



LARIMER COUNTY POLICY

ADMINISTRATIVE POLICY

SUBJECT: Conditions of Employment

DATE: October 24, 2023

EFFECTIVE PERIOD: Until Superseded

REVIEW SCHEDULE: Every one year in October, or as needed

CANCELLATION: Human Resources Policy and Procedure 331.4L; May 23, 2023

REVISION SECTION:

1. Section I, A.2
2. Section I, B.3
3. Section I, D
4. Section II, A
5. Section II, B
6. Section VIII
7. Section XIV
8. Section XV, A

DEFINITIONS:

Not applicable.

ENCLOSURES:

1. [Remote Work Employee Acknowledgment, LCHR-10](#) (01/21)
2. [Limited-Term Employee Acknowledgement Form, LCHR-84](#) (10/19)
3. [Consent and Waiver for Change from Appointed to Regular or Limited Term Employment, LCHR-39](#) (05/26)

REFERENCES:

1. [Human Resources Policy and Procedure 331.8](#), Corrective and Adverse Actions, Grievance Procedure; and Problem-Solving Process
2. [Human Resources Policy and Procedure 331.5](#), Compensation
3. [Administrative Policy and Procedure 390.15](#), Compliance with US Dept of Transportation Regulatory Procedures
4. [Colorado Open Records Act](#)

5. Administrative Policy and Procedure [340.1](#), [340.2](#) and [340.3](#), Wireless Communication Policy, Electronic Mail Policy and Web Content and Internet Usage
6. [Governing Policy: Policy 3.1 Customer Service, 3.2 - Treatment of Staff, and 3.5 – Asset Protection](#)
7. [Fair Labor Standards Act](#)
8. [Administrative Policy and Procedure 380.1](#), Emergency Closing of County Offices
9. [Administrative Policy and Procedure 390.2](#), Worker's Compensation
10. [Administrative Policy and Procedure 351.4](#), Records Retention Program
11. [Human Resources Policy and Procedure 331.7.03](#), Workforce Restructuring
12. [Human Resources Policy and Procedure 331.6](#); Benefits
13. [Administrative Policy and Procedure 100.17](#); Smoking and Tobacco Products Policy

PURPOSE:

To provide employees with information regarding their primary conditions of employment, so that each employee can make his or her best effort to perform the duties of the job assigned and to abide by the personnel policies and procedures of the County.

SCOPE:

This Policy applies to all employees of Larimer County and employees of the Office of the District Attorney, Eighth Judicial District, with the exception of employees of the Larimer County Sheriff's Office.

RESPONSIBILITY:

The Human Resources Director administers this Policy.

POLICY:

I. EMPLOYMENT TYPE

A. LIMITED TERM EMPLOYEES

1. Employees hired into Limited Term positions may be dismissed from employment, or have their hours reduced by the Decision Maker when the funding for the position is reduced, eliminated, or if the business need for the position no longer exists.
2. Employees hired into Limited Term positions must sign an offer letter acknowledging their Limited Term status.

B. APPOINTED OFFICIALS

Certain Larimer County employees are considered to be Appointed Officials; see Appendix A for a complete listing.

1. Employment Rights

Appointed Officials do not have rights to the corrective action, adverse

action, problem solving, or grievance procedures provided for in the Larimer County Human Resources Policy and Procedure 331.8 (Reference 1).

2. If there is an anticipated or probable limit to the length of a specific Appointed Official's appointment, then such limit is noted in Appendix A of this Policy and Procedure, in Colorado Revised Statutes, or elsewhere in writing.
3. All Appointed Officials must sign an offer letter acknowledging their Appointed status.
4. If an Appointed Official accepts a position as a Regular or Limited Term employee, the employee must sign a Change to Regular or Limited Term Status form – [LCHR-39](#).

- C. REGULAR EMPLOYEES are hired and employed for an undetermined period of time. They may work full or part time. These employees are eligible for all benefit coverages and all forms of paid leave, except as specifically exempted (Reference the Benefits Policy, Reference 12).
- D. TEMPORARY EMPLOYEES are hired for a temporary assignment with the County, of typically less than one year. They may work full time, part time, or without a regular schedule as needed. Either the temporary employee or the County may end the employment relationship for any reason at any time. Temporary employees do not have rights to the corrective action, adverse action, problem solving or grievance procedures provided for in the Larimer County Human Resources Policy and Procedure 331.8 (Reference 1). Temporary employees are not eligible for benefits coverages or paid leave except those benefits that are legally mandated.
- E. A DECISION MAKER is an Elected Official, County Manager, Assistant County Manager, Service Area Director, or Department Head of Larimer County as identified in the current County organizational chart. A Decision Maker may delegate adverse action authority to another employee, with approval from the Human Resources Director, or designee.

II. PROBATION

- A. All newly hired, transferred, or promoted Regular and Limited Term employees of the County, with the exceptions identified in [Appendix B](#), are subject to a six-month probationary period beginning on the effective date of employment and extending to six months from that date. New employees may be dismissed with or without cause during the probationary period. The Decision Maker may

extend the probationary period after consulting with the Human Resources Director or designee.

III. PERFORMANCE EVALUATION

- A. All Regular, Limited Term employees, and Appointed Officials will have an annual performance evaluation completed by the employee's supervisor. An evaluation is required prior to the end of the probationary period for all Regular and Limited Term employees.
- B. Employees who are dissatisfied with or wish to respond to any aspect of their performance evaluation may use the Problem-Solving Process in Human Resources Policy 331.8 (Reference 1).

IV. HOURS OF WORK

Decision Makers are authorized to observe and keep business and working hours necessary for the efficient transaction of services in their departments or offices. This includes establishing hours for each employee.

V. REST PERIOD AND LUNCH BREAKS

- A. Employees who work in excess of five hours each day are entitled to an unpaid meal period for a minimum of 30 minutes.
- B. Employees may take a paid fifteen-minute break for every 4 hours of work. Employee rest periods should be scheduled during the work period. The manager or supervisor can determine when the rest periods are taken. Rest periods should not be combined with the beginning or ending of work days to shorten an employee's work day or work week.
- C. A reasonable rest period is provided for nursing mothers to express breast milk for a nursing child for up to 2 years after the child's birth. The rest period will be paid if it is less than 20 minutes; and will be unpaid if longer than 20 minutes. In addition, a place will be provided, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. Nursing mothers are encouraged to combine their regular rest periods and lunch periods with these breaks as much as possible. Employees should coordinate these breaks with their supervisors. Please see our [Nursing Mother's Room List](#) for designated rooms.
- D. Specific internal policies or practices concerning lunch and rest periods are to be established by the Decision Maker in accordance with the provisions set within policy. Any such policies must be reviewed by the Human Resources Director, or designee.

VI. SMOKING PROHIBITED (Reference 13)

- A. All employees and visitors are prohibited from smoking or vaping in any Larimer County owned, rented or leased buildings and vehicles. This prohibition includes all forms of tobacco and e-cigarettes.
- B. Smoking and vaping are not authorized within 25 feet of common points of entry, exit, operable window or air intake ventilation locations.
- C. Employees and visitors must extinguish and dispose of all cigarettes, e-cigarettes, and tobacco products in the proper receptacles.

VII. EMPLOYMENT IN MORE THAN ONE COUNTY JOB & OUTSIDE EMPLOYMENT

- A. An employee may work in more than one County department or office if both departments or offices are in agreement and agree on how to allocate any overtime pay, benefits costs, workers compensation costs, and with approval from the Human Resources Director, or designee.
- B. Current County employees may not work as Election Judges.
- C. Employees may take outside jobs in addition to their County job under these conditions:
 - 1. the employee must inform and receive approval from their Decision Maker prior to accepting outside employment or beginning self-employment;
 - 2. there is no conflict with required County business hours;
 - 3. the employee's efficiency in the County job is maintained;
 - 4. there is no conflict of interest; and
 - 5. if the employee maintains a Commercial Driver's license as a condition of their employment with the County, the employee will comply with regulations provided in Administrative Policy and Procedure 390.15 (Reference 3).
- D. Employees may not engage in personal business activities or in activities for an outside job during the employee's scheduled work hours.

VIII. PERSONAL INFORMATION CHANGES

Employees are required to promptly make appropriate changes in personal information such as address, name, marital status, dependents, or benefits status in the County's human resources information system.

IX. PERSONNEL FILES

- A. Personnel Files are maintained by the Human Resources Department, and the Human Resource Director is the official custodian. Sheriff's Office employees

should reference departmental personnel policies. An employment history for each active employee is on file in Human Resources. Employment histories for non-active employees are maintained in accordance with records retention (Reference 10).

- B. Personnel files are of a confidential nature and are not released except as provided by law (reference 4). Employees have the right to review their own personnel files, make copies at their expense, and make additional written statement(s) concerning an item in the file. Employees wishing to view their personnel files should contact the Human Resources Department during normal business hours to set a time to view their files.
- C. Decision Makers and their designees have the right to review the files of those employees they directly or indirectly supervise. Supervisors may review the files of those employees they directly supervise.
- D. Once documents are placed in personnel files, they are considered permanent documents that are not to be removed without approval of the Human Resources Director.
- E. Managers, Supervisors, and Payroll Representatives are responsible for ensuring that all personnel related documents are loaded into the County's existing system for storing personnel files. The files that must be in a personnel file are governed by procedures and/or County records retention requirements (Reference 10).

X. RELEASE OF EMPLOYEE INFORMATION

- A. All employees must immediately refer all requests for information, including reference and recommendation requests, about current or former employees to the Human Resources Department for a response. This includes requests for personnel information from other County employees, departments, divisions and offices. Employees will not rely on assurances by other organizations or persons that the information sought about a current or former employee will be held in confidence or that the exchange of information is in any manner "off the record".
- B. Larimer County will not disclose confidential personnel information concerning current or former employees without first obtaining a written authorization from the employee or former employee to provide the information and obtaining a full release of liability signed and dated by the employee or former employee. Larimer County will only disclose dates of employment, title and the employee's salary without a release. Larimer County Hiring Managers screening a current or former County employee may review the applicant's personnel file by contacting Human Resources and do not need to obtain a release from the applicant prior to viewing the personnel file.

- C. After reviewing the authorization and release documents, the Human Resources Department may refer the inquiry back to the Decision Maker or designee to release the information requested, if appropriate. The Human Resources Department will consult with the County Attorney as needed. The response will not go beyond what the Decision Maker is authorized to provide in the authorization and release signed by the employee or former employee.
- D. The County allows any current or former employee to obtain a copy of the document(s) provided to a requesting employer by making a written request.

XI. LEGALLY MANDATED RELEASE OF EMPLOYEE INFORMATION

- A. Refer all requests for personnel file information or requests to view or to obtain copies of personnel records that are made under the authority of the Colorado Open Records Act (CORA) or Freedom of Information Act (FOIA) to the Human Resources Department immediately upon receiving the request (Reference 4).
 - 1. Speed in notifying the Human Resources Department is required because of statutory time limits that are imposed on the County to respond to such requests.
 - 2. Documents that are open records under CORA/FOIA will be made available for viewing by the custodian of those documents.
 - 3. When a member of the public request's personnel information under CORA/FOIA, Larimer County employees should inform the requestor that the Human Resources Department is the official custodian of personnel files and that any request for information from personnel files must be made to the Larimer County Human Resources Department.
- B. Larimer County is required by Colorado law to publish the job title and the salary or wages paid to each County employee twice per year.
- C. Licensed employees may be required by law to report certain forms of conduct by other members of their profession to the appropriate licensing board. Nothing in this policy should be interpreted to prohibit legally required reporting to authorized licensing boards. In the event that a Decision Maker believes that such a report must be made, they must first consult with the Human Resources Director or designee and the County Attorney for advice.

XII. TEMPORARY SUSPENSION OF COUNTY OPERATIONS AND CLOSURE OF COUNTY FACILITIES

- A. The procedures for the County's Inclement Weather Policy are described in Administrative Policy and Procedure 380.1 (Reference 4).
- B. Employees who are required to perform their duties under inclement weather conditions and are required to report to work as scheduled include the following:

1. All Road and Bridge Department employees, unless specifically exempted by the Road and Bridge Director;
 2. All Fleet Services Department employees, unless specifically exempted by the Fleet Services Director;
 3. All employees of residential facilities operated by County departments, unless specifically exempted by their department directors; and
 4. Decision Makers are authorized to require any County employee to work during periods of inclement weather when, in their judgment, the interests of the residents of Larimer County would suffer serious harm if the employee were not required to be at work.
 5. Employees who are required to work during inclement weather closures are not entitled to additional compensation either in the form of wages or paid time off beyond what they would be entitled to in accordance with the provisions of Human Resources Policy and Procedure 331.5 (Reference 2).
- C. During declared emergencies or disasters, employees may be required to work remotely on a temporary basis. If you are an approved remote work employee, please see Remote Work, Operational Guidelines below (section XIV) regarding inclement weather.
- D. Unless official notification has been broadcast or published that the County has closed its offices or operations, employees are expected to be at their work sites for normally scheduled hours. Absence from work without prior approval will be treated as an unauthorized absence and may lead to disciplinary action. Employees who were previously approved to be absent when the County facilities are open for business will be required to use the leave that was previously approved.
- E. Benefited employees scheduled to work during a period in which facilities are closed due to inclement weather, and who are not required to work because of the closure, will be paid the regular wages that they would have earned during the period of closure. Decision Makers may determine whether to pay temporary employees during a period of closure.

XIII. MISUSE OF OFFICIAL INFORMATION

- A. County employees commit misuse of official information if they use information not made public to:
1. acquire a financial interest in any property, transaction, or enterprise which may be affected by such information or official action;
 2. speculate or wager on the basis of such information or official action; or
 3. aid, advise, or encourage another to do any of the foregoing with intent to confer on any person a special financial benefit.

- B. Employees who are found to have committed misuse of official information will be subject to disciplinary action.

XIV. **REMOTE WORK**

Remote Work is intended for work performed inside the State of Colorado. Any remote work performed outside the state for any length of time must be reviewed and approved by Human Resources and Risk Management as part of the Remote Work Application process before the employee may begin remote work out of state.

A. Definitions:

1. Voluntary Remote working is when an employee works one or more days each workweek from home, or another Human Resources approved remote location instead of from a County worksite and is **not required** by the position or job requirements.
2. Mandatory Remote working is when an employee works remotely one or more days each workweek from home, or another Human Resources approved remote location instead of from a County worksite as **required** by the position or job.

B. Suitability:

1. Not all positions are suitable for remote work. Decision Makers are encouraged to explore the potential for remote work in each position within their departments and offices, and to apply consistent standards in selecting positions and persons for remote work. The Decision Maker will determine which positions are appropriate for remote work and is encouraged to coordinate with their assigned HR Generalist as needed.
2. The County can refuse an employee's request to remote work and can terminate a remote work agreement at any time. The County will not be responsible for costs, damages, or losses resulting from the cessation of participation in the remote work program.

C. Employee Obligation:

1. Remote work employees are obligated to comply with all County policies and procedures, department and office policies, procedures, rules, regulations, and supervisory direction (References 5 and 6).
2. Prior to remote work, employees must complete an application (enclosure 1 – LCHR-10) and be approved through the [Remote Work Program](#).
3. Remote work employees must continue to meet performance standards and expected levels of productivity.
4. Unless otherwise arranged, remote work employees are expected to work during normal business hours for their department or office.

D. Operational Guidelines:

1. If the employee's County work site is closed, the employee may be assigned to an alternate location at the discretion of the Decision Maker. The employee will continue to work as usual unless the Decision Maker has determined that this may not be possible due to the nature of the work.
 2. If an approved remote work employee is unable to work at the remote worksite for any reason, the employee must notify their supervisor immediately.
 3. If an approved remote work employee is scheduled to work remotely on a day when their assigned County work site is closed due to inclement weather or other declared emergency, the employee is expected to work remotely and will not be eligible for emergency leave, unless approved by their Decision Maker.
 4. Approved Remote Work employees may not provide dependent care during work hours, unless care may be provided in a manner that allows the employee's job responsibilities to be successfully met. Arrangements must be approved by the employee's supervisor. If the employee or supervisor is unsure if a situation meets this requirement, they should contact their HR Generalist.
 5. All in person client interactions and meetings will be conducted on a client or County site or other approved public location, but not at the employee's remote work location. Exceptions to this policy must be pre-approved by the employee's supervisor. All "virtual" client, co-worker, supervisor, or third-party interactions will be conducted using the approved virtual meeting platforms referenced in the [Remote Work Program](#).
 6. Communication: Employees must be available during the agreed upon work hours. Employees must utilize appropriate communication tools and software (reference E) as outlined in the [Remote Work Program](#).
- E. Work Materials: (Reference 6 – Assets)
Remote work employees will be provided the appropriate remote work access solution for their position and job responsibilities. Refer to the [Remote Work Program](#) for specific information on work equipment, materials, technology and solutions.
- F. Workers Compensation and Liability:
Please see Risk Management current policies (Reference 9) regarding this topic.

XV. EMPLOYMENT OF RELATED PERSONS

- A. Any employee related or who becomes related through marriage, including in-law relationships, blood relationships or through adoption, or an immediate

family member as defined by the Bereavement policy (Policy 331.6) of another employee or applicant will not:

1. participate in any decision to hire, retain, promote, discipline.
 2. influence/determine the employment status or compensation of that that person.
- B. While it is not permitted to discriminate against the spouse or domestic partner of an employee solely because of the relationship, it is also a violation of this policy for County officials to grant competitive advantage to the spouse, or domestic partner, or a related person of an employee because of the relationship. The spouse or domestic partner or related person of an employee must compete for employment on the same terms as other applicants and, if they are the best qualified applicant and there is no conflict with any other provision of this policy, then they can be hired.

XVI. SEPARATION FROM COUNTY EMPLOYMENT

A. RESIGNATION:

An employee separation will be considered a resignation if an employee provides written notice of their intent to resign prior to their last day of employment. The County requests, but does not require, at least ten business days notice when an employee wishes to resign.

B. ELIGIBILITY FOR REHIRE:

Hiring managers may not hire a former employee who is ineligible for rehire. To rehire a former County employee, a Decision Maker or designee must contact Human Resources in order to review the former employee's personnel file and may contact previous supervisors as appropriate.

If a department or office would like to designate a separating employee ineligible for rehire in their Department/Office or County Wide, they must contact their Human Resources Generalist for review and approval. Possible reasons to designate an employee ineligible for rehire:

1. Department/Office specific reason(s) for being ineligible for rehire may include: performance or attendance specific to department/office policies.
2. County Wide specific reason(s) for being ineligible for rehire may include involuntary dismissal, resignation in lieu of involuntary dismissal, severe or pervasive conduct or policy violations, misuse of county funds or accepting a bribe.

C. DEATH OF AN EMPLOYEE:

1. Notifications: If the death of an employee occurs, the employee's supervisor must notify the Human Resources Department immediately.

Human Resources team members will reach out to the employee's surviving family or heirs.

2. Last Paycheck: In the case of the death of an employee, any wages due the deceased employee will be made payable to the estate of the deceased employee.
3. Departments or offices may reach out to their Generalist for resources such as grief counselors to assist staff processing the employee death.

D. RETURN OF COUNTY PROPERTY:

An employee leaving County service must return all County property they possess prior to close of business on the last date worked. It is the responsibility of the Decision Maker or designee to ensure that an employee has returned all County property.

E. FINAL PAY:

1. A separating employee's final pay is not issued until the next regularly scheduled pay day.
2. A separating employee will receive payment for all time worked in accordance with the County Compensation Policy (Reference 2). A separating employee will receive payment for certain leave balances in accordance with the County's Benefits Policy and Procedure (Reference 12).