

CARBON COUNTY PERSONNEL AND BENEFITS MANUAL

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**CARBON COUNTY
PERSONNEL AND BENEFITS MANUAL
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Chapter I
GENERAL PROVISIONS

Section 1. Authority. The Board of County Commissioners promulgated the Carbon County Personnel and Benefits Manual, pursuant to the authority granted in W.S. § 18-2-101(a)(iv) (2007 LexisNexis), by adopting such manual on July 15, 2008, with an effective date of August 1, 2008. The Board of County Commissioners promulgated amendments to the Carbon County Personnel and Benefits Manual, pursuant to the authority granted in W.S. § 18-2-101(a)(iv) (2011 LexisNexis). The amendments were adopted on January 15, 2013, with an effective date of January 16, 2013, and are incorporated into this manual. (Amended: 1/15/2013)

Section 2. General Policy.

(a) The Carbon County Personnel and Benefits Manual is a statement of general management policy and is not a grant of specific rights to any employee. This manual is for the purpose of providing uniform guidelines for employment and to help each employee obtain a better understanding of their employment with Carbon County.

(b) No elected official, department head or member of the Board of County Commissioners, acting alone, has any authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the provisions of this manual. Such action can occur only by formal vote of the members of the Board of County Commissioners at a legally convened meeting open to the public.

Section 3. Employment-at-Will.

(a) **ALL EMPLOYMENT WITH CARBON COUNTY IS EMPLOYMENT AT WILL. THIS MANUAL IS INTENDED AS A GUIDE FOR THE EFFICIENT PERFORMANCE OF YOUR JOB; NOTHING CONTAINED IN THE MANUAL SHALL BE CONSTRUED TO BE A CONTRACT, EITHER EXPRESSED OR IMPLIED, BETWEEN CARBON COUNTY AND THE EMPLOYEE. ADDITIONALLY, THIS MANUAL IS NOT TO BE CONSTRUED BY ANY EMPLOYEE AS CONTAINING BINDING TERMS AND CONDITIONS OF EMPLOYMENT.**

(b) **ALL EMPLOYEES ARE EMPLOYEES-AT-WILL. THE EMPLOYEE RETAINS THE ABSOLUTE RIGHT TO QUIT OR RESIGN, AT ANY TIME, WITH OR WITHOUT GOOD CAUSE. CARBON COUNTY RETAINS THE ABSOLUTE RIGHT TO TERMINATE ANY EMPLOYEE, AT ANY TIME, WITH OR WITHOUT GOOD CAUSE.**

(c) DESIGNATED SHERIFF DEPARTMENT EMPLOYEES, AS DEFINED BY W.S. § 18-3-611 (2007 LEXISNEXIS) ARE EXCEPTIONS TO EMPLOYMENT-AT-WILL.

(d) CARBON COUNTY RETAINS THE RIGHT TO CHANGE THE CONTENTS OF THIS MANUAL AT ANY TIME AS IT DEEMS NECESSARY OR DESIRABLE, WITH OR WITHOUT NOTICE.

Section 4. Equal Opportunity Employer. Carbon County is an equal opportunity employer. Discrimination on the basis of race, color, sex or gender, national origin, religion, physical or mental disability, age, political affiliation, or genetic information with respect to the terms and conditions of employment, including but not limited to recruitment, selection, hiring, compensation and benefits, and termination, is prohibited, except where specific requirements constitute bona fide occupational qualifications necessary to proper and effective job performance. (Amended: 1/15/2013)

Section 5. Definitions.

(a) “Carbon County” refers to Carbon County, Wyoming, the employer, who acts through its Board of County Commissioners.

(b) “Full-time employees” are those employed to work forty (40) hours per week. Full-time employees receive all benefits described in this manual, as determined by Carbon County, from time to time.

(c) “Three-quarter time employees” are those employed to work a minimum of thirty (30) hours, but not more than forty (40) hours, per week. Three-quarter time employees receive those benefits as described in this manual, as determined by Carbon County, from time to time.

(d) “Part-time employees” are those employed to work less than thirty (30) hours per week. Part-time employees receive no benefits, although they may be covered by Wyoming Workers’ Compensation.

(e) “Temporary employees” are those employed to meet a short-term need or for a specific project or event. Temporary employees receive no benefits, although they may be covered by Wyoming Workers’ Compensation.

(f) “Grant-funded employees” are those employed in positions funded pursuant to the terms and conditions of a grant. Grant-funded employees work such hours and receive such wages or salary and benefits as are provided in the grant agreement. In the absence of specific provisions in the grant agreement as to the hours, wages or salary, and/or benefits, such employees are

considered temporary employees and receive no benefits, although they may be covered by Wyoming Workers' Compensation. (Amended: 1/15/2013)

(g) "Work year" or "years" or "work month" or "months," as used in connection with benefits for any employee, means the completion of a full calendar year or a full calendar month of employment with Carbon County.

(h) "Work week" is Sunday, 12:00 a.m., to the following Saturday, 11:59 p.m.

(i) "Elected officials" are those persons who have been elected, or appointed to complete the unexpired term of a person elected, to the following positions: Sheriff, Assessor, Clerk of Court, County Attorney, County Clerk, Treasurer, Coroner, Board of County Commissioners.

(j) "Department head" refers to the elected officials and county employees having day-to-day supervisory control and responsibility over employees who work in a specified department or county office. The term "department head" also refers to and includes the Board of County Commissioners in those circumstances where the Board of County Commissioners directly supervise certain Carbon County employees.

(k) "Employee" refers to all persons employed by Carbon County, other than elected officials.

(l) "Exempt employee" refers to an employee who is exempted by specific provisions of the Fair Labor Standards Act and is not entitled to overtime pay for hours worked in excess of forty (40) hours in a work week.

(m) "Non-exempt employee" refers to an employee who, under the Fair Labor Standards Act, must receive the minimum wage and is entitled to overtime pay for all hours actually worked in excess of forty (40) hours in a work week.

(n) "Human Resources" refers to the persons/office within the Carbon County Clerk's Office assigned the tasks of preparing payroll, maintaining documentation related to employment with Carbon County, assisting employees with County provided benefits, providing employer-required notifications, and performing such other employment-related tasks or services as may be assigned from time to time. (Amended: 1/15/2013)

Section 6. Application.

(a) The provisions of this manual are applicable to all employees of Carbon County, Wyoming. The provisions are not applicable to any persons employed by other governmental units in any way affiliated with Carbon County, Wyoming, which are separate legal entities vested by statute with the power to sue and be sued. The Carbon County Personnel and Benefits Manual is not applicable in any manner to the elected officials, except it shall be the responsibility of each

department head and elected official to administer the provisions of this manual in accordance with the terms and conditions set forth in the manual. These responsibilities include, but are not limited to:

(i) delivery of a copy of this manual to all employees and taking receipt for such delivery.

(ii) discussing this manual with all employees to make certain it is understood and employees comply with its provisions.

(iii) maintaining accurate daily attendance records reflecting days worked and days off and hours worked or off work by each employee.

(iv) prohibiting an employee from working and incurring overtime without the express consent of the department head.

(v) reporting and taking prompt and appropriate action concerning all complaints of harassment in accordance with the provisions of this manual.

(b) The delivery of the manual and taking receipt from the employee may be accomplished by Human Resources.

Section 7. Overview of Organization, Management and Organization. Carbon County, Wyoming, a political subdivision of the State of Wyoming, is the employer. Carbon County is governed by the Board of County Commissioners [collectively, Commissioners]. There are seven elected county officials who supervise the operations of their respective elective offices and discharge their statutory duties with the assistance of persons who are Carbon County employees. In addition, there are Carbon County employees who are responsible for the day-to-day operation of various County departments or who have been employed directly by the Commissioners for the performance of specific County functions, and who may supervise other Carbon County employees; these employees are supervised by the Commissioners.

Chapter II WORKPLACE EXPECTATIONS

Section 8. Workplace Expectations - No Effect on Employment-at-Will Status. The purpose of providing workplace expectations in this manual is to help employees have a better understanding of their employment with Carbon County. These workplace expectations are not intended to be all inclusive. These workplace expectations are not intended, and do not in any way abrogate any employee's employment-at-will status and do not modify or restrict the County's rights as set forth in Section 3. Employment-at-Will.

Section 9. Establishment of Additional Work Rules and Expectations by Elected Officials and Department Heads. Elected officials and department heads are responsible for the day-to-day operation of their respective offices and departments and the employees who work in those offices and departments. Elected officials and department heads may establish additional work rules and expectations applicable to their respective offices or departments which supplement the provisions of this manual. The work rules and expectations must be consistent with the provisions of this manual.

Section 10. Confidentiality. No employee shall disclose to any unauthorized person, for any purpose, confidential information acquired in the course of employment or through the unauthorized disclosure by another.

Section 11. Appearance and Conduct. County employees, while on duty, shall:

(a) Maintain a clean, well-groomed appearance consistent with their position and responsibilities. Clothing that impairs performance, presents a safety hazard or opportunity for injury, or disrupts the workplace or transaction of public business is prohibited. Department heads may establish more specific guidelines from time to time.

(b) Serve the public in a courteous, respectful and impartial manner.

(c) Interact with department heads and co-workers in a courteous, respectful and cordial manner.

(d) Comply with the directives and work instructions of the department head.

(e) Exhibit utmost honesty in all dealings for, with and on behalf of Carbon County.

Section 12. Tobacco-free Workplace. The use of smoke-free tobacco and smoking is prohibited in all County owned or leased buildings, vehicles and equipment. Except at the Carbon County Jail property, where tobacco is strictly prohibited, employees may smoke in outdoor designated areas during breaks, if breaks are allowed in their respective office or department. Each employee is charged with the responsibility of reporting violations of this policy to their department head, or, in the event of a violation by a department head, to the Commissioners.

Section 13. Personal Use of Telephone, Equipment, Supplies. No personal long distance calls are to be charged to the County. Personal telephone calls, including cell phone calls and text messages, are to be held to a minimum so as not to become a disruption to the workplace, as determined by the department head. Carbon County equipment, postage, letterhead, and supplies are to be used for County business only. Employees may make copies on the County copy machine and pay the cost charged by the County to other outside users.

Section 14. Damage or Loss of an Employee's Personal Property. The County is not responsible for damage to or loss of an employee's personal possessions. Employees are specifically requested to refrain from keeping personal property of monetary or sentimental value in their offices, desks or other locations in the workplace. Employees are responsible for safeguarding their personal possessions.

Section 15. Internet and E-Mail Use.

(a) The Internet and e-mail are important resources for the County. The Internet connection and e-mail service are provided for use consistent with the County's business operations. From time to time the Board of County Commissioners may adopt an Internet use policy and a copy shall be provided to each employee. Each employee is required to read and sign the Internet use policy as approved from time to time, and is expected to use the Internet connection and e-mail service in a manner consistent with the policy.

(b) Employees have no personal right of privacy in any matter created on, received through, or sent from the County's Internet connection or e-mail service. The County, in its discretion, reserves the right to monitor and read, retrieve, and/or delete any matter created on, received through, or sent from the County's Internet connection or e-mail service.

Section 16. Bulletin Board for Statutory Notices. A bulletin board for posting statutory employment notices is maintained in the area entering the Human Resources Office. Each employee is responsible to check the bulletin board and the notices on a regular basis.

Section 17. Harassment Prohibited.

(a) Sexual Harassment.

(i) Carbon County prohibits any and all employees, vendors, sales representatives, or visitors from sexually harassing employees in the workplace. Sexual harassment is:

(A) making unwelcome sexual advances or requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature a condition of an employee's employment;

(B) making submission to or rejection of such conduct the basis for employment decisions affecting the employee;

(C) conduct which has the effect of unreasonably interfering with an individual's work performance; or

(D) conduct which has the effect of creating an intimidating, hostile, or offensive working environment.

(ii) Examples of conduct which may constitute sexual harassment include, but are not limited to sexually-oriented verbal or nonverbal kidding, jokes, drawings, gestures; repeated requests or pressure for sexual favors; repeated remarks with sexual or demeaning implications; unwelcome touching such as patting, pinching, hugging, rubbing, brushing against another's body; suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's employment status; repeated, offensive sexual flirtations, advances or propositions or innuendo and other sexually oriented statements, and other inappropriate conduct with a sexual contention or connotation; continued or repeated verbal abuse of a sexual nature; graphic verbal or nonverbal commentaries about an individual's body; sexually degrading words used to describe an individual; display of sexually suggestive objects or pictures.

(b) Harassment Based Upon Other Protected Characteristics.

(i) Carbon County prohibits any and all employees, vendors, sales representatives, or visitors from harassing employees based on, or because of, other characteristics which are protected by law such as race, color, sex or gender, national origin, genetic history, religion, disability, or age. Such harassment occurs if:

(A) a supervisor's harassing conduct results in a tangible change in an employee's employment status or benefits [for example, demotion, termination, or failure to promote, etc.];

(B) the conduct has the effect of unreasonably interfering with an individual's work performance; or

(C) the conduct has the effect of creating an intimidating, hostile, or offensive working environment. (Amended: 1/15/2013)

(ii) Examples of conduct which may constitute harassment include, but are not limited to verbal, nonverbal or physical conduct of an offensive nature that is based on any protected characteristics, including offensive comments, jokes, innuendo, drawings, gestures, insults or other forms of inappropriate conduct based on such protected characteristics. It also includes offensive or harassing statements or conduct motivated by a person's race, color, gender, national origin, genetic history, age, religion or disability status, whether or not the statements or conduct are overtly derogatory toward those protected characteristics; and, repeated remarks concerning protected characteristics which have demeaning implications. (Amended: 1/15/2013)

(c) An employee who believes that he or she has been subjected to sexual harassment or harassment based upon other protected characteristics shall immediately report the alleged acts or conduct. A verbal complaint of the harassment may be made initially, but shall then be followed by

a written report. The complaint shall be made to the employee's immediate supervisor, or any department head or elected official or any member of the Board of County Commissioners. Upon receipt of a report, whether verbal or written, the matter shall be reported to the Commissioners and County Attorney. In the event the complaint involves the employee's supervisor or department head or a member of the Commissioners, the initial report shall exclude that person. (Amended: 1/15/2013)

(d) Upon receipt of a complaint, the department head or Commissioners shall immediately cause an investigation to be undertaken by or on behalf of the County. In making the investigation, such outside persons may be utilized as necessary to assist in providing a full, fair, and expedient investigation.

(e) Retaliation against persons who participate in investigations or against employees who make good faith reports of alleged acts of harassment is prohibited. Any retaliatory conduct should be reported as provided in paragraph c of this section and will be investigated regardless of the outcome of the underlying charge, complaint or report. Encouraging others to retaliate also violates this section. (Amended: 1/15/2013)

(f) Upon completing the investigation, if it is found that the behavior is sexual harassment, harassment based upon other protected characteristics, or retaliation, appropriate action shall be undertaken to address and stop the behavior and to prevent its re-occurrence. (Amended: 1/15/2013)

(g) Complaints of harassment or retaliation and investigations are handled with as much confidentiality as possible under the circumstances. (Amended: 1/15/2013)

Section 18. Gratuities. No employee shall solicit, accept or receive commissions, fees, property or anything of monetary value for his or her personal use as a result of any purchasing or other action that he or she shall perform as a part of his or her duties for the County.

Section 19. Conflicts of Interest.

(a) No employee shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member to a position with the County. No department head or employee shall supervise or manage a family member who is an employee of the County. No employee, acting in their official capacity, shall participate in his/her official responsibility or capacity regarding a matter relating to the employment or discipline of a family member.

(b) No employee shall take an official action in a matter affecting a person or entity with whom the employee is negotiating for prospective employment.

(c) All employees shall disclose, in writing, the nature and extent of the employee's pecuniary interest, or the pecuniary interest of any member of the employee's immediate family,

prior to negotiating or entering into a contract, or the letting of any agreement to purchase services, equipment, supplies, or materials on behalf of the County. Such disclosure shall be made to the elected official or department head, or in the case of persons supervised by the Commissioners, to the Board of County Commissioners.

(d) For purposes of this section, “family member” and “immediate family” refers to and means an employee’s: spouse, parent, sibling, child, grandparent or grandchild or any person who is a member of the employee’s household.

Section 20. Safety. Each employee shall conduct him/herself and handle all County property or equipment in such a manner as to avoid accidents or damage to the property or equipment. Employees are responsible for observing all safety rules and regulations.

Section 21. Accidents and Injuries. Employees shall report all accidents and injuries to their department head as soon as possible, but in any event no later than 72 hours after the accident or injury. Minor injuries requiring only first aid may be treated at the work site. Employees incapacitated by serious injury may be transported to a medical facility by ambulance or other emergency vehicle. The department head shall prepare a written report of the accident or injury within twenty-four (24) hours following the employee’s report of the accident and deliver a copy of the report to Human Resources. Employees who are involved in an accident involving a County vehicle, regardless of how minor the accident may be, shall first notify law enforcement, and then their department head.

Chapter III DRUG-FREE WORKPLACE /DRUG TESTING

Section 22. Drug-Free Workplace.

(a) The Board of County Commissioners believe that employees function most effectively in a drug-free workplace. It shall be the policy of Carbon County that employees shall not manufacture, distribute, dispense, illegally possess, use or be under the influence of alcohol or any controlled substance at work or at any work-related event or at any other time or place while on/in County property or vehicles or where employment with the County requires that person’s presence. Sanctions, up to and including termination of employment, will be imposed on employees who violate the standards required by this policy statement; referral for prosecution will occur where the behavior is, or appears to be, in violation of the law.

(b) Information about any available drug and alcohol counseling and rehabilitation and re-entry programs shall be made available to employees, together with a copy of this section. Employees shall be notified that compliance with the standards required by this section is mandatory.

(c) Any employee who is convicted or pleads nolo contendere under any criminal drug or alcohol statute for a violation occurring in the workplace shall notify their department head and

the Commissioners no later than five calendar days after the conviction or entry of the plea. The County has an obligation in some circumstances to notify the appropriate federal agencies within ten days after receiving notice of such conviction or plea if there is a relationship between federal funds received by the County and the convicted employee's workplace.

(d) Definitions:

(i) Drugs, Controlled Substances or Prohibited Drugs, Drug Paraphernalia and Alcohol. These terms as used in this section are interchangeable and refer to those substances that have been established by state and federal statutes to be controlled substances. These include, but are not limited to cannabis (marijuana), crack, phencyclidine (PCP), LSD, heroin, cocaine, morphine, amphetamines, barbiturates, opiates, methaqualone or benzodiazepines. Also included within this definition are the over-the-counter substances and prescriptions being used for a purpose or in a manner other than that prescribed or intended. Alcohol means any spirituous or fermented fluid, substance or compound intended for beverage purposes which contains more than one percent (1%) of alcohol by volume and any fluid substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute thereof, containing more than one percent (1%) of alcohol by volume.

(ii) Workplace. The workplace includes all property, both real and personal, which belongs to or is leased to or used by the County and includes buildings, parking lots, roads, equipment or any vehicle, including a personal vehicle used by an employee to perform his/her work; any work-related event, even if not on County property, and any other time or place where employment with the County requires the employee's presence.

(iii) The department head, or in the case of persons supervised by the Commissioners, the Commissioners, are responsible to see that the following information is made available to its employees, on an annual basis:

(A) The dangers of drug and alcohol abuse in the workplace.

(B) The policy of maintaining a drug-free workplace and that the observance of the Drug-Free Workplace Policy is a condition of employment.

(C) Any available drug and alcohol counseling and rehabilitation programs, including components of an employee assistance program, if one is available. The County does not pay for drug and alcohol counseling and rehabilitation programs; employees may use such insurance benefits as may be provided under the County's plan, if they are a participant.

(D) The sanctions that may be imposed upon employees for drug and alcohol violations occurring in the workplace range from a verbal reprimand to termination of employment; referral for prosecution will occur where the behavior is, or appears to be, in violation of the law.

(e) Nothing contained in this section shall in anyway abrogate the employment-at-will status of the County's employees.

Section 23. Drug Testing. Carbon County is committed to providing an alcohol and drug-free work environment. The possession, use, transfer, being under the influence and/or sale of alcohol and/or any illegal drug or controlled substance while on duty or in the workplace is strictly prohibited. The County reserves the right to conduct drug and alcohol testing of its employees when 1) there is reasonable suspicion to believe an employee has engaged in the use of alcohol and/or drugs; and 2) when an employee has been involved in an accident in which the employee is operating a vehicle or other equipment owned, leased, rented or used by or on behalf of the County, including a personal vehicle used by an employee to perform his/her work, and there is a) a fatality; or b) one or more persons (including the County employee) requires or required medical treatment either at or away from the accident scene; or c) the County employee receives a citation arising from the accident.

(a) Reasonable Suspicion Testing. When there is reasonable suspicion to believe an employee has engaged in abuse and/or untimely use of alcohol and/or drugs, the employee may be required to undergo a drug and/or alcohol test.

(i) Reasonable suspicion may be based upon and include, but is not limited to: a) observation of the employee's behavior, which is indicative of drug and/or alcohol use; b) odor of alcohol on the breath or body; c) frequent unexplained absences or tardiness; d) mood swings; e) the failure to follow directions.

(ii) Alcohol tests based upon reasonable suspicion are authorized only if the required observations are made during, just before, or just after the period of the work period when the employee must comply with alcohol prohibitions; must be conducted by a person other than the person who determines reasonable suspicion exists to conduct such a test; if the alcohol test is not administered within two (2) hours of the determination of reasonable suspicion, the department head, or in the case of employees supervised by the Commissioners, the Commissioners, shall prepare and maintain a written record explaining why the testing was not done; attempts to conduct the alcohol tests shall terminate eight (8) hours after the determination of reasonable suspicion.

(iii) When it is reasonably suspected that the abuse and/or untimely use of alcohol or drugs by an employee exists, the department head shall proceed as described below [All conversations should, whenever possible, involve a witness.]:

(A) Solicit an explanation from the employee for any behavior which creates a reasonable suspicion to believe the employee has engaged in the abuse and/or untimely use of alcohol or drugs.

(B) If the employee cannot satisfactorily explain the behavior, the employee may be requested to undergo a drug and/or alcohol test.

(C) If the employee agrees to be tested, he/she will complete the consent form and a specimen/test result will be obtained.

(D) If the employee refuses to undergo the test or complete the consent form, she/he will be advised that such refusal may subject the employee to discipline, including termination. If the employee still refuses to undergo testing or to complete the consent form, she/he will be directed to the department head and is subject to discipline, including termination.

(E) If an employee's drug test is confirmed positive and the employee makes a request to the medical review officer within seventy-two hours that an additional drug confirmation test be conducted (which is conducted at the employee's expense), the employee will be placed on a paid leave-of-absence pending the results of the additional drug confirmation test. If a positive drug test is not confirmed, the employee will return to his/her job.

(F) If an employee's test is positive for abuse and/or untimely use of alcohol or drugs, he/she is subject to discipline, including termination.

(G) If an employee's test is positive for abuse and/or untimely use of alcohol or drugs, he/she will be referred to a substance abuse professional. The County is not required, and will not provide or pay for evaluation, rehabilitation, or treatment. Any evaluation, treatment, or rehabilitation is at the sole expense of the employee.

(H) If the employee's test is positive for abuse and/or untimely use of alcohol or drugs, the County is not required to continue to employ or to reinstate an employee to his/her position. In the event an employee who is subject to testing is returned to work, the employee must have been evaluated by a substance abuse professional, at the employee's expense, complied with any recommended treatment, taken a return-to-duty alcohol/drug test; and must agree to be subject to unannounced follow-up testing to be conducted at the employee's expense.

(I) The department head, or in the case of persons supervised by the Commissioners, the Commissioners, who makes the observations leading to a reasonable suspicion test shall make a written record of his/her observations within twenty-four (24) hours of the observed behavior, or before the results of the test are released, whichever is earlier.

(J) County personnel designated to determine whether reasonable suspicion exists must receive training concerning the physical, behavioral, speech, and performance indicators of alcohol misuse and additional training on indicators of drug abuse.

(b) Employee Post-Accident Testing. The County shall require an employee to undergo drug and alcohol testing after an accident in which the employee is operating a vehicle or equipment owned, leased, rented or used by or on behalf of the County, including a personal vehicle used by an employee to perform his/her work, if: a) there is a fatality; or b) one or more persons

(including the County employee) requires or required medical treatment either at or away from the accident scene; or c) the County employee receives a citation arising from the accident.

(i) The procedure and advisements set forth in the above paragraph a. (3) regarding reasonable suspicion testing will be followed, except the employee shall be advised the tests are required as part of the accident investigation.

(ii) If the employee refuses to undergo the test or complete the consent form, she/he will be advised that such refusal may subject the employee to discipline, including termination. If the employee still refuses to undergo testing or to complete the consent form, she/he will be directed to the department head and is subject to discipline, including termination.

(iii) If the employee's test is positive for abuse and/or untimely use of alcohol or drugs, he/she is subject to discipline, including termination.

(iv) If the employee's test is positive for abuse and/or untimely use of alcohol or drugs, he/she will be referred to a substance abuse professional. The County is not required, and will not provide or pay for evaluation, rehabilitation, or treatment. Any evaluation, treatment, or rehabilitation is at the sole expense of the employee.

(v) If the employee's test is positive for abuse and/or untimely use of alcohol or drugs, the County is not required to continue to employ or to reinstate an employee to his/her position. In the event an employee who is subject to testing is returned to work, the employee must have been evaluated by a substance abuse professional, at the employee's expense, complied with any recommended treatment, taken a return-to-duty alcohol/drug test; and agreed to be subject to unannounced follow-up testing to be conducted at the employee's expense.

(vi) An employee involved in an accident shall make him/herself readily available for testing, absent the need for immediate medical attention.

(vii) An employee involved in an accident shall not use alcohol for eight (8) hours after the accident, or until after he/she undergoes the post-accident alcohol test, or until it is determined that his/her actions were not a contributing factor in the accident, whichever occurs first.

(viii) If an alcohol test is not administered within two (2) hours, or if a drug test is not administered within thirty-two (32) hours, the department head, or in the case of an employee supervised by the Commissioners, the Commissioners, shall prepare and maintain written records explaining why the tests were not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.

(ix) If the employee's drug test is confirmed positive and the employee makes a request to the medical review officer within seventy-two hours that an additional confirmation drug test be conducted (which is conducted at the employee's expense), the employee will be placed on

a paid leave-of-absence pending the results of the additional drug confirmation test. If a positive drug test is not confirmed, the employee will return to his/her job.

(c) **Return-to-Duty/Follow-up Testing.** Any employee who has not been terminated and is allowed to return to duty after engaging in conduct prohibited by this section shall undergo either a return-to-duty alcohol test with a result indicating no alcohol concentration and/or shall undergo a return-to-duty drug test with a verified negative result for drug use. In addition, the employee shall agree to submit to unannounced follow-up alcohol and/or drug testing at the employee's expense, and provide copies of such tests to the employee's department head and Human Resources. The follow-up testing shall be at the direction of his/her substance abuse professional and such testing shall occur a minimum of six times in twelve months.

(d) Each employee shall be provided a copy of Alcohol and Drug Testing Procedures, as may be approved by the Board of County Commissioners from time to time. Each employee is required to read and sign the Alcohol and Drug Testing Procedures, and it is the responsibility of each employee to be familiar with these testing procedures.

(e) Nothing contained in this Chapter III shall in any way abrogate the employment-at-will status of the County's employees.

Chapter IV EMPLOYEE ATTENDANCE

Section 24. **Office Hours.** All Carbon County offices are open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday, excepting holidays, unless other hours are approved by the Commissioners.

Section 25. **Hours of Employment.** The hours of all full-time department heads and employees, not specifically assigned to work other shifts, are from 8:00 a.m. until 5:00 p.m., with a one-hour lunch break. Employees are expected to report for work in accordance with their assigned work schedules unless a variation has been approved by their department head. Regular work schedules may be modified from time to time by department heads, in order to meet the needs of the particular office or department, including a requirement to work before 8:00 a.m., beyond 5:00 p.m., and on weekends or holidays.

Section 26. **Overtime Hours.** Employees are not to work time in addition to their assigned work schedules without the prior written approval of their department head.

Section 27. **Lunch and Break Periods.** The time for taking lunch breaks will be established by the department head. Lunch breaks are unpaid and not considered "hours worked." Additional break periods may be established by the department head; break periods which are twenty minutes or less in duration, are considered "hours worked" even if the employee leaves the County premises or workplace.

Section 28. Adjustable Work Schedule. Department heads may make adjustments in the daily/weekly work schedule of employees to allow an employee, occasionally, to attend to appointments during the workday without using sick or vacation time, or incurring unpaid time off. This adjustment is to be the exception rather than the rule. The adjustment in hours worked can occur only within the same workweek the time is to be taken off. Extra time cannot be worked in one workweek to be “credited” against time to be taken off in another workweek. The adjustment must be scheduled and approved in advance, in writing, by the department head. Adjustments shall not be a unilateral employee decision, and no employee has any right to expect that an adjustment will be made by the department head.

Section 29. Tardiness and Absenteeism. Each employee is expected to maintain their full hours of employment, without tardiness or habitual absenteeism. Unscheduled absences on Fridays and Mondays, or before and after holidays, are strongly discouraged. In order for an employee to avail him/her self of any absence from work, including vacation, sick leave or any other type of leave, the employee must notify his/her department head as far in advance of the scheduled leave as possible, but not less than twenty-four (24) hours prior to the absence, except in an emergency. Absence from work without permission of the department head or without giving notice to the department head is unacceptable employee conduct. Any employee who absents him/herself from his/her job for three consecutive work days without having the absence authorized by the department head shall be deemed to have resigned and separated from employment.

Chapter V EMPLOYEE COMPENSATION

Section 30. Compensation. The compensation of all department heads, other than elected officials whose compensation is established as provided by state law, is established by the Commissioners as part of the budgeting process. The specific compensation of each employee within a department or an elected official’s office shall be established by the elected official or department head as the elected official or department head deems appropriate and is approved by the Commissioners only indirectly as a part of the final budgeting process.

Section 31. Pay Periods. Employees are paid on the last working day of each month. When a pay day falls on a holiday or weekend, paychecks will be issued on the preceding workday. At the employee’s option, payment is made by check or direct automatic bank deposit. No salary advances will be given.

Section 32. Payroll Deductions. Social security, medicare, and federal income taxes are automatically withheld as required by law, as are other deductions required by court order or operation of law. Employees may authorize deductions for benefits and other approved purposes. Employees receive a pay statement which lists gross and net pay, deductions for the pay period, as well as cumulative deductions for the calendar year. The statement shall also reflect accumulated and used sick and vacation leave and compensatory time, if any. Questions concerning the accuracy of payroll checks or the accompanying pay statement should immediately be brought to the attention

of Human Resources and the employee's department head. All matters will be promptly investigated, and appropriate corrections made as quickly as possible. (Amended: 1/15/2013)

Section 33. Time Records. Each department head is responsible for maintaining accurate time records which reflect each non-exempt employee's actual hours worked during each workweek.

Section 34. Overtime Pay and Time-Off Plans--Non-Exempt Employees.

(a) Every attempt is made to keep those work situations which result in overtime to a minimum, but due to the nature of the County's work, occasions for overtime may arise. Should a work situation arise where overtime is necessary, overtime is paid at one and one-half (1½) times the employee's regular hourly rate for hours actually worked in excess of forty (40) hours in a workweek. Employees are expected to work overtime when given sufficient notice; every effort will be made to find a replacement for an employee who has a previous commitment, but when not possible, employees will be expected to accept the overtime request.

(b) When overtime is necessary, it must be approved in writing, preferably in advance, by the department head. The overtime hours will then be recorded on the employee time records with a notation of the reason for overtime.

(c) The County allows use of "time-off plans" for its non-exempt employees, if requested by the employee and approved by the department head at the time the overtime work is approved. The time-off plan is allowed only under these conditions:

(i) The employee must receive time off at one and one-half (1 ½) times the hours actually worked in excess of forty (40) hours in a work week; and

(ii) The employee must take the compensatory time off during the same pay period in which it was accrued.

Section 35. Overtime and Accumulation and Use of Compensatory Time Off--Non-Exempt Employees.

(a) The County allows non-exempt employees to accumulate compensatory time off ("comp time") instead of receiving cash overtime pay, at a rate of one and one-half hours for each hour actually worked in excess of forty (40) hours in a work week. The accumulation of "comp time" is allowed only under these limited conditions:

(i) The overtime, and accumulation of the time as "comp time" must be approved by the department head at the time the overtime work is approved.

(ii) Law enforcement, fire fighters, emergency response personnel, and employees engaged in seasonal activities may accrue up to four hundred eighty (480) hours of comp time. Other

non-exempt County employees may accrue up to two hundred forty (240) hours of comp time. After an employee has accrued the maximum amount of comp time, the County is required to pay the employee overtime pay for the additional overtime hours worked.

(iii) An employee who has accrued compensatory time shall request its use and will be permitted to use such time off within a reasonable period after making the request, if the use does not unduly disrupt the operations of the office, department or County. The reasonable period will be determined by considering the customary work practices of the office, department or County, including the normal schedule of work, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff.

(iv) The County, at its option, may pay an employee for all or any part of the employee's accrued comp time, in any work week or work period, in lieu of providing compensatory time off. All or part of the accrued comp time for all employees, as of May 31 of each year, may be paid by the County in the next pay period. Payment for accrued compensatory time is paid based upon the employee's regular rate of pay at the time the employee is paid the comp time payment.

(v) Upon termination of employment, an employee shall be paid for unused compensatory time at a rate not less than the average regular rate received by such employee during the last three years of the employee's employment, or the final regular rate received by such employee, whichever is higher.

Section 36. No Overtime or Compensatory Time Off for Exempt Employees. Employees who are classified as "exempt" under the Fair Labor Standards Act do not receive overtime pay or compensatory time off.

Section 37. Compliance With FLSA Required; Correcting Improper Deductions.

(a) It is the policy of Carbon County to comply with the requirements of the Fair Labor Standards Act, including the salary basis requirements. Department heads, Human Resources, and other administrative employees are prohibited from making improper deductions from the salaries of exempt employees. Carbon County does not allow deductions that violate the FLSA.

(b) If an exempt employee believes an improper deduction has been made to the employee's salary, the employee should immediately report this to Human Resources and the employee's department head. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for the improper deduction.

Chapter VI
EMPLOYEE LEAVES AND HOLIDAYS

Section 38. Holidays.

(a) The following are legal holidays recognized by Carbon County, and the Courthouse and County offices are closed:

- (i) New Year's Day (January 1)
- (ii) Equality Day (Martin Luther King's Birthday, Third Monday in January)
- (iii) President's Day (Third Monday in February)
- (iv) Memorial Day (Last Monday in May)
- (v) Independence Day (July 4)
- (vi) Labor Day (First Monday in September)
- (vii) Veteran's Day (November 11)
- (viii) Thanksgiving (Fourth Thursday in November and the following Friday)
- (ix) Christmas Day (December 25)
- (x) Any other holiday proclaimed by the Commissioners

(b) Whenever Christmas Day or New Year's Day falls on Thursday, the Courthouse and County Offices will also be closed on the following Friday. Whenever a legal holiday falls on a Sunday, it shall be observed on the following Monday. Whenever a legal holiday falls on a Saturday, it shall be observed on the preceding Friday. While the Courthouse and County Offices may be closed, some employees in some departments may be required to work, due to regular scheduling due to the department and/or due to the nature of the work performed by the particular department. (Amended: 1/15/2013)

(c) If the holiday falls on an employee's day off, no additional day off in lieu of the holiday is provided except as may be provided in subparagraph (d) of this section, and the employee receives no additional compensation. (Amended: 1/15/2013)

(d) Holiday leave shall not be accrued, except that employees required to work on a holiday shall, in lieu of actual pay, be entitled to take holiday leave on other days to be designated by the department head and approved by the Commissioners.

(e) Holiday leave is not considered "hours worked."

Section 39. Vacation Leave.

(a) Vacation leave shall be granted to all full-time employees and three-quarter time employees. Vacation leave is earned and begins to accumulate commencing with the date of hire, on a month to month basis, based on an employee's regularly scheduled work day, based on a five-day work week (*i.e.*, an employee with 1 to 5 years of service who is regularly scheduled to work 6

hours per day, has a six-hour work day and earns 6 hours of vacation leave per month; an employee with 1 to 5 years of service who is regularly scheduled to work 8 hours per day has an eight-hour work day and earns 8 hours of vacation leave per month). If an employee works less than five days per week, vacation leave is earned on a proportionate basis. If an employee is receiving worker's compensation benefits for lost wages, the employee does not earn vacation leave during such period. If an employee is on any type of unpaid leave, the employee does not earn vacation leave during such period. (Amended: 1/15/2013)

(b) Vacation leave is earned at the following rate:

<u>Years of Continuous Service With the Carbon County</u>	<u>Monthly Base Rate for Full-Time Employees</u>
1 to 5 years	8 hours /month
6 to10 years	11 hours/month
11 to 15 years	15 hours/month
16 years and over	18 hours/month

(c) An increase in an employee's monthly base rate occurs on the first day of the employee's 6th, 11th and 16th working year. For purposes of computing time of employment, tacking periods of non-continuous employment is not permitted. The date of employment is the first day of the current period of employment. (Amended: 1/15/2013)

(d) Employees who work less than a full working month because the date of hire is other than the first day of the month or because the employee has been absent from work due to a leave without pay, earn vacation leave on a basis proportionate to the employee's work day as follows: 1-10 calendar days of work: none; 11-20 calendar days of work: four (4) hours; 21- 31 calendar days of work: eight (8) hours. (Amended: 1/15/2013)

(e) Vacation leave may be accumulated, provided not more than 240 hours may be carried from one calendar year into the next by full-time employees. If an employee regularly works less than 40 hours per work week, the total allowable accumulation of vacation leave which may be carried from one calendar year into the next is reduced proportionally.

(f) Any accrued, but unused, vacation leave in excess of the total allowable accumulation on December 31 of each year, shall be reduced to the total allowable accumulation of hours on January 1 of the next year, and the excess shall be lost due to non-use by the employee. (Amended: 1/15/2013)

(g) Upon termination of employment, either voluntarily or involuntarily, vacation leave may be granted to the employee in lieu of a monetary payment for the accumulated vacation leave up to the total allowable accumulation of vacation leave hours. (Amended: 1/15/2013)

(h) Vacation leave must be used in increments of not less than fifteen (15) minutes. No employee may waive vacation leave and draw double pay by working during the time allowed, unless approved in advance by the department head and the Commissioners. (Amended: 1/15/2013)

(i) Vacation leave cannot be used until earned. If a holiday recognized by the County falls during an employee's regularly scheduled vacation leave, the holiday shall not be counted as a vacation day or hours. (Amended: 1/15/2013)

(j) Vacation hours shall not be considered "hours worked."

(k) Vacation pay shall be computed at the employee's straight time rate of pay for the job classification to which the employee is assigned at the commencement of the vacation.

(l) During such time as an employee is receiving worker's compensation benefits for lost wages, the employee may, at the employee's option, use vacation leave in increments equal to the employee's regularly scheduled workday. (Amended: 1/15/2013)

(m) Use of vacation leave must be approved in advance in writing by the department head. Vacation leave may be taken at any time of the year, provided the vacation does not conflict with the workload of the department. The record of vacation leave is to be made and acknowledged by the employee. The department head will determine when employees will take vacations, and the final determination will be governed by the needs and requirements of the department. In the event of conflicts in scheduling vacation, preference will be given to the employee with the longer length of service. (Amended: 1/15/2013)

Section 40. Paid Sick Leave.

(a) Sick leave shall be granted to all full time employees and three-quarter time employees. Paid sick leave will be earned and accumulate commencing from the date of hire, on a month to month basis, to the credit of the employee at the rate of one working day per month, based on the employee's regularly scheduled work day, based on a five-day work week (*i.e.*, an employee who is regularly scheduled to work 6 hours per day has a six-hour work day and earns 6 hours of paid sick leave per month; an employee who is regularly scheduled to work 8 hours per day has an eight-hour work day and earns 8 hours of paid sick leave per month). If an employee works less than five days per week, the paid sick leave is earned on a proportionate basis. If an employee is receiving worker's compensation for lost wages, the employee shall not earn sick leave during such period. If an employee is on any type of unpaid leave, the employee shall not earn sick leave during such period. (Amended: 1/15/2013)

(b) Employees who work less than a full work month because the date of hire is other than the first day of the month or because the employee has been absent from work due to a leave without pay, earn sick leave on a basis proportionate to the employee's work day as follows: 1-10

calendar days of work: none; 11-20 calendar days of work: four (4) hours; 21-31 calendar days of work: eight (8) hours. (Amended: 1/15/2013)

(c) Paid sick leave is not considered “hours worked.”

(d) Sick leave may be taken only when an employee is incapacitated by sickness or injury, for medical, dental, optical care, when an employee has been exposed to a contagious disease and his attendance at work may jeopardize the health of others, or for the illness of a member of the employee’s immediate family.

(e) For purposes of sick leave, immediate family is defined as: spouse, children or stepchildren, grandchildren and step-grandchildren, siblings, in-laws, parents or step-parents, other dependent persons or “significant other” who resides with the employee.

(f) Notification of absence on account of sickness shall be given as soon as possible on the first day of absence to the department head. In the absence of the department head, the absence should be reported to the deputy assistant who shall notify the rest of staff and others as appropriate. If such notification is not made, the absence may be charged to vacation leave or leave without pay.

(g) All requests for paid sick leave must be approved in writing by the department head. The department head may require that sick leave requests be supported by a physician’s certificate, provided the employee is advised in advance that such certificate is required.

(h) Sick leave shall be used in increments of not less than fifteen (15) minutes. Sick leave cannot be used as vacation leave. (Amended: 1/15/2013)

(i) Sick leave cannot be used until earned. Holidays that occur during sick leave shall not be charged against the employee’s sick leave. (Amended: 1/15/2013)

(j) Sick leave may be accumulated to a total of 480 hours by full-time employees; if an employee regularly works less than 40 hours per workweek, their total allowable accumulation of sick leave hours is reduced proportionally. A separated employee, or the beneficiary of a deceased employee, shall receive payment for one-half of then balance of unused sick leave up to a maximum of 240 hours for full-time employees, and for employees that regularly work less than 40 hours per workweek, the maximum allowable hours for which payment is made is reduced proportionally. The payment is made at the rate of \$6.25/hour.

(k) During such time as an employee is receiving worker’s compensation benefits for lost wages, the employee:

(i) Shall not be eligible to use the employee’s accumulated sick leave;

(ii) Shall not be eligible to receive a donation of sick leave as provided in Section 41;

(iii) Shall not earn sick leave. (Amended: 1/15/2013)

(l) Employees shall not willfully violate or misuse this sick leave policy or misrepresent any statement or condition.

Section 41. Donation of Sick Leave.

(a) Employees may donate sick leave to another employee who is in need of additional sick leave for the employee's personal catastrophic illness.

(b) "Catastrophic illness" means a serious debilitating illness, injury, impairment or physical or mental condition that has been certified by a physician as likely to result in a loss of ten (10) or more work days and involves:

(i) Inpatient care (e.g., overnight stay) in a hospital or hospice; or

(ii) Absence from work due to illness or injury, for a period of more than ten (10) work days, while receiving continuing treatment by or under the supervision of a licensed health care provider or recovering from surgery or treatment of such illness or injury; or

(iii) Absence from work due to a serious health condition such as diabetes, stroke, heart attack, cancer, kidney disease, etc.; or

(iv) Absence from work to receive multiple treatments, including any period of recovery from such treatments, from surgery after an accident or other injury, or for a chronic condition such as cancer or kidney disease. (Amended: 1/15/2013)

(c) Employees may receive donated sick leave on the following basis:

(i) The employee in need of additional sick leave must have: (A) been employed by the County for a continuous period of at least six (6) months; (B) must be eligible to receive sick leave; (C) must have used all of his/her accumulated sick leave, accumulated vacation leave and accumulated compensatory time, if any, prior to requesting or accepting donated sick leave; and (D) must have been unable to work a regular schedule for a continuous period of ten (10) work days. Approval to receive donated sick leave is dependent upon prior written approval of the department head. (Amended: 1/15/2013)

(ii) The employee in need may receive a maximum of 240 hours of donated sick leave in any calendar year.

(iii) The donation of sick leave will be charged against the donating employee's accumulation and transferred on the basis of one hour transferred for one hour paid sick leave. One hour of donated sick leave will result in one hour's pay at the base regular pay rate of the employee receiving the donated sick leave.

(iv) All donations are strictly voluntary, and no employee shall be coerced or financially induced to donate sick leave. An employee may donate a maximum total of forty (40) hours of sick leave in a calendar year, and may donate sick leave only when, after the donation has been made, the donating employee will have not less than eighty (80) hours of sick leave remaining.

(v) Requests for donations of sick leave will be handled anonymously by Human Resources. Donated sick leave which is unused by the employee in need shall not be accrued or paid to the employee in need. Upon the employee's release to return to work or separation from employment, any unused donated sick leave will be returned to the donating employees in the same proportion as the employee's donation bore to the total sick leave donated to the employee in need.

Section 42. Funeral Leave. Funeral leave with pay is granted, from the date of hire, to all full time employees and three-quarter time employees, for a period not to exceed a total of three (3) days per calendar year. Funeral leave is granted for the death of the employee's spouse, children or stepchildren, grandchildren and step-grandchildren, siblings, in-laws, parents or step-parents, or other dependent persons or "significant other" who resided with the employee at the time of death. With written approval of the department head, an employee may use sick leave for additional days of funeral leave due to the death of the persons specified. Funeral leave for the death of persons other than those specified may be granted by the department head, but such leave shall be without pay. Funeral leave is not considered "hours worked." (Amended: 1/15/2013)

Section 43. Paid Civic Duty Leave.

(a) There are a number of duties which are civic obligations for which the County provides paid leave. Full time employees shall be eligible from date of hire for paid leave to perform civic duties when such performance conflicts with regular work hours. Civic duty leave shall not be accrued and is not considered "hours worked." Use of civic duty leave shall be limited to the actual hours the employee is absent to perform: 1) jury duty; 2) court witness duty resulting from the issuance of a subpoena, provided the employee is not a party to the action; 3) voter registration; 4) voting in elections conducted by public governmental entities; 5) any other civic duty approved by the department head.

(b) Absences for voting and voter registration must be scheduled with the department head in order to provide adequate coverage. Employees subpoenaed as a witness or summoned or selected for jury duty are expected to report for work whenever the court schedule permits.

(c) Payment for civic duty leave shall be limited to actual hours the employee is absent to perform the civic duties, except payment for voting and voter registration shall be limited to one

(1) hour. All monies received by the employee from the performance of civic duties, excepting mileage and travel expenses reimbursed, shall be reimbursed by the employee to the County.

Section 44. Family and Medical Leave.

(a) Carbon County provides eligible employees job-protected leave for specified family and medical reasons as provided by the Family and Medical Leave Act [P.L. 103-3, as amended by P.L. 111-84 (National Defense Authorization Act)].

(b) In order to be eligible for Family and Medical Leave [FML], an employee must have been employed by the County for at least twelve months and have worked at least 1,250 hours during the twelve-month period preceding commencement of the leave.

(c) For purposes of Family and Medical Leave, the twelve-month period is July 1 to June 30 of the following year.

(d) Eligible employees are entitled to up to twelve (12) workweeks of leave for the following reasons:

(i) Birth and care of the employee's child, within one year of birth;

(ii) Placement with the employee of a child for adoption or foster care, within one year of the placement;

(iii) For incapacity due to pregnancy, prenatal medical care or child birth;

(iv) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

(v) For the employee's own serious health condition that makes the employee unable to perform the employee's job.

(vi) To address certain qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty in the U.S. National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

(e) Eligible employees are entitled to up to twenty-six (26) workweeks of leave during a single twelve-month period for the following reason:

(i) To care for a covered service member if the employee is the spouse, son, daughter, parent, or next of kin of the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or duties, for which the service member is undergoing medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retired list.

(f) Family and Medical Leave is unpaid leave. However, except for those employees who are receiving worker's compensation benefits for lost wages, to the extent an eligible employee would be entitled to paid sick leave, donated sick leave or vacation leave, the eligible employee is required to concurrently use and exhaust such paid time off for all or part of the twelve-week, or twenty-six week, leave period and to comply with the County's normal paid leave policies. If the employee exhausts his/her paid leave time, including any donated sick leave, any remaining FML leave shall be unpaid.

(g) An employee's twelve (12) week Family and Medical Leave entitlement shall run concurrently with any leave taken under workers' compensation when the injury is one that meets the definition of a serious health condition.

(h) During Family and Medical Leave, Carbon County maintains the employee's health insurance coverage under any group health plan on the same terms as if the employee had continued working. If the employee chooses not to return to work from Family and Medical Leave, the County may be entitled to recover the contributions it paid to maintain such insurance during the leave.

(i) Upon return from Family and Medical Leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

(j) Use of Family and Medical Leave does not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. During such period of Family and Medical Leave that an employee uses paid time off concurrently with all or part of the Family and Medical Leave, employees continue to accrue sick leave and vacation leave. During such time as Family and Medical Leave is unpaid leave, sick leave and vacation leave do not continue to be earned or to accrue. Employees are not entitled to funeral leave while on Family and Medical Leave.

(k) A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two

(2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

(l) An employee does not need to use Family and Medical Leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

(m) Employees must provide thirty (30) days advance notice of the need to take Family and Medical Leave when the need is foreseeable. When thirty (30) days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with any of the County's normal call-in or prior notice procedures.

(n) Employees must provide sufficient information for the County to determine if the leave may qualify for Family and Medical Leave Act protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the County if the requested leave is for a reason for which Family and Medical Leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

(o) The County must inform an employee requesting leave whether the employee is eligible for Family and Medical Leave. If the employee is eligible, the notice from the County to the employee must specify any additional information required as well as the employee's rights and responsibilities. If the employee is not eligible, the County must provide a reason for the ineligibility.

The County must inform employees if leave will be designated as Family Medical Leave Act-protected and the amount of leave counted against the employee's leave entitlement. If the County determines that the leave is not Family Medical Leave Act-protected, the County must so notify the employee.

(p) It is unlawful for the County to interfere with, restrain, or deny the exercise of any right provided to an employee under the Family Medical Leave Act or to discharge or discriminate against any person for opposing any practice made unlawful by the Family Medical Leave Act or for involvement in any proceeding under or relating to the Family Medical Leave Act.

(q) An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the County. Family Medical Leave Act does not affect any federal or state

law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

(r) Family and Medical Leave is available under the terms, conditions, requirements and limitations provided by the Family Medical and Leave Act of 1993, as amended, and Code of Federal Regulations as in effect at the time leave is requested by the employee or designated by the County, except as specifically provided in this section.

(s) Each employee shall be provided a copy of terms, conditions, requirements and limitations concerning Family and Medical Leave as may be approved by the Board of County Commissioners from time to time. Each employee is required to read, sign and be familiar with such terms, conditions, requirements and limitations of Family and Medical Leave. (Entire Section 44 Amended: 1/15/2013)

Section 45. Administrative Leave. Administrative leave may be granted to an employee to participate in meetings, institutes, examinations and other activities directly related to their employment with the County, at the discretion of the department head or Commissioners.

Section 46. Leave Without Pay. Upon demonstration of reasonable cause, requests for leave without pay, not to exceed one calendar year in duration, will be considered on an individual basis, and may be granted to an employee who has been employed with the County for three (3) consecutive years. Requests for leave without pay must be made in writing to the department head and may be granted only with the prior written approval of the department head and the Commissioners. Leave without pay is subject to the needs of the department or office and County. Scheduled increments or adjustments in salary, benefits, or accrual of any benefits of any type whatsoever are not allowed during the period of leave without pay. There is no guarantee of continued employment or of a position following such unpaid leave of absence. The failure to return to work on the scheduled date at the conclusion of the leave without pay is considered a resignation from employment.

Section 47. Military Leave. Military leave for military service and military training programs shall be granted to all eligible employees in accordance with applicable state and federal law as is in effect at the time such leave is requested.

All benefits which are required to be continued at County expense will be continued during the military leave. To the extent required by applicable state and federal law as in effect from time to time, military service is considered service with Carbon County for vesting and benefit accrual purposes.

Upon returning, after honorable separation from the military service, the employee shall be re-employed in accordance with applicable state and federal law governing veteran's employment reinstatement. (Amended: 1/15/2013)

Section 48. Absence Due to Inclement Weather. If inclement weather prevents an employee from attending work, the following applies:

(a) Non-exempt employees: Non-exempt employees may elect to use vacation leave or accumulated compensatory time, if any. Otherwise, the absence is without pay.

(b) Exempt employees: Exempt employees who do not work any part of the day are deemed to have missed work for personal reasons and will be docked a full day's pay unless the exempt employee elects to use vacation leave.

(c) The County does not pay for meals or lodging for employees who attend work but cannot return home due to inclement weather unless the employee is out of town on a County approved trip or training.

Chapter VII EMPLOYEE BENEFITS

Section 49. Health Insurance. Carbon County provides a group health insurance plan for eligible employees and determines, from time to time, the level of employee and employer contribution toward the cost of such insurance. The health insurance plan contains such terms, conditions, eligibility requirements and levels of coverage as provided by the company selected by the Commissioners and as is determined by the Commissioners from time to time. The Commissioners reserve the right to change or eliminate the plan, and the right to change the company, as well as the terms, conditions, eligibility requirements, levels of employee and employer contributions to the cost of insurance, and the levels of coverage at any time. Any premium determined to be the responsibility of the employee is paid by way of an authorized payroll deduction. No cash payment in lieu of health insurance will be provided to any employee.

Section 50. Life Insurance. Carbon County provides life insurance for eligible employees and determines, from time to time, the level of employee and employer contribution toward the cost of such insurance and the employee's family members, if any, to be included in the life insurance plan. The life insurance plan contains such terms, conditions, eligibility requirements and levels of coverage as provided by the company selected by the Commissioners and as is determined by the Commissioners from time to time. The Commissioners reserve the right to change or eliminate the plan, and the right to change the company, as well as the terms, conditions, eligibility requirement levels of employee and employer contributions to the cost of insurance, and the levels of coverage at any time. Any premium determined to be the responsibility of the employee is paid by way of an authorized payroll deduction. No cash payment in lieu of life insurance will be provided to any employee.

Section 51. Wyoming Retirement System. All employees who are regularly scheduled to work thirty (30) hours or more each work week are participants in the Wyoming Retirement

System. The employee's portion of the retirement contribution is withheld from the employee's paycheck and remitted to the retirement system.

Section 52. Wyoming Worker's Compensation.

(a) Carbon County participates in the Wyoming Workers' Compensation Program. A Wyoming Workers' Compensation notice is posted on the County bulletin board located in the area leading to Human Resources. Covered employees are required to report all accidents and injuries to their department head as soon as possible and no later than the time stated in the posted notice. A written report must also be made in a timely manner and delivered to both the department head and Human Resources.

(b) The County does not pay any wage differential to an employee who has applied for or is receiving payment for lost wages from Workers' Compensation.

Chapter VIII
TRAVEL AND EXPENSE REIMBURSEMENT

Section 53. General Policy. Employees must receive prior written approval from their department head, or in the case of persons supervised by the Commissioners, from the Commissioners, for overnight travel. Travel requests must be in writing and include a description of the business purpose of the travel and benefit to the County as well as an estimate of the travel expense. All employees are required to use good business judgment in the selection of lodging, restaurants and mode of transportation.

Section 54. Reimbursement of Travel Expenses. Travel by personal vehicle will be reimbursed at the then applicable mileage rate as established by the Commissioners from time to time. The County will reimburse employees the actual cost incurred for reasonable meals and lodging expense, including room, parking and tax charges as well as miscellaneous travel expenses such as taxi charges and reasonable tips which are incurred while traveling on approved County business. Where group meals are provided at a meeting, employees are expected to participate in that group function at no additional cost to the County. Any meals or lodging expenses incurred for family members or persons accompanying the employee are not reimbursable by the County. The County does not reimburse for alcoholic beverages, in-room movies, or personal telephone calls.

Section 55. Expense Reimbursement and Reporting.

(a) In order to be reimbursed, employees must submit itemized receipts for all expenses for which reimbursement is sought. When using a credit card, copies of the credit card receipt plus the itemized receipt must be submitted. Expenses which have not been approved in advance, expenses which are not supported by the required itemized receipts, or expenses which are not reasonable in amount are considered personal expenditures and will not be reimbursed.

(b) Reimbursement to employees for hosting meals must be approved in writing in advance by the department head, or in the case of employees supervised by the Commissioners, by the Commissioners. In order to be considered for reimbursement, the meal must be a quiet business meal in a restaurant, hotel dining room, or similar location where the surroundings and atmosphere are conducive to and at which a bona fide business discussion actually occurred. The request for reimbursement must be accompanied by a list of the persons who were present, the business purpose or business discussed and the itemized receipts as described above. Expenses which have not been approved in advance, which are not supported by the required itemized receipts or which are not reasonable in amount are considered personal expenditures and will not be reimbursed.

(c) Reimbursement occurs only after approval by the department head, County Treasurer, Commissioners and County Clerk Accounts Payable Department.

Section 56. Use of County Vehicles.

(a) Only eligible Carbon County employees and elected officials can operate County vehicles. In order to be eligible to operate a County vehicle, an employee or elected official must possess a driving record which is free of any of the unacceptable driving criteria set forth in paragraph (d) below or such criteria as may be adopted by the Local Government Liability Pool from time to time. In addition, at least annually, all employees and elected officials must, prior to operation of a County vehicle, complete, sign and/or provide the following information to the County Clerk's Office, Human Resources:

(i) A Release for Driving Record and Personal Information form;

(ii) A Driver History & Privacy Disclosure Release form;

(iii) A current copy of his/her driver's license.

(iv) Any other forms or provide any additional information required to obtain a driver history, or as may be required by the Local Government Liability Pool from time to time.

(b) Failure to provide the proper documentation, and to acquire written confirmation of eligibility to drive a County vehicle from the County Clerk's Office, before operating any County vehicle, may result in ineligibility.

(c) Eligibility must be established for all employees and elected officials at least once each year in conjunction with the County's acquiring or renewing its liability and property insurance.

(d) Carbon County does not permit any of its employees or elected officials to operate a motor vehicle in the course and scope of their duties for the County if the employee's or elected official's MVR driving record information reflects any of the following unacceptable driving criteria:

(i) Convicted of three (3) or more [three (3) or more separate, individual incidents] on-duty or off-duty moving violations within the previous thirty-six (36) months;

(ii) Convicted of two (2) or more [two (2) or more separate, individual incidents] on-duty or off-duty moving violations within the previous twelve (12) months; or

(iii) An administrative suspension of a drivers' license, a conviction, or any form of deferred prosecution, within the previous thirty-six (36) months. The following are examples of violations which may result in an administrative suspension, conviction or deferred prosecution:

(A) Driving under the influence of drugs or alcohol;

(B) Leaving the scene of an accident;

(C) Fleeing to avoid arrest;

(D) Reckless driving;

(E) Homicide or assault by motor vehicle; and

(F) Driving without auto insurance [only for employees driving personal vehicles for the County's business].

(iv) Any other unacceptable driving criteria as may be adopted by the Local Government Liability Pool from time to time.

(e) Any employee or elected official who has provided the above information and been deemed eligible to operate a County vehicle, but who subsequently receives a moving violation or other traffic citation which may result in the employee or elected official developing an unacceptable driving criteria, must notify their department head and the County Clerk's Office, Human Resources, in writing of such within two (2) business days of receipt of the citation and shall immediately cease driving County vehicles until such time as the citation is resolved in the employee's or elected official's favor. If the employee or elected official develop a motor vehicle record which reflects unacceptable driving criteria as specified above or as amended, the employee or elected official must so notify their department head and the County Clerk's Office, Human Resources, in writing, no later than two (2) business days after the conviction, administrative suspension of driver's license or deferred prosecution. Any employee or elected official who is no longer in compliance with the acceptable driving criteria shall not drive County vehicles until the employee or elected official can comply and meet the driving criteria.

(f) General rules of operation of County vehicles include, but are not limited to:

(i) County vehicles (except those used by on-call personnel) are not to be used for any personal business. This includes no personal errands, no transport of the employee's spouse, friends or children on non-County related business or for personal convenience; no transport of pets or personal possessions, other than small personal items necessary to personal comfort (for example, coat, boots, emergency winter gear, purse, lunch carrier, etc.) or to perform the County's business (for example, tools, computer, briefcase, papers, etc.).

(ii) Smoking or use of tobacco products is prohibited.

(iii) All applicable laws shall be followed when driving, including use of seat belts.

(iv) No alcoholic beverages or controlled substances shall be consumed or present in County vehicles.

(v) Employees are not to operate a County vehicle while under the influence of alcohol or drugs.

(vi) County vehicles are to be locked and secured when not in use.

(g) Employees who drive their own vehicles while working for the County will comply with the general rules of operation and are fully responsible for paying any deductibles and expenses in case of an accident.

(h) Non-county employees or elected officials may be transported in County vehicles when such transportation has:

(i) Specifically been authorized in advance, in writing, by the Board of County Commissioners, or by persons specifically designated by the Board to grant such authorization; or

(ii) The persons to be transported are involved in or are participants of the activity or business which necessitates the use of the County vehicle; or

(iii) The persons to be transported are directly involved for or on behalf of the County in the activity or business which necessitates the use of the County vehicle.

(i) Employees are responsible for paying any fines due to moving violations or other traffic citations or parking tickets.

(j) In the event of an accident, the employee must immediately notify law enforcement, then their department head, and the County Clerk's Office, Human Resources. (Entire Section 56 Amended: 1/15/2013)

Chapter IX EVALUATIONS

Section 57. Evaluations.

(a) The purposes of evaluations, if performed, are to 1) provide a method to improve the delivery of services by Carbon County; 2) improve job productivity; 3) provide feedback to an employee concerning performance; 4) identify areas of performance that may need improvement so that those areas may be discussed and facilitated where possible; 5) recognize outstanding performance.

(b) Department heads determine when and whether to perform evaluations of employees within their offices or departments.

Chapter X PROBLEM SOLVING/GRIEVANCES

Section 58. Problem Solving.

(a) The Commissioners recognize that problems and disagreements may arise from time to time between and amongst its employees. Employees are encouraged to settle their differences, informally, in a cooperative, respectful, and confidential manner as between themselves. If this cannot be accomplished, the assistance of the department head(s) is to be enlisted to settle the differences which may arise between employees. This is to be done informally and in a cooperative, respectful, and confidential manner.

(b) If the problem cannot be resolved at that level, or if the problems and disagreements involve an employee supervised by the Commissioners, a meeting or conference with the Commissioners, department head, if any, and employees may be arranged to discuss the problem and its possible solutions in an informal manner. The solution reached by the parties, or the directive of the Commissioners, will be considered the final resolution of the problem.

(c) If the differences involve a department head and an employee, then a meeting or conference with the Commissioners may be requested to settle the differences, but only after the department head and the employee have attempted to resolve their differences informally between themselves in a cooperative, respectful, and confidential manner.

(d) Except in those instances where an employee believes he or she has been subjected to sexual harassment or other discriminatory conduct, employees are discouraged from contacting individual Commissioners on a one-on-one basis to solve problems, as individual Commissioners lack the authority to do so.

Section 59. ADA Grievances. Those persons who have, or believe they have, a grievance under the Americans With Disabilities Act (ADA) shall file the grievance as follows:

(a) The complaint must be filed in writing not later than one hundred eighty (180) days after the alleged violation occurs, although such time may be extended by a showing of good cause from the grievant.

(b) The complaint must be addressed to the ADA Coordinator, Carbon County Courthouse, PO Box 6, Rawlins, Wyoming 82301.

(c) The written complaint shall contain not less than the following information:

(i) The name, address and phone number of the individual making the complaint, and that of any authorized representative.

(ii) A description of the alleged discrimination in sufficient detail to inform the County of the nature and date of time alleged violation, including all persons known to the grievant to have been involved.

(iii) The complaint shall be signed and dated by the grievant or the authorized representative.

(iv) Complaints filed on behalf of third persons shall describe and identify the alleged victims of discrimination.

(d) The ADA Coordinator, shall cause a thorough, but informal, investigation of the complaint to be made. All interested persons shall be afforded an opportunity to present evidence or information relevant to the complaint.

(e) A written determination of the complaint and a description of the resolution of any substantiated complaint shall be issued not later than ten (10) days after completion of the investigation and a copy sent to the grievant upon issuance. The determination shall include:

(i) Findings of fact and conclusions of law.

(ii) A description of a remedy for any violation found.

(iii) A notice of the rights available to the grievant and to the County, including the grievant's right for a private suit.

(f) Files of the complaints received shall be maintained for a period of not less than five years.

(g) The grievant may request a reconsideration of the decision if dissatisfied with the resolution. The request for reconsideration shall be made to the Commissioners within ten (10) business days from the date of the determination.

(h) Nothing in this grievance procedure shall be construed as preventing an individual from pursuing other remedies, including filing the complaint with any federal agency believed to be appropriate, or a federal district court.

Chapter XI SEPARATION FROM EMPLOYMENT

Section 60. Termination.

(a) Department heads may terminate employees working in their offices/departments. The Commissioners may terminate employees it supervises.

(b) An employee who believes they have been terminated for a legally impermissible reason, *i.e.*, race, color, sex or gender, national origin, religion, physical or mental disability, age, political affiliation, or exercise of a constitutionally protected right, is required, within five (5) business days of the effective date of termination to request, in writing, a meeting or conference with the Commissioners. The written notice shall set forth, in detail and with specificity, all facts which establish the legally impermissible reason for the termination. The request for a meeting with the Commissioners shall be delivered to the Carbon County Clerk, the department head involved and the County Attorney. A meeting will be scheduled with the Commissioners within thirty (30) calendar days of receipt of the request. A request for a meeting does not suspend the effective date of termination.

Section 61. Resignation from Employment. Employees are requested to submit written notice of resignation as far in advance of the effective date of the resignation as possible.

Section 62. Failure to Return from Leave; Job Abandonment.

(a) Failure to return from an approved leave of absence on the agreed date, without prior written approval to extend the leave, is considered a voluntary resignation.

(b) Failure to report to work for three consecutive work days is considered voluntary resignation.

Section 63. Return of County Property, Equipment and Keys/Final Paycheck. All property belonging to the County must be returned to the County prior to delivery of the employee's final paycheck. The final paycheck shall be available to the employee within five (5) working days of his or her separation date. The final paycheck will include pay for accrued, but unused vacation, sick leave, subject to the limitations set forth above, and accumulated compensatory time. Any amounts

owed to the County by the employee, including any amount owed for County issued equipment or uniforms not returned, shall be deducted.

Chapter XII MISCELLANEOUS PROVISIONS

Section 64. Personal Information. Personal data on all employees, such as address, home telephone number, and tax withholding information is to be current and accurate at all times. Each employee is to report any changes in personal data as soon as possible to the department head and Human Resources. The County will not release such personal data to outside agencies, without the permission of the employee, except those to whom such disclosure must be made by law.

Section 65. Personnel Records. The County maintains personnel records on each individual employee concerning the status of accrued vacation, sick leave, hours of work, requests for time off, evaluations, if available, and other pertinent work-related information. Personnel records are the property of the County; however, employees may review their own files at reasonable times during business hours.

Section 66. Medical Records. Any medical records concerning an employee, such as worker's compensation claims, sick leave doctor reports or Family and Medical Leave documentation shall be kept in a file separate from the personnel records and shall be considered to be confidential. Internal access to and use of such information shall be in accordance with the requirements of state and federal law.

Section 67. Situations Not Specifically Addressed. It is not possible to cover each and every situation which may arise dealing with employees. The Commissioners shall be the final policy making authority for the County in all personnel matters and shall make the final interpretation of the provisions of this Personnel and Benefit Manual.

Section 68. Employee Acknowledgment and Receipt. Each employee, at the time of receipt of a copy of the manual, and any amendments hereto, shall acknowledge receipt of such in writing. A copy of that receipt shall be placed in the respective personnel file for each employee. Every employee shall make themselves familiar with the contents of the Personnel and Benefit Manual, and any amendments thereto, immediately after receipt.

Section 69. Effective Date. The amendments to the Carbon County Personnel and Benefits Manual become effective January 16, 2013. The amendments to the Carbon County Personnel and Benefits Manual as adopted, as well as the amendments to the rules and regulations, supersede and repeal the previous provisions of the manual adopted on July 15, 2008, by the Carbon County Board of County Commissioners. All other provisions of the Carbon County Personnel and Benefits Manual adopted July 15, 2008, as well as the rules and regulations then adopted, except as specifically amended, remain in full force and effect. (Amended: 1/15/2013)

Section 70. Authority to Republish/Reformat. The Carbon County Clerk is authorized to republish, reformat and incorporate the amendments into an updated Carbon County Personnel and Benefits Manual in a booklet form for distribution to employees. (Amended: 1/15/2013)