

ARAPAHOE COUNTY COLORADO

# 2021 GUIDELINES



ARAPAHOE COUNTY  
COLORADO'S FIRST



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## Disclaimer

Employment with Arapahoe County is “at will.” Employees may terminate their employment, whether voluntarily or involuntarily, without cause and without notice. Nothing in these County Guidelines is intended as a promise, agreement, or contract of any kind. The handbook is a collection of best practices and guidelines and is intended to assist each employee in understanding the various employment policies that guide work life at the County.

**Any failure by the County to follow the provisions herein exactly as outlined will not be considered a breach of any promise, agreement, or contract, and should not be relied upon as such. Furthermore, the existence of this handbook does not alter the at will nature of any/all employees’ employment. The County retains the right to discharge any employee for any reason/no reason with or without notice and with or without cause.**

# Introduction

January 2021

We are pleased to introduce the first publication of the Arapahoe County Guidelines as a stand-alone document. The policies that are included in this revision include all Board of County Commissioners-approved policies. You also will receive a separate benefits guide to use as a reference throughout each benefits year.

This guideline handbook was created to outline and summarize personnel policies, employee responsibilities and employee rights. Please keep it as a helpful reference tool. It is mandatory for Arapahoe County employees to comply with the guidelines presented in this document. It provides general policies and procedures for employees; however, it does not guarantee any employee how any particular situation will be handled.

Reading the guide will familiarize you with some of the benefits and obligations of employment with Arapahoe County. There are no contractual rights or obligations associated with these guidelines and they do not guarantee employment for a specific time period of specific type of work.

The Arapahoe County Guidelines may be modified, amended, or revoked by our County Commissioners at any time without advance notice.

County departments or offices also may develop specific policies and procedures pertaining to their own workplace, at their discretion. While these policies may be more restrictive than those in these guidelines, they may not be less restrictive.

**The Sheriff's Office maintains many policies and procedures in order to comply with strict law enforcement accreditation standards. In the event there are any differences between any Arapahoe County guidelines and Sheriff's Office policies and procedures, the Sheriff's Office policies and procedures shall supersede the Arapahoe County guidelines.**

Arapahoe County complies with all applicable state and federal laws, rules and regulations. Should any of our Human Resources policies conflict with a state or federal law, the policy will be changed to ensure compliance with the law.

This publication supersedes all previously published version of the policies contained within it. Please make sure you continue to have the most up-to-date version of these Guidelines. If you have questions about the policies in the Guidelines, talk with your supervisor or contact Human Resources.

**Arapahoe County is an Equal Opportunity Employer.**

# Conduct

## Attendance and Punctuality

Regular attendance and punctuality are very important. Attendance and punctuality are considered, along with performance, in granting pay raises, promotions or transfers. Excessive absenteeism or tardiness will not be tolerated and may result in corrective action up to and including dismissal from employment. If it is necessary for an employee to be late or absent from work, it is the employee's responsibility to contact the supervisor within the first scheduled hour of work. If the supervisor is not available, the employee should contact the designated replacement within the department directly. Leaving messages with co-workers is not acceptable. Failure to maintain the regular attendance and punctuality standards outlined above and by each employee's individual supervisor may also result in dismissal. Failure to call in when absent may result in corrective action up to and including dismissal from employment.

## Conduct

All employees are expected to conduct themselves in a manner which is a favorable reflection of the County and which demonstrates tact, courtesy and good judgment. During working hours, employees are expected to devote all energies to the service of the County instead of personal affairs.

## Improper Conduct

When performance issues are identified with respect to an employee, instances of unacceptable conduct occur, or for any reason the County perceives there is a problem in the employment relationship, the County may take any of a variety of steps, up to and including dismissal from employment. In some cases, the employee might be given an oral or written warning. In other cases, suspension (with or without pay), demotion or another action may take place. The County reserves the right to determine what it believes is an appropriate response. Because the particular facts and circumstances may vary widely and are often unique, the action taken in an individual case should not be assumed to establish a precedent in other circumstances.

## Off-Duty Conduct

Employee conduct which is illegal or malicious and which adversely affects the County, or the employee's ability or credibility to effectively carry out employment responsibilities will not be tolerated. An employee who engages in such conduct may be subject to corrective action up to and including dismissal from employment with Arapahoe County.

## Conflicts of Interest

Employees will not be allowed to solicit, obtain, accept, or retain any personal benefit (gift, favor, service, compensation or discount) from any supplier, vendor or any individual or organization doing or seeking business with the County. Employees who themselves or whose family member (this includes but is not limited to a spouse, sibling, parent, son or daughter) have a potential personal interest in a County contract, purchase, payment or other financial or monetary transaction shall give 72 hours written advance notice of the conflict to the County Attorney. Failure to disclose a conflict will not be tolerated and may result in corrective action up to and including dismissal from employment.

## **Political Activities**

No employee or applicant shall be required to divulge political beliefs as a requirement of employment, nor shall any employee participate in or make contributions to political parties or groups while on County time. As part of an employee's normal job duties he or she may be required to represent the Board of County Commissioners or other County Elected Official at State legislative or committee sessions. This would be considered authorized work time.

However, any employee attending a legislative or committee session to present a position other than an authorized County position must take appropriate personal leave to do so if the session occurs during the employee's work time. In addition, the employee cannot appear at such sessions in any uniform, or wearing any clothing or insignia identifying the employee as an Arapahoe County employee.

Nothing in this section shall be construed so as to prevent any County employee from exercising his or her constitutional rights concerning free speech.

## **Smoking**

The Board of County Commissioners, in compliance with the Colorado Clean Indoor Air Act 2006, has adopted a resolution prohibiting smoking, including e-cigarettes, at all times within or near any entrance to County buildings and facilities, and in County vehicles and equipment. Smoking is permitted outside County facilities in designated smoking locations. Violation of this policy may result in corrective action up to and including dismissal from employment.

# Arapahoe County Code of Ethics

Adopted December 13, 2016

Ethics Committee Hotline: 303.738.7995

**In accordance with state laws and regulations, Arapahoe County has created a comprehensive set of ethical guidelines and processes to guide its employees and officials in the conduct of their daily work. This section sets for the full text of the Arapahoe County Code of Ethics to ensure that County employees and officials are made aware of the ethical standards applicable to everyone who performs work on behalf of the County. In addition, the Code is reproduced in full, including referenced statutory and regulatory provisions, in Appendix A to these Guidelines. All employees are expected to be familiar with the Code of Ethics and to conduct themselves in accordance with the provisions thereof.**

## ARTICLE I – PURPOSE AND AUTHORITY

The Board of County Commissioners of Arapahoe County, Colorado believes that the citizens of this County are entitled to have an ethical, open and accountable local government. The purpose of this Code of Ethics is to provide guidance to the officials and employees of Arapahoe County whenever questions of ethical conflict arise to ensure that Arapahoe County government operates in a manner consistent with appropriate ethical principles and values. This Code of Ethics is also intended to establish a system for reporting possible ethical concerns so that any ethical violation, whether intentional or not, may be discovered and addressed appropriately.

The Code of Ethics is intended to be adopted in accordance with the applicable provisions of the Colorado Constitution, Colorado statutes, and internal Arapahoe County policies, and shall supersede the prior Ethical Principles and Guidelines adopted by the Board of County Commissioners on April 11, 2000. This Code of Ethics is not intended to supersede specific provisions of law or other County policies regarding ethical conduct. A determination, recommendation, or action taken under this Code of Ethics will not conclude or prevent action by the Colorado Independent Ethics Commission or the District Attorney's Office, as may be appropriate. This Code of Ethics is not intended to limit the ability of county officials and employees from seeking advice from the County Attorney's Office.

## ARTICLE II – APPLICABILITY

This Code of Ethics is applicable to the officials and employees of Arapahoe County. "Employee" shall mean all members of the Arapahoe County workforce, including but not limited to full-time, part-time and temporary employees, and volunteers. "Official" shall mean a person in an elected or appointed position in Arapahoe County, including members of county boards, committees and commissions.

## ARTICLE III – ETHICAL CONDUCT

All County officials and employees are expected to adhere to all state ethics laws, including Article XXIX of the Colorado Constitution (Amendment 41, Ethics in Government); Title 24, Article 18 of the Colorado Revised Statutes (Standards of Conduct); and Title 18, Article 8 of the Colorado Revised Statutes (Offenses—Governmental Operations). County officials and employees are also to comply with County guidelines and policies, including Chapter 1.8 (Ethics and Professional Conduct) of the Arapahoe County Department of Finance Purchasing Policies.

Summaries of the most commonly applicable provisions of the above-referenced state ethics laws which County officials and employees are required to adhere to, are as follows:



1. No official or employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty-nine dollars (\$59) in any calendar year (this is the amount as of July 2016 - the exact dollar amount is periodically adjusted by the Colorado Independent Ethics Commission), without the person receiving lawful consideration of equal or greater value in return from the official or employee who solicited, accepted or received the gift or other thing of value. Gifts include but are not limited to loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, and special discounts. Exceptions to the gift ban include campaign contributions, gifts from relatives or personal friends, and payments and reimbursements from certain non-profits for reasonable expenses associated with attendance at a convention or fact-finding mission or trip. Colorado Constitution Article XXIX, Section 3(2); C.R.S. § 24-18-104(1)(b) and (3).
2. No official or employee shall solicit, accept, or agree to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another, or for having otherwise exercised discretion in his or her favor. C.R.S. § 18-8-303(a). In addition, no official or employee shall solicit, accept or agree to accept any pecuniary benefit from another in exchange for appointing or nominating another as a candidate for public office. C.R.S. § 18-8-305(b).
3. No official or employee shall be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees. For purposes of this section, "be interested in" does not include holding a minority interest in a corporation. It can include being an owner, an employee or prospective employee, a debtor, or an officer or director, of a contracting party. "Contract" does not include contracts awarded to the lowest responsible bidder based on competitive bidding procedures. Colorado Constitution Article XXIX, Section 1(1)(d); C.R.S. § 24-18-201(1); C.R.S. § 24-18-102(4).
4. An official or employee shall not perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent. An "official action" means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority. Colorado Constitution Article XXIX, Section 1(1)(d); C.R.S. § 24-18-108.5(2); C.R.S. § 24-18-109(2)(b).
5. An official or employee shall not engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his official duties. C.R.S. § 24-18-109(2)(a).
6. An official or employee shall not accept goods or services for his own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee serves, under a contract or other means by which the person receives payment or other compensation from the local government, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the official or employee does not receive any substantial benefit resulting from his or her official or governmental status that is unavailable to members of the public generally. C.R.S. § 24-18-104(2)(b); C.R.S. § 24-18-109(2)(c).

7. An official or employee shall not disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests. C.R.S. § 24-18-104(1)(a); C.R.S. § 18-8-402
8. An official or employee who has a personal or private interest in any manner proposed or pending before the governing body shall disclose such interest to the governing body, shall not vote thereon, and shall refrain from attempting to influence the decisions of the other members of the governing board. An official or employee may nonetheless vote if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the disclosure procedures under C.R.S. § 24-18-110. C.R.S. § 24-18-109(3).
9. An official or employee who exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction, must give seventy-two (72) hours advance written notice to the secretary of state and to the governing body of the government which employs the official or employee of the existence of any known “potential conflicting interest.” A “potential conflicting interest” exists when the official or employee is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction. C.R.S. §18-8-308.
10. A former employee may not, within six months following the termination of his employment, contract with or be employed by an employer who contracts with a state agency or any local government involving matters with which he was directly involved during his employment. C.R.S. § 24-18-201.

The actual language of the constitutional and statutory ethics provisions is attached to this Ethics Code for reference purposes. Also attached are provisions of the statutes which, although not mandatory, are intended by the legislature as ethical guidelines.

#### **ARTICLE IV - ETHICS COMMITTEE**

**Ethics Committee Hotline: 303.738.7995**

##### **1. Purpose and Applicability**

The purpose of the Ethics Committee is to respond to inquiries and issue interpretations and advisory opinions regarding this Code of Ethics, to review and investigate ethics complaints, and to submit findings and recommendations to the Board of County Commissioners if the Ethics Committee determines that this Code of Ethics has been violated.

If any County official or employee is in doubt as to the applicability of this Code of Ethics, he or she is encouraged to ask the Ethics Committee to review the situation and provide an advisory opinion. If anyone believes that an Arapahoe County official or employee is or may be in violation of this Code of Ethics, that person may submit a complaint to the Ethics Committee. Ethics complaints may be submitted by members of the public. Complaints may be submitted anonymously. Ethics inquiries and/or complaints may be submitted through the Ethics Committee Hotline: 303.738.7995.

## 2. General Organization

- (a) The Ethics Committee shall be appointed by the Board of County Commissioners pursuant to County Resolution.
- (b) The Ethics Committee shall consist of five members. Each County Commissioner is to appoint one member to the Ethics Committee.
- (c) The term of appointment shall correspond with the appointing commissioner's term of office. The appointing commissioner may at any time withdraw his or her appointment of an individual and appoint a different person to the Ethics Committee.
- (d) The Ethics Committee shall self-elect a Chairman and Vice-Chairman from its membership. To the extent possible, the Chairman and Vice-Chairman shall be from different political parties, preferably parties with opposing political views (e.g., Republican and Democrat).

## 3. Conduct of Business — General

- (a) Meetings of the Ethics Committee shall comply with the provisions of the Colorado Open Meetings Law, C.R.S. Sections 24-6-401, et seq., as amended.
- (b) The Chairman of the Ethics Committee shall schedule meetings or proceedings as the Committee deems necessary, on a case-by-case basis. Teleconferencing shall be permitted.
- (c) An attorney from the County Attorney's Office will attend Ethics Committee meetings at the request of the Chairman of the Ethics Committee.
- (d) Any action taken by the Ethics Committee shall require a majority vote of a quorum present. A quorum shall be three (3) or more members of the Ethics Committee. No member of the Ethics Committee may vote by proxy.
- (e) The Ethics Committee can at any time request legal input from the County Attorney's Office on issues related to the Code of Ethics.

## 4. Inquiry Process

- (a) When an inquiry is received, the Chairman and Vice-Chairman will consult in confidence to conduct an initial review. If the response to the inquiry is clear without further investigation or evaluation, a response shall be provided to the person making the inquiry. The members of the Ethics Committee shall be notified of the inquiry and the response.
- (b) If the inquiry requires further investigation or evaluation, then the Ethics Committee shall be convened. The Committee shall determine what investigation or other action is necessary to properly respond to the inquiry.
- (c) At the discretion of the Ethics Committee, the response to the inquiry may be in the form of a written advisory opinion. A copy of all written advisory opinions shall be provided to the Board of County Commissioners.

## 5. Complaint Process

- (a) The Chairman and the County Attorney's Office will coordinate to ensure that whenever a complaint is received, each person alleged to have violated this Code of Ethics will be notified of the complaint and of any action or decision of the Ethics Committee. Unless a complaint was submitted anonymously, the complainant will be notified of any final decision.
- (b) Upon receipt of a complaint, the Chairman and Vice-Chairman will consult in confidence to conduct an initial review. The Chairman and Vice-Chairman may immediately dismiss a complaint if it is, on its face, or after the initial review, clearly frivolous, groundless, brought for purposes of harassment, or the alleged violation, if true, clearly would not constitute a violation of this Code of Ethics. A complaint may also be dismissed if the Ethics Committee had previously issued an advisory opinion that identified the conduct as not being in violation of the Code of Ethics.

(c) If a complaint is not dismissed during the screening process, the Ethics Committee shall promptly convene a meeting to consider the allegations and determine an appropriate course of action. The Ethics Committee is allowed flexibility and the use of discretion in determining the appropriate course of action for resolution of complaints.

(d) If an investigation is warranted, the Ethics Committee may conduct the investigation, or it may make assignments for carrying out any investigation. At the conclusion of the investigation, the Ethics Committee shall determine if there is proof beyond a reasonable doubt that this Code of Ethics has been violated.

(e) If the Ethics Committee determines that this Code of Ethics has been violated, it shall prepare a written report containing its findings and any recommendations for the Board of County Commissioners. Such report shall be a confidential work product and shall not be subject to public disclosure as an inter-agency advisory or deliberative report assembled for the benefit of the Board of County Commissioners which expresses an opinion or is communicated for the purpose of assisting the Board in reaching a decision within the scope of the Board's authority.

See C.R.S. § 24-72-202(6.5).

(f) Upon review of the Ethics Committee's report, the Board of County Commissioners will determine whether to accept or deny the committee's recommendation and whether any further action is necessary.

# Inclement Weather / Emergency Closings

The decision to close or delay opening County buildings due to inclement weather or an emergency situation will be made by the Chair of the Board of County Commissioners after discussions with other available Board members, the County Sheriff, the Director of Communication Services, and the Director of Public Works and Development. Every attempt will be made to make building closure decisions as early as possible so that employees and the public may be notified.

In an inclement weather or emergency building closure, facilities will be closed to the public and the majority of employees will not report to work. Based upon various department and elected office requirements, certain key employees may be required to report to work, work from home, or work from another location in order to provide critical services during the closure. Each Department Director and Elected Official will determine who may be required to work depending upon the situation and issues within their department and office.

When the decision is made for County facilities to remain open, all departments and offices will be appropriately staffed so that the public may be served.

## **Compensation:**

If County Offices are closed for an entire workday:

- Employees who were scheduled to work will be compensated their regularly scheduled hours for the day. For example, those employees who work four 10-hour days, will be compensated for 10 hours that day.
- Employees who had planned to use sick or vacation prior to the closure will still be charged for sick or vacation for that specified period of time.
- Non-exempt essential personnel who work the day of the closure for snow removal should refer to the Arapahoe County Snow Removal Compensation Policy.

If County Offices are closed for a partial day:

- Employees who reported to work will be compensated for a full day (made whole).
- Employees who did not report to work will be charged for a full day of vacation, sick or unpaid time.

If an employee can work remotely, he/she should, unless there is an extenuating circumstance. If there is an extenuating circumstance, the employee must review that with his/her supervisor and receive permission to code the time as Building Closure. If an employee cannot work remotely, then Building Closure may be used if the office is closed.

Temporary, Temporary Election Workers and Seasonal employees will not be compensated unless required to work during the inclement weather period.

If an employee does not report to work due to inclement weather or emergency conditions, but Arapahoe County offices are open, the employee will be required to use vacation or compensatory time.

Employees are responsible for determining whether the County is open or closed during inclement weather by contacting their supervisor, tuning in to the local news stations listed below, signing up for snow closure alerts through [www.arapahoegov.com](http://www.arapahoegov.com), checking their County e-mail and County social media, visiting the County's web site or calling the Inclement Weather hotline at 303-795-4441.

In the event of an inclement weather closure or delayed opening, Communication Services will:

- Send an all employee email.
- Issue a news release through [www.arapahoegov.com](http://www.arapahoegov.com). Employees should sign up to receive news releases by visiting the Notify Me alert section of the County's website;

- Post a closure notice on the home page of the County's web and intranet sites.
- Contact local news media to include Arapahoe County information on the School/Business Closure Notification Systems offered by CW2/Fox 31, News 4, 7 News and 9 News.
- Record a voice mail message announcing the closure or delay to 303-795-4441. Employees will be able to call this number to determine if the County is open or closed.

# Employment

## Reference Checks from Outside Agencies

Inquiries by prospective employers of current or former Arapahoe County employees must be referred to Human Resources for response.

Employment verifications of current or former employees are to be referred to Human Resources and/or Payroll for response. Any response to an employment verification request, a reference check, or an inquiry by a prospective employer that does not come from Human Resources and/or Payroll is not an official response from Arapahoe County and will not be supported or endorsed by the County. A supervisor who is considering the internal transfer of a current employee is encouraged to review the personnel file of the internal transfer candidate prior to making the final job offer.

## Nepotism

Members of an employee's or official's family or household or a significant other should not be employed within the same department if such employment will result in one relative, household member or significant other exercising direct supervision over the other. An elected official may not appoint a relative, household member or significant other to an appointed position.

In addition, employment is not allowed if the working relationship involves a relative, household member or significant other monitoring another's monetary dealings or confidential files.

The Board of County Commissioners reserves the right to exercise any responsibility or authority granted to it by law which may affect such matters.

## Outside Employment

Any additional employment engaged in by a County employee must not interfere with, adversely affect the employee's job performance or responsibilities or be in conflict with the employee's day-to-day responsibilities with the County. If there is interference with an employee's job performance or responsibilities, corrective action may be taken up to and including dismissal from employment.



# Employee Benefits

The Board of County Commissioners approves all employee benefit programs, Countywide. The Human Resources Director along with the Total Compensation Manager will recommend to the Board of County Commissioners, through the Total Compensation Study Session, changes, additions, or eliminations of benefit plans.

Information on the County's employee benefits can be found on the *My Benefits* portal.

## Defined Benefit Retirement Plan (Pension)

The Arapahoe County Retirement Plan was adopted by the County Commissioners on July 1, 1968. Participation in the County's 401(a) Defined Benefit plan is mandatory, and contributions will start with the first full pay period of employment. Through the Plan, the employee, and the County set aside a percentage of the employee's salary each month.

Elected Officials, Department Directors, Full-time, and Job Share employees contribute a percentage of their eligible biweekly salary on a pre-tax basis to be placed in the Arapahoe County Retirement Plan. Eligible Arapahoe County employees also participate in Social Security.

Retirement benefits payable through the plan are based upon a formula using the employee's final average monthly salary, the employee's years of credited service and a multiplier. A complete description of the Arapahoe County Retirement Plan will be provided to you in the Retirement Benefit handbook. Questions about the retirement benefit may be directed to the Retirement Plan Administrator, as the plan is managed by the Retirement Board and not by Human Resource Benefits.

## Leaves of Absence

Information on the following Leaves of Absence can be found in the Benefits Guide on the homepage of *My Benefits*.

- Family Medical Leave / Military Family Leave
- Colorado Family Care
- Military Leave/Military Training Leave
- Non-FMLA Medical Leave
- Personal Leave
- Administrative Leave

## Worker's Compensation and Pay Continuation

Any employee who becomes incapable of performing his/her essential job functions, with or without reasonable accommodation, or who declines temporary modified duty assignments, due to any injury or illness incurred within the scope of employment, as determined by the County-designated physician, shall be deemed to be on medical leave as defined by the Family and Medical Leave Guidelines.

Any employee who was injured while working within the scope of his/her employment and who is unable to perform his/her essential job functions, with or without a reasonable accommodation and is unable to return to work in a temporary modified duty assignment shall receive his/her salary for up to two working weeks.

Such payment shall be made only if (1) the injury is deemed compensable by Arapahoe County and/or the County's Workers' Compensation Administrator and/or the County's Claims Administrator; and (2) Arapahoe County-designated physician certifies that the injury has prevented the employee from performing the essential functions of his/her job, with or without a reasonable accommodation, and/or



if a temporary modified duty assignment is available, that the injury has prevented the employee from performing the temporary modified duty assignment.

After the two working weeks of medical leave, an employee shall receive the statutory benefits available under the Workers' Compensation Act of Colorado. An employee, who is on medical leave under Family Medical Leave Act and receiving Worker's Compensation, may utilize accrued sick leave or compensatory time, or may utilize vacation leave once the sick leave or compensatory time is exhausted, to supplement the benefit up to the approximate amount of his/her base pay.

If an injury is deemed non-compensable under Arapahoe County's Workers' Compensation policy, medical injury leave compensation will cease on the date the claim is denied. Employees must reimburse the County for any injury leave already paid but deemed non-compensable. Accrued sick leave will be the primary form of reimbursement. If an adequate amount of accrued sick leave, compensatory leave and/or annual leave is not available, monetary payment will be required.

Payment of injury leave in advance of a determination of liability under the County's Workers' Compensation program does not constitute an admission by the County that the injury is compensable.

In no event are employees entitled to full salary continuation and temporary disability benefits under the Workers' Compensation Act. Any such duplication of benefits must be reimbursed to the County.

If an employee cannot return to work, with or without a reasonable accommodation, after exhausting all of their leave, as defined by the Family and Medical Leave guideline, due to a work-related injury, he/she may be considered to have terminated their employment with the County. In certain circumstances when return to work is expected shortly following the expiration of the employee's FMLA leave, a written request for a Non-FMLA medical leave may be made to the Department Director or Elected Official. The employee should make the written request at least two weeks before the expiration of the FMLA leave and include the appropriate medical documentation supporting the request.

### **Temporary Modified Duty Assignments**

Arapahoe County has established a temporary modified duty program which based upon availability of job assignments, will attempt to place an employee who has been injured on the job in a temporary modified job assignment until he/she is released to return to full normal job duties.

Temporary job assignments do not constitute a bona fide Full-time job position. They are only temporary assignments designed to assist departments with special projects or high-volume workloads. They are not permanent positions. The procedure used to coordinate temporary modified job assignments will be as follows:

- The Risk Management Division will coordinate the selection of temporary job assignments.
- The selection of temporary job assignments will be done with approval from the Department Director/Elected Officials and the County-designated physician.
- The employee's home department will have primary responsibility to try and accommodate the employee with a temporary modified duty assignment. The Risk Management Division will contact other County departments to determine if a modified assignment is available. Placement cannot be guaranteed due to the availability of assignments as well as the work restrictions dictated by the physician.

While an employee is working in a temporary modified assignment, he/she will continue to be paid by his/her home department at the normal rate of pay for hours worked. If a modified assignment cannot be found, he/she will continue to receive payments from workers compensation.

If a modified assignment is offered, an employee is not required to accept the position. As a result however, he/she will no longer qualify for payments from worker's compensation, but will be entitled to continue on unpaid Family and Medical leave until he/she is released to return to the normal position or until the employee's FMLA leave is exhausted.

# Compensation

Arapahoe County recognizes employees are our most important investment, and that they enable it to provide superior customer service to its citizens and customers. To achieve this objective, it is the goal of the County to attract, retain and motivate a highly qualified and capable work force.

The County's compensation structure is monitored for competitiveness with the labor market. The County compensates employees who demonstrate capability and produce results supporting its mission, vision, and values. The County utilizes a pay for performance system recognizing job performance, initiative, teamwork, fiscal responsibility, reliability, and safety in the workplace.

The Board of County Commissioners approves all compensation practices and policies, Countywide. The Human Resources Director along with the Total Compensation Manager will recommend to the Board of County Commissioners, through the Total Compensation Study Session, changes needed to maintain or improve compensation, budget, practices, and policies.

## Classification/Job Descriptions

Departments/Offices are responsible for creating and updating Job Descriptions in collaboration with their Human Resources Business Partner. Completed and updated Job Descriptions should be submitted to the Compensation Team. The Compensation Team is responsible for analyzing, classifying, grading and approving classifications for all County jobs. Classification and pay grade changes must be determined by the Compensation Team. Authorized positions within Arapahoe County should have an approved job description on file with the Human Resources Department. Job Descriptions should be reviewed and edited, if appropriate, every 3 years. If edited, submit to the Compensation Team for review and classification.

## Pay Grade

Each pay grade consists of a minimum, mid-point and maximum rate of pay that reflects the average market value of a group of similarly valued jobs. Employees must be paid at a pay rate that falls within the ranges established for their pay grade. The Compensation team uses salary surveys to analyze and review market rates for all County jobs, annually.

## Hiring Rate of Pay

Employees are paid based on their skills, experience, ability to perform the job compared to current employees with similar skills and experience. New employees are generally paid below the midpoint of the pay grade unless experience and skillset justify an offer over midpoint. When certain circumstances exist, the Department Director/Elected Official may hire a new employee above the midpoint, in consultation with the Compensation team. Departments and Offices are encouraged to work with the Compensation team when hiring to determine an appropriate pay offer and review pay equity.

## Salary Adjustments

The Board of County Commissioners will authorize funds to be used for merit and market adjustments, annually, through the Total Compensation Study Session and the formal budget process. Additional budget for salaries might be requested as part of the quarterly, supplemental budget process. Salary adjustments may be granted for a variety of business reasons, as determined by the supervisor and Department Director/Elected Official and within these policies. Salary adjustments must be documented on an authorized "Personnel Action Form" and submitted through the HCM system or other provided system. Salary adjustments are effective at the beginning of a pay period. Salary

adjustments may occur as follows:

### **Merit Salary Increases**

Merit salary increases may be granted subject to available funding during the annual review and merit process. Employees may be eligible for this increase based upon job performance and a hire date prior to November 1 of each year. Employees hired between November 1 and December 31 will be eligible for an increase the following year based on performance.

The merit salary adjustment will be prorated for an employee with less than a full 12 months of service. The increase will be prorated based on the number of pay periods between the hire and effective date of the annual increase.

For example, an employee is hired on July 18, 2020 and the 2020 merit increase for the employee's level of performance is 2%. The employee will receive 46% (12 pay periods divided by 26) of the 2% increase or 0.92%.

Employees hired between November 1 and December 31 will be prorated based on the number of pay periods between hire and the following year's Merit Salary Adjustment effective date.

For example, an employee is hired on November 18, 2020 would not receive an increase for 2020 but would during the 2021 merit increase process. The increase for the employee's level of performance is 2%. The employee will receive 1.12% (29 pay periods divided by 26) of the 2% increase or 2.23%.

Employees will be granted proration for whole pay periods if they worked at least one day in the pay period.

Approved merit salary increases are effective on the first day of the pay period in which January 1 falls.

When the merit salary increase would result in the employee's rate of pay going above the maximum of the range, the Department/Office may allocate the equivalent dollar amount as an over maximum allocation. Over maximum payments are made biweekly. Employees working at least one day in the pay period will receive the full biweekly allocation.

### **Market Adjustments**

The Compensation Team conducts an annual market review of benchmark positions and pay ranges within the County. This review consists of a comparison of positions as they relate to the public and private sector markets. When the final analysis of this market review is completed, the Compensation Team will meet with each Department Director and Elected Official (or their delegate) to review and then make recommendations to the Board of County Commissioners in the Total Compensation Study Session, as to market adjustments needed to remain competitive.

Recommendations are primarily to move the compensation structure (grades and levels) and would not impact employees' rate of pay; but may from time to time include requests to fund the movement (apply market increases to employees' pay in addition to the structure).

## **Job Reclassification**

Department Directors/Elected Officials have the responsibility of informing the Compensation Team of any changed conditions in their departments that may affect the job descriptions. A revised job description must be submitted to the Compensation Team if job duties have changed. The Compensation Team may conduct a job audit to determine if current assigned job functions warrant a change in classification and/or pay grade. If appropriate, changes to grade (either up or down) will occur on the first day of the next unprocessed pay-period.

## **Pay Change Upon “Acting” Assignment**

Various situations may occur in which an employee is required to perform significant, additional higher level job duties on a temporary basis, and/or assume the responsibilities of a higher level position for an extended period of time, generally not to exceed 3 months. When this occurs, each case will be reviewed by the Department Director/Elected Official to determine if a temporary pay adjustment in recognition of the acting assignment is warranted. If a salary increase is granted, the employee will return to the previous rate of pay when the acting assignment is complete. When it is determined that acting pay is appropriate, it cannot exceed 6 percent of the employee’s base pay.

## **Pay Change Upon Demotion**

### **Involuntary**

An employee who is demoted for disciplinary reasons or due to change in job responsibilities that have been documented and approved by the Department Director/Elected Official along with Human Resources and County Attorney and reviewed by the Compensation Team, will be placed in the appropriate lower pay grade. The employee should receive a decrease in pay to reflect the change in job assignment of up to 6 percent or the maximum of the lower pay grade whichever is greater.

### **Voluntary**

If an employee voluntarily applies for a position in a lower pay grade and is selected, a pay reduction would only be required to bring the employee’s pay within the maximum of the range. If the employee’s pay is within the new range, a pay reduction is not required.

## **Pay Change Upon Promotion**

A promotion is a significant increase in job responsibility that results in an increase in job grade. Any employee promoted to a higher position may be given up to 6 percent increase or an increase necessary to bring the rate of pay to the minimum of the new pay grade, even if it is greater than a 6 percent increase. If the increase will move the employee’s rate of pay above the midpoint of the new range, a discussion with Compensation Team is recommended to review pay equity. An individual must meet the minimum requirements as outlined in the job description before a promotion can occur. After a promotion occurs, job performance should be evaluated and documented by the employee’s former supervisor if a change in supervision occurs.

## **Pay Change Upon Career Progression**

There are occasions when the increase in job responsibility might not be significant enough to warrant a promotion, but the skills required have increased. Any employee being moved for career progression to a higher position may be given up to 6 percent increase or an increase necessary to bring the rate of pay to the minimum of the new pay grade, even if it is greater than a 6 percent increase. If the increase will move the employees’ rate of pay above the midpoint of the new range, a discussion with the Compensation Team is recommended to review pay equity. An individual must meet the minimum requirements as outlined in the job description before a career progression movement can occur.

## **Pay Change Upon Market Reclassification**

An employee reclassified to a higher pay grade based upon the outcome of a reclassification study completed by Compensation Team will receive an amount which is necessary to bring the rate of pay to the minimum of the new grade. An employee reclassified to a lower pay grade will receive a decrease in pay as a result of decreased job responsibilities which brings the employee's pay to no more than the maximum of the lower grade.

## **Rehire**

If an employee, or retiree who is eligible for medical plan benefits, is rehired to work for Arapahoe County, Human Resources, the employee and the hiring department will address issues regarding pay and benefits.

For pay purposes, an employee rehired will be treated as a new employee.

## **Transfer**

If an employee transfers from one County Department/Office to another, the employee retains their original date of hire and retains all accumulated benefits, except for compensatory time, which will be paid out by the "transferring from" department or office. Transfers must be coordinated between the sending and receiving department/office. See the Human Resources Supervisor Handbook for more information on the transfer process.

### **Transfer with Voluntary Demotion**

If an employee voluntarily applies for a position in a lower pay grade and is selected, a pay reduction will be required to bring the employee's pay within the maximum of the range. If the employee's pay is within the new range, a pay reduction is not required.

### **Lateral Transfer**

If an employee voluntarily applies for a position in an equivalent pay grade and is selected the employee may retain their rate of pay with the approval of the hiring Department Director/Elected Official. Employees changing jobs within the same pay grade are not eligible to receive a pay increase.

### **Transfer with Promotion**

If an employee applies for a position in a higher pay grade and is selected, the employee may receive up to 6 percent pay increase, at the discretion of the hiring Department or Office, or an amount which is necessary to bring the rate of pay to the minimum of the new grade. If the increase will move the employees' rate of pay above the midpoint of the new range, a discussion with the Compensation Team is recommended to review pay equity.

## **One-time Awards**

Regular employees are eligible to receive one-time awards based upon individual job accomplishments and accomplishments achieved as members of a project team or assignment that contribute significantly to the Department, Office, or County. Each Department Director/Elected Official should document the justification for the one-time award and ensure they have the budget to cover the request. Department Directors/Elected Officials should send an email to Payroll to initiate the payment. Awards are grossed up to ensure the employee receives the full monetary value of the award.



## **Exceptions to Pay Increases**

On rare occasions, and based on business need, a Department Director or Elected Official may complete an Exception Request, by submitting a business case to the Human Resources Director through the Compensation Team. Before submitting an Exception Request, the Department or Office must validate that they can absorb the increase in their budget. Exceptions are reviewed to validate that there is no potential adverse impact (real or perceived) to other employees with like job responsibilities.

## **Overtime Compensation**

Each employee is designated as either a “Non-exempt” or “Exempt” employee, based upon assigned job duties. Non-exempt employees must be compensated for all hours worked over 40 in a defined workweek. Please refer to the Human Resources Supervisor Handbook for more information on the County’s pay practices.

### **Calculating Overtime**

The following hours are considered worked time for the purpose of calculating overtime:

- Regular worked hours,
- Holiday paid time off

The calculation of overtime for Non-exempt employees may be different for certain law enforcement personnel working an approved schedule as described below.

Exempt employees are not eligible for overtime compensation.

### **Non-Exempt Employees**

When necessary, an employee is expected to work overtime upon request as a condition of employment. Non-exempt employees are compensated for all hours worked over 40 per work week. Non-exempt employees must be compensated for all overtime worked either with pay or compensatory time. The employee and the supervisor must determine the designation of pay or compensatory time prior to working the overtime hours.

Overtime pay is based on one and one-half times the employee’s regular rate of pay. Compensatory time is accrued based on one and one-half of the overtime hours worked.

All overtime work must be pre-approved by the employee’s immediate supervisor. This includes, but is not limited to, checking email, voicemail or returning calls outside of work hours. Unauthorized overtime must be compensated; however, employees working unauthorized overtime are subject to corrective action up to and including dismissal from employment.

County holidays (including floating holiday and 104-hour holiday bank), are included in the computation of overtime. If compensatory time is accrued instead of overtime pay, certain limitations apply. Any compensatory time in excess of 78 hours will be paid to the employee on the paycheck following the last pay period in February. Upon separation of employment all accrued compensatory time will be paid to the employee. Utilization of compensatory time must be approved by an employee’s supervisor and can be denied in circumstances where the employee’s absence would unduly disrupt operations.

### **Exempt Employees**

Exempt employees are not entitled to overtime compensation or compensatory time.

## On-Call Compensation

It is the policy of Arapahoe County that, due to the nature of work performed in certain jobs, those jobs be designated as 'on-call' in order to provide response to services outside normal work hours and/or during emergency situations.

### Glossary:

*On-Call:* Employees scheduled and prepared to work outside normal business hours should a business need and/or emergency arise.

*On-Call Shift:* The on-call shift is either from regularly scheduled shift end to shift beginning or 24 hours, whichever is less.

### Qualifications:

The policy applies to **non-exempt** employees who work jobs that have on-call requirements as determined by the Department Director/Elected Official and Human Resources. Employees who by nature of role operate on a 24/7 schedule are not eligible (E.G. Deputies, Communication Technicians, Coroner).

### Scheduling:

It is the responsibility of each department/office maintaining jobs that require on-call schedules, to maintain adequate and timely schedules for on-call purposes. Schedules should be posted/communicated at least 1 month in advance, or as reasonably practicable based on business needs. Schedules also should be generally rotational in nature and not exceed 25% of the work hours in a year. Employees may trade shifts only after obtaining express approval from their supervisor.

### Responsibilities of employee scheduled for on-call:

- Must remain in a geographical area that is within cell phone/wireless range
- Must be able to return phone calls/pages within 15 minutes
- Must be able to report to work within 60 minutes of being contacted (inclement weather considerations will apply when applicable)
- Must not be impaired by drugs, alcohol, or any other substance that may make responding, working, and/or driving unsafe or illegal.
- Depending on the job, may be asked/required to utilize County vehicle, cell phone, or pager.
- If the employee is unable to meet any of the above responsibilities, the employee must notify their direct supervisor immediately.

If the employee is unable to fulfill these requirements, payment will not be made, and the employee may be subject to disciplinary action, up to and including termination.

### Compensation:

1. Employees who are scheduled to be 'On-Call' will receive the following:
  - \$20 flat rate/ day for scheduled days on call
  - 1 hour minimum for work performed remotely
  - 3 hours minimum for work requiring the employee to drive to a specific location
    - Employees who perform work, will be paid their normal hourly rate based on the minimum or actual hours worked, whichever is greater. Only actual time worked is included in the calculation for overtime.
    - Employees who are called to work on a HOLIDAY while on-call, will be paid normal holiday premium based on the minimum or actual hours worked, whichever is greater.



## Time Recording:

On Call/Call in Codes in SAP Employee Self-Service (ESS):

- *On Call* = Scheduled on-call days
- *OC Wrk Remote* = Worked hours while on scheduled on-call remotely
- *OC Worked* = Worked hours while on scheduled on-call which required the employee to drive to a location

For each day an employee is scheduled to be “on call,” the employee should input 1 hour of On-Call code for the day. This will alert Payroll to the fact that the employee was scheduled to be on call for that day and should receive the flat \$20 daily payment; this **will not** be an hour of pay at the employees’ hourly rate.

In addition to designating the day as an “on call” day, the employee should input the actual worked hours (in 15-minute increments) for each day upon which work was performed while on-call. If the worked time is less than the minimum, the Payroll system will round up to the minimum for pay purposes. Worked time will include drive time to and from home, in personal or county vehicle.

### Example:

Sara is scheduled to be ‘on-call’ from Saturday through Friday. She works her normal shift Monday through Friday and is called to work on Wednesday evening for 30 minutes from home and Saturday afternoon for 4 hours at the office. Sara’s hourly rate is \$25/hr. Sara should code her hours as follows:

Week	Type	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
1	Regular Hrs			8	8	8	8	8
	On Call	1	1	1	1	1	1	1
	OC Worked	4						
	OC Wrk Remote					0.5		
2	Regular Hrs			8	8	8	8	8

In this case, Sara will see the following pay on her pay statement:

Pay Type	Hours	Current
Regular	75.50	\$1,887.50
On-Call	7.00	\$140.00
OC Worked	4.50	\$112.50
OC Wrk Guarantee	0.50	\$12.50
Overtime Base 1X	4.50	\$112.50
Overtime Prem .5X	4.50	\$56.25

*Disclaimer:* While this policy is county-wide, each department/office may have specific requirements and procedures for their specific on-call jobs, however, these additional requirements do not qualify individuals for additional pay, compensatory time off or overtime.

This policy supersedes all previous on-call policies and practices.

## Snow Removal Compensation

It is the policy of Arapahoe County that certain jobs are required to perform snow removal duties for the County. Employees performing these duties are designated as ‘essential personnel’ during inclement weather and required to report to work for snow removal during building closures. Please refer to the Arapahoe County On-Call Policy for requirements in reporting to work outside of normal business hours.

## Qualifications:

The policy applies to non-exempt employees who perform snow removal duties during whole day building closures. These jobs typically reside in Facilities and Fleet Management, Open Spaces, and Public Works & Development, but due to business needs may be expanded further to ensure citizen and County needs are being met.

**Scheduling:**

It is the responsibility of each department/office maintaining jobs that have essential personnel to maintain adequate and timely schedules for snow emergencies.

Responsibilities of employee scheduled for on-call and/or called in for emergency situations:

- Must be able to report to designated shift.
- Must not be impaired by drugs, alcohol, or any other substance that may make responding, working, and/or driving unsafe or illegal.
- Will be asked/required to utilize County vehicle.
- If the employee is unable to meet any of the above responsibilities, the employee must notify their direct supervisor immediately.
- If the employee is unable to fulfill these requirements, payment will not be made, and the employee may be subject to disciplinary action, up to and including termination.

**Compensation:**

- \$100 flat rate for snow removal for whole day building closure, due to snow conditions
- Employees will be paid their hourly rate for hours actually worked and eligible for any applicable overtime
- Employees who work the day of a partial building closure or for closures not due to snow, will be paid their hourly rate for hours actually worked.
- An employee not scheduled to work but is on-call on the day in which the building closure occurs due to snow, and that employee is called in for snow removal, will receive both the flat rate on-call amount (\$20) and the flat rate snow removal amount (\$100), in addition to pay for hours actually worked.

**Time Recording:**

Snow Removal code in SAP Employee Self-Service (ESS) = Snow Removal

An employee performing snow removal during a whole day building closure, should input 1 hour of the snow removal code for that day. This will alert Payroll to the fact that the employee worked that day and should receive the flat \$100 daily payment; this will not be an hour of pay at the employees' hourly rate.

In addition to designating the day as snow removal, the employee should input their actual worked hours (in 15-minute increments) for each day upon which work was performed.

**Example:**

Bob's normal schedule is 7am – 4pm, Monday thru Friday. The building closes at 2pm on Wednesday and is closed the entire day on Thursday, due to snow. Bob rate of pay is \$25/hr.

Week	Type	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
1	Regular Hrs			8	8	12	12	8
	Snow Removal						1	
2	Regular Hrs			8	8	8	8	8

In this case, Bob will see the following on his pay statement:

Pay Type	Hours	Pay
Regular	80.00	\$2,000.00
Snow Removal	1	\$100.00
Overtime Base 1X	8	\$200.00
Overtime Prem .5X	8	\$100.00

*Disclaimer:* While this policy is county-wide, each department/office may have specific requirements and procedures for their specific on-call jobs, however, these additional requirements do not qualify individuals for additional pay, compensatory time off or overtime.

This policy supersedes all previous on-call policies and practices.

# Equal Employment Opportunity / Unlawful Harassment

## Equal Employment Opportunity

Arapahoe County is dedicated to the principals of equal employment opportunity in all terms, conditions, and/or privileges of employment. We prohibit unlawful discrimination against applicants and employees on the basis of age (40 and over), race, sex, color, religion, national origin, disability, genetic information, sexual orientation and/or any other status protected under the law.

## Prohibition of Unlawful Harassment and Discrimination

The County is committed to maintaining a positive working environment free of unlawful harassment and discrimination and which is sensitive to the diversity of its employees. In doing so, the County prohibits any unlawful harassment including, but not limited to harassment of a sexual nature and discrimination because of age (40 and over), race, sex, color, religion, national origin, disability, genetic information, sexual orientation, and/or any other legally protected status.

Examples of unlawful harassment and discrimination includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions and/or decisions based on an individual's race, age (40 and over), sex, color, national origin, religion, disability, genetic information, sexual orientation or any other status protected under the law will not be tolerated. Prohibited behavior includes but is not limited to the following:

- Sexual, racial or ethnic jokes, mocking an accent or manner of speech. Verbal comments such as epithets, derogatory comments and slurs.
- The display or distribution of cartoons, emails, posters, drawings or photographs embracing racially, sexually or ethnically offensive material.
- Inappropriate physical conduct such as assault or blocking an individual's movements.

This guideline applies to all employees including managers, supervisors, co-workers, and non-employees such as citizens, clients, volunteers, vendors, consultants, etc.

## Sexual Harassment

Prohibited sexual harassment can include any offensive or unwelcome conduct, verbal or physical, that is based on a person's gender. It can also include discrimination or discriminatory comments based on a person's gender.

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

Arapahoe County will not tolerate sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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

All employees are expected to conduct themselves in a professional and business-like manner at all times. In addition, Arapahoe County will take all reasonable steps to prevent or eliminate sexual harassment by non-employees such as citizens, customers, clients, volunteers, vendors, and suppliers. Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited. Such conduct includes, but is not limited to, sexually implicit or explicit communications, whether in:

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

### **Discrimination and Harassment Complaint Procedure**

If you believe there has been a violation of County anti-discrimination and/or anti-harassment policy, you must immediately report the possible violation using the following procedure. It is an employee's responsibility to report the situation in a timely manner to enable the County to promptly investigate and correct any behavior that may be in violation of this guideline.

The incident should be reported to the Human Resources Director at 303-795-4497 or the Human Resources Manager for Employee Relations at 303-795-4481 so that the County can promptly investigate the matter and take appropriate corrective action. If the incident occurs outside of normal office hours, you should leave a voice message on the telephone numbers listed above. The complaint will be kept as confidential as practicable.

If the County determines that the reported behavior is in violation of the Human Resources Guidelines, appropriate action will be taken against the offending individual, and if it is a County employee, it may include corrective action up to and including dismissal from employment.

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

### **Employment of Persons with Disabilities**

Arapahoe County is committed to complying with the provisions outlined in the American with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act of 2008 (ADAAA). The County will reasonably accommodate the employment of a qualified individual with a disability as defined by the ADA and the ADAAA and promote equal opportunity for the disabled, unless doing so would result in an undue hardship.

### **Request for Reasonable Accommodation**

Any employee who believes he or she is disabled as defined by the ADA and ADAAA may request reasonable accommodation. The employee must make such a request to the Leave and Disability Specialist (303-795-4486) in the Human Resources Department using the Accommodation Request form available through Human Resources. In addition, the employee will be required to submit medical documentation from his/her healthcare provider. The employee may also be required to complete an "Authorization to Disclose Medical Information" form if applicable. Employees may obtain this form from their health care provider.

Once these forms have been submitted to the Human Resources Department, a determination will be made as to whether the employee has provided sufficient information to substantiate a claim of disability. If there is insufficient information, the County may require an independent examination by an appropriate healthcare professional of the County's choice. The examination will be job-related, and the County will pay all costs of the examination. If it is determined that the employee meets the disability requirements defined by the ADA, the employee, his or her supervisor, and a representative from Human Resources will meet to discuss the accommodation request. A decision will be made by the employee's department and Human Resources as to whether or not the request is reasonable and can be implemented, or if there is another effective alternative. If Arapahoe County is unable to determine whether the employee is disabled as defined by the ADA, the employee, supervisor and Human Resources may still meet to discuss a possible solution for the employee's medical needs.

# Safety

## Anti-Violence and Other Aggressive Acts

Arapahoe County strives to maintain a work environment free from intimidation, threats or violent acts. This includes, but is not limited to: intimidating, threatening or hostile behaviors; physical/verbal abuse; vandalism; arson; sabotage; use of weapons; carrying illegal weapons onto County premises; or any other act which in Arapahoe County's opinion is inappropriate at the workplace. In addition, offensive comments regarding violent events and/or behavior are not tolerated and may result in corrective action up to and including dismissal.

Any behavior listed above should be immediately reported to a supervisor, department head or Human Resources representative. Complaints will be reviewed and investigated. Based on the results of the inquiry, management will take appropriate action. Employees should directly contact law enforcement personnel if they believe there is an imminent threat to the safety and health of persons or property.

If there is a reasonable suspicion that an employee has engaged in any conduct listed above, management reserves the right to conduct, without notice, searches and inspections of employer-provided materials/equipment. This includes, but is not limited to, such things as offices, vehicles, lockers, desks, computer files and file drawers.

## Drugs and Alcohol

Arapahoe County strives to maintain a safe, healthy, and productive workplace and environment for all employees, free from the effects of drugs and alcohol. Abuse of drugs and alcohol impairs employee judgment which can result in increased safety risks, faulty decision making, and injuries to employees and the general public. Arapahoe County prohibits its employees from the use, sale, transfer, distribution, manufacture, or possession of drugs, being impaired by drugs and alcohol, as well as having detectable amounts of drugs in the employee's system while in the workplace. Alcohol may be consumed in the workplace for social events after first receiving a special exception.

### Circumstances that may require a Test

*Pre-Employment.* Arapahoe County may designate certain Arapahoe County positions as requiring a pre-employment test. Applicants for these positions, including current Arapahoe County employees, will be required to submit to a test as part of the application process. Applicants will be notified by the Human Resources Department as to the location of Arapahoe County's designated testing facility and time when the applicant is to report for the test.

*Reasonable Suspicion.* "Reasonable Suspicion" means the standard to be used in determining that an employee is impaired based on a factual foundation of specific contemporaneous observations of an employee in the workplace or in a work-related Incident including, but not limited to, the employee's appearance, speech, actions, and behaviors, odor of drugs and/or alcohol, presence of drug paraphernalia, and/or actions known to be symptomatic of the use of and/or being impaired by drugs and/or alcohol, and reasonable inferences drawn from such observations.



An employee who observes another employee's workplace behavior and suspects that the employee may be impaired should immediately report their observations to their supervisor and document their observations in writing as soon as practicable. Any manager or supervisor who observes or receives reports that an employee may be impaired in the workplace or in a work-related incident, and believes that there is sufficient information with regard to possible impairment, should contact their Department Director, Elected Official or their designee (the "Department Director or Elected Official") and the Human Resources Department and/or Risk Management as soon as practicable.

If reasonable suspicion is determined to exist, the Department Director or Elected Official, manager or supervisor shall immediately meet with the employee to discuss the employee's workplace behavior and suspected impairment. The Department Director or Elected Official may participate via teleconference. The following examples are possible scenarios if a meeting occurs to discuss an employee's workplace behavior, work-related incident, and/or suspected Impairment. These examples are not intended to encompass all possible scenarios.

1. In the event the employee denies being impaired and denies consuming drugs and/or alcohol, circumstances may still necessitate requesting that the employee take a test to document whether the employee has any amounts of drugs and/or alcohol in their system in relation to the employee's workplace behavior, work-related incident, and/or suspected Impairment. The manager or supervisor shall be responsible for making arrangements to transport the employee to and from Arapahoe County's designated testing facility for a test.

Upon a negative result for drugs and/or alcohol, the Department Director or Elected Official is responsible for making the decision whether the employee may safely return to work or whether the employee should be placed on paid administrative leave based on the employee's workplace behavior, work-related incident, and/or suspected Impairment. If the employee is placed on paid administrative leave, the manager or supervisor shall be responsible for making arrangements to transport the employee home. The employee may be subject to corrective action, up to and including dismissal from employment with Arapahoe County. The Department Director or Elected Official is responsible for making the decision whether the employee will be authorized to return from paid administrative leave.

Upon a positive result for drugs and/or alcohol, the employee should immediately be placed on paid administrative leave. If the employee is placed on paid administrative leave, the manager or supervisor shall be responsible for making arrangements to transport the employee home. The employee may be subject to corrective action, up to and including dismissal from employment with Arapahoe County. The Department Director or Elected Official is responsible for making the decision whether the employee will be authorized to return from paid administrative leave.



2. In the event the employee denies being impaired, but admits to consuming alcohol within the past 12-hours, circumstances may still necessitate requesting that the employee take a test to document the level of alcohol and/or drugs in the employee's system in relation to the employee's workplace behavior, work-related incident, and/or suspected impairment. The manager or supervisor shall be responsible for making arrangements to transport the employee to and from Arapahoe County's designated testing facility for a test. The Department Director or Elected Official is responsible for making the decision whether to immediately place the employee on paid administrative leave based on the employee's admission, workplace behavior, work related incident, and/or suspected impairment. If the employee is placed on paid administrative leave, the manager or supervisor shall be responsible for making arrangements to transport the employee home. The employee may be subject to corrective action, up to and including dismissal from employment with Arapahoe County. The Department Director or Elected Official is responsible for making the decision whether the employee will be authorized to return from paid administrative leave.
3. In the event the employee admits being impaired due to the consumption of drugs and/or alcohol, circumstances may still necessitate requesting that the employee take a test to document the level of drugs and/or alcohol in the employee's system in relation to the employee's workplace behavior, work-related incident, and/or suspected impairment. The manager or supervisor shall be responsible for making arrangements to transport the employee to and from Arapahoe County's designated testing facility for a test. The Department Director or Elected Official is responsible for making the decision whether to immediately place the employee on paid administrative leave based on the employee's admission, workplace behavior, work-related incident, and/or suspected impairment. If the employee is placed on paid administrative leave, the manager or supervisor shall be responsible for making arrangements to transport the employee home. The employee may be subject to corrective action, up to and including dismissal from employment with Arapahoe County. The Department Director or Elected Official is responsible for making the decision whether the employee will be authorized to return from paid administrative leave.
4. In the event the employee admits being impaired due to the consumption of legal drugs that the employee believes are causing the workplace behavior, work-related incident, and/or suspected impairment, circumstances may still necessitate requesting that the employee take a test to document the level of legal drugs, drugs, and/or alcohol in the employee's system in relation to the employee's workplace behavior, work-related incident, and/or suspected impairment. The manager or supervisor shall be responsible for making arrangements to transport the employee to and from Arapahoe County's designated testing facility for a test. The Department Director or Elected Official is responsible for making the decision whether the employee may safely return to work or whether the employee should be required to return home based on the employee's admission, workplace behavior, work-related incident, and/or suspected impairment. If the employee is required to return home, the manager or supervisor shall be responsible for making arrangements to transport the employee home. The employee may be required to use accrued leave or take leave without pay, as determined to be appropriate by the Department Director or Elected Official. The employee may be subject to corrective action, up to and including dismissal from employment with Arapahoe County. The Department Director or Elected Official is responsible for making the decision whether the employee will be authorized to return from leave.

*Commercial Driver's License.* Various Arapahoe County departments use equipment that requires the drivers of that equipment to be licensed as a commercial driver. Arapahoe County complies with the Federal Department of Transportation (DOT) rules and regulations for commercial drivers. This set of rules includes mandatory drug and alcohol testing of commercial drivers and record keeping, among others. All Arapahoe County employees required to possess a Commercial Drivers' License in the course of their job, are subject to these DOT Drug and Alcohol Testing rules and regulations. These rules and regulations include pre-employment, reasonable suspicion, random, post-accident, and return to duty drug and alcohol testing, among other rules. For more in-depth information, see the Safety and Risk Management Manual Motor Vehicle Policy, Commercial Driver's License.

*Return to Work.* An employee placed on paid administrative leave or otherwise on leave pursuant to these guidelines may be required to submit to, and pass, a test before the employee will be allowed to return to work. Such employees will be notified by the Human Resources Department as to the location of Arapahoe County's designated testing facility and time when the employee is to report for a test. Upon a negative result for drugs and alcohol, the Department Director or Elected Official is responsible for making the decision whether the employee will be authorized to return to work.

### **Refusal to Take a Test**

In the event that an employee refuses to take a test, the Department Director or Elected Official may decide to immediately place the employee on paid administrative leave. If such a decision is made, the manager or supervisor shall be responsible for making arrangements to transport the employee home. If the refusal is by a current employee or an employee on leave, that employee may be subject to corrective action, up to and including dismissal from employment with Arapahoe County. In the event that an applicant seeking employment refuses to take a required pre-employment test, that applicant will not be eligible for employment.

### **Test Results**

Tests administered pursuant to these guidelines will be performed by Arapahoe County's designated testing facility. Tests will analyze for any trace of drugs and/or any amounts of alcohol or legal drugs in the employee's system. The analysis will be conducted in accordance with established clinical procedures. Test results shall be confidential, except as provided for herein. Test results will be released to the Department Director or Elected Official and the Human Resources Department and may be released on a need-to-know basis to the manager or supervisor. A copy of the results will be released to the tested employee or applicant upon written request. Disclosures may also occur when the results are compelled by law, judicial, or administrative process, the results have been placed at issue in a formal dispute between the employer and employee or applicant, or the results are needed by medical personnel for the diagnosis or treatment of a patient who is unable to authorize disclosure.

**Management Responsibilities and Guidelines** Department Directors or Elected Officials, managers and supervisors are responsible for consistent enforcement of these guidelines and to maintain a drug- and alcohol-free workplace. Department Directors or Elected Officials, managers, and supervisors are expected to notify the Human Resources Department or Risk Management as soon as practicable when they suspect that an employee is Impaired or otherwise under the influence of drugs and/or alcohol in the workplace. Department Directors or Elected Officials, managers, and supervisors are expected to document an employee's observed workplace behavior and suspected impairment in writing as soon as practicable. Any Department Director, manager or supervisor who knowingly permits a violation of these guidelines by an employee under their direct management or supervision, fails to notify the Human Resources Department of such a violation, or fails to enforce these guidelines may be subject to corrective action, up to and including dismissal from employment with Arapahoe County.

**Employee Responsibilities and Guidelines** Employees are required to comply with these guidelines and maintain a drug- and alcohol-free Workplace. Employees are expected to report their observations of another employee's workplace behavior and suspected impairment to their immediate supervisor and document the observations in writing as soon as practicable. Employees are required to submit immediately to requests for a test when required by these guidelines.

Employees taking any legal drugs which may interfere with the employee's safe, effective, efficient and productive performance of their duties or operation of Arapahoe County equipment are required to notify their manager or supervisor of the possible impairment before beginning work. In the event that the use of legal drugs by an employee is not consistent with the safe, effective, efficient and productive performance of the employee's duties or operation of Arapahoe County equipment, that employee may be required to return home and use accrued leave or take leave without pay, as determined to be appropriate by the employee's Department Director or Elected Official.

Employees who are scheduled on-call and who are contacted to report for work are required to inform their manager and/or supervisor if they have consumed alcohol within the last six hours or are otherwise impaired. Employees not able to perform their duties after being called to report to work due to alcohol consumption or otherwise being impaired may be subject to corrective action, up to and including dismissal from employment with Arapahoe County.

Employees are required to provide, upon request from the Department Director or Elected Official and within twenty-four (24) hours, a current valid prescription in the employee's name for any medication or drug identified in a test.

## **Definitions**

For the purpose of these guidelines, the following definitions are established:

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol that can be used as intoxicants.

"Department Director or Elected Official" means any Department Director, Elected Official or their designee.

"Drugs" means illegal drugs and misused legal drugs.

“Illegal Drugs” means any controlled substance, the possession of which is unlawful under Colorado and/or federal law. “Illegal Drugs” also means any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term “illegal drugs” does not mean the use of controlled substances pursuant to a valid prescription or other use authorized by law, however, notwithstanding the previous, the term “illegal drugs” does include medical marijuana.

“Impaired” or “impairment” means an employee’s inability to safely, effectively, efficiently and productively perform their duties or operate Arapahoe County equipment. Impairment may be caused by being under the influence of legal drugs, misused legal drugs, illegal drugs, and/or alcohol. Indicators of possible Impairment include, but are not limited to, disheveled appearance, slurred or confused speech, abnormal or confused behavior, diminished motor skills, and lack of coordination.

“Legal drugs” means any legally-obtained prescription drug in the employee’s name, carried in the original dispensing container, taken in the prescribed dosage and within the prescribed timeline, and legally-obtained non-prescription or over-the-counter drugs and other medications that have been legally obtained and used as prescribed by a physician or as intended by the manufacturer.

“Misused legal drugs” means any legally-obtained prescription drug in the employee’s name and legally-obtained non-prescription or over-the-counter drugs and other medications that have been legally obtained that have not been taken in the prescribed dosage, within the prescribed timeline or used as prescribed by a physician or as intended by the manufacturer.

“Reasonable suspicion” means the standard to be used in determining that an employee is impaired based on a factual foundation of specific contemporaneous observations of an employee in the workplace or in a work-related incident including, but not limited to, the employee’s appearance, speech, actions, and behaviors, odor of drugs and/or alcohol, presence of drug paraphernalia, and/or actions known to be symptomatic of the use of and/or being impaired by drugs and/or alcohol and reasonable inferences drawn from such observations.

“Test” means a drug and/or alcohol test required pursuant to these guidelines performed by an Arapahoe County designated testing facility.

“Workplace” means any property where Arapahoe County does business, whether owned or leased, work sites, Arapahoe County-owned vehicles or equipment, or personal vehicles being used for Arapahoe County business or parked on Arapahoe County property. Workplace may include an employee’s home when that employee is authorized to work at home as described in Arapahoe County’s Teleworking Guidelines.

“Work-related incident” means any incident involving an employee on Arapahoe County time or involving Arapahoe County-owned equipment, including motor vehicles.

## Safety

Safety is everyone's responsibility, and it is up to each employee to make Arapahoe County a safe place to work. If an employee encounters a potential safety hazard, the supervisor should be notified immediately. Supervisors should report any safety hazards to the Department Director/Elected Official, Risk Management Division, or the Director of Human Resources. In some instances, an employee may be required to wear safety equipment and/or a County uniform. At all times, employees are required to wear seat belts when driving County vehicles equipped with seat belts. If safety equipment or a uniform is issued it must be used/worn or corrective action up to and including dismissal from employment may occur. Safety is a component of each employee's annual performance evaluation. For additional County requirements refer to the Safety and Risk Management Manual. This manual is posted on the County's intranet web site.

## Reporting of Injuries / Accidents

All employees are covered by Worker's Compensation Insurance for injuries that arise out of and in the course of employment. This benefit is administered by the Risk Management Division. If an injury occurs, the supervisor must be notified immediately. The supervisor will notify Risk Management immediately. Unless the injury results in an emergency, a County-designated physician must be used.

The employee should fill out the "Accident or Incident Report Form" and sign/date the "Designated Doctors List". If medical attention is required, the supervisor will send the employee to one of the County-designated physicians found on page 1 of the "Designated Doctors List" for medical care. An employee should only seek medical attention at an Emergency Room, Urgent Care, or Hospital if it is a life or limb threatening emergency.

The supervisor must complete the "Accident or Incident Report Form" and send it to the Risk Management Division within 24 hours of the reported injury. Supervisors must also notify the Risk Management Division of all injuries regardless if medical attention is required. All policies and procedures related to Worker's Compensation and on-the-job injuries are available under Risk Management on the County intranet. Please call the Risk Management if you have any questions.

Accidents involving equipment damage, regardless of how slight, must be promptly reported to the supervisor who will then report it to the County Attorney's Office.

## Motor Vehicle Records

**Original Date:** March 25, 1997

**Revision Date:** June 27, 2006 - (Approved - Resolution #060488) **Title:** Motor Vehicle Records Policy, Current Employees

Risk Management reviews the motor vehicle records of all County employees. All Arapahoe County employees who operate any motor vehicle within the scope of their job duties with Arapahoe County are required to maintain a valid Colorado driver's license and an acceptable driving record. Motor Vehicle Records (MVR) reports are reviewed twice annually for all Arapahoe County employees. An accumulation of excess points against an employee's license requires Risk Management to notify the employee's Department Director or Elected Official.



## Reporting Requirements

**Loss of Required License:** Employees are prohibited from driving any County vehicle (or his/her personal vehicle for County business) after suspension or revocation of his/her driver's license. Any County employee required to possess a valid Colorado license, shall notify his/her supervisor and the Human Resources Director immediately upon suspension/revocation of the license. Failure to do so within 48 hours or driving while on duty for Arapahoe County after suspension/revocation, may result in discipline, including dismissal from employment. Such failure to notify may, by itself, constitute grounds for dismissal from employment with Arapahoe County.

Any employee whose driver's license has been suspended or revoked by the state, or any employee who fails to meet the standard of having an acceptable driving record, and whose position with the county requires that the employee have a Colorado drivers' license in good standing, may be suspended without pay or dismissed from employment.

## Concealed Carry Policy

**Original Date:** March 25, 1997

**Revision Date:** June 27, 2006 – (Approved – Resolution #060488) **Title:** Violence Policy – Weapons

Arapahoe County strives to maintain a comfortable work environment free from intimidation, threats and violent acts. Threats of violence will not be tolerated, and employees who act in such a manner are subject to disciplinary action up to and including dismissal from employment. For purposes of this policy, a concealed weapon refers to a handgun. Other weapons are not allowed on County property. Weapon is defined as an instrument manufactured with the intent to harm persons or property.

1. Any employee who has received a Concealed Weapons Permit and intends to bring a (concealed) weapon to work must notify his/her supervisor and Department Director or Elected Official of his/her intent, prior to bringing the weapon to the workplace. **The Department must forward this information to Human Resources.**
2. The weapon must be kept on the employee's person or locked in a secure space.
3. It is serious safety violation and employees may be subject to immediate dismissal if any weapons capable of causing serious bodily injury are brought upon County property and/or placed within County vehicles, without prior notification to the Department Director.
4. Any employee, who obtains a Concealed Weapons Permit, and elects to bring a handgun into the workplace, must be discreet about having a weapon at work, and will not exhibit or display it in the workplace.
5. This weapons provision shall not apply to the Arapahoe County Sheriff's Office Deputies who are required to carry weapons.

A **weapon** is a tool, which can be used to kill or incapacitate, to destroy property, or to otherwise render resources non-functional or unavailable. It may be used to attack and defend, and to threaten.

## **Use of County Property and Computer Resources**

No County employee shall use County property, equipment, software, vehicles, or other materials for personal gain or convenience. Such misuse of County property will not be tolerated. The County's electronic communication resources may be used for incidental personal communications or transactions provided that such use does not interfere with the conduct of Arapahoe County business, incur additional system costs, interfere with the employee's duties or violate other County policy or procedure. E-mail messages or Internet content containing sexual implications, racial slurs, gender-specific comments, or any comment that offensively addresses someone's age, religion or political beliefs, national origin, disability or sexual orientation will not be tolerated.

No County employee should have any expectation of privacy regarding any County property or equipment, regardless of its location, including, without limitation, desks, lockers, file cabinets, vehicles, heavy equipment, computer files and software. Employees cannot convert County property for private use.

For additional detailed County requirements regarding these issues refer to the Financial Policy Manual and the Arapahoe County Government Computing Standards.

## **Global Positioning Systems**

Global Positioning Systems (GPS) tracking devices exist on County vehicles and County-issued cell phones, personal digital assistant (PDA) devices, palmtop computers and/or other County-issued devices. Employees, by using County vehicles and County-issued cell phones, PDA devices, palmtop computers and/or any other County-issued devices agree to do so in a manner consistent with Arapahoe County's stated values, policies and guidelines. Employees should have no expectation of privacy in their whereabouts during their scheduled work hours and/or while using County vehicles. At any time during a County employee's scheduled work hours and/or when a County employee is using a County vehicle, the GPS system may be used by the employee's Department Director/Elected Official or supervisor to determine the employee's location and/or whereabouts. Employees are prohibited from tampering with GPS tracking devices unless specifically authorized in writing by the employee's Department Director/Elected Official and supervisor.

