benefits payments, be advised there will be coordination of benefits between PTO, SLTR, and/or the disability carrier which could limit the benefit amount. An employee can use PTO with their disability insurance payment in order to receive no more than their regular base pay. The disability insurance does not allow the use of SLTR in conjunction with disability and will reduce the disability benefit allowed.

Any employee who makes a false claim for STD or LTD or who misrepresents the reasons for requesting or who uses STD for unauthorized purposes shall be subject to severe disciplinary action up to and including dismissal.

FMLA leave shall run concurrently with disability leave, (see Attachment A). PTO Accrual shall be discontinued while an employee is receiving STD or LTD benefits.

Note: The STD and LTD provider may require your treating physician to provide information supporting your request for disability payments. It is important that you provide this information in a timely manner as a delay will interrupt your benefit payments.

<b>DISABILITY INSURANCE COMPARISON TABLE</b>		
	Short Term	Long Term
Waiting Period before benefits are paid	15 Calendar days	66 consecutive working days or 90 consecutive calendar days
Maximum Benefit Rate paid by Insurance Carrier	50% of insured rate of pay at the time of the disability (not taxed)	50% of insured rate of pay at the time of the disability (not taxed)
Duration	56 Working Days or 448 Work Hours	See the Plan Document
PTO Accrual	Discontinued	Discontinued

**SHORT TERM DISABILITY (STD)**

The onset of benefits may occur if the employee has missed fifteen (15) calendar days of work due to a non-service related illness or injury. This period of time is referred to as the waiting period. During this waiting period absences from work shall be deducted from an employee's accrued PTO or SLTR; or reported as Leave without Pay, in the event PTO is not available. The STD carrier generally provides benefits at fifty (50) percent of the employee's regular rate of pay at the time of disability. Employees shall contact their supervisor to request STD Leave. The request shall be submitted in writing. Please be aware of the insurance carrier's limitations regarding STD benefits for leave associated with child birth and/or conditions arising from delivery as they may differ in duration for the purposes of STD benefits. Generally, leave of this nature is treated as any other temporary disability except for duration of benefits.

**LONG TERM DISABILITY (LTD)**

Should an employee's disability be anticipated to exceed a total of sixty-six (66) consecutive working days or ninety (90) consecutive calendar days, the employee may initiate an application for LTD with the County's Long Term Disability Insurance Provider. For uninterrupted benefits an application for LTD should be initiated four (4) to six (6) weeks prior to the end of short-term disability benefits if the physician's general prognosis is that the employee will be unable to return to work at the end of STD benefits. The LTD carrier generally provides benefits at fifty (50) percent of the employee's regular rate of pay at the time of the disability.

Worker's Compensation disability benefits, and such other benefits as may be available, may be coordinated with the LTD carrier. The coordination of benefits will generally limit the disability amount in total to fifty (50) percent of the pre-disability salary or wage rate at the time of the disability. In the event the employee is unable to return to full duty within twelve (12) weeks (in accordance with FMLA) from the date of disability and initial absence the employee will be separated from employment.

## **CHAPTER TEN - PERSONNEL RECORDS**

### **PERSONNEL RECORDS**

Your personnel records are maintained by your Department Head or Elected Official, the Finance Department and the Personnel Director.

Information regarding your salary, job position, employment application, grade, performance evaluation, discipline, commendations, and other relevant personnel documentation is maintained in your personnel file by your Department Head or Elected Official.

The Finance Department maintains personnel records regarding your salary, position, grade, and other records. The Finance Department generally does not maintain personnel records concerning your performance evaluation, disciplinary actions, commendations or employment application. These records are maintained by the Elected Official, Department Head and/or Personnel Director.

The personnel records maintained by your Department Head or Elected Official, the Finance Department, and the Personnel Director, and any other records maintained because of the employment relationship, together comprise your "personnel file." An employee's personnel file may be used by the County to defend any litigation, grievance, unemployment claim or Worker's Compensation claim involving the employee. You may request to see your personnel file. However, all requests must be made in writing to the responsible Elected Official or Department Head. You may review your personnel file in the presence of the Elected Official or Department Head or their designee.

## **CHAPTER ELEVEN - TRAINING**

### **APPROPRIATE TRAINING**

When necessary and within budgetary constraints, you may participate in job-related training. The training you receive must be directly applicable to your current job classification. However, you need to obtain the approval of your Department Head or Elected Official prior to participating in any job-related training. The County generally pays the full cost of short-term, job-related training such as seminars, conferences, certification courses and training sessions. Additional job-related training such as enrollment in an accredited college will be considered on an individual basis if the budget allows. Only job-related course work may be considered for reimbursement.

## **CHAPTER TWELVE - SEPARATION**

### **RESIGNATION**

You always have the right to terminate employment with the County. When you leave for other employment or for personal reasons, the County requests whenever possible, to give two weeks notice. If immediate termination is preferred by the Department Head or Elected Official, the employee may be paid instead of working for two weeks. Your termination date is the last day you work; you can't use your PTO leave, comp. time or Sick Leave Transition Reserve to extend your period of employment.

### **REDUCTION OF FORCE**

If it ever becomes necessary to reduce the work force due to funding reductions, workload changes, or policy changes, your Department Head or Elected Official will give the Board of Commissioners a Reduction in Force Schedule. The positions to be eliminated will be determined in the sole discretion of the appropriate Elected Official(s).

Reduction in Force must meet these guidelines:

1. Temporary and part-time employees shall be released first.
2. Reductions in force for specific areas in a department shall be based on the quality and quantity of work performed.
3. When two or more employees have equal over-all employment evaluations, reductions in force shall be based on length of service with the longest tenured employee having priority for retention.
4. Each affected employee must receive written notice. Full-time employees receive two weeks notice or two weeks severance pay.
5. If employees are reinstated to their previous positions, they will return to their previous grade, considering budgetary constraints.

A Reduction in Force is not a dismissal.

### **RETIREMENT**

For information regarding your retirement plan, please contact the Finance Department.

### **DEATH**

If a County employee dies, the Finance Department works with the person named as the "Emergency Contact" to be sure that final paychecks, insurance benefits, and all required forms are completed correctly and distributed to the right person or entity.

### **SEPARATION PROCEDURES**

You need to schedule an exit interview with your Department Head or Elected Official. They will let you know about all your available benefits, collect any County property you may have, and make arrangements to get your final check to you.

### **SEPARATION PAY**

In your last pay check, you will receive:

- Pay for all your hours worked.
- Pay for your unused PTO leave up to the maximum accrual allowed.
- Pay for your unused compensatory time.

- Pay for your Sick Leave Transition Reserve in accordance with the buy-back provisions for Sick Leave Transition Reserve leave in the Benefits Chapter of this handbook.

Any money you may owe the County will be deducted from your final check.

Health insurance and life insurance premiums are prepaid in advance each month for employees. When you terminate your employment, you will need to complete appropriate forms concerning your rights to continue insurance at your own expense pursuant to Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). The County will deduct from your final paycheck any monies advanced for the period between your last day worked and the end of the month of termination for health, dental, vision and life insurance.

### **RIGHT TO CONTINUE INSURANCE**

When employees who are enrolled in the health, life, dental, and vision insurance plans separate from employment with the County, their County insurance coverage terminates effective the last day of the month.

Under Federal law, upon separation, eligible covered employees and/or their eligible dependents may continue insurance coverage under certain conditions:

The continuation period is 18 months if plan coverage would end because the employee experiences one of the following qualifying events:

- A. Reduction in work hours to less than 30 per week.
- B. Termination of employment.

A covered employee and covered dependents are qualified beneficiaries under these circumstances and continue coverage.

The continuation period is 36 months if a dependent's plan coverage would end because of one of the following qualifying events:

- A. Death of covered employee (applied to surviving spouse and children of deceased employees).
- B. Legal separation or divorce (applies to spouse and children of current employees).
- C. Children of current employees losing dependent coverage when they become older than the maximum age.
- D. The covered employee becoming eligible for Medicare coverage.

You are responsible for notifying Logan County if existing coverage will be lost due to legal separation or divorce, or if dependent children lose their eligibility for the group plan. Also, you must obtain a "Notice of Right to Continue Group Health Coverage" packet and return the notice whether or not you desire to continue coverage.

Premiums must be paid monthly. The amount and due date of premiums will be explained to you by the Finance Department or Personnel Director at the time you elect to continue coverage.

## GLOSSARY

**ANNIVERSARY (HIRE) DATE** - refers to an employee's date of employment. The anniversary date does not change during the duration of employment unless the employee moves from a temporary to a full-time or part-time position. The anniversary date shall be used to determine eligibility for benefits.

**CLASSIFICATION** - refers to position title and whether or not it is full-time, part-time, or temporary status. All positions will have a job description.

**DEMOTION** - when an employee is placed in a lower graded position.

**DEPARTMENT HEAD** - refers to an employment unit director or supervisor who reports to an Elected Official.

**DISMISSAL** - refers to an involuntary separation from County employment.

**ELECTED OFFICIAL** - refers to the Board of County Commissioners, the County Assessor, the County Clerk and Recorder, the County Sheriff, and the County Treasurer.

**EMPLOYMENT UNIT** - refers to a department, office or work division under the direction of an Elected Official.

**EXEMPT EMPLOYEE** - An exempt employee is a person employed in a bona fide executive, administrative or professional capacity pursuant to 29 U.S.C. § 213 and who is not subject to the Fair Labor Standards Act rules on pay and hours worked.

**FULL TIME** - refers to employees that are assigned to positions that require forty hours per week and are not classified as temporary assignments.

**GRADE** - the identifying number for a specified pay range, containing a specified minimum and maximum rate in the salary schedule.

**IMMEDIATE FAMILY** - relatives by blood or marriage, to include your spouse, your children, step-children, parents, step-parents, "in loco parentis," grandparents, grandchildren, brothers and sisters of yours or your spouse.

**NONEXEMPT EMPLOYEE** - Is an employee who is entitled to overtime compensation under the fair labor standards act.

**OVERTIME** - refers to the time worked in excess of 40 hours during the designated work week; or, for certain law enforcement employees in the Sheriff's Department, time worked in excess of 171 hours over the course of a designated 28 day work period..

**PART-TIME** - refers to employees who are assigned to a position that requires less than 40 hours per week and are not classified as temporary assignments.

**PAY RATE** - the specific dollar amount established within a pay range.

**PERSONNEL BOARD** - the Personnel Board is comprised of the County Assessor, Board of County Commissioners, Clerk and Recorder, Sheriff and Treasurer. The Personnel Board is responsible for periodic review of the Employee Handbook. The Sheriff shall be a non-voting member of the Personnel Board on all issues except for those which affect the Sheriff's Department i.e. insurance, PTO leave, retirement etc.

**PERSONNEL POLICIES** - are policies set forth in the Employee Handbook or established by Supervisors, Department Heads, and Elected Officials.

**POSITION** - a group of designated duties and responsibilities which are assigned to an employee.

**PROMOTION** - when an employee is placed in a higher graded position with an increase in duties and responsibilities.

**REDUCTION OF FORCE** - refers to non-disciplinary separation of an employee from County service because of lack of work, non-availability of funds, abolishment of a position, reduction in service levels, policy changes, or reorganization.

**SUSPENSION** - a temporary separation of an employee from the County for disciplinary reasons or pending the outcome of an investigation involving the employee. Suspensions may be with pay or without pay.

**TEMPORARY** - the status of a position that has been established for a specific period of time or for the duration of a specific assignment.

**TRANSFER** - Movement of an employee from one department to another. Anniversary date does not change. All accumulated benefits will be retained if transfer position is full-time.

**WORK RULES** - are rules set forth in the Employee Handbook or established by Supervisors, Department Heads, Elected Officials.

**WORK WEEK** - the hours of 12:01 a.m. Monday morning until midnight Sunday night. These hours are for the purpose of computing overtime.

# **ATTACHMENT A**

## **FAMILY AND MEDICAL LEAVE ACT OF 1993**

Effective August 5, 1993, the FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. Logan County requires a "rolling" 12-month period measured backward from the date an employee uses FMLA leave.

### **Employee Eligibility**

The FMLA defines eligible employees as employees who: 1) have worked for the County for at least 12 months; 2) have worked for the County for at least 1250 hours in the previous 12 months; and 3) work at or report to a work site which has 50 or more employees or is within 75 miles of work sites that taken together have a total of 50 or more employees.

### **Leave Entitlement**

Eligible employees may take leave for the following reasons: 1) to care for a child upon birth or upon placement for adoption or foster care; 2) to care for a parent, spouse, or child with a serious health condition; or 3) when an employee is unable to work because of the employee's own serious health condition. In addition, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a servicemember of the Armed Forces, including a member of the National Guard or Reserves, who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to 26 weeks of "military family leave" in a single 12-month period to care for a servicemember who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, due to a serious injury or illness. For purposes of military family leave, a serious injury or illness means an injury or illness incurred by the servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating. Eligible employees may also be entitled to up to 12 weeks of leave because of a "qualifying exigency," as defined by Department of Labor regulations, arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: 1) any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility; 2) any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or 3) continuing treatment (by or under the supervision of) a health care provider for prenatal care or a chronic or long-term health condition that is so incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

"Health care provider" means: 1) doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; 2) podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; 3) nurse practitioners and nurse midwives authorized to practice, and performing within the scope of their practice, as defined under state law; or 4) Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts.

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Eligible employees may take FMLA leave intermittently (for example, in blocks of time or by reducing a work schedule) in certain circumstances. If FMLA leave is to care for a child after the birth or placement of a child for adoption or foster care, employees may take their FMLA leave intermittently only with the County's permission. If the FMLA leave is because of the employee's serious illness or to care for a seriously ill family member, the employee may take the leave intermittently if it is medically necessary.

### **Notice and Certification**

Employees who want to take FMLA leave ordinarily must provide the County at least 30 days notice of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the

employee should give as much notice as is practicable. In any event, FMLA leave will be deemed to commence automatically on the fourth working day of an FMLA-eligible leave absence, whether or not the employee subsequently applies for FMLA leave, and such use of FMLA-eligible leave will count against each employee's annual twelve week FMLA leave entitlement. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment so as not to disrupt the employer's operations unduly.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification of the serious health condition. The County also may require a second or third opinion (at the County's expense), periodic recertifications of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The County may deny leave to employees who do not provide proper advance leave notice or medical certification.

### **Benefits During a FMLA Leave**

Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. If applicable, arrangements will be made for employees to pay their share of health, life, dental and vision insurance premiums while on leave. In some instances, the County may recover premiums it paid to maintain health, life, dental and vision coverage for an employee who fails to return to work from FMLA leave.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued PTO or Sick Leave Transition Reserve during a FMLA leave.

### **Job Restoration After FMLA Leave**

The County must reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on a FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the County's operations. A "key" employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the work site. Employees will be notified of their status as a key employee, when applicable after they request FMLA leave.

### **Unlawful Acts**

It is illegal for the County to interfere with, restrain, or deny the exercise of any right provided by the FMLA, or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for being involved in any proceeding under or relating to the FMLA.

### **Enforcement**

The U.S. Department of Labor is authorized to investigate and resolve employee complaints of violations of the FMLA. An eligible employee may also bring a civil action against the employer for violations.

### **Other Provisions**

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

Salaried executive, administrative, and professional employees of the County who meet the Fair Labor Standards Act ("FLSA") criteria for exemption from minimum wage and overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

### **Further Information**

For more information, employees may contact the Personnel Director or the nearest office of the U.S. Department of Labor's Wage and Hour Division.

## **ATTACHMENT B**

### **LOGAN COUNTY COMPUTER USAGE POLICY**

Logan County reserves the right, on computers owned or leased by Logan County, to examine, at any time, any computer, application software, computer files, messages, and memory of any type (to include, but not limited to hard drive, RAM, ROM, PROM, CD ROM, DVD, floppy).

Supervisors will have readily available, but keep confidential, all passwords for all employees and to all files under their supervision. The issuance of a password does not make communications sent or received on County computers private. Communications deleted by the employee may be retrieved by the system administrator.

Logan County employees may use County owned/leased computers, and computer equipment, to include the Internet and email, for personal benefit with the following provisos:

1. Users must have the permission of their supervising Elected Official or Department Head and permission may be subject to any conditions imposed by the Elected Official or Department Head;
2. County computer equipment may never be used for a commercial or profit-making venture;
3. Any paper/ink used (printer or copier) will be reimbursed to the County;
4. Equipment may be used only during non-duty hours (break, lunch, before and after work hours, provided that the equipment is not then needed or in use for County business purposes;
5. Equipment may not be used for political or religious purposes.

#### **INTERNET AND EMAIL POLICY**

- Employees should be aware that it is technologically possible to record all URL's or websites reached, all downloads, and all email communications. "Deleting" such does not necessarily erase same from the hard drive. Employees should assume that the County is making such recordings at all times;
- County equipment shall not be used to visit URL's or websites, or send email, which contain sexually graphic content, is demeaning to any particular gender, race, religion, national origin, or sexual orientation, or which content contains similar innuendoes or overtures of profanity;
- Employees should realize that email may become evidence in lawsuits;
- Any personal email sent should have the word "PERSONAL" in the subject line. This will prevent the recipient from mistakenly interpreting the email received as an official communication of the County;
- Any software downloaded from the Internet (to include email attachments) will be scanned for viruses prior to opening;
- Equipment may not be used to download anything that would normally be protected by copyright. This includes, but is not limited to, music and other audio files, certain executable software, certain graphics, and certain games;
- Email may not be used for any wrongful, offensive or illegal purpose. This includes, but is not limited to false, harassing, slanderous messages or attachments or any messages that violate copyrights;
- Email may not be used to violate any other County policies or regulations;
- Employees may subscribe to listservs, discussions groups and/or chat rooms that are directly related to business purposes. No other such subscriptions are permitted.

# ATTACHMENT C - HIPAA Privacy Policy

## Privacy of Personal Health Information

This policy shall apply to all county employees, volunteers, elected officials who are signatory to this policy, and all funded individuals, departments, boards, or functions falling under the budget authority or supervisory authority of the Board of County Commissioners.

The county intends by this policy to ensure compliance with all federal and state rules regarding the privacy of information, without regard to the source or type of information. These rules include but are not limited to the Federal Privacy Act provisions applicable to counties (5 U.S.C. 501 et seq.), the Health Insurance Privacy and Portability Act, the privacy exceptions under the Colorado Open Records Act, and all other acts and laws governing any functions assigned to county government by federal or state agencies including the Standards for Privacy of Individually Identifiable Health Information in the federal law known as HIPAA. These may include laws and rules applicable to public health, social services, law enforcement, detention, employee records, credit protection, and other functions performed by the county.

Improper disclosure of medical records including personal health information is strictly forbidden and constitutes a criminal offense under Colorado law. C.R.S. 18-4-412 provides that any person who, without proper authorization, knowingly obtains a medical record or medical information with the intent to appropriate the medical record or medical information to his or her own use or to the use of another, who steals or discloses to an unauthorized person a medical record or medical information, or who, without authority, makes or causes to be made a copy of a medical record or medical information commits theft of a medical record or medical information.

## PHI Procedures Mandated by New Law

To effectuate this policy with respect to personal health information, the county has appointed a Privacy Officer, has adopted this set of Policies and Procedures, will post Privacy Notices on all employee bulletin boards at county facilities, and will investigate and log each reported privacy breach regarding PHI and take steps to prevent any further erosion of privacy for all personal health information regardless of location or manner of storage or transmission.

Commencing on April 14, 2003, and thereafter, any individual who believes that their personal health information has been created, transmitted, or used in violation of HIPAA may report the alleged improper use to the County Privacy Officer who shall make and retain a log of each such report, and either investigate and take all necessary steps to protect against any future use of the PHI or to a designated departmental privacy officer, who shall undertake all assigned duties including reporting it to the County Privacy Officer. The log shall be retained continuously for 6 years under HIPAA rules.

## Privacy Officer

The county privacy official shall be the county attorney. The County Privacy Officer's duties shall include all necessary tasks to insure that the county remains in compliance with HIPAA, including but not limited to:

1. Monitoring and implementing the county's privacy procedures through training, supervision and follow-through with all county personnel;
2. Receiving, investigating, and resolving complaints regarding potential breaches of privacy;
3. Maintaining a log of such incidents that complies with HIPAA; and
4. Reporting on such duties to the Board of County Commissioners not less than once per year.
5. Ensuring the proper postings of a currently valid Notice per HIPAA.

## Posting of Notice

The Notice of HIPAA Privacy identified below as Appendix A shall be posted on all employee bulletin boards at county facilities.

## **Notice of Privacy Protections for Personal Health Information (PHI)**

### **Definition of "Protected Health Information" or "Personal Health Information"**

Hereafter, when referring to personal health information, protected health information, or medical records under any of the applicable laws, this policy shall use the term PHI. In this policy, "PHI" shall mean personal health information, and shall include any medical records or personal health information covered by any of these laws and specifically including all information which is or may be individually identified "Protected Health Information" as defined in all parts of HIPAA, including 45 CFR 160 et seq.

To effectuate this policy with respect to PHI, the county has appointed a Privacy Officer; has adopted a set of Policies and Procedures that can be found in the County Handbook and in directives to supervisors; will hereafter post Privacy Notices on all employee bulletin boards at county facilities; and will hereafter investigate and log each reported privacy breach regarding PHI and take steps to prevent any further erosion of privacy for all personal health information regardless of location or manner of storage or transmission.

Commencing on April 14, 2003, any individual who believes that their personal health information has been created, transmitted, or used in violation of HIPAA may report the alleged improper use to the County Privacy Officer who shall make a log of the report, and either investigate and take all necessary steps to protect against any future use of the PHI or to a designated departmental privacy officer, who shall undertake all assigned duties including reporting it to the County Privacy Officer.

The county expects all of its employees, officers and volunteers to refrain from any conduct which would unnecessarily infringe the privacy rights, including privacy of their PHI, of its employees, volunteers, or clientele. All employees, including supervisors, are expected to consult these rules regarding the necessity of procuring a signed release of information from the individual whose PHI is involved.

If any person, including supervisors, is unsure of whether or not the discussion or release of PHI would be a violation of a person's privacy rights, they are expected to consult with their supervisor or the county privacy officer before releasing any information.

### **Complaint Process**

Any individual alleging that their personal protected health information has been used or disclosed improperly (i.e., in violation of HIPAA) by an officer, volunteer, or employee of the County should file an internal privacy complaint within seven (7) calendar days of receiving knowledge of the potential wrongful disclosure.

The complaint must be filed with the County Privacy Officer, identified above, or with the privacy officer appointed for the individual county department, if any such appointment is made. Such complaint must be made in writing on the county-specified form.

Retaliation against any person filing, investigating, cooperating with an investigation, or providing evidence for an investigation under this complaint process is strictly prohibited. An internal complaint may be amended or filed for alleged HIPAA retaliation.

The County Privacy Officer will ensure that the complaint is logged, investigated, and responded to in a manner which will be designed to prevent potential improper disclosures of PHI in the future. This process will include a finding in each instance of whether or not an alleged improper disclosure was "substantiated" by the evidence taken as a whole, or whether the alleged improper disclosure was "unsubstantiated" by the evidence taken as a whole. The individual who has allegedly been harmed by the disclosure shall not have any substantive or procedural interest in the determination of the matter, other than as a factual witness, nor in the actions taken to prevent any potential disclosures in the future.

Whether substantiated or unsubstantiated, each complaint and related information shall be preserved in a log which complies with HIPAA rules. Substantiated improper disclosures or uses of PHI and violations of the anti-retaliation policy may subject individuals to censure or discipline, up to and including termination, depending on the frequency and severity of the substantiated violations and the potential damage which could result or could have resulted from the disclosure or use, and the evaluation by the Privacy Officer as to whether such action is the best response available under the circumstances to prevent future disclosures.

# ATTACHMENT D

## MISCONDUCT AND DISHONESTY

### **Introduction**

It is the policy of Logan County that certain rules regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees and county citizens. Conduct that interferes with operations, discredits the County, or is offensive to customers or coworkers will not be tolerated.

Logan County is committed to the deterrence, detection and correction of misconduct and dishonesty, and the establishment of a business environment of fairness, ethics and honesty for all employees, customers, suppliers and anyone else with whom we have a relationship.

The discovery, reporting and documentation of acts that violate this policy will provide a basis for the taking of disciplinary action against employees up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, the recovery of misappropriated assets, or any other measures deemed appropriate.

### **Purpose**

The purpose of this document is to communicate the County's expectations concerning employee behavior and workplace conduct, and the County's policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employees.

### **Definition of Misconduct and Dishonesty**

For purposes of this policy, misconduct and dishonesty include but are not limited to:

- Acts which consist of engaging in or threatening acts of workplace violence, including fighting or assaulting a coworker, customer, guest or other citizen; and threatening or intimidating a coworker, customer, guest or other citizen.
- Use of profanity or hostile or abusive language.
- Engaging in any form of sexual or other harassment or intimidation.
- Reporting to work under the influence of alcohol or illegal drugs or narcotics, or using, selling, dispensing or possessing alcohol or illegal drugs or narcotics in the workplace.
- Disclosing the content of records or information that is known to be confidential.
- Falsifying, forging or altering any County record or report, such as an employment application, medical report, production record, time record, expense account, absentee report, shipping and receiving records, or any document produced in the course of the employee's regular County duties.
- Stealing, misappropriating, defacing, destroying, or misusing County equipment and other property, or another employee's or customer's property.
- Misusing County communications systems, including electronic mail, computers, internet access and telephones (see Attachment C - Logan County Computer Usage Policy).
- Purposely including misstatements and other irregularities in County records.
- Committing fraud or engaging in any other acts that are unlawful under state or federal laws.
- Refusing to follow management's instructions concerning job-related matters or being insubordinate.
- Failing to wear assigned safety equipment or failing to abide by safety rules and policies.

The above examples of impermissible behavior are not intended to be an all-inclusive list. Employees

should also be aware of the Colorado Revised Statutes that relate to conflicts of interest and behavior of public employees. These laws can be found in Title 18, Article 8, Part 3 (Bribery and Corrupt Influences), and Part 4 (Abuse of Public Office), and in Title 24, Article 18, Part 1 (Standards of Conduct, Code of Ethics) and Part 2 (Proscribed Acts Related to Contracts and Claims). At management's discretion, any violation of the County's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to your Department Head or Elected Official.

### **Reporting Responsibility**

All employees have the responsibility to immediately report suspected misconduct or dishonesty to their supervisor. Any reprisal against any employee or other reporting individual because that individual, in good faith, reported a violation is strictly prohibited.

# **ATTACHMENT E**

## **LEAVE SHARING**

### **A. LEAVE SHARING BANK**

The Leave Sharing Bank is a voluntary program that is designed to help Logan County employees who are experiencing a serious illness, injury or disability, or other catastrophic event, and who have exhausted all of their paid leaves.

An employee may become a member of the Bank by donating four (4) hours of his/her PTO leave (but not Sick Leave Transition Reserve - "SLTR"). All employees who desire to enroll must maintain a balance of at least 40 hours of PTO leave at the time of the employee's initial enrollment. Donations are in the form of hours, not the dollars represented by the hours, and become the property of the Bank and are not refundable under any circumstances. Enrollment periods are during the months of January and July of each year. Each member's effective date of enrollment is the first day of the first full pay period in which he/she enrolled. County employees hired after the commencement of the Bank may enroll in the January or July following six months of continuous full time service.

Any employee who did not join at the time of their initial buy-in opportunity and subsequently desires to become a member of the Bank will donate four (4) hours of PTO leave plus any additional hours called for since the employee's initial eligibility date, provided the employee maintains an unused balance of at least 40 hours of personal PTO leave at the time of enrollment. In the event an employee enrolls at the time he or she is initially eligible to become a member of the Bank, that member will not be required to donate any additional hours for calls made during the six month period following the member's enrollment.

The Personnel Board is responsible for administering the Leave Sharing Bank and the awarding of hours will be on a case by case basis depending on the merits of each case. Decisions of the Personnel Board are not appealable. The maximum number of hours that may be granted to a member on his/her application is 80 hours in a twelve month period commencing with the date of their initial award. Awarded hours may only be used for 1) rehabilitation and recovery from the injury or illness that necessitated the award, and any secondary conditions determined by a medical doctor to be a consequence of the injury or illness, or 2) attending to personal or family emergencies caused by catastrophic events. Awards may be applied retroactively. Any unused hours that were awarded will be forfeited at the end of the twelve month period and returned to the Bank.

The Personnel Board will conduct an annual review in December each year to evaluate the Bank's status and the Board at that time will determine if a call for additional hours will be made. In its discretion, an emergency call may be made at other times if the Board determines that the Bank's hours are becoming depleted. If a call is made, every member will be required to donate the additional hours to remain a member of the Bank, with the exception of the new members who have joined the Bank within the previous six months.

The Finance Department will be responsible for maintaining the Leave Sharing Bank records, including keeping an accounting of the number of hours awarded and available.

A member of the Bank should apply for hours as follows:

1. The member should submit an application in writing to the Personnel Director at least ten days prior to exhausting his/her paid leaves if the need for leave is foreseeable. The Personnel Board will make a decision within three working days after the application is submitted.
2. If the member is unable to personally apply, a family member or designated representative may submit the application.
3. A physician's statement, if applicable, must accompany the application and specify the nature of the member's serious illness, injury or disability. The statement will also include the date medical services commenced and the expected release and return to work date.
4. If a catastrophic event, a detailed written statement describing all relevant circumstances must be provided.

The following criteria will be followed by the Personnel Board in granting Leave Sharing hours:

1. The employee must have demonstrated an attempt to accumulate PTO balances commensurate with the length of the employee's County employment that are sufficient to meet the needs of expected absences or absences that can reasonably be anticipated, i.e., common illnesses, routine medical needs, etc.
2. The request for an award of Leave Sharing hours must be based on a serious illness, injury, disability or similar medical hardship of the employee or the employee's immediate family member, or the dire need to attend to other personal or family emergencies caused by catastrophic events. If medically related, the request shall be supported by a written statement of the attending physician which provides the details of the medical condition and the expected date the employee will be able to return to the workplace.
3. The member must exhaust all accumulated paid leaves, including SLTR leave.
4. Any accident, illness or injury where the employee receives salary replacement or disability benefits through short-term disability insurance is eligible for an award of Leave Sharing Bank hours, but only if permitted by the disability insurance carrier. The 15 calendar day benefit waiting period prior to short-term disability benefits is also eligible for Leave Sharing, as well as the period following exhaustion of short-term disability benefits, provided the Leave sharing eligibility criteria continue to exist during such time periods. Any accident, illness or injury where the employee receives salary replacement or disability benefits through Worker's Compensation, long term disability insurance or other insurance is not eligible for an award of Leave Sharing Bank hours.
5. Normal maternity leave is not eligible. A physician's statement will be required to determine if pre-natal or post-natal medical conditions are serious and meet the criteria for Leave Sharing.
6. FMLA leave will apply to all qualifying events for the first twelve weeks.

## **B. VOLUNTARY LEAVE SHARING**

Voluntary Leave Sharing is a voluntary program designed to enable employees to donate accrued but unused PTO hours directly to another employee who is experiencing a serious illness, injury or disability, or other catastrophic event, and has exhausted his or her own available paid leave. This plan is designed to apply to serious illness, injury, disability or similar medical hardship of the employee or the employee's parent, spouse or child, or the dire need to attend to other personal or family emergencies caused by catastrophic events.

Subject to the eligibility requirements described below, employees will be permitted to voluntarily donate accrued but unused PTO to other regular full-time or part-time County employees (working a minimum of twenty (20) hours per week) who have exhausted all available paid leave time and are experiencing a serious illness, injury, disability or other catastrophic event.

A recipient employee may be eligible to receive donated PTO leave from other employees if all of the following criteria are met:

1. The recipient employee, or such employee's parent, spouse or child, suffers from a serious medical condition or catastrophic event which requires the employee's absence from work for a prolonged period. If a medical emergency involves a serious medical condition of a parent, spouse or child, the employee must require time away from work to provide care for such person; and
2. Medical certification of a serious medical condition is provided from a physician or other licensed health care provider describing the nature, severity and anticipated duration of the illness or injury; and
3. The recipient employee must have exhausted all available paid leave, including compensatory time, PTO leave, and Sick Leave Transition Reserve; and
4. Voluntary donors are willing and able to donate PTO to the potential recipient.

A leave donor must meet the following requirements:

1. A voluntary but irrevocable donation of not more than ten (10) days (80 hours) to any one recipient, in four (4) hour increments, provided that the donor shall retain a remaining balance of not less than ten (10) days (80 hours) of accrued PTO leave.

2. Certification by the donor that no solicitation and/or acceptance of money, credit, gift, gratuity, thing of value or compensation of any kind has been provided, directly or indirectly, to the donor.
3. To be eligible to donate, the leave donor must be a member of the Leave Sharing Bank.

Individual eligibility for voluntary leave sharing shall be determined on a case by case basis by the Personnel Board. Leave sharing donations may not exceed an amount that, when combined with all other sources of leave (accrued PTO, SLTR, compensatory time, Leave Sharing Bank awards), will exceed the recipient employee's twelve week FMLA entitlement. The recipient employee will be required to provide sufficient information to confirm that a medical emergency or other catastrophic event exists, using forms available from the Personnel Director. Eligible recipients must be members of the Leave Sharing Bank if eligibility to participate in the Leave Sharing Bank has been established when the medical emergency arises and, if a member, the recipient employee must have applied for, received and exhausted all leave awarded from the Leave Sharing Bank prior to receiving additional PTO under the Voluntary Leave Sharing plan. New employees who have been employed for less than 6 months and are not yet eligible to participate in the Leave Sharing Bank are eligible to participate in Voluntary Leave Sharing.

Leave donations will be used in the order they are received and provided to the recipient employee until the amount approved by the Personnel Board for donation is reached. Any donations that remain unused because they exceed the amount approved shall be returned to the offering donor(s).

A leave recipient may use donated leave only for purposes related to the illness or event for which leave was originally approved. It may be substituted retroactively for any period of leave without pay used because of the emergency. It may not be transferred to another leave recipient or included in a lump-sum payment for accrued PTO leave. Donated leave may be used in conjunction with Short Term Disability benefits only if allowed by the disability benefits insurer and, in cases where allowed, shall be used only to the extent required to provide the employee full salary replacement.

Employees shall have no right to appeal the eligibility determinations of the Personnel Board and all decisions of the Personnel Board shall be final. Determinations of eligibility shall be based on the merits of each case and employees shall have no entitlement to any leave sharing benefits in the absence of such determination.

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