

SWEETWATER C·O·U·N·T·Y

EMPLOYEE MANUAL



**ADOPTED BY THE SWEETWATER COUNTY BOARD OF COUNTY
COMMISSIONERS AT ITS REGULAR
MEETING**

ON THIS 20th OF July, 2010

Pursuant to the attached resolution

A RESOLUTION TO ADOPT THE
SWEETWATER COUNTY EMPLOYEE MANUAL

WHEREAS, the Sweetwater County Board of County Commissioners has broad responsibility, as described by W.S. § 18-3-504(v) to "represent the County, care for the County property and manage the business and concerns of the County in all cases where no provision is made by law"; and,

WHEREAS, the Sweetwater County Board of County Commissioners has other specific responsibilities with respect to County personnel as described in W.S. § 18-3-504 and elsewhere in Wyoming law; and,

WHEREAS; the Board of County Commissioners has full responsibility to manage the County's budget; and,

WHEREAS, employee costs comprise the majority of the County's budget; and,

WHEREAS, employee's are one of the most valuable County resources; and,

WHEREAS, the County current employee manual was created in 1988; and,

WHEREAS, there have been a multitude of changes in federal and state employment laws which are not reflected in the current employee manual; and,

WHEREAS, the development of an updated manual is necessary to facilitate the legal, effective, cost-efficient management of the County's employees.

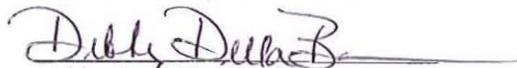
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SWEETWATER COUNTY, WYOMING to adopt the attached Sweetwater County Employee Manual consisting of 131 pages, including the cover, five (5) pages of the tables of contents, eighty seven (87) pages of polices and thirty eight (38) pages of appendices.

BE IT FURTHER RESOLVED that feedback regarding the manual is welcome and recommended changes will be evaluated and considered for future inclusion in the manual; and,

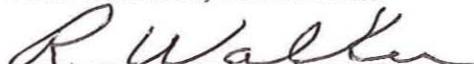
BE IT FURTHER RESOLVED that the manual will be regularly reviewed and amended as necessary to remain current, relevant, legally compliant and supportive of both management goals and employee needs.

ADOPTED AND APPROVED THIS 20th Day OF July, 2010.

SWEETWATER COUNTY BOARD
OF COUNTY COMMISSIONERS
GREEN RIVER, WYOMING


Debby Deltai Boese, Chairperson


Paula Wonnacott, Commissioner


Randy Walker, Commissioner

ATTEST:


Steven Dale Davis
Sweetwater County Clerk

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CHAPTER 1: INTRODUCTION

IMPORTANT NOTICE

The Board of County Commissioners reserves the right to alter, amend or revoke these policies in its sole discretion at any time. Nothing in these policies limits or alters the statutory or constitutional authority of future Commissioners to establish different policies or revoke or amend these policies. To the extent practicable, Elected Officials will be afforded an opportunity to review and comment on any proposed amendments to this Manual. This policy revokes and supersedes all previous policies and procedures, handbooks, or memoranda.

Section 1. Purpose of the Manual

- A. Sweetwater County is a political subdivision of the State of Wyoming, created in law by the Wyoming legislature to provide for the local administration of state laws and statewide governmental programs, and other functions as authorized by the Wyoming legislature. To accomplish this, the legislature has delegated a portion of the sovereign powers of the State to be executed by various elected officers, including: the County Clerk, the County Attorney, the Board of County Commissioners, the County Treasurer, the County Coroner, the County Sheriff, the County Assessor and the Clerk of District Court. The rights and responsibilities of these offices are prescribed by the legislature. The general duties of the Board of County Commissioners are described in W.S. §18-3-504. Specifically, W.S. §18-3-504 (v) grants the Board broad authority to "represent the County, care for the County property and manage the business and concerns of the County in all cases where no provision is made by law." With few exceptions, the law fails to make provisions for management of the County's human resources; yet, in a service organization, such as a County government, employees are one of the most vital County resources. Furthermore, the costs for staffing County employees, including the costs for hiring, salaries, benefits, training and travel comprise a significant and ever-increasing portion of the County's budget. For these reasons, the Board of County Commissioners believes it is imperative to develop sound personnel policies and practices.
- B. To that end, it is the express purpose of this Manual to define and communicate those policies and procedures which the Sweetwater County Board of County Commissioners has enacted to facilitate legal, effective, and cost-efficient human resources management, recognizing that the taxpayers of Sweetwater County and the State of Wyoming should receive the maximum value for their tax dollars.
- C. It is not the intent of this Manual to in any way, usurp the lawful authority of any other Elected Official; rather, the intent is to communicate to County employees the policies which are within the scope of the County Commissioners' authority to implement.
- D. We value the employees of Sweetwater County and encourage them to make productive suggestions. We want you to succeed at your job.
- E. This Employee Manual, inclusive of the Acknowledgement Form and all attachments, sets forth the general administrative policies, goals, and benefits that apply to employees of

CHAPTER 1: INTRODUCTION

Sweetwater County and replaces and supersedes all prior policy Manuals, policy resolutions, whether written or oral.

- F. You should use this Manual as a reference as you pursue your career with Sweetwater County. While this Manual does not include all of the guidelines or operating rules, it can still be used and applied as a general guide. This Manual will be updated from time to time and may be unilaterally amended by the Sweetwater County Commission at any time. When there is a change in a policy the Human Resources Department will update this Manual as soon as practicable and communicate changes to employees via their Elected Official or Department Head. Please discuss with your supervisor any questions you may have about this Manual or about your employment with Sweetwater County.

Section 2. Defined Terms

- A. “Board” – The Sweetwater County Board of County Commissioners.
- B. “Sweetwater County” or “the County” – As used in this Manual may refer to the geographical area within the boundaries of Sweetwater County, or to the government of Sweetwater County.
- C. “Elected Official” – A person lawfully holding the position of County Sheriff, County Assessor, County Attorney, County Coroner, County Treasurer, County Clerk, Clerk of District Court or County Commissioner, in accordance with W.S. § 18-3-101 through 18-3-907.
- D. “Contract Employee” – A person who has entered into a written employment contract with Sweetwater County to perform certain services for Sweetwater County for a period of time. The provisions of this Manual do not apply to Contract Employees, unless otherwise provided in the employee contract.
- E. “Chief Deputy” – Includes those persons holding the title of Chief Deputy or Undersheriff, and other persons appointed by an Elected Official to perform certain assigned duties as a lead supervisor, or as the primary person who assumes the duties of the Elected Official, in the Elected Official’s absence.
- F. “Department Head” – A person employed or appointed by the Sweetwater County Board of County Commissioners to supervise a department whose functions are within the exclusive purview of the Sweetwater County Board of County Commissioners. This definition includes, by way of example, the Human Resources Department and the Engineering Department.
- G. “Supervisor” – Any employee who has been delegated supervisory duties by an Elected Official, the Sweetwater County Board of County Commissioners, or a Department Head.

CHAPTER 1: INTRODUCTION

- H. “Regular Full-Time Employee” – Any person who is not an Elected Official, Chief Deputy, Temporary Employee, Independent Contractor or Contract Employee who performs assigned duties for compensation, and is regularly required to work at least forty (40) hours each week, excepting authorized leave.
- I. “Regular Part-Time Employee” – Any person who is not an Elected Official, Chief Deputy, Temporary Employee, Independent Contractor or Contract Employee who performs assigned duties for compensation, and is regularly required to work less than forty (40) hours a week.
- J. “Temporary Employee” – Any person who is hired for a certain length of time to perform specific duties. A temporary employee is not eligible to receive any benefits. This includes seasonal employees, or employees who are hired for a limited period to address an increased work load or an employee shortage.
- K. “Probationary Period Employee” – Any employee during the first six (6) months of employment is considered a Probationary Period Employee and is therefore employed at-will. During the probationary period, employment may be terminated at any time by either the County or the employee for any reason or for no reason at all, with or without notice. Elected Officials and/or Department Heads may extend this period of probation up to one (1) year to allow more time for employees to become acquainted with a job, as a result of absence or for unacceptable job performance.
- L. “Immediate Family” – Shall be as defined within the context of specific policies under this Manual.
- M. “Independent Contractor” – A person or entity, as defined by the Fair Labor Standards Act (FLSA), providing products or services to Sweetwater County pursuant to a specific agreement where the contract identifies the services to be performed and the contractor is responsible to exercise independent judgment in meeting the contract terms. Independent Contractors are not employees under the terms of these policies and derive no rights from these policies. Independent contractors are responsible for payment of any applicable payroll or other taxes.
- N. “Handbook, Manual, Guide” – These are interchangeable terms which describe this document in its entirety.
- O. “Employee” – Is a person who is a Regular Full-Time Employee, Regular Part-Time Employee or Temporary Employee, if he or she has been hired by an Elected Official or the Sweetwater County Board of County Commissioners to perform assigned duties for compensation. This definition does not include Contract Employees, Independent Contractors or volunteers.
- P. “At-Will Employee” – Refers to an employee whose employment with the County can be terminated either with or without cause. At-will employees include probationary employees and those employees who have received notice of their at-will status, upon hiring.

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- Q. “Exempt Employee” – Is an employee whose position with Sweetwater County has been determined by Human Resources to be exempt from, or not covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).
- R. “Nonexempt Employee” – Is an employee whose position with Sweetwater County has been determined by Human Resources to be subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA).
- S. “Confidential Information” – Is information prohibited from being disclosed pursuant to the Wyoming Public Records Act, W.S. § 16-4-201 *et. seq.*, or other provisions in Wyoming law.

Section 3 Policy Adoption, Filing and Dissemination

- A. The Sweetwater County Board of County Commissioners has exclusive authority to adopt this Manual and any amendments hereto. To the extent practicable, Elected Officials will be afforded an opportunity to review and comment on any proposed amendments to this Manual. This policy revokes and supersedes all previous policies and procedures, handbooks, or memoranda.
- B. The official copy of this Manual and all amendments will remain on file with the Sweetwater County Clerk.
- C. Dissemination of the Manual and any amendments shall be the responsibility of the Human Resources Department. Supervisors shall be responsible for ensuring that all employees within the supervisor’s respective area of responsibility have received the Manual and all amendments. However, it will be the sole responsibility of each employee to read and understand the provisions of this Manual and all amendments hereto.

CHAPTER 2: HIRING PRACTICES

Section 1. Equal Opportunity Statement

- A. Sweetwater County is an equal opportunity employer and does not discriminate against employees or job applicants on the basis of race, religion, color, sex, age, national origin, mental or physical disability, veteran or family status, or any other status or condition protected by applicable federal, state, or local laws, except where a bona fide occupational qualification applies.
- B. This policy extends to all aspects of the employment relationship including, for example: recruiting, interviewing, hiring, job assignments, training, compensation, benefits, discipline, use of facilities, participation in Sweetwater County-sponsored activities, termination, and all other terms, conditions, and privileges of employment.

Section 2. Nepotism Policy

- A. Elected Officials are prohibited from advocating or causing the employment, appointment, promotion, transfer or advancement of a family member to an office or position of the County. In addition, Elected Officials are prohibited from supervising or managing a family member who is in an office of the County (See W.S. § 9-13-102 (a) (xiv) and W.S. § 9-13-104).
- B. No Elected Official, acting in his or her official capacity, shall participate in his or her official responsibility or capacity regarding a matter related to the employment or discipline of a family member (See W.S. § 9-13-102 (a) (v)).
- C. A member of an employee's immediate family will be considered for employment by the County, if the applicant possesses all of the qualifications for the position. However, the applicant's relationship to a current County employee shall not be a factor in the process of recruitment or selection, except as follows:
 - 1. An immediate family member shall not be hired, if the employment would:
 - a. Create either a direct or indirect supervisor/subordinate relationship with an immediate family member; or
 - b. Create an actual conflict of interest or the appearance of a conflict of interest.
 - 2. These criteria shall also apply when assigning, transferring, or promoting an employee. For the purposes of this section, "immediate family member" includes the employee's spouse, siblings, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law and any other members of the employee's household.

CHAPTER 2: HIRING PRACTICES

3. Employees who marry or become members of the same household may continue employment, subject to the requirements that there is not:
 - a. A direct or indirect supervisor/subordinate relationship with an immediate family member; or
 - b. An actual conflict of interest or the appearance of a conflict of interest.
4. Should one of the situations referenced in Paragraph 3. above exist, the Elected Official or the Department Head shall attempt to find a suitable position within the County to which one of the affected employees may transfer. If accommodations of this nature are not feasible in the opinion of the Department Head or the Elected Official, the employees must decide among themselves which one will submit his or her resignation. If the employees cannot decide which one of them will resign, the Board or appointing Elected Official shall make the final decision.

Section 3. Authority to Hire/Appoint

- A. W.S. § 18-3-107(e) and W.S. §18-3-602(b) requires Elected Officials to obtain consent from the Board to appoint deputies and assistants to assist the Elected Official in the performance of his or her duties. This consent may be provided by the Board's adoption of a document, in conjunction with the annual budget, which provides a list of the positions that are requested to be filled by the various Elected Officials. The Board may adopt other procedures for providing consent.
 1. The Board may withdraw consent during periods of economic uncertainty or revenue shortfalls, including any condition which requires layoffs or a hiring freeze.
 2. After approval of the budget, the Board may also withdraw consent when the circumstances change to the degree that the position, which was previously funded, is no longer necessary.
- B. When a vacancy exists in a position which had received consent from the Board, unless the Board has provided any contrary procedure, the Elected Official may fill the vacancy without obtaining any additional consent from the Board.
- C. When needing additional staffing, that has not been authorized by the Board, in the office of the County Sheriff, County Assessor, County Attorney, County Coroner, County Treasurer, County Clerk or Clerk of District Court the requesting Elected Official shall obtain the consent of the Board prior to recruiting, extending offers of employment or otherwise staffing positions within his or her respective offices (See W.S. § 18-3-107 (e), W.S. § 18-3-602(b)).

CHAPTER 2: HIRING PRACTICES

1. A budget amendment may be required to properly fund any authorized additional staffing, if the current departmental budget does not have sufficient funding for the requested staffing.
- D. To fill a vacancy or to request additional staffing, the requesting Elected Official should notify the Human Resources Department. The Human Resources Department, in cooperation with the requesting Elected Official, will begin the recruitment process.
- E. The County Coroner may appoint Deputy Coroners, who shall serve in the absence or inability of the coroner and who shall receive compensation as the Board determines by resolution (See W.S. § 7-4-102).
- F. The Board may appoint one (1) or more assistants or staff positions, whose salary shall be established by the Board, as may be necessary to properly administer the affairs of the Board. Persons appointed to an assistant or staff position shall not perform any duties statutorily delegated to any other County Elected Official (See W.S. §18-3-107 (g)).
- G. Department Heads experiencing a vacancy in their departments may staff such vacancies provided that such position had been previously consented to by the Board during the budget process, or otherwise. This consent may be provided by the Board's adoption of a document, in conjunction with the annual budget, which provides a list of the positions that are requested to be filled by the various Department Heads. The Board may adopt other procedures for providing consent.
1. The Board may withdraw consent during periods of economic uncertainty or revenue shortfalls, including any condition which requires layoffs or a hiring freeze.
 2. After approval of the budget, the Board may also withdraw consent when the circumstances change to the degree that the position, which was previously funded, is no longer necessary.
 3. To request additional staffing, the requesting Department Head shall notify the Human Resources Department. The Human Resources Department shall review in a timely manner, the request and forward its recommendation to the Chief Executive Officer (CEO) for consideration. The CEO shall then forward his recommendation for the requested position to the Board. The Board shall review the application and any staff recommendations and approve or deny filling the position. If approved by the Board, the Human Resources Department, in cooperation with the requesting Department Head, will begin the recruitment process.

Section 4. Recruitment

CHAPTER 2: HIRING PRACTICES

- A. In support of the County's equal employment opportunity obligation, the County shall staff vacancies with those applicants most qualified and capable of performing the essential duties of the vacant position, with or without reasonable accommodation.
- B. At no time, should any representation or promise be made to a job applicant during the recruitment or hiring process that the applicant has permanent or guaranteed employment. No document should be referred to as a "contract" or "agreement," unless an actual written agreement has been properly executed.
- C. The Human Resources Department shall receive, log, review and maintain all applications.
- D. Department Heads or Elected Officials who have obtained proper consent to hire employees should consult with the Human Resources Department to develop fair, lawful and effective recruitment, interview and selection procedures. The Americans with Disabilities Act (ADA) and other federal provisions that prohibit discrimination must be complied with during all stages of the hiring process.
- E. The Elected Official, Department Head and the Human Resources Department will determine the most effective recruitment plan, including advertising in one or more of the following:
 - 1. Internal County Postings
 - 2. Newspapers
 - 3. Wyoming Job Service
 - 4. Radio
 - 5. Internet, the County's Web site, e-mail
 - 6. Specialized Publications and Professional Journals
 - 7. Any other method that may enhance the number of candidates applying for the position
- F. The obligation to advertise vacancies in paragraph E. may not apply to vacancies in which there are qualified employees who are eligible for transfer, or qualified former employees who were laid off and eligible and available for recall.

Section 5. Applicant Evaluation

- A. When an applicant submits an application, **the applicant is certifying the accuracy and truthfulness of the information submitted and it is understood that any material**

CHAPTER 2: HIRING PRACTICES

misrepresentation or misstatement may be cause to disqualify the applicant, or if it is not discovered until after the applicant has been employed, the employee may be disciplined in an appropriate fashion, including immediate dismissal.

- B. The County may employ several methods to evaluate applicants to determine qualifications for employment, depending on the nature of the position vacated. Such methods may include written and oral examinations, interviews, background checks, references, results of polygraph examinations, psychological examinations, and various performance evaluations. The testing and selection procedures must be properly tailored to the position, and comply with all applicable laws, particularly for polygraph, psychological and physical examinations.
- C. All materials documenting the evaluation process shall be filed and retained in accordance with applicable federal and state retention laws.
- D. If the background check, the medical examination or any other subsequent investigation discloses any material misrepresentation on the application form, or if there is other information indicating that the individual is not suited for employment with the County, the applicant will be refused employment or, if already employed, may be terminated.

Section 6. Hire Decision

- A. Within the guidelines stated herein and consideration of any Department Head or Human Resources recommendations, the final decision to hire an applicant rests with the Board or Elected Official.

Section 7. Employment Offer

- A. Once the final decision has been made by the Board or the Elected Official, the Elected Official or Department Head shall inform the Human Resources Department of the selection. The Human Resources Department will assist the Department Head or Elected Official in preparing either a conditional offer of employment or an offer of employment.
- B. Background Checks: Prior to employment, an applicant may be required to submit to one or more of the following means to verify and evaluate identity, work experience, and the existence of a criminal record:
 - 1. Photographs
 - 2. Polygraph examination (only if in compliance with law)
 - 3. Reference Check
 - 4. Verification of Transcripts

CHAPTER 2: HIRING PRACTICES

5. Motor Vehicle Record Check (MVR)
6. Criminal Background check and the submission of fingerprints to the Division of Criminal Investigation, or in some instances where there may be questions about an applicant, a query may be made with the National Crime Information Center (NCIC).

Section 8. Post-Offer Medical Testing

- A. Post-Offer Medical Testing: Applicants to whom a conditional offer of employment has been extended may be required to submit to medical tests or procedures, or examination when the Human Resources Department determines that these are necessary to comply with the existing legal requirements.
- B. Drug and Alcohol Testing: Certain applicants who aspire to occupy positions with the County that are “safety sensitive” may be required to submit to tests for alcohol or controlled substances, depending on the particular position.
- C. Cost of Examination (s): Medical examinations required by the County will be paid by the County and will be performed by an approved physician or licensed medical facility designated or approved by the Human Resources Department. The results of medical examinations which have been paid by the County are the property of the County, and the examination records, including any results, are deemed confidential and shall be kept in a separate medical file.

Section 9. Recruitment and Relocation Expenses

- A. Recruitment: All reasonable expenses incurred by applicants applying for employment in positions which are difficult to staff, including certain professional, supervisory, or other positions requiring specialized expertise, and invited to the County for the selection process may be reimbursed for their travel, lodging and meals. All expenses must first be approved by Human Resources Department.
- B. Relocation: Relocation expenses may be paid to those employees who have been hired to fill difficult to staff positions in the County. The Human Resources Department must review all requests for relocation expenses, and the associated vouchers and receipts, and if approved, relocation expenses may be paid.

CHAPTER 3: EMPLOYMENT POLICIES

Section 1. Employee Classifications

- A. It is the policy of the County to classify County officials and employees as: Elected Official, Chief Deputy, Department Head, full-time, part-time, temporary, or contract employees, and as non-covered, exempt or nonexempt for the purposes of compensation, administration and compliance with the Fair Labor Standard Act (FLSA).
- B. In addition, the County may supplement the regular workforce, as needed, with other forms of flexible staffing, including contract employees, independent contractors, temporary employees, or individuals acquired through staffing agencies.
- C. The County may use students and other applicants for flexible staffing purposes, as allowed by law. The Human Resources Department will handle the assignment of students to special full-time or part-time jobs that are part of training programs. Hiring of personnel under the age of eighteen (18) must be approved through the Human Resources Department.
- D. Status Change: An employee whose status changes from regular full-time to regular part-time may use any days of paid absence or vacation accrued as a full-time employee. An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility for other County benefits, such as the pension plan and/or pay plan is available from the Human Resources Department. Regular full-time employees who are given temporary transfers are not considered temporary employees unless their job has been eliminated and only temporary employment is available. An employee who has been selected by the Elected Official as the Chief Deputy, or an employee who is elected or appointed to an Elected Official position, shall be entitled to receive his or her accrued sick leave and vacation leave, in accordance with Chapter 7, Benefits, upon assuming the duties of the Chief Deputy or Elected Official. In addition the employee will be paid his or her accrued compensatory time at the employee's rate of pay prior to his or her status change to Chief Deputy or Elected Official.

Section 2. Promotions

- A. It is the policy of Sweetwater County to offer employees promotions to higher-level positions when appropriate. Promotions in the County in each department or specific area shall be based upon merit. Promotion occurs when a regular full-time employee applies, qualifies, and is selected to fill a position in a different classification at a higher pay grade than the employee's current pay grade.
- B. An employee of the County will not be given any preference for the promotion, if outside candidates are considered for the same position.

CHAPTER 3: EMPLOYMENT POLICIES

- C. **Position Vacancies:** At the discretion of the Elected Official or Board, job openings and promotions may be advertised internally and/or externally. When job openings or promotion opportunities are posted:
1. Interested employees must initiate a written request to the Human Resources Department prior to the cut-off date specified in the posting;
 2. Supervisors and Department Heads may initiate the procedure within the same time period and propose employees for the position.
- D. **Evaluation and Selection:** Employee candidates for promotion will ordinarily be screened and selected on the basis of attendance and work records, performance appraisals, maintenance of effective working relationships, and other relevant job-related qualifications including, in some instances, aptitude or achievement tests.

Section 3. Hours of Work, Overtime and Travel Time

- A. According to W.S. § 27-5-101(a), "The period of employment of state and County employees is eight (8) hours per day and forty (40) hours per week which constitutes a lawful day's and week's work respectively." The Board has defined usual business hours as being 8:00 a.m. to 5:00 p.m. Monday through Friday, except County Holidays authorized by the Board. In accordance with this, the Department Heads or Elected Officials shall establish the time and duration of working hours as required by the work load, the needs associated with providing efficient service to the public, the efficient management of human resources and any applicable law related to conducting County business.
- B. **Normal Workweek:** The normal workweek shall be defined as the time between 12:01 a.m. Sunday through 11:59 p.m. on the following Saturday.
- C. **Attendance for Training:** If a Department Head or Elected Official requires a nonexempt person to attend lectures, meetings, and training programs that are directly related to the individual's job, the time involved will be considered hours of work, and therefore will be compensated time. However, regardless of whether a program is directly related or unrelated to his/her job, the time spent attending a course is not paid time if the nonexempt person attends the course voluntarily, on his own initiative. Training time for certification that is required by law for certain County occupations may or may not be paid time, at the discretion of the Department Head or Elected Official.
- D. **On-Call Situations:** Each Elected Official and the Board shall comply with the requirements of the Fair Labor Standards Act (FLSA) in compensating employees for being on-call. At the discretion of the Board and Elected Official, employees may receive compensation for being on-call, whether or not such on-call time is required to be paid under the FLSA.

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E. Nonexempt personnel:

1. **Overtime Work: Employees are permitted to work overtime only when expressly authorized by the appropriate authority.** Any work in excess of 40 hours during the workweek shall be compensated at time and one half as overtime.
2. **Overtime Compensation:** When it is necessary for a Department Head or Elected Official to require nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) to work overtime, the employee may select his preferred method of compensation by choosing one of the following options:
 - a. **Fire Personnel:** Fire protection personnel shall be paid overtime compensation at the rate of one and one-half (1.5) times their regular hourly rate for work in excess of two hundred and ten (210) hours actually worked in a twenty-eight (28) day cycle.
 - b. Nonexempt employees shall be paid at the rate of one and one-half (1.5) times their normal hourly rate of pay for each one (1) hour worked in excess of 40 hours in any one workweek; **or**
 - c. Nonexempt employees shall be given compensatory time off at the rate of one and one half (1.5) hours of compensatory time off for each one (1) hour worked in excess of 40 hours in any one workweek;
 - d. Notwithstanding paragraphs (b.) and (c.) above, a non-exempt employee who is required to report to work outside of the employee's scheduled work hours (e.g., holiday, evenings, weekends) will be compensated at a rate of 1.5 times his/her regular rate of pay, payable in either overtime or compensatory time, regardless whether the employee will reach the applicable FLSA overtime hours threshold or not.
3. **Compensatory Time Off:** In accordance with the Fair Labor Standards Act, the County may give nonexempt employees who are required to work overtime the choice of receiving monetary compensation for overtime work or compensatory time off (compensatory time) in lieu of monetary overtime compensation. No employee shall be permitted to work and receive compensatory time in lieu of monetary overtime compensation, unless the employee and Department Head/Elected Official have first read and executed the Sweetwater County Compensatory Time Memorandum of Understanding and submitted the executed MOU to the County Clerk's Office.
 - a. The FLSA sets the maximum accruals for compensatory time at two hundred forty (240) hours. It is the responsibility of Elected Officials or Department Heads to enforce this provision.
 - b. A nonexempt employee, who has reached the maximum compensatory time accrual of two hundred forty (240) hours, will be paid for all overtime at the rate of time and

CHAPTER 3: EMPLOYMENT POLICIES

- one half of his or her regular rate of pay for every hour that is worked in excess of forty hours.
- c. At the end of the fiscal year, in the discretion of the Board or Elected Official, all nonexempt employees who have comp time remaining may be paid for their accrued comp time, at the employee's current hourly rate, thereby creating a zero balance in compensatory time accruals at the beginning of the next fiscal year.
 - d. An employee may only use compensatory time after it is earned, not before.
 - e. Compensatory time which is used or paid during the same fiscal year in which it is earned, will be included in the calculation of retirement benefits through the Wyoming Retirement System. However, compensatory time which is paid in one fiscal year but earned in another will not be used in the calculation of retirement benefits.
 - f. In the event an employee leaves the employ of Sweetwater County, including a layoff, the employee shall receive compensatory pay for all accrued and unused compensatory time, to be paid at the rate for the classification that he or she was permanently assigned at the time of departure from Sweetwater County.
4. Time Sheets: All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records must be completed by the date indicated by the Department Head/Elected Official. The Department Head/Elected Official is responsible for verifying the accuracy of employee time sheets. The following points should be considered in filling out time records:
- a. Any falsification of any time record is prohibited and may be grounds for disciplinary action, up to and including termination; and,
 - b. Failure to provide time sheets, by the stated deadlines may result in a delay in an employee receiving his pay, or disciplinary action
- F. Exempt Employees:
1. Overtime: Personnel employed in executive, administrative, professional, or certain computer related positions are generally exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employees are expected to work overtime as required by their supervisor, or as it is otherwise necessary to meet the needs of their position. Exempt employees do not receive overtime compensation. However, Department Heads or Elected Officials may, in their discretion, allow time off for substantial overtime work necessitated by their jobs.
 2. Time Sheets: Exempt employees are not required to fill out hourly time sheets but must report any vacation or sick leave that is used.

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G. Travel Time:

1. Non-Paid Travel Time: Normal travel time from home to work is not work time, whether a nonexempt employee works at a fixed location or at different job sites. Travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not compensable, unless the employee performs work while traveling, as authorized by the County.
2. Paid Travel Time: Time spent by an employee in travel as part of the employee's workday, (e.g. from job site to job site), will be counted as hours worked. If a nonexempt employee is required to perform County work while traveling, such time spent traveling shall be considered hours worked. Employees will be compensated for travel time, if during that travel time; they are operating a motor vehicle, even if such operation occurs outside of normal work hours.

Section 4. Medical Tests and Procedures

- A. Pre-employment Testing: Pre-employment testing may be required of applicants who have applied for work which requires certain types of physical or psychological evaluation, subject to the following;
1. Business Necessity: Medical tests may be required of applicants after a conditional offer of employment has been made to determine their capability of performing the essential functions of the job.
 2. If pre-employment testing is required after a conditional offer of employment has been tendered, such testing must be required of all applicants for that position or other positions with similar duties.
 3. No medical tests shall be administered until the need for such testing and the testing procedures have been approved by the Human Resources Office for compliance with the Americans with Disabilities Act (ADA), Health Insurance Portability and Accountability Act (HIPAA) and other applicable State and Federal law.
- B. Post-employment Testing: The County may require employees to submit to medical tests the as follows:
1. To comply with federal regulations requiring post-accident, random, and reasonable suspicion cause drug and/or alcohol tests.
 2. Reasonable Suspicion: An employee may be required to submit to a drug or alcohol test when the County finds that there is reasonable suspicion to believe that the employee may be impaired by drugs or alcohol.

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3. **Drug and Alcohol Testing Program:** An employee may be required to submit to a post employment drug or alcohol test pursuant to a drug or alcohol program which has been approved by the Human Resources Department.
 4. **Other Occasions for Medical Testing:** Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a disability, or has a questionable ability to perform current job duties or the duties of the job for which the employee is being considered.
- C. **Cost of Medical Tests:** Medical examinations required by the County will be paid for by the County and will be performed by a physician or licensed medical facility designated or approved by the County.
- D. **Medical Examination Records:** Medical examinations paid for by the County are the property of the County, and the examination records will be treated as confidential and kept in separate medical files, or by other means which are compliant with HIPAA regulations. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor, as permitted by law.
- E. **Use of Prescription or Nonprescription Legal Drugs:** Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to the Elected Official or Department Head if the use might impair their ability to perform the job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking the prescription or nonprescription legal drugs. (See also *Controlled Substances and Alcohol*, Chapter 5)
- F. **Medical Certification:** The County reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work (See Chapter 8, *Absence from Work*). The County also may require a second and, if necessary, third medical opinion regarding an employee's absence because of illness or injury. The County will pay for any required additional opinions.
1. Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees (See Chapter 8, *Absence from Work*).
- G. **Reporting Requirements:** Employees who suffer any work-related injury or illness, no matter how minor, must report the illness or injury immediately to their supervisors. Supervisors will arrange referral for examination, treatment, and recording of the incident as necessary. Time spent by an employee in waiting for and receiving this medical attention
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will be considered hours worked for pay purposes. For additional information on reporting Workers' Compensation Claims see Chapter 8, Absence from Work.

Section 5. Serious Diseases

- A. It is the policy of Sweetwater County that employees with infections, long-term, life-threatening, or other serious diseases may work as long as they are able to perform the duties of their job without undue risk to their own health or that of other employees, or members of the public.
- B. Definition: Serious diseases for the purposes of this policy include, but are not limited to: cancer, heart disease, major depression, multiple sclerosis, hepatitis, tuberculosis, human immunodeficiency virus (“HIV”), and acquired immune deficiency syndrome (“AIDS”)
- C. Education Programs: The County will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
- D. Request for Accommodation: Employees who are afflicted with a serious disease that affects their ability to perform assigned duties will be treated like other employees who have disabilities which may limit their job performance. The County will comply with the Americans with Disabilities Act (ADA), when applicable.
 - 1. Employees who are diagnosed as having a serious disease and who want an accommodation should inform their supervisor or the Human Resources Department of their condition as soon as possible. The Elected Official, Department Head and the Human Resources Department should review with the employee the County policies on issues such as employees assistance, leaves and disability, infection control, requesting and granting accommodations, the County’s continuing expectation regarding the employee’s performance and attendance, and available benefits.
 - 2. Employees who have serious disease and who want an accommodation should provide the Human Resources Department with any pertinent medical information needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The County also may require a doctor’s certification of an employee’s ability to perform job duties. In addition, the County may request that an employee undergo a medical examination for purposes of determining whether the employee can safely return to work, or to determine the nature of disability and appropriate accommodations where accommodation has been requested.
- E. Confidentiality of Information: The County will comply with the HIPAA in maintaining the confidentiality of all medical records of employees with serious diseases, unless disclosure is required by law.
- F. Safety Compliance Responsibility: The County will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious

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materials. Universal precautions, engineering and work practice controls, and personal protective equipment shall be used where appropriate to limit the spread of diseases in the workplace.

- G. **Employee Responsibility:** Employees concerned about being infected with a serious disease by a coworker, customer, or other person should convey this concern to their supervisor or the Human Resources Department. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor, will be subject to discipline, up to and including termination. In addition, where there is little or no evidence or risk of infection to the concerned employee, the employee's continued refusal may result in discipline, up to and including termination.

Section 6. Travel and Car Pool Use Policy

- A. It is Sweetwater County's policy that business travel must be approved in advance and shall be engaged in and reimbursed according to the guidelines below. Examples of expenses normally paid or reimbursed include transportation, meals, lodging, and limited incidental expenses.
- B. **Travel:** All travel for County business shall be coordinated through Central Purchasing, using the Request for Travel Requisition (Appendix C – Forms). The most current version of this form is available on the "N" Drive.
1. An employee's Department Head or Elected Official must approve all employee travel in advance before Central Purchasing will process a travel request. Traveling employees should provide their department head or elected official with a copy of their itinerary before leaving on business travel.
 - a. **Airline, Rental Cars and Hotel Reservations:** The Purchasing Department maintains an approved list of contracts and preferred vendors. Vendors on this list will be utilized first. A request to utilize a vendor not on the approved list shall include the Elected Official's or Department Head's approval.
 2. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility. In addition, employees will not be reimbursed for the travel expenses of their spouses or any other accompanying companion.
 3. Expenses for approved travel will be paid or reimbursed when reasonable, and properly documented and approved.
 4. Employees traveling on County business are representatives of the County and are expected to maintain a high level of professionalism and to follow all of the County's policies.
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CHAPTER 3: EMPLOYMENT POLICIES

5. Airline Travel: Employee's shall make all travel arrangements through the Purchasing Department.
6. County Vehicle: Employees who drive a County vehicle may claim reimbursement for gasoline and other expenses directly incurred for business purposes.
 - a. County employees, board members and some volunteers are authorized to operate County vehicles, as described herein.
 - b. Employees shall check with Central Purchasing for County pool car availability before using their own vehicle for travel.
 - c. County car pool vehicles will be available in the order that the reservation is received. To reserve a County pool car, employees must complete a Car Pool request form and return to the Purchasing Office. (Appendix C)
 - d. Car Pool reservations are on a first come first serve basis.
 - e. Employee to whom the vehicle is issued, is responsible for returning the vehicle in the same condition the vehicle was received, excepting ordinary wear and tear. Employee is responsible for the vehicle and is responsible for notifying the Purchasing Office if vehicle problems are encountered while traveling or if the vehicle is damaged.
 - f. Only authorized personnel of the County, referenced under 6(a) above may drive a County vehicle and all policies with regard to vehicle use must apply. Additionally, non-County employees may be passengers in a County vehicle, only if in performance of County business, as determined by Department Head or Elected Official.
 - g. Employees who use a County vehicle for travel are subject to the provisions under Chapter, 3 Section 7. Vehicle Use.
7. Personal Vehicle: Employees who use their personal vehicles for approved business purposes will receive a mileage allowance at a rate approved by the Board of County Commissioners and on file in the County Clerk's Office. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Mileage is paid for point to point map mileage. All mileage at or within an employee's destination must be itemized on a County voucher to be reimbursed. If mileage is claimed, no additional transportation expenses will be allowed. Mileage will not be paid for travel between work and home. The County will not reimburse for fuel consumed during travel time in which an employee is using his own vehicle. Nor can an employee use a County issued credit or gas card to purchase gas in a personal vehicle.
8. Travel Time for Nonexempt Personnel: Time spent by nonexempt personnel (those covered by the minimum wage and overtime requirements of the Fair Labor Standards

CHAPTER 3: EMPLOYMENT POLICIES

Act) in traveling away from home on County business during normal working hours is considered hours worked for pay purposes. For additional information regarding compensation during travel time, SEE Ch. 3, Employment Policies; Section 3. Hours of Work, Overtime and Travel Time.

9. Double Travel Reimbursement Prohibited: Double travel expense payments to County employees are prohibited. When eligible to receive travel compensation from a non-county source, County employees should utilize those resources first before applying for travel reimbursement from the County. Employees may be entitled to reimbursement from the County for the non-reimbursed portion of total expenses within the limits of this policy. Any such claim must be fully itemized as a regular travel expense claim showing that part of expenses reimbursed, by what source, and showing the net amount being claimed as not subject to reimbursement from the other source.

C. Meals & Incidental Expenses (M&IE): County employees may be reimbursed up to a maximum daily rate, in accordance with this policy.

1. M&IE Maximum Daily Rate: Meals and incidental expenses will be reimbursed at a maximum rate, set by the County Commissioners. The maximum daily rate is set at \$60.00, subject to change. However, this M&IE daily rate may be increased, to address local market conditions, in which meals are more expensive. Any adjustment in the daily rate must be approved by the employee's Department Head or Elected Official. The maximum rate will be updated periodically.
2. The M&IE rate will cover meals and incidental expenses. Incidental expenses may include meal gratuities and the cost of snacks, drinks (non-alcoholic) and other refreshments purchased outside of a regular meal.
3. The M&IE reimbursement is not allowed for travel within the County, except upon prior approval from the Department Head or Elected Official.
4. If travel is not overnight, reimbursement for meals shall be taxable, under applicable IRS rules.
5. Expenses incurred for M&IE shall only be reimbursed on an itemized basis, after submitting a completed Reimbursement Form and County voucher **and** all requisite itemized receipts to the Accounting Office. See Appendix C, Forms.
6. Expenditures for alcohol cannot be reimbursed.
7. Receipts must show name of restaurant, city and date. Receipts must be actual itemized tickets or ticket stubs - credit card slips alone are not sufficient, unless the expenses are itemized on the slip. Cash register tapes will not be accepted, unless they include all of the above information provided by the restaurant, (i.e. the tape stamped by the business).

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8. If an employee is paying for meals for persons other than his/her own, the names of those persons and the purpose for reimbursement must be provided.
 9. The County may reimburse for the reasonable cost of groceries in lieu of restaurant meals, provided the reimbursement was previously authorized by the Department Head or Elected Official.
 10. Meals or incidental expenses of employee's spouse or personal guest cannot be reimbursed.
 11. Room service is ordinarily not reimbursable, however, under certain situations it may be reimbursed depending on individual circumstances, such as if room service is the only expedient way to receive a meal or if room service is required under the circumstances, subject to approval of the Department Head or Elected Official.
- D. Lodging: The County will pay or reimburse employees for business-related expenses according to the guidelines below:
1. Lodging pre-arrangements shall be made through the Central Purchasing Department to ensure tax exemption and the best rates possible. The Purchasing Department maintains an approved list of contracts and preferred vendors. Vendors on this list will be utilized first. A request to utilize a vendor not on the approved list shall include the Elected Official's or Department Head's approval.
 2. When pre-arrangements cannot be made, the actual cost of rooms will be reimbursed directly to the employee, provided the employee submits an itemized receipt.
 3. Lodging expenses for employee's guest will not be paid or reimbursed.
- E. Inclusions: In addition to M&IE and lodging expenses, the following actual expenses incurred may be reimbursed upon Department Head or Elected Official approval. Note: Receipts shall be required for all lodging claims and all other claims on the voucher.
1. Sweetwater County is tax exempt, however, if sales tax is itemized on the meal and/or motel receipt and paid by the employee, the county will reimburse this expense;
 2. Registration/Conference fees (Receipt and Agenda required);
 3. Commercial transportation cost actually paid by the employee. The County will pay for taxi and bus fare only when such travel is necessary and work related, and only when an itemized receipt is provided;
 4. Rental car fees;
 5. Fuel and emergency repairs to County owned vehicle;

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6. Telephone calls for official County business;
 7. Valet charges, only when less costly or public parking options are not practical or available;
 8. Other miscellaneous reimbursable expenses as approved by the Department Head or Elected Official;
 9. Parking fees and toll expenses actually incurred; and, gratuity for meals, up to a maximum of 20%.
- F. Exclusions: The following expensed are not authorized for reimbursement:
1. Personal expenses incurred during travel which are primarily for the benefit of the traveler and not directly related to the official purpose of the travel. Examples include the purchase of personal hygiene items, magazines, entertainment costs, personal phone calls, movie rentals, and other miscellaneous items, including over-the-counter medications;
 2. Personal travel insurance expenses paid by the employee;
 3. Alcoholic beverages;
 4. Expenses of employee's spouse or personal guest;
 5. Valet charges when less costly parking options are practical and available;
 6. The cost of traffic fines and tickets, including parking tickets; and,
 7. Gratuity for a meal in excess of 20% will be the responsibility of the employee.
- G. Travel Provisions for Board and Elected Officials: Elected Officials are entitled to actual reasonable or necessary costs of travel pursuant to Wyoming State Statute 18-3-110, *“Any county officer whose official duties require him to travel away from the county seat shall be reimbursed by the county for his actual and necessary traveling expenses and mileage as provided by W.S. 9-3-103. The county sheriff may also be reimbursed for travel away from the county jail for official duties, if the jail is not located in the county seat. No officer requesting mileage expenses shall claim additional transportation expense. The board of county commissioners shall not allow payment for traveling expenses unless there are receipts for all monies expended.”*
- H. Purchasing any item under Sweetwater County's tax-exempt number for personal use is not only illegal but also a direct violation of this policy. Improper use will result in discipline, up to and including termination. Such violations may also constitute violations, prosecutable under law.

CHAPTER 3: EMPLOYMENT POLICIES

- I. County Volunteer and Board Travel: Participants on County citizen boards and County volunteers on authorized travel, may have expenses reimbursed in accordance with the provisions of this policy, as though they were County personnel.
- J. County Credit Card Use:
 - 1. Credit cards are issued through the Central Purchasing Department. Employees will only be issued a card upon signed acknowledgement of receipt and approved use of card. The employee who has signed and been issued a card is responsible for ensuring that the card and all receipts are returned to the Purchasing Office, within one business day following return from travel.
 - 2. If more than one employee from the same department is traveling together, Central Purchasing will issue one card as the County has limited cards available. Cards are issued for out-of-state travel first, then on a first come, first serve basis.
 - 3. Credit cards are only authorized to be used for meals, rental car, parking, lodging, and under certain emergency circumstances.
 - 4. Unauthorized use of credit card may result in disciplinary procedures or in some circumstances criminal liability.

Section 7. Vehicle Use

- A. Employees may reserve a County vehicle from the pool when necessary to perform County duties. Department Heads or Elected Officials may be assigned vehicles for use in overseeing Sweetwater County operations. Reservations for pool vehicle shall be made through Central Purchasing. Additionally, employees may borrow a vehicle from another department, if a pool vehicle is not available. Use of a pool vehicle or a department assigned vehicle must be authorized by the appropriate Department Head or Elected Official.
- B. County employees, board members and some volunteers are authorized to operate County vehicles, as described herein.
- C. County-owned vehicles may be provided for employees who require transportation either within or outside Sweetwater County to perform their official duties. An employee who uses a County owned vehicle for personal purposes may incur personal liability if involved in a car accident. The County's property and liability insurance policies do not extend protection to the employee under these circumstances.
- D. All County employees who operate a County vehicle must have a valid driver's license and the appropriate class license for that vehicle, as well as any required certifications and current training.
- E. County employees shall not use any County-owned vehicle or motorized equipment for personal gain.

CHAPTER 3: EMPLOYMENT POLICIES

- F. If the County derives a benefit, and the Department Head or Elected Official authorizes a County employee to drive a County vehicle to his or her residence on a regular basis, employee shall have payroll taxes withheld by the Accounting Office in accordance with the Internal Revenue Service regulations. It is the Department Head's or Elected Official's responsibility to notify the Accounting Office if this is a taxable event. Exemptions provided by the Internal Revenue Service, such as emergency vehicles, are not subject to taxation. See the Mileage Log form in Appendix C Forms.
- G. All County employees who drive or operate County-owned vehicles or motorized equipment shall strictly obey all applicable traffic regulations. County employees shall drive County-owned vehicles and motorized equipment in a safe and prudent manner on both public rights-of-way and private property. County employees are required to follow traffic regulations in Wyoming, and any other states they are traveling in.
- H. County employees shall not operate a County motor vehicle while under the influence of alcohol or any other substance that may impair driving ability. See Chapter 3, Employment Policies, Section 4 (E) for additional information.
- I. County employees shall wear a seat belt while operating or as a passenger in a County vehicle, subject to exceptions listed in W.S. 31-5-1402(b). Employees traveling in a state other than Wyoming will be required to comply with all state laws, pertaining to use of seatbelts.
- J. Smoking is prohibited in all County vehicles.
- K. No person, unless authorized under B above, shall be permitted to operate a County vehicle excepting the existence of urgent circumstances.
- L. If authorized by the Elected Official or Department Head, volunteers performing their official duties, or training may drive County vehicles.
- M. When use of a personal vehicle is necessary for County business, mileage shall be reimbursed at the rate set by the County Commissioners, and on file in the County Clerk's Office, subject to approval by Department Head or Elected Official.
- N. Employees assigned County vehicles are responsible for the custody, security, use, maintenance and appearance of the vehicles within reasonable standards. Any County employee who abuses or negligently uses County-owned vehicles or motorized equipment or who violates any applicable traffic laws shall be subject to disciplinary action.
- O. The Department Head or Elected Official shall conduct an inquiry into any situation involving property damage or personal injuries involving a County-owned vehicle or equipment. A written incident report shall be prepared and shall include a statement of the facts and conclusions as to fault. In addition, the procedure for accidents outlined below, will be followed. The Department Head or Elected Official should advise the CEO as to any

CHAPTER 3: EMPLOYMENT POLICIES

action taken. See the County Incident Report form in Appendix C.

- P. Accident Reporting Procedures: The following procedures will be followed for reporting accidents involving County-owned vehicles or equipment:
- 1 Proper law enforcement personnel will be called to investigate all accidents involving County-owned vehicles, equipment, and private property. A complete accident report will be completed by the parties involved and verified by law enforcement. This report shall be submitted to Human Resources Department within two (2) business days of receipt of the report from law enforcement.
 - 2 For risk management purposes, if an injury occurs or if there is the possibility of injury being detected after the fact, Human Resources Department shall be notified immediately.
 - 3 If the accident involves a claim against the County, the claimant is to file a written report with Human Resources Department that clearly states the reason for the claim and the dollar amount of the claim. Monetary claims must have supporting documentation, i.e., repair estimates, medical expense receipts, in accordance with the Government Claims Act.
 - 4 Claim information will be filed with the County Clerk and distributed to the County Attorney and appropriate insurance carriers. The attorney, other County official or insurance adjuster will investigate the claim and recommend action to the County Commissioners.
 - 5 Wyoming State law requires that any accident over \$1,000 must be reported.
- Q. Any employee who is cited for a moving violation such as running a red light, failure to yield, speeding, reckless driving, careless driving or drunk driving (per se .08 or incapable of safely driving) or any other violation determined by the agency issuing a license to drive to constitute a "moving violation", while driving a county vehicle or his or her personal vehicle, must report the citation to his or her Department Head or Elected Official.
1. Any information requested from the employee prior to a conviction, will remain confidential and used only for risk management purposes which may include denying the employee further use of County vehicles until resolution of any criminal case. The Department Head or Elected Official shall notify the Human Resources Department
 2. Upon entry of the conviction the employee must notify the Department Head or Elected Official of the conviction.
 3. Employees who are convicted of reckless driving, careless driving or drunk driving, while driving a County vehicle, shall be subject to disciplinary procedures.
- R. Employee Driving Records: Sweetwater County shall request employee driving records,
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CHAPTER 3: EMPLOYMENT POLICIES

upon hire and annually from the State of Wyoming Department of Transportation, or other issuing state agency. Department Heads and Elected Officials will be notified of all results.

Section 8. Employee Transfers

- A. The Board, at its discretion, may transfer employees working in departments under the aegis of the Board, as needed, to meet changes in workload, demand, or staffing shortages, for projects or other reasons deemed appropriate by the Board.

CHAPTER 4: PAY POLICIES

Section 1. Classification Pay Plan

- A. It is the policy of Sweetwater County to maintain and update a classification and pay plan for all positions in the County government. This is in recognition of the need for a means of orderly identification of specific classes of work, as well as a determination of equitable pay levels for the classes of work identified. Such a pay plan also provides a mechanism for the County Commission to manage a large share of the County's budget dedicated for employee salaries.
- B. Description of Classification Plan: The classification plan shall consist of the following:
1. A grouping in classes of positions which are approximately equal in responsibility, which require the same range of pay under similar working conditions;
 2. Class titles, descriptive of the work of the class, which identify the classes; and
 3. Written specifications for each class of positions which will be reviewed.
- C. Objective: The objective of a classification and pay plan is to:
1. Achieve Internal Equity: Create and maintain fair compensation between positions performing similar work;
 2. Achieve External Equity: Create and maintain competitive rates of compensation with like positions in the relevant labor market;
 3. Enable the County to retain and, when necessary, recruit competent employees;
 4. Establish qualification standards for each class and to serve as a basis for recruiting, testing, and other selection purposes;
 5. Provide supervisors and employees with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individuals and groups of positions;
 6. Provide a rational and equitable basis for distributing salary dollars amongst the diverse positions within County government;
 7. Provide a basis for developing standards of work performance;
 8. Establish career paths for promotional opportunity;
 9. Indicate employee training needs and development potential;

CHAPTER 4: PAY POLICIES

10. Provide the fundamental basis of the compensation program and other aspects of the personnel program;
 11. Develop and maintain written descriptions, including performance criteria for all classes; and,
 12. Standardize class titles such that each indicate a definite range of duties and responsibilities, and has the same meaning throughout County employment.
- D. Changes in Classification: Any regular full time employee, regular part time employee, Elected Official, or Department Head may initiate a request for change in classification when the assignments of a position have changed substantially as to the kind and/or level of work as expressed within the job description. Employees should consult with the Human Resources Department for the appropriate procedure for requesting a change in classification.
- E. Temporary Assignment Pay Adjustments: On occasion, an employee may be assigned to fill in during the absence of a higher-level employee. This is an opportunity for an employee to gain experience that may be helpful for future promotional consideration.
1. When an employee assumes a temporary assignment to a different position requiring additional or higher-level duties, he or she may be eligible to receive a temporary assignment pay adjustment. Such a pay adjustment ends when the temporary assignment ends. At that time, the employee's pay reverts to his or her previous base pay.
 2. Effective date of pay adjustment: An employee shall not receive a temporary assignment pay adjustment during the first thirty (30) days of his or her new assignment. Pay adjustments shall become effective thirty (30) days from the date the employee started the temporary assignment.
 3. Ending date of pay adjustment: The ending date of the temporary assignment pay adjustment shall be the date upon which the assignment duties end.
 4. Pay adjustment limits: Temporarily assigned employees may receive a temporary assignment pay adjustment. The pay of the employee will be elevated at a rate determined by the Human Resources Department, considering duties assumed, compensation of higher-level position, years of service and other factors. If an employee is temporarily assigned under this policy, such temporary assignment shall be reviewed every three (3) months with the Human Resources Department to evaluate the ongoing need for such a temporary arrangement.

CHAPTER 4: PAY POLICIES

Section 2. Salary Administration

- A. It is the policy of the County to compensate employees fairly and competitively within the financial capabilities of the County.
 - B. Human Resources Responsibility: The Human Resources Department is responsible for coordinating the continuing internal review of all compensation and for making sure that each job is evaluated and assigned a job grade and salary range. This review should determine whether compensation accurately and fairly reflects each individual's responsibilities and performance. For additional information see the discussion of the Classification Plan.
 - C. Compensation Surveys: The Human Resources Department will, upon authorization by the Board, participate in or conduct compensation surveys covering other employers with similar jobs. This and other available information should be used to help set pay policies and assist in determining the relative competitive position of the County's pay structure.
 - D. Supervisor's Responsibility: Supervisors are responsible for informing the Human Resources Department of any substantive changes in job duties for each employee at least annually to assess if an employee's compensation is in accordance with the pay plan and each employee's responsibilities.
 - E. Employee Concerns: Employees who are not satisfied with the results or their compensation review or who have questions about the County's salary administration and benefits program should direct their concerns to their supervisor, Elected Official, Department Head, or the Human Resources Department. For additional information see the Classification Plan, if current and applicable.
 - F. Department Head Salaries: Department Heads' salaries and raises will be determined by the Board of County Commissioners.
 - G. Step Increases: Step increases may occur as specified in the Classification Pay Plan.
 - H. Lateral Entry: Lateral Entry means crediting pertinent experience when classifying an employee within the existing pay structure.
 - 1. Eligibility: Employees are eligible after six (6) months of full time employment with Sweetwater County. The Human Resources Department will initiate a review of the work history of the employee to fairly place the employee within the County's pay plan, taking into account all work history that is substantially similar to, if not identical to, the current position to permit advanced placement.
 - 2. An increase in pay will not take effect until the Human Resources Department and the employee's Elected Official or Department Head have determined that the employee is eligible for Lateral Entry service credit. Pay increases do not apply retroactively.
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CHAPTER 4: PAY POLICIES

3. The County will consider paid full-time and part-time experience only; volunteer service will not be considered. If part-time service, the County will credit a prorated amount.
 4. Lateral Entry service credit will only apply for purposes of placement in the County Pay Plan and will not apply for purposes of determining accruals, retirement or any other years-of-service based benefit or purpose.
 5. Service Credit Calculation:
 - A. Zero (0) to five (5) years of approved experience, employees will receive one (1) year of credit for each year of approved experience.
 - B. Six (6) to fifteen (15) years of approved experience employees will receive one (1) year of credit for every two (2) years of approved experience, in addition to the five (5) years of approved credit received under section a. above.
 - C. There will be no additional service credit recognition in excess of fifteen (15) years of approved experience. In other words, the most prior service credit that may be earned is ten (10) years; (5 for the first 5 years + 5 for the next 10 years = 10 total).
 - D. No additional service credit will be given for prior work experience necessary to meet the minimum job qualifications. For example, position A requires a minimum of five (5) years of prior work experience, therefore a person with only five (5) years of prior work experience would not be eligible for lateral service credit, because such prior service is an integral factor in setting the compensation for the position.
- I. Re-Employment Provisions: If an employee is re-employed by Sweetwater County the following provisions shall apply:
1. If an employee's break in service is less than three (3) months, he/she will be re-employed at the rate of pay at his/her time of resignation, provided the employee is re-employed in the same position in the same department.
 2. If an employee's break in service is greater than three (3) months, he will be re-employed at the entry rate of pay and will be subject to the lateral entry provisions referenced in Chapter 4, Pay Practices.
 3. Leave Accruals: A rehired employee is not allowed to buy back vacation and/or sick leave accruals which were previously paid out upon resignation. Upon re-employment, an employee will accrue vacation leave based upon the entry rate of accrual, regardless if the employee returns within 3 months of resignation.

CHAPTER 4: PAY POLICIES

Section 3. On-Call and Emergency Callback Policy

- A. Policy: Sweetwater County recognizes that certain functions performed within the County require continuous accountability and therefore necessitate employees potentially being available to respond to unforeseen events in a timely manner to prevent disruption in critical services or to prevent safety or health risks in the community. The nature of this work, may require certain positions within the County to be “on-call” and to respond, ready to perform work within a short period of time, effectively limiting the ability of these employees to leave the immediate geographic area and/or to engage in those activities which would render “on-call” employees unable to perform the essential functions of their job. As such, it is the policy of Sweetwater County to provide additional compensation to FLSA non-exempt employees who are assigned to be “on-call” in accordance with policy guidelines of this section.
- B. On-Call Definition: For purposes of this policy, “on-call” shall be defined as any time when an employee is obligated via an “on-call” schedule to remain available outside of normal work hours to be called back to work on short notice to meet some immediate critical need (e.g., Snowplowing bus routes, building mechanical failures, computer system failures, etc.). On-call pay is not authorized for employees who are subject to call, and who only have to leave word with the employer on where they may be reached.
- C. Departmental Policy: Any department manager having a need for “on-call” scheduling shall develop a departmental policy addressing which job classes or positions will be subject to “on-call” scheduling and the applicable policies that will govern “on-call”. These policies will be effective after review and approval by the Human Resources Department. Management should carefully weigh the costs and benefits of alternatives before authorizing “on-call” scheduling and compensation. Reasonableness and fairness shall be exercised in administering this policy. Departmental policies shall address at least the following issues;
1. Employees shall be notified in advance of being subject to on-call and the policies, procedures and compensation that apply while on-call.
 2. Duration of on-call status, including beginning and ending date/times.
 3. Whether” on-call” duty is mandatory or voluntary.
 4. Formal written on-call schedules shall be established .
 5. How employee will be notified of his/her responsibility to report to work (e.g., beeper, pager, cell phone, etc.)
 6. Consequences of failing to respond to call to duty.
 7. What is an acceptable response time after being called to duty?
 8. Any applicable geographic restrictions while on call.
 9. Must include the following statement, “ Employees scheduled for on-call duty shall at all times while “on-call” remain fit for duty and as such shall refrain from the consumption of any substances (including alcohol, and prescription drugs) which may impair their ability to perform their duties should they be called in to work.”
 10. Whether compensatory time in lieu of pay shall be permitted.
- D. Eligibility: Exempt employees are not eligible for on-call compensation.
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CHAPTER 4: PAY POLICIES

- E. On-Call Compensation: Non-exempt employee who are required to be on-call pursuant to an approved departmental “on-call” policy shall be eligible for “on-call” compensation, which may be in the form of pay, or if permitted by departmental policy may earn compensatory time in lieu of payment according to the following;
1. On-call compensation shall be paid at the rate of \$2.00 per each hour of “on-call” duty.
 2. If compensatory time is permitted by departmental policy, “on-call” duty may be compensated at the rate of one (1) hour of compensatory time per each eight (8) hours of “on-call” duty.
 3. Once an employee reports to duty after being called out, such hours shall be counted as hours worked and shall be compensated at a rate of 1.5 times his/her regular rate of pay, payable in either overtime or compensatory time, regardless whether the employee will reach the applicable FLSA overtime hours threshold or not, in accordance with Chapter 3, Section 3, (D.), (2.)(d.)
 4. Under no circumstance shall employees receive both pay and compensatory time for the same “on-call” period.
 5. On-call compensation is not counted as hours worked and therefore not included for purposes of calculating overtime hours.
 6. Any non-exempt employee who is required to remain on County premises or so close that the time cannot effectively be used for the employee’s own purposes, such time shall be counted as hours worked at the employee’s normal rate of pay and said hours shall be included in any overtime calculation.
- F. Emergency Callback: When unexpected emergencies arrive, employees may be called back to work. In such circumstances, all work performed will be considered time worked and included for purposes of calculating overtime. If employees are called back to work under this rule and work less than two (2) hours, such employees shall receive a minimum of two hours of paid work time. Beyond two hours of work, said employees shall be paid hour for hour all time worked.

Section 4. Compensation for Temporary Work Assignments

- A. Policy: Sweetwater County recognizes that circumstances may exist when supervisors are unavailable for work due to serious illness, injury or family emergencies or other events requiring an extended absence from work. In these situations it may be necessary for a subordinate employee to be temporarily appointed to fill this vacancy to ensure adequate

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levels of supervision and work safety for subordinate employees, and/or to maintain continuity of operations within the department. As such, it is the policy of Sweetwater County to compensate employee's promoted to these temporary positions in accordance with the following policies. In general department supervisors should try to fill-in for a subordinate supervisor when circumstances demand that said supervisors are absent from work. However, while this is a practical solution for short term absences, it is recognized that longer periods of leave may make it impractical to provide adequate levels of supervision without temporary replacement of the absent supervisor.

- B. Short Term Absence: When supervisors are absent for short periods, such as vacation, illness, training, etc. the department head or elected official should try to first assess whether or not replacement supervision is necessary, considering safety, training, work flow and other relevant issues. If replacement supervision is deemed necessary by the department manager, said manager may, at his/her discretion, appoint a subordinate staff member to temporarily act in place of the absent supervisor. Compensation for such a temporary assignment shall be consistent with the terms of this policy.
 - 1. Long Term Absences: Should circumstances arise where a supervisor will be absent for a long term, such as an absence lasting more than six (6) months, the replacement supervisor may, upon approval of the Board of County Commissioners, be promoted to fill the vacant supervisory position and assume the full responsibilities of the vacant position.
- C. Compensation: Subordinate employees who are temporarily assigned to fill-in for a vacant supervisor in accordance with this policy shall receive a ten percent (10%) increase in their base rate of compensation for the period of their temporary assignment.
 - 1. Subordinate employees promoted to fill-in for long term absences, such as those contemplated under Section B(1.) of this policy, shall be compensated at the Grade/Step rate of pay dictated by the Sweetwater County Compensation plan for the position to which he/she is being promoted
- D. Supervisor Training: No person shall be given supervisory responsibilities temporarily or otherwise without adequate training. Any requisite supervisor training shall be filed in the employees permanent personnel file in the Sweetwater County Human Resources office prior to being promoted to any supervisory position. The Human Resources office can assist in designing, providing or implementing a supervisory training program.
- E. Fairness: Promotion of temporary supervisors under this policy shall be conducted in the same manner as all employment practices, in providing equal opportunity to all employees and without favoritism.

CHAPTER 5: EMPLOYEE CONDUCT

Section 1. Required and Prohibited Conduct

- A. It is the policy of the Board to require compliance with certain rules and regulations regarding employee behavior and to enforce such rules and regulations that are necessary for efficient operations and that will promote safety and an efficient work environment. Conduct that interferes or impedes County operations, or discredits the County, or is offensive to the visiting public and coworkers will not be tolerated.
- B. Expectations Regarding Employee Conduct: Employees are expected at all times to conduct themselves in a positive manner to promote the County's interests. Appropriate employee conduct includes but is not limited to the following:
1. Complying with the provisions of this Manual and other policies and procedures as may be adopted periodically pursuant to Board or Elected Official authority.
 2. Treating all of the visiting public and coworkers in a courteous manner.
 3. Refraining from conduct that is offensive to coworkers or the visiting public.
 4. Reporting to the employee's supervisor suspicious, unethical or illegal conduct of coworkers, the visiting public, or suppliers or other business entities.
 5. Cooperating with County investigations.
 6. Complying with all County safety and security regulations.
 7. Wearing appropriate clothing for the work context.
 8. Performing all assigned tasks competently, efficiently and in a manner that is satisfactory to the employee's supervisor.
 9. Reporting to work punctually as scheduled and timely arriving at the employee's work station.
 10. Providing proper advance notice when unable to work, or when delayed in reporting for work.
 11. Complying with the County's smoking policy.
 12. Maintaining cleanliness and order in the workplace and work areas.
- C. Prohibited Conduct: The following conduct is prohibited, recognizing that the listed conduct is given only as an example, and that the list should not be considered to be a complete list of
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CHAPTER 5: EMPLOYEE CONDUCT

all prohibited conduct. Employees who engage in the prohibited conduct listed below, or other inappropriate conduct are subject to discipline, including termination.

1. Falsifying or altering, without proper authority, any County record or report, such as an employment application, medical report, production record, time record, expense accounts, absentee reports, personnel records, financial records, and shipping and receiving records.
2. Reporting to work while under the influence of, or impaired by alcohol or controlled substances. Any employee taking prescriptive medications that could impair his or her work performance shall report the use of the medication to the employee's supervisor, and shall not report to work while impaired.
3. Removal of County property without proper authorization.
4. Fighting with or otherwise attempting to injure, or injuring a coworker, a supervisor, an Elected Official or member of the visiting public.
5. Using abusive or threatening language to a coworker, supervisor, Elected Official, Board Member or member of the public.
6. Gambling, including any game of chance or lottery conducted on County property.
7. Unauthorized possession of firearms or other weapons on County property.
8. Immoral or indecent conduct that impairs an employee's ability to perform his job, undermines public confidence, or impairs essential working relationships.
9. Unexcused absence from scheduled work.
10. Failing to return to work at the promised or agreed time from any leave of absence.
11. Any misuse of a leave policy, including the sick leave policy.
12. Stealing, destroying, defacing, or willfully misusing County property, or the property of coworkers and the visiting public.
13. Insubordination and refusal or intentional failure to perform assigned work.
14. Excessive unexcused absences or days in which the employee was tardy.
15. Failing to perform satisfactory work.
16. Without authorization, posting or removing material on County bulletin boards or on other County locations.

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17. Without authorization, leaving an employee's assigned post or workplace, during an employee's regular work hours.
18. Creating or contributing to unsafe working conditions.
19. Smoking in any County facility or vehicle.
20. Controlled substance use, unless lawfully prescribed.
21. Sleeping during work hours.
22. Wearing improper or inappropriate attire, or otherwise displaying an inappropriate appearance.
23. Unauthorized disclosure, possession, use, copying or reading of confidential County records.
24. Unauthorized duplication or misuse of County-issued keys.
25. Engaging in any form of prohibited or unlawful discrimination or harassment.
26. Misuse of the County's communication systems, including e-mail, computers, the Internet and the County's phone system.
27. Failing to comply with established safety practices and rules, including failing to wear the proper safety equipment.
28. Engaging in pranks or horseplay.
29. Using any County property, including the County's computers, software or communications facilities for personal use or private gain.
30. Unauthorized overtime.

Section 2. Discipline

- A. Pursuant to W.S. §18-3-504(a) (v), the Board has authority to, "Represent the county, care for the county property, and manage the business and concerns of the county in all cases where no provision is made by law." The Board therefore possesses broad management authority with respect to organizational policies and procedures, such as approving budgets, including adopting employee compensation and benefit plans, approving contracts, and managing county property.
- B. However, while the Board has authority to enforce policies, such as those represented in this Manual, it lacks proper authority to directly discipline employees appointed pursuant to the

CHAPTER 5: EMPLOYEE CONDUCT

proper authority of an Elected Official. The Board has circulated, to all employees and Elected Officials, a copy of this Manual for review and comment. It is the responsibility of each Elected Official to support and enforce the policies in this Manual within their respective departments. If the Board and/or Board staff become aware of violations of this Manual, such violations should be reported to the appropriate Elected Official for review and appropriate action. In addition to having the responsibility to discipline or correct the behavior of employees pursuant to this Manual, the Elected Official retains authority to discipline or otherwise correct the behavior of employee's who violate "operational rules" of the particular Elected Official. "Operational rules" means those rules adopted by an Elected Official or department head which regulate the manner and methods for performing the duties of a particular position. Operational rules may include specific safety procedures, employee leave procedures, procedures for proper operation of equipment, and law enforcement procedures.

- C. The County will communicate through this Manual and through other channels the expected conduct and performance standards for County employees. Occasionally, performance or other behavior will fall short of the County's expectations. When this occurs, it may become necessary to correct the performance of employees and, in some cases, to terminate employment.
- D. Employees must at all times comply with County's expectations for work, performance, and conduct. Failure to do so may result in any or all of the following actions, as the County deems appropriate: termination, suspension, demotion, written warning, reprimand, and counseling. When Department Heads, Elected Officials and their subordinate managers find an employee's performance or conduct is unacceptable, disciplinary action may be taken. The discipline may range from informal discussion/coaching with the employee to immediate discharge, depending on the Department Head's or Elected Official's opinion of the seriousness of the situation.
- E. Employees in the offices of the County Clerk, County Treasurer, County Assessor, Clerk of District Court, County Sheriff, County Coroner, or County Attorney may be subject to different or additional disciplinary policies as may be promulgated by the respective Elected Officials. Employees in these offices which fail to follow County policy, as communicated in this Manual, will be referred to the appropriate Elected Official for discipline. Should the Elected Officials in a particular department choose to follow these disciplinary procedures, it shall be each Elected Official's responsibility to affirmatively communicate such intent to employees appointed pursuant to his/her statutory authority.
- F. Loss of rank, demotion, reduction of pay or benefits, or termination of an employee for misconduct are matters that are reserved for determination by the Elected Official or Department Head. Prior to implementing any of the disciplinary actions referenced in this section, the Elected Official or Department Head shall consult with the County Attorney.
- G. Any employee who has been disciplined for misconduct, resulting in any of the above actions is entitled to a hearing as provided in the appended Hearing Procedures, except employees'

CHAPTER 5: EMPLOYEE CONDUCT

of an Elected Official given notice by the Elected Official that they are not subject to the Hearing Procedures.

- H. Any disciplinary action taken by the County should not be assumed to establish a precedent in other circumstances.

Section 3. Outside Employment

- A. It is expected that all full-time employees with the County will consider their employment with the County as their primary employment. Outside employment with any other employer that is or could be perceived as incompatible with the duties and responsibilities of their position with the County is prohibited. Employees who are considering taking outside employment should obtain prior written approval from their Department Head or Elected Official prior to assuming the duties of outside employment.

Section 4. Smoking

- A. It is the policy of Sweetwater County to comply with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes health, productivity, as well as the well-being of employees and the public. In addition, the County recognizes that smoking in the workplace adversely affects employees and the public and ultimately leads to higher insurance costs. As such, smoking is prohibited as follows:
- B. County Facilities: Smoking is prohibited in all County facilities. In addition, smoking on County premises, outside of County facilities, is not permitted within 25 feet of any entrance-way, exit, open window, or air intake of a building where smoking is prohibited.
- C. County Vehicles: Smoking is prohibited in all County vehicles and equipment.
- D. Supervisor Responsibility: Department Heads and Elected Officials are expected to enforce these regulations.
- E. Violations of Policy: Failure to comply with this policy may be grounds for disciplinary action, which may include the revocation of permission to use County facilities and/or vehicles.

Section 5. Employee Appearance

- A. It is the policy of the County that each employee's dress, grooming and personal hygiene should be appropriate for the work situation. Department Heads and Elected Officials should develop specific operational policies within their respective departments addressing this issue and considering the following:

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1. Employee safety, OSHA compliance, including personal protective equipment.
2. Appropriate appearance given the nature of the work and degree of public contact.
3. Required uniforms.

Section 6. Participation in Community Affairs

- A. It is the policy of Sweetwater County to encourage employees to participate in the community service affairs of charitable, educational or civic organizations.
- B. Employee Participation: Employee participation in community activities should not adversely affect the employee's job performance.
 1. Time spent on community affairs, when not undertaken at the request of the employee's supervisor, should be outside of the employee's regular working hours, and therefore would not be compensable.
 2. Employee-initiated participation in community affairs that necessitates absence from the job for an extended period of time should be addressed as an extended leave of absence, pursuant to the provisions in this Manual.
- C. County-Requested Participation: The Elected Official or Department Head may identify certain community activities or organizations in which they have determined it would be meritorious for them to designate employees to become members in the organization. Designated employees who represent Sweetwater County in an organization or community activities are expected to promote the County's interests. The employee's time in participating in such activities will be compensable as if it were work time.
- D. Employee Participation in Public Forums: Every employee who expresses an opinion in a public forum should clearly state whether the opinion is a personal one or one representing the County. Any expression in public of an employee's opinion that would likely be construed as representing the County's position must be approved in advance by the Elected Official or Department Head. Employees are prohibited from disclosing any confidential information that they acquired through their position with Sweetwater County.
- E. Employees Campaigning for Public Office: Sweetwater County encourages employees to participate in the elective process as candidates for office. All campaigning or other political activity should be done on the employee's own time and not within any County facility or County property. The Elected Official or Department Head should advise the employee that his participation in the elective process must not compromise attendance or performance.

CHAPTER 5: EMPLOYEE CONDUCT

Section 7. Controlled Substances and Alcohol

- A. It is the policy of Sweetwater County to comply with the Drug Free Workplace Act, 41 U.S.C. 10 701 *et. seq.* to maintain a workplace that is free from the effects of drug and alcohol abuse. The employees are Sweetwater County's most valuable resource and their health and safety is a major concern. Substance abuse is a national crisis, which has detrimentally affected the lives of many citizens and has adversely affected the work place.
- B. Failure to Comply with Policy: Employees will be subject to disciplinary action, up to and including termination, for violations of this policy.
- C. This policy will apply to all employees of the County, except those employees of the Sheriff's Office and the Road and Bridge Department, who may be subject to specific policies in their respective departments, as required by state or federal law. To the extent provisions of this policy conflict with the departmental policies, the departmental policies will be operable.
- D. Purpose: The purpose of this policy is to:
1. Establish and maintain a healthful, safe and productive work environment.
 2. Prevent personal injury, property damage, absenteeism, tardiness, unsatisfactory work performance and criminal activity, which are the results of the use of controlled substances or alcohol to the degree that the employee is impaired at work.
 3. Comply with all state and federal laws, rules and regulations as they pertain to Sweetwater County and its designation of employee positions.
 4. Provide rehabilitation assistance for any employee who seeks the County's help in overcoming controlled substance or alcohol use, dependency or addiction.
- E. "Controlled Substance" shall be defined by the Wyoming Controlled Substances Act of 1971, Wyoming Statute Section 35-7-1001 *et seq.*, as amended.
- F. Prohibited Conduct: Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of controlled substances, or alcoholic beverages on County premises or work sites, vehicles, or during on-duty status with the County, or while engaged in County business. Violations include, but are not limited to:
1. Reporting to work or performing work for the County while impaired by or under the influence of alcohol. The County prohibits the off-premises abuse of alcohol, when those activities adversely affect job performance or job safety.
 2. Reporting to work or performing work for the County while impaired by or under the influence of illegal controlled substances.

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3. Possessing illegal controlled substances or alcoholic beverages at work.
 4. Dispensing, distributing, illegally manufacturing or selling controlled substances on County premises and work sites. The use, possession, or sale of illegal controlled substances, are prohibited by law and this policy.
 5. Employees are prohibited by law from the possession and use of controlled substances without a prescription.
- G. Use of Prescription Drugs in the Workplace: Employees must report their use of over-the-counter or prescribed medications to the Elected Official or Department Head if the use might impair their ability to perform their job safely and effectively. The Elected Official or Department Head may consult with the Human Resources Department to determine whether or not the employee will be able to perform his or her job in an efficient and safe manner.
- H. Post-Employment Testing for Controlled Substances and Alcohol:
1. Random: The County may require random testing for controlled substances and alcohol where provided for in state and federal law, and other departmental policies.
 2. Reasonable Suspicion: Where a supervisor has a reasonable suspicion, (one that can be expressed in clear and understandable terms), that an employee is violating the County's Controlled Substances and Alcohol policy, the supervisor must refer the matter to the Human Resources Department. The Human Resources Department may require the employee to submit to a medical examination and/or testing to determine the presence of controlled substances or alcohol. Controlled substances which are taken from employees may be tested by the County.
 3. Testing: All testing shall be conducted in accordance with the law and by qualified personnel. A positive result for controlled substances or alcohol shall be considered a *per se*, (in and of itself), violation of this policy. An employee may request an immediate confirmation test at his/her own expense. Refusal to submit to testing under the circumstances outlined in this section may result in disciplinary action, up to, and including termination of employment.
- I. Employee Reporting Requirements: Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction to their Elected Official, or Department Head and the Human Resources Department within five days of the conviction. Employees who operate County vehicles as a part of their job shall immediately report any conviction of driving under the influence of alcohol or a controlled substance, whether the offense occurred when the employee was operating a County vehicle or it occurred when the employee was operating a private vehicle on the employee's own time.
- J. Supervisor Reporting Guidelines: Any supervisor who believes he or she has reasonable suspicion that an employee is impaired or under the influence of a controlled substance or

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alcohol, shall immediately consult with the Human Resources Department, County Attorney, or other available counsel and shall determine whether the employee shall be examined by a physician; or tested for a controlled substance and/or alcohol. Employees believed to be under the influence of controlled substances, or alcohol will be required to leave the premises as soon as safe transit can be arranged.

- K. **Human Resources Reporting Requirements:** Departments that receive federal grants or contracts must report any criminal drug statute convictions of their employees engaged in the performance of a federal grant or contract, to federal agencies from which grants or contracts are received within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such conviction.
- L. **Searches:** Where there is a reasonable suspicion, (one that can be expressed in clear and understandable terms), that an employee is violating the County's controlled substances and alcohol policy, the Human Resource Department may require an employee to submit to a search of his or her work area and its contents for evidence of a violation of this policy. Work area may include the employee's private vehicle, if it is used in performance of the employee's duties.
- M. **Transportation Arrangements:** An employee believed to be under the influence of controlled substances or alcohol shall be required to leave County premises. The employee shall not be permitted to transport himself/herself from County premises, but shall be provided with safe transit from the premises to his/her residence. Transportation shall be coordinated by the Human Resources Department.
- N. **Counseling/Rehabilitation:** An employee who has violated this policy may be required to undergo confidential counseling, treatment, or any other reasonable form of rehabilitation program approved by the Human Resources Department. Failure to comply with the requirements of an approved rehabilitation plan shall result in disciplinary action, up to and including termination of employment. No employee will be disciplined or discriminated against in any way because he or she has undertaken a rehabilitation plan. However, participation in counseling or rehabilitation shall not exempt an employee from compliance with the provisions of this policy and all other terms and conditions of his or her employment. Upon return from rehabilitation, an employee may be required to agree to random drug/alcohol testing for a specified time period or to comply with other requirements intended to assure that the employee has not relapsed.
- O. **Rehabilitation Leave of Absence:** An employee who has violated this policy may be granted a leave of absence for the purpose of entering an inpatient rehabilitation program. Said leave shall first be charged to the employee's accumulated sick leave, and then to his or her accumulated vacation leave. Employees who have exhausted their accumulated sick and vacation leave may request donated leave or be granted unpaid leave in accordance with the County's leave-of-absence policy. Only one rehabilitation leave of absence shall be granted to an employee during the duration of his or her employment with the County, the term "duration" to include any breaks in service.

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- P. Return from an Inpatient Rehabilitation Program: An employee who enters an inpatient rehabilitation program shall not be permitted to return to work until the director or other authorized representative of the program provides certification to the Human Resources Department that the employee is capable of performing his or her job in a safe and satisfactory manner without limitation.
- Q. Drug and Alcohol Abuse Awareness Programs: To the extent feasible, the County will provide continuing awareness programs for County employees regarding the harmful effects of drug and alcohol abuse.
- R. Confidentiality: All information obtained in the course of testing, rehabilitation and treatment of employees with controlled substance and alcohol problems shall be protected as confidential medical information and shall be kept separate from the employee's official personnel file. Only those who have a need to know shall be given access to this information.

Section 8. Employee Safety

- A. It is the policy of Sweetwater County to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the County or by federal, state, or local law.
- B. Supervisor Responsibility: Supervisors are responsible for ensuring that employees under their supervision understand and comply with all County safety rules, regulations, and procedures. Supervisors' safety responsibilities include:
 - 1. Being familiar with all safety and health procedures relevant to the operations under their supervision;
 - 2. Inspecting and correcting unsafe work practices and hazards in their work areas;
 - 3. Training their employees in safety matters or arranging for safety training where appropriate;
 - 4. Reporting accidents and injuries to their Elected Official or Department Head immediately and ensuring that any injured employee is referred to appropriate medical care.
 - 5. Ensuring that proper personal protective equipment is in proper working order and available for employees' use.
- C. Employee Responsibility: Employees should timely report to the Human Resources Department or their Elected Official or Department Head all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees

CHAPTER 5: EMPLOYEE CONDUCT

or to members of the public. Employees have the responsibility to perform their job in compliance with all safety regulations and otherwise in a safe manner.

- D. **Suggestions:** Employees are encouraged to submit suggestions to their supervisor concerning safety and health matters.
- E. **Personal Protective Equipment:** Employees are responsible for the proper use and maintenance of any clothing and equipment provided by the County.
1. Personal Protective Equipment (PPE) must be worn as prescribed for each job by the supervisor.
 2. Employees must check with their supervisor(s) regarding any portion(s) of their job that they do not understand.
 3. Goggles, face shields, helmets and other comparable equipment are required to fit.
 4. Hard hats must be worn by all employees at all times where required.
 5. Appropriate gloves, aprons and boots are to be used when necessary for protection against acids and other chemicals, which could injure employee's skin.
 6. Respiratory equipment in certain cases is needed for protection against toxic and hazardous fumes. Employees must verify with their supervisors which equipment meets the need for breathing safety.
 7. Safety shoes are recommended to help eliminate foot injuries.
 8. The use of safety belts is required when working on elevated work where there is no guard rail protection and on certain suspended scaffolds.
- F. **Retaliation Prohibited:** Supervisors will not discharge or discriminate in any manner against an employee because the employee has instituted a safety-related proceeding, has testified in that type of proceeding, or has otherwise exercised any right provided by law. Employees may accompany government safety compliance officers during so-called "walk-around inspections," but they will not be compensated for that time unless specifically assigned the task by management.
- G. **Safety Training:** Training and education cannot be over-emphasized as a means of learning a healthful and safe approach to employee work efforts. Knowledge of the safety rules and how and when to function under the rules, supplemented by compliance, is essential to safety.
- H. **Orientation Training:** New employees will be provided orientation training and will be furnished information and literature covering the health and safety policies, rules, and

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procedures. The employee's Elected Official or Department Head, prior to the employee's exposure to the work environment will provide this orientation training.

- I. **Availability of Employee Exposure or Medical Records:** Supervisors shall provide information about the availability of employee exposure or medical records to employees who are exposed to known toxic substances and recognized harmful physical agents at the time they are first hired and at least annually after that. These employees also shall be notified that they may be required to submit to medical examinations and tests at intervals determined by the length of their time on the job and whenever there is reason to believe that they were unduly exposed to toxic substances or harmful physical agents. Copies of the OSHA regulation requiring access to employee exposure and medical records are available in the office of the Safety Officer for examination.
- J. **Wyoming Workers' Compensation:** For work-related injuries, it is the employee's responsibility to file the required claim form with Workers' Compensation (See Chapter 8, Absence from Work).
- K. **Violations:** Violations of County safety rules, regulations, or procedures will result in disciplinary action, up to and including termination.

CHAPTER 6: DISCRIMINATION AND HARASSMENT

Section 1. Prohibited Conduct

- A. One of Sweetwater County's chief objectives is to have a work environment in which all employees are treated with respect and dignity. It is our policy that all employees have the right to work in an environment free from any type of illegal discrimination or harassment. It shall be a violation of this policy for any employee to engage in any form of discrimination or harassment, whether verbal, or physical, arising out of the work environment. Discrimination, harassment, and/or retaliation are not only inappropriate but also violate state and federal law. Violations of these policies not only constitute serious workplace misconduct but may also violate federal and state law. In addition to the regular worksite, this policy specifically applies to work assignments that are off-site or at Sweetwater County sponsored functions. In addition, any actions or efforts by a supervisor to use authority or position granted by the County to engage in discriminatory/harassing/retaliatory acts outside the workplace are also prohibited. Any violation of this policy may result in discipline, up to and including immediate termination.
- B. **Sexual and Gender Discrimination/Harassment:** For purposes of this policy gender and sexual discrimination/ harassment is defined as discrimination in the terms and conditions of employment on the basis of sex or gender, unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, language or actions which ridicule, demean or degrade others on the basis of their gender and either (1) submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment or (2) the conduct substantially interferes with an individual's employment or creates a pervasively intimidating, hostile, or offensive work environment.
1. Examples of sexual harassment include, but are not limited to: unwanted sexual advances, demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances, or propositions; verbal abuse of a sexual nature, graphic commentary about an individual's body, sexual prowess, or sexual deficiencies; jokes or comments which ridicule, demean or degrade on the basis of gender; leering; whistling; touching; assault; coerced sexual acts; suggestive insulting; obscene comments, gestures, and emails; and display in the work place of sexually-suggestive objects or pictures.
- C. **Pregnancy Discrimination:** Discrimination on the basis of pregnancy constitutes a form of sex discrimination and is contrary to federal law. Sweetwater County will not discriminate against persons who are pregnant in the terms and conditions of employment. Pregnancy will generally be treated as any other health condition. The employee may utilize sick leave, Family and Medical Leave, or other benefits on the same basis as is permitted for other health conditions. The length of an employee's absence for childbirth, and related health conditions shall be determined on the basis of the period of time the employee is disabled, as verified by appropriate medical personnel. In addition, pregnancy leave is a circumstance qualifying under the Family and Medical Leave Act, and pregnant employees shall be entitled to applicable benefits or protections of FMLA, if otherwise eligible for FMLA

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benefits. Employees who are pregnant and are exposed to toxic or dangerous substances, or perform duties where performing the job while pregnant may present a danger to the employee, an unborn child or others shall inform the supervisor as soon as possible for purposes of determining what actions need to be taken in the interests of safety. Nothing in this policy authorizes paternity leave, and the rights of any other person other than the pregnant individual shall be limited to those circumstances set forth in the federal Family and Medical Leave Act.

- D. **Racial/Ethnicity/National Origin Discrimination and Harassment:** For purposes of this policy, discrimination in the terms and conditions of employment on the basis of race, ethnicity, or national origin is prohibited. All inappropriate conduct and activity taken against an individual because of his or her race/ethnicity/national origin shall constitute unlawful harassment under circumstances where submission or rejection of this conduct is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment or where the conduct substantially interferes with an individual's employment or pervasively creates an intimidating, hostile or offensive work environment.
1. Examples include, but are not limited to, racial/ethnic comments, racial/ethnic jokes through any medium; degrading, insulting or demeaning comments based on race/ethnicity; racial or ethnic stereotyping and similar conduct which tends to demean or degrade or deny equal treatment on the basis of race or ethnicity.
- E. **Age Discrimination/Harassment:** The federal Age Discrimination in Employment Act (ADEA) prohibits discrimination against workers who are age 40 or older. For purposes of this policy all inappropriate conduct and activity taken against an individual because of his or her age (over 40) shall constitute unlawful discrimination or harassment where submission or rejection of this conduct is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment or where the conduct substantially interferes with an individual's employment or pervasively creates an intimidating, hostile or offensive work environment.
1. Examples include but are not limited to jokes or comments communicated through any medium; degrading, insulting or demeaning comments based on age, suggestions or implications that employees should retire, comments employees are too old to work, should give younger people a chance at job, are too old to learn new things; stereotyping on the basis of age and any similar conduct which tends to demean, degrade or deny equal employment opportunity on the basis of age.
- F. **Disability Discrimination/Harassment:** The federal Americans with Disabilities Act (ADA) prohibits discrimination against persons who have disabilities and requires employers to make reasonable accommodations for those employees with disabilities. For purposes of this policy all inappropriate conduct and activity taken against an individual because of a disability where submission or rejection of this conduct is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment where the conduct substantially interferes with the individual's employment or pervasively

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creates an intimidating, hostile or offensive work environment. Decisions may be made on the basis of disability where permitted under applicable federal law, such as requiring an employee to fulfill all the essential functions of a job or declining to provide unreasonable requests for accommodation.

1. Examples include but are not limited to jokes or negative comments communicated through any medium; degrading, insulting or demeaning comments based on disability, suggestions or implications that a disabled employee should not work or is incapable of working.

G. Religious Discrimination/Harassment: As a governmental body, Sweetwater County does not endorse or oppose any religious belief or affiliation. An employee's membership, participation, or adherence to any religious organization or belief or non-belief/non-adherence shall not be a consideration in any decision regarding the terms and conditions of employment. Supervisors and employees shall refrain from religious proselytizing at the work place. For purposes of this policy all conduct and activity taken against an individual because of the individual's affiliation, or lack of affiliation with any religious denomination, or the employee's belief or religious practices or lack of such belief or practices shall be prohibited.

1. For example, conduct or actions which seek to demean or ridicule an employee's religious beliefs or activity, or to intimidate the employee where the conduct interferes with the individual's employment or pervasively creates an intimidating hostile or offensive work environment is prohibited. If an employee requires an accommodation in regard to a particular religious belief or practice, the employee should make the request to the immediate supervisor. Supervisors shall consult with the Human Resources Department regarding any requests received for religious accommodation.

H. No retaliation: Employees who make a complaint of discrimination shall not be subjected to retaliation or reprisal because of the filing or processing of such a complaint under these policies. Whether as a party or a witness, employees shall not be retaliated against for opposition to any unlawful employment practice. Retaliation constitutes an unlawful act and is a violation of County policy in and of itself regardless of whether or not the original complaint of discrimination/harassment was found to be valid. An employee who engages in retaliation is subject to appropriate disciplinary action, up to and including termination.

I. Misconduct in relation to a discrimination complaint: An employee who makes a malicious or knowingly false complaint of discrimination/harassment/retaliation, where there is no good faith basis for the complaint, is subject to disciplinary action. All employees are expected to cooperate with any investigation conducted under this policy. Any employee, who intentionally provides false information, intentionally withholds relevant information during an investigation, or attempts to obstruct or interfere with the ability to investigate a complaint of discrimination/harassment/retaliation shall be subject to discipline.

Section 2. Procedures

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- A. Any employee, who experiences discrimination or harassment prohibited by these policies or observes such actions occurring with others, shall promptly report it to the appropriate person. Normally the employee should report such discrimination or harassment to the immediate supervisor. All supervisors who receive a complaint of discrimination or harassment shall also report the matter to the Human Resources Department. In circumstances where the employee believes the supervisor is participating in the actions, the supervisor may be a witness to the actions, has condoned such actions or failed to investigate or act on a complaint, the employee may report the matter to the Human Resources Department directly without notifying the supervisor. The Human Resources Department shall have available, to assist a complaining party, a form for filing discrimination complaints which lists the relevant information that will be needed. Employees will be encouraged, but not required, to use the form. All complaints of discrimination, whether verbal or written, shall be investigated.
- B. Supervisors who become aware of discriminatory actions occurring, shall take reasonable steps to stop such actions, even in circumstances where no one has made an actual complaint. If discriminatory actions are observed or become known to a supervisor in a department or office outside of the supervisor's authority, the supervisor shall report the information to the Human Resources Department, which shall be responsible for communicating with the appropriate official.
- C. Any Elected Official or Department Head or Human Resources representative receiving a complaint of discrimination shall promptly take steps to review the matter, and depending on the nature and severity of the matter, initiate an informal or formal investigation. The supervisor may directly handle the complaint or request the assistance of the Human Resources Department to investigate and make recommendations. In any event, the Human Resources Department shall be kept informed regarding all such complaints and what actions are taken in response to the complaints. The investigation of discrimination complaints shall be performed in a prompt, timely manner, resulting in a decision that the complaint has been substantiated or not been substantiated. The complaining party shall be notified when an investigation/review is instituted and shall be informed whether the complaint was substantiated or not. In circumstances where the supervisor is not able to substantiate the complaint, the supervisor may nonetheless provide directives, warnings, training or other remedial actions intended to avoid potential future problems or issues from arising.
- D. A complaint of discrimination shall be considered a confidential personnel matter. To the extent practicable, the identity of the person(s) making the complaint and the person(s) alleged to have acted improperly shall be kept confidential. However, in many cases, it may be necessary to disclose facts or identities as an inherent part of conducting a review or investigation. While efforts will be made to preserve confidentiality, once a complaint has been made, the County will undertake an appropriate review, and considerations of confidentiality shall be secondary to addressing and resolving any complaint. In furtherance of its efforts to maintain a discrimination-free workplace, the County shall have the right to investigate and take action on a complaint even if the original complainant withdraws the complaint.

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- E. The Elected Official or Department Head and the Human Resource Department shall be responsible for recommending/implementing appropriate remedial and disciplinary actions if it is determined that inappropriate conduct occurred. Information regarding the complaint, the results of any review or investigation, and any recommendations shall be provided to the County official having personnel authority over the individual who violated County discrimination policies.
- F. The person with personnel authority shall be responsible to take prompt and effective action to resolve the matter. The actions taken shall be appropriate to the nature and severity of the discriminatory actions, the impact on the victim, the work history of the alleged perpetrator, whether the misconduct appears remediable, and other relevant factors. Elected Officials or Department Heads shall have the option of applying a wide range of solutions including but not limited to mandatory training/education, a corrective plan establishing specific restrictions, directions or requirements, probation, reprimands, suspension without pay, and termination.
- G. When a complaint of discrimination is received, the person receiving it shall promptly determine what steps should be taken to protect the complaining employee from potential further discrimination/harassment/retaliation during the time the matter is being investigated. To accomplish this purpose, work schedules, place of work or other conditions of work may be altered. When deemed necessary, the person accused of misconduct may be placed on leave with pay while the matter is being investigated. Such leave shall not be considered a disciplinary action.
- H. A complaint that there has been retaliation for making a discrimination/harassment complaint or for opposing an unlawful employment practice shall be investigated and resolved using the same processes as discrimination and harassment complaints.
- I. If the employee who has made a complaint regarding discrimination/harassment/retaliation is not satisfied with the resolution of the matter at the conclusion of the initial investigation/review, the employee may appeal the matter using the procedures established for grievances, commencing at the level of the formal written grievance.
- J. The Human Resources Department shall maintain a record of all complaints of discrimination received, including the complaint, the outcome of any review or investigation and any actions undertaken following the investigation. Such records shall be treated as confidential, but shall be available to use in identifying departments or circumstances where training should be provided. For circumstances where the complaint has been determined to be valid, such determination and relevant materials may also be maintained directly in the personnel file of the individual responsible as deemed appropriate by the supervisor and Human Resources Department. Records of discrimination complaints and investigations are retained for confidential personnel use and shall not be available to the public.
- K. In addition to prohibiting discriminatory actions by employees, the County will also take reasonable steps whenever it can to see that employees are not subjected to harassing or

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discriminatory actions from contractors, vendors or other third parties. If such conduct is occurring, the affected employee is required to report it to the employee's immediate supervisor who will determine what actions the County may be able to take to address the inappropriate activity by others.

- L. The Human Resource Department shall provide training as is appropriate and needed for employees, supervisors, departments and all offices regarding the County's responsibilities as an employer under the law and the responsibilities of individual employees for proper conduct. That training may be delivered individually or to larger groups as is appropriate.

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Section 1. Insurance, Welfare and Retirement

- A. It is the policy of the Sweetwater County, within its financial means, to provide its employees with various insurance, welfare and pension benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The Board reserves the right to modify, amend, or terminate the insurance, welfare and pension benefits as they apply to all current, former, and retired employees. The Board has the discretionary authority to determine eligibility for benefits and to interpret a plan's terms. Elected Officials and Chief Deputies are also eligible for participation in the County's benefits plans.
- B. Eligibility: The County will provide to any and all full-time employees who desire it and specified contract employees, a health policy within the limitations of the existing Sweetwater County Group Policy.
1. Full time County employees are eligible for group life, health, long-term disability, vision, and dental insurance, as available, through a County-sponsored plan.
 2. Part-time employees will not be eligible.
 3. Detailed information and forms for Sweetwater County insurance plans may be obtained in the Payroll Department.
- C. Insurance Benefits upon Retirement: Subject to Board approval, upon retirement an employee, Chief Deputy or Elected Official, aged sixty years, with eight (8) or more years of service, may elect to continue health insurance coverage under the County's current group plan. However, the insurance premium must be paid by the retired individual.
- D. Life Insurance: A life insurance policy for \$30,000.00 will also be provided for full-time employees who desire it. The current policy specifies a ninety-day waiting period for new insurance applicants.
- E. Changes in Employment Status: Should changes occur in marital or dependent status, the employee must contact the Payroll Department, as the insurance agency will need notification within 30 days. Failure to do so may result in disciplinary action, including liability for all or part of the insurance premium.
- F. Retirement System: Full-time and part-time County employees are eligible for participation in the County's retirement program. This plan is offered through the State of Wyoming Retirement System.
1. Full-time Employees: The County will contribute both the County's share and the full-time employee's share of the cost, unless prohibited by statute. Detailed information on this plan may be obtained from the Payroll Department. Membership in the County Retirement System is compulsory for all full-time employees.

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2. Part-time Employees: The County will contribute the County's share and the part-time employee will contribute his/her share of the cost, unless prohibited by statute. Membership in the County Retirement System is compulsory for all part-time employees.
- G. Deferred Compensation: In addition to the Wyoming Retirement System and the Social Security Program, employees may also subscribe to the State of Wyoming Public Employees Deferred Compensation Plan and/or other County-authorized deferred compensation plan(s). Details on these plans are available in the Payroll Department.
- H. Social Security: Sweetwater County participates in the Federal Social Security Program. Under this program, the employee and the County each contribute one-half of the program costs. Social Security benefits are available under the provisions of the Social Security Act. Detailed information on this program may be obtained from the Payroll Department.
- I. Workers' Compensation: Sweetwater County operates under the Wyoming State Workers' Compensation Act. An employee who is injured while on the job, and subsequently cannot continue assigned duties for a period of time, may be eligible for compensation through the State. Employees injured in a job-related activity must immediately contact their supervisor. (See Ch. 8, Absence from Work).
- J. Debt Elimination Employee Benefit Plan: Debt Elimination Employee Benefit Plan is a confidential counseling service offered to employees to assist them in getting out of debt. The plan consolidates debt without borrowing additional money, reduces monthly payments and interest, and enables employees to get out of debt faster. Detailed information and forms may be obtained in the Payroll Department.
- K. Other Employment Benefits: The Board will approve other benefits from time to time and the details will be available in the Payroll Department.

Section 2. Educational Assistance

- A. It is the policy of the County to provide educational assistance for its employees in accordance with the guidelines established below.
- B. Definition: For the purposes of this policy, the term "Educational Assistance" refers to optional training requests initiated by the full-time employee. This policy has no application to on-the-job training, required departmental or County training, or supervisor-initiated training.
- C. Eligibility: To be eligible for educational assistance, employees must have regular full-time status and at least one year of service with the County. The employee must not be eligible to receive educational benefits from any other sources.

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- D. **Prior Approval Required:** Employees who want educational assistance must obtain approval before enrollment. Written requests shall be submitted to the Board by way of the employee's Elected Official or Department Head. This approval will not be granted without a positive recommendation by the employee's supervisor. The Board shall make the final decision.
- E. **Evaluation Process:** The Elected Official or Department Head, and the Board may consider the following factors in evaluating requests for educational assistance:
1. The nature and purpose of the course of study;
 2. The benefits to be derived by the employee and the County;
 3. The employee's level of responsibility and length of service;
 4. The estimated cost; and
 5. Any potential lost time or productivity while the employee participates in the program.
- F. **Reimbursement of Related Costs:** Employees seeking reimbursement for educational expenses must submit a certified transcript of their grades and receipts for the expenses incurred to the Board. The County then will reimburse to the employee the applicable percentage of the cost of tuition, textbooks, registration, and laboratory and library fees. However, employees who take courses at the specific request or direction of management may be reimbursed for all costs in advance.
1. Eligible employees may be reimbursed only for courses of study that the County determines are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the County and to which the individual has a reasonable expectation of advancing.
 2. Only courses that are offered by pre-approved institutions of learning will be eligible for reimbursement.
 3. Employee reimbursement for eligible educational assistance will be based upon the grade received for the course, as follows:
 - a. For a grade of "A," 100% of reimbursable costs;
 - b. For a grade of "B," 75% of reimbursable costs;
 - c. For a grade of "C," 50% of reimbursable costs;
 - d. No reimbursement will be made for a grade lower than "C;"
 - e. 75% of reimbursable costs will be paid for passing a "pass-fail" course.

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- G. Reimbursement Provisions Upon Employee Termination: The following reimbursement provisions are effective for those employees whose employment with County has ended:
1. Employees seeking reimbursement for educational expenses must agree in writing to repay the County in full if they leave the County voluntarily or are terminated within six (6) months from the date of completion of the course.
 2. Employees, who leave the County voluntarily or are terminated between six (6) months and one (1) year after completing the course, must repay one half (1/2) of the amount reimbursed.
 3. Employees who are terminated during enrollment because of a reduction in force or job elimination, or who are unable to complete an approved course because of transfer within the County, will be reimbursed for the full amount of the costs incurred up to the date of termination or transfer.
 4. Employees will not be reimbursed for the expenses associated with the course if they voluntarily leave the County or are terminated for reasons other than those listed above.
- H. Class Attendance: Employees are expected under normal circumstances to schedule class attendance and the completion of study assignments outside of their regular working hours. It is expected that educational activities will not interfere with the employee's work, and unsatisfactory job performance during enrollment may result in forfeiture of educational assistance and termination of employment.
- I. Failure to Attend Required Training: Employees who choose not to attend a County-required class or training sessions, or who do not complete a County-required class or training session, will be subject to disciplinary action, up to and including termination.
- J. Record Retention: The Elected Official or Department Head will maintain records of all education programs completed by each employee.

Section 3. Paid Vacation

- A. Vacation leave shall be granted to all full-time and part-time employees as described below. Vacation time may be taken at any time of the year, providing the vacation does not conflict with the work load of the department and providing further that approval is granted by the Elected Official or Department Head and a record of the vacation time is made and acknowledged by the employee. Within these general guidelines, Department Heads and Elected Officials should adopt and implement departmental vacation policies and procedures that reflect the operational needs of the department, but still provide fair and equitable opportunities for employees to take vacation leave. A new employee does not earn vacation leave until he or she has worked during the month. The Elected Official or Department Head shall determine when employees will take vacations and the final determination will be

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governed by the needs and requirements of the Department. Employees will be paid for the unused vacation time upon termination or retirement.

B. Vacation Accrual for Full-Time Employees: Exempt and nonexempt employees are entitled to the following paid vacation accrual schedule:

1. During the first five (5) years of employment, vacation is accrued at a rate of 6.67 hours per month, for each month worked.
2. After five (5) years of employment, commencing on the fifth anniversary of an employee's date of hire, vacation is accrued at a rate of 10.00 hours per month, for each month worked.
3. After ten (10) years of employment, commencing on the tenth anniversary of an employee's date of hire, vacation is accrued at a rate of 13.33 hours per month, for each month worked.
4. After twenty (20) years of employment, commencing on the twentieth anniversary of an employee's date of hire, vacation is accrued at rate of 16.67 hours per month, for each month worked.
5. Eligible employees who are in service for less than one full calendar month because of appointment or absence from duty without pay, or new employees, shall accrue vacation leave as follows;
 - a. One through ten calendar days of service – none;
 - b. Eleven through twenty calendar days of service – ½ accrual entitlement;
 - c. Twenty-one or more calendar days of service – full accrual entitlement.

C. Regular part-time employees (exempt and nonexempt) are entitled to vacation leave which accrues monthly. Part-time employees will accrue a pro-rated amount of vacation leave if they work less than 173.30 hours in a given month, based on the following vacation accrual schedule:

1. During the first five (5) years of employment, vacation is accrued at a rate of 6.67 hours of vacation for every 173.30 hours worked.
2. After five (5) years of employment, commencing on the fifth anniversary of an employee's date of hire: 10 hours of vacation for each 173.30 hours worked.
3. After ten (10) years of employment, commencing on the tenth anniversary of an employee's date of hire: 13.33 hours of vacation for each 173.30 hours worked.

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4. After twenty (20) years of employment, commencing on the twentieth anniversary of an employee's date of hire: 16.67 hours of vacation for each 173.30 hours worked.
- D. Vacation Carryover: For purposes of vacation carryover, the year shall begin with the employee's date of hire, and all successive years shall continue from the employee's date of hire. If the available vacation is not used by the end of the year, accrued, but unused leave, may carry over to the next year, subject to the terms of this section. The maximum carryover values will apply:
1. During the first five (5) years of employment, the maximum vacation accrual allowed is 120 hours, which includes carryover hours and accrual hours. If the total amount of accrued vacation time reaches 120 hours, all vacation accruals will temporarily stop. When the total accrued amount falls below the maximum, vacation accrual will begin again.
 2. Between five (5) and ten (10) years of employment, the maximum vacation accrual allowed is 160 hours, which includes carryover hours and accrual hours. If the total amount of accrued vacation time reaches 160 hours, all vacation accruals will temporarily stop. When the total accrued amount falls below the maximum, vacation accrual will begin again.
 3. Between ten (10) and twenty (20) years of employment, the maximum vacation accrual allowed is 200 hours, which includes carryover hours and accrual hours. If the total amount of accrued vacation time reaches 200 hours, all vacation accruals will temporarily stop. When the total accrued amount falls below the maximum, vacation accrual will begin again.
 4. After twenty (20) years of employment, the maximum vacation accrual allowed is 240 hours, which includes carryover hours and accrual hours. If the total amount of accrued vacation time reaches 240 hours, all vacation accruals will temporarily stop. When the total accrued amount falls below the maximum, vacation accrual will begin again.
- E. Vacation leave cannot be used until the month following its accrual.
- F. In scheduling vacation leave, preference will be given to employees according to their length of service, or in any other manner, as determined by the Elected Official or Department Head. The Elected Official or Department Head should develop guidelines or procedures to develop fair and equitable vacation policies.
- G. Overtime hours shall not be included in determining vacation accrual. All vacation pay shall be computed at the employee's straight time rate of pay for the classification in which he or she was permanently assigned at the commencement of the vacation. Employees may not waive their right to a vacation and receive payment in lieu of taking a vacation, subject to section H. below.
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H. In the event an employee leaves the employ of Sweetwater County, including a layoff, the employee shall receive vacation pay for all accrued and unused vacation, to be paid at the rate for the classification that he or she was permanently assigned at the time of departure from Sweetwater County.

Section 4: Sick Leave

- A. **Sickness or Injury:** Sick leave shall be granted to all full-time County employees. Part-time and temporary County employees do not accrue sick leave. Full-time employees are subject to the following provisions. Sick leave cannot be used until the month following its accrual.
1. Sick leave may be used only when an employee is incapacitated due to sickness or injury, for Family and Medical Leave (FMLA), medical, dental, optical examination or treatment, including examinations for military service or disability payments, or when an employee has been exposed to a contagious disease, such that attendance at work could jeopardize the health of others;
 2. Any leave which qualifies an employee for leave under the Family and Medical Leave Act (FMLA) also qualifies an employee to use sick leave pursuant to this policy.
 3. Sick leave and leave under the Family and Medical Leave Act (FMLA) may interact. As such, employees should thoroughly review the Family and Medical Leave Act policies contained in Chapter 8, Section 5 of this Manual.
 4. Sick leave may also be used to attend to the medical needs of the employee's immediate family. For purposes of this provision, "immediate family" includes spouse, parents and minor children, including step children, adopted children, foster children, legal wards or a child of an employee who stands in loco parentis, or grandchildren if the employee or employee's spouse has legal custody.
 5. Employees using paid sick leave shall be compensated at the employee's applicable wage rate at the time the leave is used.
 6. Employees shall not accrue sick leave for those periods in which they are on an unpaid leave of absence or receiving donated leave.
 7. In the event an employee leaves the employ of Sweetwater County, including a layoff, and in good standing, the employee shall be paid for one-fourth (1/4) of any remaining accrued sick leave, at the employee's rate of pay at the time of departure. For purposes of this policy, an employee is considered to have left in good standing provided that they meet the following;
 - a. Employee provides at least two (2) weeks of advanced notice, unless prior arrangements have been made with the employee's Department Head or Elected Official.
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- b. Employee has returned all County property, including County keys, uniforms, cell phone, laptops, etc.
 - c. Employee has not been terminated for cause.
 - d. Employee has not engaged in any misconduct, including malicious conduct prior to employee's departure.
8. Sick leave shall not be used simultaneously with temporary total disability payments received pursuant to a Workers' Compensation claim.
9. The use of sick leave may interact with Workers' Compensation leave, and as such, please thoroughly review the Occupational Injury and Illness provisions in Chapter 8 of this Manual.
- B. Accrual Rates: Sick leave will accrue at a rate of eight (8) hours per month up to a maximum of nine hundred sixty (960) hours.
- 1. Eligible employees who are in service for less than one full calendar month because of appointment or absence from duty without pay, or new employees, shall accrue sick leave as follows;
 - a. One through ten calendar days of service – none;
 - b. Eleven through twenty calendar days of service – four (4) hours;
 - c. Twenty-one or more calendar days of service – eight (8) hours.
- C. Notification Requirement: An employee who intends to use sick leave should notify his or her supervisor in advance, or as soon as possible. A request for a paid sick leave of absence, unless an emergency, should be made at least three days in advance in writing to the Elected Official or Department Head. Notification of absence due to sickness shall be given as soon as possible on the first day of absence to the Elected Official or Department Head.
- D. Medical Certification: If the absence is due to illness or injury of the employee or a family member, written certification for the health care provider of the ill or injured employee or family member verifying the need for leave is required if the absence exceeds three consecutive days and also may be required for certain short absences. Employees who falsify the reason for an absence may be subject to disciplinary action, up to, and including termination. Compensation for the absence will be stopped immediately, upon verification that the reason for the leave was false.
- E. Donation of Sick Leave:

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1. An employee is eligible to request donated leave only if he or she qualifies for leave under the provisions of the FMLA. For additional information regarding FMLA, see Chapter 8, Section 5. Family and Medical Leave Act.
2. An employee may only receive donated leave after he or she has exhausted all of his or her own accrued leave, including sick leave and vacation leave. Because the County provides a Long Term Disability (LTD) program for its full-time employees, no employee can apply for or receive donated leave beyond their twelve (12) week FMLA entitlement. That is to say, if an employee on FMLA leave has exhausted all of his or her own sick and vacation leave before the expiration of the twelve (12) week FMLA leave entitlement, he can request donated sick leave for the balance of the 12 week entitlement, but not beyond, because at that point he becomes eligible to apply for the County's LTD policy. Any full-time employee of Sweetwater County who is unable to work due to an injury or illness, consistent with the FMLA, is eligible to request donated leave. Either the employee or another person on his/her behalf may make a request for donated leave. A request for donated leave must first be made to the employee's Department Head or Elected Official.
3. After leave donated from within the employee's own department has been exhausted, the Department Head or Elected Official, at his/her discretion, may submit a written request for donated leave to the Human Resources Department to solicit donations from employees of other County departments. The Human Resources Director has the discretion to grant or deny the request to solicit donations to other departments, considering the estimated amount of donated leave already received through the employee's own department and the need for additional leave.
4. An employee receiving donated leave does not accrue vacation or sick leave for that time period.
5. Donated leave is not available for work-related injuries or illnesses that are covered by Workers' Compensation.
6. An employee may not request donated leave more than one time during a twelve month period, calculated from the first date an employee receives donated leave.
7. If an employee receives donated leave and returns to work without using all of the donated leave, he can still use the donated leave if he has an exacerbation of the **same** injury or condition, up to six (6) months after returning to work.

Section 5. Holiday Pay

A. Sweetwater County observes the following holidays:

1. New Year's Day (January 1)
2. Martin Luther King Day (January)

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3. Presidents' Day (third Monday in February)
 4. Good Friday (1/2 day)
 5. Memorial Day (Last Monday in May)
 6. Independence Day (July 4)
 7. Labor Day (First Monday in September)
 8. Columbus Day (2nd Monday in October)
 9. Veterans' Day (November 11)
 10. Thanksgiving Day and the Friday following (Fourth Thursday and Friday in November)
 11. Christmas (December 25)
 12. Any other holidays, as proclaimed by the Board or other state or federal official
- B. When a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. Regular full-time employees are paid eight (8) straight-time hours for each holiday, except for the ½ holiday for Good Friday, in which employees are paid four (4) straight-time hours.
- C. Regular part-time employees: Regular part-time employees are paid for holidays based upon the number of straight-time hours they are normally scheduled to work on the holiday. No part-time employee will receive holiday pay, if he is not regularly scheduled to work that day.
- D. Any nonexempt employee who works during an approved county holiday, will be compensated at a rate of 1.5 times his/her regular rate of pay, whether the employee will reach the applicable FLSA overtime hours threshold or not, in addition to the holiday pay referenced in paragraph (B.) above.

Section 6. Continuation of Medical Benefits and Cobra Insurance

- A. The federal Consolidated Budget Reconciliation Act (COBRA) is the legislation that provides employees and their covered dependents the right to continue their group health care coverage after a “qualifying event.” COBRA legislation applies to Sweetwater County, as the employer.
- B. Upon termination from Sweetwater County for any reason, which is a “qualifying event” under COBRA, an employee has the right to continue group medical coverage at group rates as long as the employee pays the required monthly premium and provided the employee has not been terminated for gross misconduct.
- C. COBRA gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Sweetwater County’s health plan when a “qualifying event” would normally result in the loss of eligibility.
- D. Under COBRA, the employee will usually pay the full cost of coverage at group rates plus an administration fee. Sweetwater County, through the third party administrator for the County’s health plan, will provide employees with a written notice describing rights granted

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under COBRA when they become eligible for coverage under Sweetwater County's health insurance plan.

- E. COBRA continuation coverage is a temporary continuation of coverage when it would otherwise end because of a life event, known as a "qualifying event." COBRA coverage generally lasts up to a total of eighteen (18) months; however, if the qualifying event is death of an employee, enrollment in Medicare benefits, a divorce or legal separation, or a dependent child losing eligibility as a dependent child, COBRA continuation of coverage lasts up to thirty-six (36) months. For more information, please contact the Human Resources Department. *(Note: Persons on military leave may be eligible for up to 24 months of COBRA-like leave pursuant to the provisions of USERRA – See Chapter 8, Absence from Work).*

Section 7. Taxable Fringe Benefits

- A. It is the policy of Sweetwater County to comply with all Internal Revenue Service (IRS) rules governing fringe benefits.
- B. Definition: The IRS defines a fringe benefit as anything of value given to an employee by the County in addition to his/her wages or salary. The IRS requires that any fringe benefit is taxable and must be included in an employee's pay, unless the law specifically excludes it. In so doing, the County will withhold FICA, Medicare and federal withholdings from the employee's pay for the amount of the fringe benefit and the employee will have the amount of the fringe benefit included on his/her W-2 statement as taxable income.
- C. Examples of Common Taxable Fringe Benefits:
1. Personal Use of a County Owned Vehicle: Anytime a County vehicle is used for the benefit of the employee, a value for the use must be determined and taxed appropriately. The County will determine which of the approved methods of valuing such personal use is appropriate (i.e., *Cents-Per-Mile Rule, Commuting Rule, or Lease Value Rule*). This may require employees to maintain a County vehicle mileage log or other documentation necessary to assess value to the fringe benefit. Some examples of personal use of a County Owned Vehicle include;
 - a. Commuting: Regardless of purpose, all mileage traveled in a County vehicle to or from an employee's home is considered personal use mileage, and therefore a taxable benefit. All such mileage shall be reported and the value of such mileage shall be taxed according to IRS rules and county policy. This does not apply to clearly marked law enforcement vehicles. See Mileage Log in Appendix C, Forms.
 - b. On-Call: Except for clearly marked law enforcement vehicles, all mileage traveled in a County vehicle to or from an employee's home while the employee is on-call, is considered personal use mileage, and therefore a taxable benefit. All such mileage

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- shall be reported and the value of such mileage shall be taxed according to IRS rules and county policy.
- c. Travel for the County: Regardless of purpose, all mileage traveled in a County vehicle to or from an employee's home is considered personal use mileage, even if the purpose of such travel is to prepare for work related travel or returning from work related travel (i.e., taking a County vehicle home).
 - d. Law Enforcement/Emergency Vehicles: Law Enforcement and Emergency vehicles including, Sheriff's Department, Fire Department, County Coroner and Emergency Management vehicles, that are clearly marked and used to travel to and from home or in responding to an emergency are not taxable. As well, the miles driven in unmarked law enforcement vehicles operated by law enforcement officers and driven to and from home and/or in response to an emergency are not taxable. However, any other personal use is considered a taxable use and the miles must be reported in accordance with this policy.
 - e. Transportations of Friends and Family: In general County Vehicles should not be used for the transportation of friends and family or for other non-work related uses. Travel for this purpose is considered a taxable use and the corresponding mileage must be reported in accordance with this policy.
2. Uniforms and Work Clothing: Work clothing provided by the County is not taxable to the employee if; 1) the employee must wear them as a condition of employment, and 2) The clothes are not suitable for everyday wear. Some examples include;
 - a. Police, Firefighters and other uniforms: Are not taxable, provided that the purchase of such uniforms conforms to County policy, the uniforms are not suitable for personal use, and the uniforms are returned when the employee leaves County employment. A detective's suit jacket would not qualify as a uniform since it would be suitable for everyday wear, and therefore taxable.
 - b. Safety Equipment: Safety shoes, boots, safety glasses, hard hats and work gloves are not taxable provided they are purchased in accordance with County policy and are not suitable for everyday wear.
 3. Meals: Employees, who are reimbursed for meal expenses, are considered to receive a taxable fringe benefit, if time and circumstances permitted eating their normal meal. Some examples of non-taxable meal reimbursement include;
 - a. Overnight Travel: Meal expenses reimbursed to a County employee on overnight travel are not taxable.
 - b. Conference/Seminar Meals: Meals that are provided as part of the cost of a seminar or training are not taxable.
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- c. Business Necessity: Meals provided to employees because of business necessity (i.e., detention officers, firefighters working on a fire, etc.) are not taxable.
 - d. De Minimis Meals: Meals provided by the County that are of so little value (taking into account how frequently they are provided) that accounting for it would be unreasonable or administratively impractical are not taxable. This may also include occasional meals provided to enable an employee to work overtime.
- G. Questions: Please contact the payroll department or Human Resources if you have questions about the application or interpretation of this policy.
- F. Failure to Comply: Failure to comply with this policy may result in a loss of the fringe benefit, and/or other disciplinary action, up to and including termination.

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Section 1. Attendance and Punctuality

- A. It is the policy of Sweetwater County to require employees to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupts workflow and compromises service to the public, and therefore will not be tolerated.
- B. Supervisor Responsibility: Supervisors shall notify employees of their starting, ending, and break times, and ensure that employees are carrying out their assigned duties. Supervisors are also responsible for proper recordation of employees' work time and absences, in accordance with the County's payroll procedures.
- C. Within these general policy guidelines, Department Heads and Elected Officials are encouraged to develop specific departmental policies which reflect the specific operational needs of their respective departments.
- D. Absence Notification: Employees will notify their supervisor, as far in advance as possible, whenever they are unable to report for work, know they will be late, or must leave early.
1. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the Elected Official, Department Head or Human Resources Department.
 2. Employees must obtain permission from their supervisor in order to leave the County premises during working hours. In addition, employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.
- E. Inclement Weather: Employees generally are expected to report for work during inclement weather conditions if the County does not declare an emergency closing. Employees unable to report to work due to inclement weather (including declared emergency closings) may, at the discretion of the Department Head or Elected Official, be permitted to work additional or other hours during the same workweek to make up for the lost time. If such make-up time is not practical or permitted, such time shall be reported as either an authorized unpaid absence or the employee may choose to use vacation or compensatory leave to cover the absence.
- F. Authorized Absences: Employees will be compensated during authorized absences in accordance with the policies contained in Chapter 8, Absence from Work. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds fifteen (15) minutes after starting time or before quitting time.
1. Failure to notify the County properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.

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2. Employees must report to their supervisor after being late or absent, provide an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. (See in Chapter 3, Sect. 4 - Medical Tests and Procedures)

- G. Unauthorized Absences: Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may not be permitted to work the balance of the workday. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. Employees, who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work. (See in Chapter 3, Sect. 4 - Medical Tests and Procedures; and in Chapter 5, Sect. 7 - Controlled Substances and Alcohol).

- H. Making Up Lost Time: Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness or unauthorized absence. As approved by the Elected Official or Department Head, employees with authorized absences, such as those resulting from inclement weather, may be permitted to make up lost hours within the applicable workweek.

- I. Absent Without Leave: Employees who are absent from work for three (3) consecutive days without giving proper notice to the County will be considered as having voluntarily quit. At that time, the County will formalize the voluntary quit by advising the employee of the action by written instrument sent to the employee's last known address.

- J. Failure to Comply with Policy: Unauthorized or excessive absences or tardiness will result in disciplinary action, up to, and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in Chapter 8, Absence from Work, and tardiness or early departure (i.e., beyond fifteen (15) minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.

Section 2. Short-Term Absences

- A. It is the policy of Sweetwater County to permit employees to be absent from work on an authorized short-term basis for a variety of reasons, other than sickness or injury, which is addressed in Chapter 7 of this Manual. To help employees maintain their income during certain authorized absences, the County will provide compensation in accordance with the guidelines below.

- B. Authorized Absences: If eligible, employees generally may receive compensation for the following approved short-term absences:

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1. An authorized short-term absence may be for any of the following reasons:
 - a. Death or funeral, in the employee's immediate family; and,
 - a. Jury duty or testifying as a subpoenaed witness in a judicial proceeding;
 - b. Voting in local, state, or national elections;
 - c. Participation in the Wyoming State Legislature; or,
 - d. Military Leave.
 - C. In order for short-term absences to be considered authorized and potentially eligible for compensation, employees must obtain approval for the absences from their supervisor. Employees should give their supervisor thirty days advance notice of an anticipated absence or as much advance notice as is practicable under the circumstances.
 - D. Jury Duty: All employees are eligible for a short-term absences resulting from jury duty and testifying as a subpoenaed witness will not be charged against an employee's available days of paid absence. Nonexempt employees will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, without loss of vacation or sick leave. Fees received by the employee from all courts shall be reimbursed back to the County.
 - E. Wyoming State Legislature: Regular full-time employees who are members of the Wyoming State Legislature shall be granted leave with pay to serve in the legislature without loss of vacation or sick leave. Request for leave must be made in writing by the employee and presented to the Elected Official or Department Head at least thirty days prior to the effective date of such leave, except in an emergency.
 - F. Administrative Leave: Any employee may be placed on paid Administrative Leave, pending the outcome of an investigation. The duration of this leave is variable, depending on the amount of time required to complete the investigation.
 - G. Military Leave: See Chapter 8, Section 4 Military Leave of Absence.
 - H. Bereavement Leave: Regular full-time employees are eligible for bereavement leave in the event of death of a member of the immediate family. The employee shall be entitled to three days (based on an 8-hour day)_of paid bereavement leave for funeral arrangements and attendance. Additional time may be authorized by the Department Head or Elected Official, however such time shall be unpaid or the employee may be permitted to use paid vacation leave or compensatory leave, if the employee has accrued such time. The Elected Official or Department Head may request proof of the death and/or relationship.
 1. For purposes of the bereavement leave policy, "immediate family" is to include: spouse, children, including step children and adopted children, grandchildren, parent, grandparent, brother, and sister.
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2. Employees shall be entitled to one day (based on an 8-hour day) bereavement leave with pay for other family members that include: aunt, uncle, father-in-law, mother-in-law, brother-in-law, and sister-in-law, son-in-law and daughter-in-law.
 3. Elected Officials and Department Heads may grant additional unpaid bereavement leave for other family members or friends. If additional bereavement leave is granted, the employee may choose to use vacation or compensatory time.
- I. Voting: All employees are entitled to vote at any special, primary or general election in which they are eligible. To comply with W.S. § 22-2-111, all employees will be given one hour to vote during the day of the election. The hour will be at the convenience of the County, as determined by the Elected Officials, Department Heads or supervisors.

Section 3. Occupational Injury or Illness Leave

- A. It is the policy of Sweetwater County to comply with all applicable federal and state Workers' Compensation Act regulations. Employees and supervisors are expected to comply with all workers' compensation requirements whether established by the County or by federal, state, or local law.
- B. Definition of Injury: Pursuant to W.S. § 27-14-102(a)(xi): "'Injury' means any harmful change in the human organism other than normal aging and includes damage to or loss of any artificial replacement and death, arising out of and in the course of employment while at work in or about the premises occupied, used or controlled by the employer and incurred while at work in places where the employer's business requires an employee's presence and which subjects the employee to extra-hazardous duties incident to the business."
- C. Reporting Procedures: The following actions will be taken/followed on all accidents, illnesses or injuries being submitted as a Workers' Compensation claim.
1. Employee Responsibility: Employees have the following responsibilities when a work-place accident, illness or injury occurs:
 - a. An injured employee must report all accidents/injuries to his/her supervisor as soon as possible, but no later than 72 hours.
 - b. Within ten (10) days after the accident, injury or illness and after notification has been made to the supervisor, an employee must complete an employee's injury report form. An injury report form can be obtained in the Human Resources Department.
 - c. The employee shall mail the original injury report to the Division of Wyoming Workers' Compensation. A copy of the completed form shall be forwarded to the supervisor and to the Human Resources Department.

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2. Supervisor Responsibilities: To determine the facts and take corrective action and to prevent recurrence, within three (3) days of the accident/injury the supervisor will:
 - a. Notify the payroll office and other appropriate departmental officials, such as, the Elected Official/Department Head and the Human Resource Director.
 - b. Investigate the incident and complete an internal accident/incident report to include findings and recommendations, if any. A copy of this report shall be forwarded to the Human Resources Department. The accident investigation must confirm that the injury was job-related or the County may consider a challenge to the employee's claim.
 - c. File an employer's injury report within 10 days after notification with the Division of Workers' Compensation. At the Department Head or Elected Officials request, the Human Resources Department may assist in completing the form. A copy of the completed form shall be supplied to the injured employee and the Human Resources Department.
 - D. Medical Certification of Occupational Injury or Illness: If an employee is unable to return to work due to an occupational injury or illness, the employee or the employee's representative must provide written certification from the health care provider to the employee's Elected Official or Department Head and the Human Resources Department. Medical re-certification may be requested if the absence is for an extended period of time.
 - E. Periodic Status Reports: An employee who is unable to work due to an occupational injury or illness will be required to furnish his/her supervisor, as well as the Human Resources Department with periodic reports every thirty (30) days regarding his/her status and intent to return to work.
 - F. Payroll Procedures: An employee who is absent from work due to an occupational injury or illness arising out of and in the course of his/her employment shall be paid his/her regular wages for a maximum of 30 calendar days, subject to the following terms:
 1. The injury must be compensable under Wyoming State Workers' Compensation Act, i.e., eligible for medical and disability benefits, such as Temporary Total Disability (TTD) benefits.
 2. As the employee will receive full wages from the County for the first 30 calendar days of a compensable injury, he is **not eligible** for Temporary Total Disability (TTD) benefits with the Division of Workers' Compensation for the first 30 days.
 3. If the employee receives Temporary Total Disability (TTD) benefits from Workers' Compensation for any portion of the first 30 calendar days, the employee shall reimburse the County for the amount of TTD benefits paid to the employee.
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4. An employee will continue to accrue leave benefits for the first 30 days of absence. After the first 30 days of absence, an employee will not receive any compensation from the County, meaning the employee is on unpaid leave of absence, although receiving benefits from Workers' Compensation. As such, neither vacation leave nor sick leave will accrue after the first 30 days of absence.
 5. Intermittent use of Workers' Compensation Leave – i.e., using 1 day of workers' compensation leave for a doctor appointment is allowed.
 6. If it is determined that the injury is not compensable under the Wyoming State Workers' Compensation Act, the employee's absence will be charged to any accrued leave the employee has available, including any sick leave and vacation leave. If the employee chooses, he may use any accrued compensatory leave. If employee does not have any accrued leave available, his absence will be unpaid, unless he receives donated leave, pursuant to Chapter 7, Section 4 (e).
 7. Leave donations are not allowed under this policy, if it is determined that the injury is work-related and compensable under Workers' Compensation.
- G. Return to Work Status: An employee who is released to return to work must provide a medical release from his health care provider to his Department Head or Elected Official and the Human Resources Department. The release should include the following information:
1. Date employee is able to return to work;
 2. Restrictions, if any; and,
 3. Anticipated date employee will receive a full release to return to work.
- H. Modified Job Program: An injured employee may be entered into a modified job program, i.e., light duty, restricted duty, or part-time duty, when the attending physician recommends such, and if the Department Head or Elected Official agrees.
- I. FMLA: An employee who is unable to return to work due to an occupational injury or illness may also be eligible for FMLA leave. See Chapter 8, Section 5 Family and Medical Leave Act.
- J. Violations: Violations of this policy may result in disciplinary action, up to and including termination. (See Chapter 5, Employee Conduct)

Section 4. Military Leave of Absence

- A. It is the policy of Sweetwater County to grant County personnel military leave in accordance with the Servicemembers Civil Relief Act (SSCRA) of 2003, as amended, 50 U.S.C. 501 *et seq.*, the Uniformed Services Employment and Reemployment Rights Act, (USERRA) 43

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U.S.C. 4301 *et seq.*, and Public Law 103-353, and any other applicable state and federal law. Sweetwater County is committed to protecting the job rights of employees absent on military leave.

- B. **Non-discrimination:** It is the County's policy that no employee be subjected to discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resources Department or the County Attorney's office if a Human Resources representative is unavailable or unable to be of assistance. The law provides protections for members of the uniformed services. This includes all branches of the military, the U.S. Public Health Service and the National Disaster Medical Service.
- C. **Request for Leave:** Employees required to be absent to perform military services should provide as much advance notice as possible to their Department Head or Elected Official and the Human Resources Department.
- D. **Military Leave Benefits:** An employee who is absent on authorized military leave, as verified by issued military orders, shall be eligible for military leave subject to the following provisions:
1. **Paid Military Leave:** In accordance with W.S. § 19-11-108(a), eligible County employees, will be given a military leave of absence, with pay, at the regular salary or wage, not to exceed fifteen (15) calendar days in one (1) calendar year.
 2. **Salary/Wage Differential:** A County employee whose military pay is less than that which he would have earned working for the County, will be eligible to receive differential pay. Differential pay is determined by taking the difference between an employee's regular monthly pay at straight-time and his monthly base pay in the uniformed services. For part-time County employees, the regular County wage will be determined by taking the average of the employee's gross wages for the last three (3) months. In order to receive differential pay, an employee must submit verification of wages from the military, in the form of a Leave and Earnings Statement (LES). Differential pay will be processed by the payroll department, as soon as practicable.
 3. **Use of Accrued Leaves:** Pursuant to W.S. § 19-11-107(b), a County employee at his option may use any amount or combination of his accrued paid military leave, vacation or compensatory leave standing to his credit during the period of service in the uniformed services.
 4. **Health Insurance Benefits:** Pursuant to W.S. § 19-11-109, a County employee who receives notification that he/she will be on Military Leave may elect to continue his/her

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County health insurance benefits by agreeing to pay the employee contribution amount which had been previously deducted from his/her compensation. It will be the employee's responsibility to remit prompt payment of employee contributions to the Sweetwater County Clerk's office. Should an employee elect not to continue his/her County health insurance while on Military Leave, the County will provide timely COBRA/USERRA notification, as required by law.

5. **Supplemental Insurance Programs:** In accordance with plan policies and plan availability, any employee on Military Leave and participating in the County-sponsored supplemental insurance programs shall have the right to maintain the plan coverage by furnishing, directly to the County, the premium payments, which had been previously deducted from the employee's compensation. It is the employee's responsibility to notify the insurance agency of his election to continue supplemental insurance coverage at the time he enters service in the uniformed services.
 6. **Wyoming Retirement System:** During an employee's absence for military leave, all contributions to the state retirement plan will be discontinued. Upon reemployment with the County, the County will make a lump sum contribution to the Wyoming Retirement System for amounts equal to that which would have been contributed, had the employee not been absent due to active military leave.
 7. **Vacation and Sick Leave Accruals:** During an employee's absence, vacation leave and sick leave will cease to accrue. Upon reemployment, vacation leave and sick leave accruals will be credited in the amount equivalent to that, which the employee would have earned during the period of service in the uniformed services. If an employee has reached his or her maximum vacation leave accrual limits as a result of being credited his/her earned leave accruals, an employee will have a period of six (6) months to reduce his accrued vacation leave to below the maximum accrual limit. The employee must coordinate this reduction through his/her supervisor and the payroll office. For additional information on leave accrual limits, see Ch. 7: Employee Benefits.
 8. **Deferred Compensation Program(s):** In accordance with 26 U.S.C. §. 414(u)(2)(a), after reemployment of any employee who took a leave of absence from County employment on or after September 11, 2001 to perform service in the uniformed services, the employee will be given the opportunity to make additional deferrals within the time limits of the federal law.
- E. **Reemployment Rights:** Upon an employee's prompt application for reinstatement (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:
1. *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) -* the employee must report for reemployment at the beginning of the first full regularly-scheduled working period on the first calendar day following completion of service and the expiration of eight (8) hours rest and after a time for safe transportation back to the employee's residence.

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2. *If service is for 31 days or more, but less than 180 days* - the employee must submit an application for reinstatement to the appropriate Elected Official, or Department Head, no later than fourteen (14) days following the completion of military service.
3. *If service is for more than 180 days* - the employee must submit an application for reinstatement to the appropriate Elected Official, or Department Head, no later than ninety (90) days following the completion of military service.
4. *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit an application for reinstatement to the appropriate Elected Official or Department Head no later than two years following completion of service.
5. Upon reinstatement, the employee has the same rights with respect to accrued and future seniority, status, efficiency rating, vacation, sick leave and other benefits as if he had been actually employed during the time of leave.
6. Documentation: The employee shall, upon the employee's reinstatement, provide the County with military discharge documentation (DD214) that establishes the length and character of the employee's military service.
7. No employee reinstated shall be removed or discharged within one (1) year thereafter except for cause, after notice and hearing, however, this shall not operate to extend a term of service or office limited by law.
8. The employee will be protected against reduction in his seniority, status or pay during his employment. However, any reductions made for all employees whose employment situations are similar may be made to the employee returning from the military duty.
9. Health Insurance Reenrollment: Upon returning from active duty, an employee shall be eligible to reenroll in the County's health insurance benefits program.
10. FMLA Eligibility: Time on military leave (paid and unpaid) is included in calculating both the twelve (12) month service requirement and the 1,250-hour work requirement for purposes of the Family and Medical Leave Act.
11. The right of an employee to reemployment shall not entitle such employee to retention, preference, or displacement rights over any employee with a superior claim relating to veteran status or other preference eligibles.
12. County-Issued Keys and Equipment: It is mandatory for an employee called to active duty to return all keys to the County Facilities Manager, before leaving for duty. A discussion with the employee's supervisor will determine if the employee will be required to return County-issued equipment.

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- F. Exceptions to Reemployment: In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:
1. The County's circumstances have so changed as to make reemployment impossible or unreasonable.
 2. If reemployment of a disabled person or one who is no longer qualified to perform a job would impose an undue hardship on the employer.
 3. The employee's employment prior to the military service was for a non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
 4. The employee did not receive an honorable discharge from military service.
 5. The employee's military service, with respect to the County, exceeds five (5) years plus any period of additional service imposed by law.
 6. The position has been abolished or the term thereof, if limited, has expired.
 7. The employee is not physically or mentally disabled from performing the duties of the position. The alternate position of "like seniority, status and pay" is given when the returning employee is physically disabled from performing the former job by the military service.

Section 5. Family and Medical Leave

- A. It is the policy of Sweetwater County to comply with all applicable laws and provisions of the federal Family and Medical Leave Act ("FMLA"). This policy outlines the FMLA's requirements, including the rights and obligations of employees, notification requirements, and the County's obligations.
- B. The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to twelve (12) weeks of unpaid, job-protected leave in any twelve (12)-month period for certain family and medical reasons. The twelve (12) -month period is a rolling period measured from the date a leave begins, forward.
- C. Employee Eligibility: The FMLA defines eligible employees as:
1. Employees who have worked for the County for at least twelve (12) months;
 2. Employees who have worked for the County for at least 1,250 hours in the previous twelve (12) months, and;

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3. Employees who have worked at or report to a worksite which has 50 or more employees or is within 75 miles of worksites that together have a total of 50 or more employees.

D. Leave Entitlement: Eligible employees may take leave for the following reasons:

1. To care for the employee's child upon birth or to care for a child upon the child's placement with the employee for adoption or foster care.
2. To care for a parent, spouse, or child with a serious health condition.
3. When the employee is unable to work because of the employee's own serious health condition.
4. The spouse, son, daughter or parent of the employee is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.
5. An eligible employee who is the spouse, son, daughter, parent or next of kin of a qualified service member shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12) month period to care for the service member. The leave described in this paragraph shall only be available during a single twelve (12) month period
6. Spouses employed by the same employer are jointly entitled to a combined leave of twelve (12) workweeks of family leave to care for a parent who has a serious health condition. However, each spouse may take up to twelve (12) workweeks of leave to care for a child or a spouse with a serious health condition.

E. Serious Health Condition: According to the FMLA, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care;
2. "Continuing treatment" by a health care provider is defined as a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to that condition that also involves:
 - a. Treatment two (2) or more times, within a thirty (30) day period unless extenuating circumstances exist, by a health care provider or a health services provider under the health care provider's direct supervision, with the first in-person visit occurring within seven (7) days of the onset of the condition; or
 - b. Treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the health care provider.

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- F. Birth, Adoption, or Foster Care of Children: FMLA leave for the birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of twelve (12) workweeks of family leave for the birth or placement of a child for adoption or foster care.
- G. Intermittent or Reduced Work Schedule Leave: In certain circumstances, eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing their work schedule. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with permission from the Elected Official or Department Head. If the FMLA leave is because of the employee's serious illness or to care for a seriously ill family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.
- H. Notice and Certification: Employees who want to take FMLA leave ordinarily must provide the County at least thirty (30) days notice of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the County's operations.
1. In addition, employees who need to take leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition within fifteen (15) calendar days or as soon as otherwise practicable. Failure to provide such certification may result in delay or denial of leave pursuant to this policy.
 2. The County also may require a second or third opinion (at the County's expense), periodic re-certifications of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work.
 3. The County may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The County also may delay or deny approval of leave if there is incomplete or insufficient medical certification. Failure to provide such certification may result in delay or denial of leave pursuant to this policy.
- I. Benefits during FMLA Leave: Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. Employees will be responsible for paying the employee contribution for health insurance while on leave. If an employee chooses not to return to work from FMLA leave, the County may be entitled to recover said contributions the County paid to maintain health coverage for the employee during the leave.
1. The employee must use any accrued paid vacation and sick days during FMLA leave.

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2. An employee may not use paid leave if they are receiving compensation under the County's disability or workers' compensation insurance programs.
 3. Benefits that accrue according to length of service, such as paid vacation, and sick leave, do not accrue during periods of unpaid or donated leave of absence.
 4. After exhausting all accrued paid leave, the employee may apply for donated leave pursuant to the policies and procedures contained in Chapter 7, Section 4 (E).
 5. If an employee does not have available leave and is not authorized to take FMLA leave, yet the employee still chooses to take leave, the employee may be regarded as absent without leave under County policies (Chapter 5) and subject to appropriate disciplinary action.
- J. Job Restoration after FMLA Leave: The County will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions, as required by law.
1. An employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.
 2. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he/she had been actively employed at the time of the reduction in force. (See Chapter 9, *Layoff and Recall*)
 3. Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the County's operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.
- K. Provisions for Exempt Employees: Under an exception to the Fair Labor Standards Act (FLSA) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees who are exempt from the minimum wage and overtime requirements of the FLSA, and records of leave may be kept for those employees, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.
- L. Service Member Family Leave: Pursuant to the National Defense Authorization Act for Fiscal Year 2008, additional leave is granted to employees who have a parent, spouse, child or next of kin serving in the Armed Forces, including the National Guard and Reserves.
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1. If you are an employee who is otherwise eligible to take leave under the Family and Medical Leave Act (FMLA), you may be eligible for military family leave under the 2008 amendments to the law. There are two types of leave available.
2. Under the new “active duty” leave, Sweetwater County will grant you leave for up to twelve (12) weeks per year because of “any qualifying exigency” defined below, and arising out of the fact that your spouse, son, daughter or parent is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
3. Under the new “military caregiver” provisions, Sweetwater County will grant military caregiver leave for up to 26 weeks in a single twelve (12) month period to an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember, who is recovering from a serious illness or injury sustained in the line of duty on active duty, in order to care for the service member. “Next of kin” is defined as “the nearest blood relative” of the servicemember. The term “serious illness or injury” is defined as one that renders the servicemember medically unfit to perform the duties of the member’s military position. The covered service member is one who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list due to the injury or illness. You are entitled to this military caregiver leave intermittently or continuously, but only during “a single 12 month period.” If you take this military caregiver leave, any leave you have used of your 12 weeks allotment for other FMLA leave will be deducted from the 26 week period.
4. If you desire a leave pursuant to these military leave provisions of the FMLA, you must follow similar procedures for application and notice of leave as are used for other FMLA leave.
5. When the request is for “active duty” leave because of a qualifying exigency, you must submit an application advising why the leave is needed and you should provide notice as soon as reasonable and practicable.
6. If a request is for “military caregiver” leave and the leave is foreseeable, such as for a planned medical treatment, you must submit the application for leave not less than 30 days before the date the leave is to begin. You should attempt to schedule your leave so as not to disrupt business operations. When the need for leave is not foreseeable, you must submit the application as far in advance of the date the leave is to begin as is practicable.
7. A leave pursuant to the military family leave provisions may be taken on an intermittent (rather than on an uninterrupted) basis or on a reduced schedule if medically necessary because of the health condition of the servicemember who is your spouse, child, parent or next of kin.
8. Qualifying Exigencies: Sweetwater County will regard the following activities as qualifying exigencies to satisfy the requirements for active duty leave:

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- a. Attending official ceremonies or programs where the participation of the family member is requested by the military.
 - b. Attending to farewell or arrival arrangements for a servicemember.
 - c. Attending to affairs caused by the missing status or death of a servicemember.
 - d. Making arrangements for child care or elder care.
 - e. Making financial and legal arrangements to address the servicemember's absence.
 - f. Other events may qualify in Sweetwater County's sole discretion.
9. Verification or Certification: When the application for leave is because of a qualifying exigency due to the service member's active duty, the application should state the nature of the relationship of the employee to the service member and the employee should attach to his/her application for leave verification of the servicemember's call-up or active duty and the reason for the request. If not immediately available, the employee should provide the verification as soon as practicable. If the employee is unable to provide verification, Sweetwater County may deny FMLA designation for the leave. However, Sweetwater County retains the right, in its sole discretion, to designate any leave as FMLA leave retroactively upon receipt of verification.
10. When the application for leave is for military caregiver leave, the application should state the nature of the relationship of the employee to the servicemember and must have attached to it a written certification from the health care provider or from any authorized military health care provider, for the injured servicemember. If not immediately available, Sweetwater County may, in its sole discretion, permit an eligible employee, to commence an FMLA leave; however, the employee must provide the required certification within five (5) business days or Sweetwater County may deny FMLA designation to the leave. However, Sweetwater County retains the right, in its sole discretion, to designate any leave as FMLA leave retroactively upon receipt of a certification.
11. As with current certifications for other medical leave under the FMLA, the written certification should state: (1) the date on which the serious health condition commenced; (2) the probable duration of the condition; (3) the appropriate medical facts regarding the condition and its duration; and (4) that the covered servicemember is medically unfit to perform the duties of the member's office, grade, rank or rating.
12. Conditions: Any conditions applicable to current FMLA leave, such as potential transfers to alternative positions, are applicable to military family leave.
13. If an employee and the employee's spouse are both employed by Sweetwater County and both of them are taking leave because of a qualifying exigency and any of the other
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FMLA leave, both of them are entitled to a combined total of 12 weeks of leave, rather than 12 weeks each.

14. If an employee and the employee's spouse are both employed by Sweetwater County, and both of them are taking military caregiver leave and any other FMLA leave, both of them are entitled to a combined total of 26 weeks of leave, rather than 26 weeks each. Limitations of 12 weeks for any leave other than military caregiver leave are still valid.
15. An employee's health insurance benefits will be continued under the same terms as they were offered before the employee took leave. Sweetwater County will pay all premiums due if you are unable to do so during your FMLA leave; however, such premiums must be re-paid to Sweetwater County once you have returned to work. If, during the military FMLA leave, you indicate that you do not intend to return to work or if after completion of the leave you do not to return to work, you will be required to reimburse Sweetwater County for the cost of payments made to maintain your benefits during the leave.
16. Paid leave, if available, is required to be used during military FMLA leave under the same terms and conditions as for any FMLA leave. After exhausting all accrued paid leave, the employee may apply for donated leave pursuant to the policies and procedures contained in Chapter 7, Section 4 (E). If paid leave is unavailable, unpaid military FMLA leave is still available to an eligible employee. If an employee does not have available leave and is not authorized to take FMLA leave, yet the employee still chooses to take leave, the employee may be regarded as absent without leave under County policies (Chapter 5) and subject to appropriate disciplinary action.
17. The above provisions that apply to regular FMLA leave shall also apply to leave for the purposes of the above-described service member family leave for family members serving in the military. For example, the requirement that the leave would be paid leave until the employee's accrued vacation and sick leave are exhausted, and that the employee's benefits would be maintained, subject to the employee paying his or her portion of the cost for health insurance are applicable to the leaves described in this section.
18. Up to twenty-six (26) workweeks of leave is available to the employee to care for relatives in the Armed Forces who are undergoing medical treatment, recuperation or therapy, and who are otherwise in an outpatient status or on the temporary disability retired list, due to a serious injury or illness that occurred while on active duty.
19. Definitions:
 - a. "Outpatient status" refers to the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient, or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

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- b. “Next of kin,” as used in respect to an individual, is defined as the nearest blood relative of that individual.
 - c. “Serious injury or illness” has a distinct meaning for the leave that is taken under the above paragraphs. It means an injury or illness incurred by the member of the Armed Forces (including members of the National Guard and Reserves) in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s grade, rank, or rating.
20. Employees who request leave to assist or care for a relative in the Armed Forces who is seriously ill or injured shall provide to their Department Head or Elected Official the following information:
- a. The name and address of the injured or ill relative;
 - b. A statement describing how the injured or ill soldier, sailor or airman is related to the employee; and
 - c. The branch of the Armed Forces that the injured or ill relative is a member.

CHAPTER 9: LAYOFF AND RECALL

Section 1. The General Policy

- A. It is the policy of Sweetwater County that, if a reduction in employment is necessary due to a decrease in work or funding, layoffs and recall from layoffs will be conducted according to the following general guidelines.
1. These policies are intended to apply to those positions hired pursuant to the authority of the Sweetwater County Board of County Commissioners. However, Elected Officials are encouraged to develop similar policies within their respective departments, being mindful of the legal requirements, operational priorities, fairness to employees, and other factors to consider in evaluating whether or not a layoff is in the public interest.
- B. Before considering a layoff, the County will thoroughly exhaust all available alternatives to a layoff, in recognition of the profound impacts the loss of employment has on employees, their families and the community. The alternatives to a layoff may include:
1. Cost reduction (i.e., reducing expenses).
 2. Increase revenue through grants, fees and other sources.
 3. Hiring freeze in conjunction with attrition.
 4. Early retirement incentives.
 5. Voluntary layoffs.
- C. Notice Requirements: In the event that a layoff is expected, the County will attempt to communicate information about an impending layoff as early as possible, given the circumstances.
- D. Nonexempt Employee Layoff Selection: Nonexempt employees (those employees who are covered by the minimum wage and overtime provisions of the FLSA) within each affected unit typically will be selected for layoff in the following order:
1. Probationary period employees.
 2. Temporary employees.
 3. Part-time employees.
 4. Full-time employees will be laid off last, based on their length of service and their demonstrated ability to perform the available work.
 5. Contract employees will be laid off pursuant to an evaluation of contract terms and an assessment of the necessity of the services provided under the contract.

CHAPTER 9: LAYOFF AND RECALL

- E. **Exempt Employee Layoff Selection:** Exempt employees within each affected unit typically will be selected for layoff based on evaluation of the following criteria:
1. Demonstrated current and past performance;
 2. Promotion potential and transferability of skills to other positions within the unit; and,
 3. Length of service with the County.
 4. Contract employees will be laid off pursuant to an evaluation of contract terms and an assessment of the necessity of the services provided under the contract.
- F. **Employee Length of Service:** An employee's length of service is measured from the original date of employment with the County, as long as there had not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the County.
- G. **Departmental Based Layoffs:** At the discretion of the Board, any layoff may be done on a departmental basis rather than a County-wide basis.
- H. **Layoff Recall:** Employees who are laid off will be maintained on a recall list for six months or until the Department Head determines that no employees will be recalled. Removal from the recall list terminates all job expectations the employee may have. While on the recall list, employees should report to the Human Resources Department if they become unavailable for recall. Employees who do not keep a current home address on record with the Payroll Department will lose their recall rights.
1. Employees will be recalled according to the County's business needs, their classification, and their documented past performance on the job, and their ability to perform the job.
 2. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with the Payroll Department.
 3. Unless an employee responds to the recall notice within fifteen (15) days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any legitimate job expectations with the County.
- I. **Vacation Provisions during Layoff:** Any accrued unused leave will be paid out to the employee upon layoff, according to vacation, sick and compensatory leave policies contained in this Manual.

CHAPTER 10: COMPLAINT/GRIEVANCE PROCEDURES

Section 1. Scope

- A. The intent of this Chapter is to provide a process through which County employees may have their complaints/grievances regarding the application of this Manual addressed. However, this policy does not provide an avenue for complaints/grievances arising from the policies/procedures adopted by another Elected Official. Moreover, this policy has no application to any complaints/grievances arising from a matter that is exclusively within the authority of an Elected Official.

Section 2. Policy

- A. It is the policy of Sweetwater County that County employees should have an opportunity to present their complaints/grievances, arising from the application of this Manual, through a dispute resolution procedure. The County will attempt to promptly resolve all complaint/grievances that are appropriate for handling under this policy.
- B. Definition: An appropriate complaint/grievance is defined as an individual's expressed dissatisfaction concerning any interpretation or application of this Manual by Elected Officials, Department Heads, management, supervisors, or other employees. **All disciplinary matters, including decisions to verbally reprimand through and including decisions to terminate, are not subject to this section.** Any complaints of unlawful discrimination or sexual harassment should be reported and handled pursuant to the policies and procedures contained in Chapter 6. Examples of matters that may be considered appropriate complaints/grievances under this section include:
1. A belief that County policies, practices, rules, regulations, or procedures have been applied unfairly to an individual.
 2. Treatment considered unfair by an individual, such as coercion, reprisal, harassment or intimidation.
 3. Improper or unfair administration of County benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.
 4. Employee safety.



CHAPTER 10: COMPLAINT/GRIEVANCE PROCEDURES

Section 3. Procedures

A. The dispute resolution procedure is comprised of informal discussions and, if necessary, the formal filing of a complaint. The procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the individual is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an individual does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists. Personnel who feel they have an appropriate dispute should proceed as follows:

1. Step One - Informal Discussion: The employee is responsible for promptly presenting the complaint to the attention of the Elected Official or Department Head. The Elected Official or Department Head will investigate the complaint, attempt to resolve it, and give a decision to the employee within a reasonable time.
 - a. Informal discussions between the employee and his or her Elected Official or Department Head are initially required. If, either the Elected Official or the Department Head are the subject of the complaint, or are perceived to be biased by the employee, the employee may file his/her formal complaint directly to the Human Resources representative in Step 2.
 - b. The Elected Official or Department Head is responsible for evaluating the employee's complaint to determine compliance with existing personnel policies and practices.
 - c. The Elected Official or Department Head will prepare a written and dated summary of the dispute and proposed resolution.
 - d. If the complaint is not satisfactorily resolved at the informal discussion level, the employee may file a formal written grievance.
2. Step Two - Formal Written Grievance to Human Resources: Formal written grievances must be filed with the Human Resources Department within fifteen (15) calendar days from the date of issuance of the Elected Official's or Department Head's written summary of the dispute and the proposed resolution, or the date when the complaint/grievance is first received (should the Elected Official or Department Head be the subject in the complaint or perceived to be biased). This written grievance should also include a concise explanation of the reason for the employee's dissatisfaction with the proposed resolution from Step 1.



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- a. Subject to the availability of the parties, within fifteen (15) calendar days from the date on which the written grievance is received, the Human Resources representative will confer with the individual and any other members of management considered appropriate, investigate the issues, and communicate a proposed solution in writing to all the parties involved. The proposed solution will be submitted in writing to the individual.
 - b. If the complaint is not satisfactorily resolved at Step Two, or the Human Resources representative is the subject in the complaint or perceived as biased, the individual may file the written complaint/grievance to the County's Chief Executive Officer (CEO) as provided in Step 3.
3. Step 3 – Appeal of Decision of Human Resource Representative or Formal Written Grievance (in the instance of Step 2 having been bypassed due to the Human Resources Representative being the subject of the complaint or perceived to be biased) to the County Chief Executive Officer (CEO): In the case of an appeal from the proposed solution of the Human Resources representative, the employee must file the appeal to the CEO within fifteen (15) calendar days, from the employee's receipt of the Human Resources proposed solution. In the case where Step 2 has been bypassed, the employee must file a formal written complaint/grievance within fifteen (15) calendar days from receipt of the Elected Official's or Department Head's summary and proposed resolution.
- a. The CEO shall consider the findings and/or further investigate the allegations if necessary.
 - b. After considering all of the available information, the CEO's decision shall be in writing and delivered to the complaining employee and to the appropriate County officials.
 - c. The decision by the CEO shall be a final decision.
- D. **Retaliation Prohibited:** Employees will not be penalized for proper use of the complaint/grievance resolution procedure. Employees, Elected Officials, Department Heads and other supervisors are prohibited from retaliating against an employee who properly uses the procedures. However, proper use of the dispute resolution procedures does not include an employee raising complaints in bad faith, or solely for the purpose of delay or harassment. Moreover, this policy can be abused by employees repeatedly raising frivolous complaints. Employees who misuse or abuse the grievance procedures are subject to discipline.
- E. **Miscellaneous Provisions:** The County may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.



CHAPTER 10: COMPLAINT/GRIEVANCE PROCEDURES

1. The dispute resolution process is complete when the employee is satisfied, does not file a timely appeal, or when all internal appeals have been exhausted.
2. Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.



CHAPTER 11: COMMUNICATIONS

Section 1. General Communications

- A. Purpose: The purpose of this policy is to create and manage consistent, open lines of communication with taxpayers, community groups and organizations and the local media (newspapers, radio, television) in the best interests of the County taxpayers and residents.
1. This policy is not intended to prohibit communication, but is designed to ensure that information shared is legal, necessary, accurate, current and appropriate. This policy does not apply to the Sheriff's Department Community Information Officer function, to legal notices or other routine and prescribed communications required by statute or by function, e.g. County Clerk, Clerk of the Court.
- B. Goals:
1. To inform County residents about issues.
 2. To encourage taxpayers to participate in County government.
 3. To provide accurate and reliable information to counteract rumors and other misinformation.
 4. To create a mutually trusting environment with media.
- C. General
1. We will provide any records, defined as public records by state statute, requested by the media or by taxpayers. Generally, public records do not include personnel files, criminal reports on juveniles and sex offenders, official quotes and bids and internal, personal memos. If in doubt about whether a document is a public record or not, consult with the County Clerk.
 2. Employees are not obligated to speak with the media, and, if in doubt, should refer any media requests to their Department Head or appropriate Elected Official.
 3. Employees should inform their Department Head or Elected Official of any contact with the media.
 4. Elected Officials and Department Heads should comment only about issues related to their specific areas of responsibility.



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5. Where an issue may be controversial, or potentially damaging to the County, it should be discussed with the CEO prior to any interview, comment or release.
6. Any person talking with the media should make a clear distinction between a personal opinion and an official comment.
7. Wherever possible, specific names should not be used in interviews or any media discussions; job title or department name should be used instead.
8. County resources, e.g. computers, printers, telephones, etc., should not be used for unofficial and/or non- work-related communications.
9. Specific care should be taken when distributing or forwarding e-mails. E-mails should be distributed only to those departments and individuals affected by the content of the message.
10. Unless required by other departments or agencies, information within a department is confidential, and should not be shared or discussed outside the originating department, e.g. Payroll, Human Resources.

Section 2. Electronic Communications

- A. Purpose: The purpose of this policy is to define the proper use of, and access to, electronic mail (e-mail) and FAX, internet services and voice mail in Sweetwater County.
- B. Goals
 1. To comply with the Wyoming Public Records Act.
 2. To clearly define acceptable use of County electronic media.
 3. To implement processes which make our electronic media complete, accurate, accessible, manageable and secure.
- C. General
 1. All County-owned technology and the information it generates are the property of Sweetwater County.



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2. It is the responsibility of each employee to ensure that technology including telephone, voice mail, fax machines, personal computers, e-mail, internet services and other electronic communication system are used in accordance with County policies.
3. Playing computer games, either on desktop or on the internet, on County technology, during working hours, is strictly prohibited
4. Passwords are the property of the County and should not be shared under any circumstances. Sharing passwords presents a serious security issue for the County.

D. E-Mail Procedures

1. County internet addresses are public information.
2. E-mails on County systems and equipment are considered public documents, subject to disclosure under Wyoming's Public Records Act W.S.S. 16-4-203.
 - a. Specific exemptions to this exist under W.S. 16-4-2003(d), but the determination of an exemption will be made only after the custodian of the record consults with the County Attorney.
 - b. Under no circumstances should e-mail be deleted or destroyed unless in conformity with statute and policy. E-mail should never be deleted if it is subject to a records request.
 - c. Employee e-mails are not considered confidential despite any designation by the sender or recipient.
3. Limited personal use of e-mail is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in disciplinary action.
4. Personal e-mail shall not impede the conduct of County business.
5. Any unauthorized use of e-mail, including the intentional forwarding or displaying of pornographic or similar materials that may be seen as offensive or threatening, is strictly prohibited.
6. Employees must not alter the "From" line or other attribution-of-origin, information in e-mail, messages or postings. Anonymous or pseudonymous electronic communications



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are prohibited.

7. Employees shall not attempt to read, delete, copy or modify the e-mail of other users without authorization.
8. Un-encrypted internet communications are not secure. Employees shall abide by the security instructions of Sweetwater County Information Technology Department to protect the County-wide information technology system.
9. Sweetwater County reserves the right to monitor its e-mail system at any time. County e-mail addresses are public information.
10. Employees who terminate or are terminated have no right to the contents of their e-mail messages and are not allowed access to the e-mail system.
11. E-mails should be distributed and/or forwarded only to those who have a clear and direct need for the content, or for involvement in the issue
12. Employees will not give their County e-mail address as a source for personal contact.
13. Employees should empty their “Deleted Items” folder at least once per week.

E. Internet Procedures

1. Sweetwater County’s network, including its connection to the Internet, is maintained for business purposes.
2. Limited personal use of the internet is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in disciplinary action. Personal use is permissible so long as it:
 - a. does not interfere with worker productivity;
 - b. does not preempt any business activity; or
 - c. does not involve intentionally viewing, forwarding, disseminating or downloading pornography or similar materials from the internet that may be seen as offensive or threatening. Any use of County technology that compromises, weakens or negates any security policies, and/or that exposes the County’s computers/network to viruses, Trojans or other malicious infections is prohibited.



CHAPTER 11: COMMUNICATIONS

3. Sweetwater County reserves the right to monitor its internet system at any time.
4. The use of County resources, including electronic communications, should never create the appearance of inappropriate use.
5. Internet messages are not confidential despite any designation by the sender or recipient.
6. Information posted or viewed on the internet may constitute published material. Therefore, reproduction of information posted or otherwise available over the internet may be done in accordance with copyright law.
7. Employees should not access social networking sites such as “Face book”. “MySpace” and “Roulette”, etc. from work. Social networking sites are not confidential. Confidential information must not be posted on social networking sites. Debating, discussing or posting information about the work place on social networking sites is strongly discouraged. Employees are cautioned that information placed on social networking sites may be accessed by the County or anyone else. There are cases of employees being disciplined based on information placed on social networking sites.
8. The County shall use software to identify and block access to inappropriate or sexually explicit internet sites.

F. Voice Mail Procedures

1. All voice-mail correspondence using County systems and equipment is the property of Sweetwater County.
2. Limited personal use of voice-mail is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in disciplinary action. Personal voice-mail shall not impede the conduct of County business.
3. Any unauthorized or inappropriate use of voice-mail is strictly prohibited.
4. Employee voice-mails are not considered confidential communications despite any designation by the sender or recipient.
5. Sweetwater County reserves the right to monitor its voice-mail system at any time.



CHAPTER 11: COMMUNICATIONS

6. Employees who have a voice-mail account are expected to check it regularly to keep voice mail current and to minimize storage of voice-mail files.

G. Retention

1. All e-mails generated on County technology are public information, and must be retained, for 5 years, or as prescribed by WS 9-2-405 through 9-2-413.
2. The County Clerk is the “official custodian” of public records, and is responsible for the maintenance, care and keeping of public records, even if the records are not physically in his personal custody
3. Employees should file e-mails in relevant folders either on the “N” Drive, and/or on their Desktop



CHAPTER 12: CODE OF ETHICS

Section 1: Ethics

- A. Purpose: The Sweetwater County Board of Commissioners has adopted this Code of Ethics to assure the taxpayers and citizens of the integrity of its local government and its fair and unbiased operation.
- B. Goals:
1. To provide the citizens of Sweetwater with fair, ethical and accountable government.
 2. To build the public's fullest confidence in County government.
 3. To uphold the highest standards of ethics and integrity in all County employees.
- C. General: All Elected Officials, employees, Advisory and Governing Board members will:
1. Always act in the public interest
 - a. Officials and employees will always work for the best interests of the citizens of Sweetwater County.
 2. Comply with the law
 - a. Officials and employees will comply with all Federal and State laws and County policies.
 3. Conduct themselves professionally
 - a. Personal and professional conduct will be of the highest standard and above reproach, including:
 - i. The avoidance of even the appearance of impropriety.
 - ii. Refraining from any and all abusive conduct and language.
 - iii. Avoiding any and all personal charges and verbal attacks on the character or motives of officials, employees or the public.
 4. Make Ethical Decisions:
 - a. All officials and employees will base decisions on merit and substance only.
 5. Avoid Conflict of Interest:



CHAPTER 12: CODE OF ETHICS

- a. All Elected Officials and employees will sign and abide by the County Conflict of Interest Disclosure Statement.
6. Ethically Manage Information:
 - a. All Elected Officials and employees will comply with The Wyoming Open Meetings Act, the Public Records Act and all Communications policies approved by the Board of County Commissioners.
 7. Use public resources appropriately:
 - a. All Elected Officials and employees will not use public resources for private gain or personal purposes.
 8. Practice ethical advocacy:
 - a. Elected Officials and employees will always represent the policies and positions of Sweetwater County, to the best of their ability. When presenting personal opinions, they will explicitly state that this statement does not represent the County, the Board of County Commissioners or any related Agency, nor will they allow that inference to be made.
 9. Act within the scope and responsibilities of their role:
 - a. Elected Officials will adhere to the approved management and organizational structure of Sweetwater County. They will not interfere with the administrative functions of staff, nor will they impair the ability of employees to implement policy.
 10. Independence:
 - a. Elected Officials and employees will refrain from unduly influencing deliberations, discussions or decisions of the Board of County Commissioners.
 11. Positive work environment:
 - a. Elected Officials and employees will actively support and maintain a positive and constructive workplace environment and atmosphere.



CHAPTER 13: TECHNOLOGY STANDARDS AND PURCHASING

Section 1. Purpose

- A. Purpose: The County Information Technology (IT) Department evaluates, approves, supports and maintains County-owned technology hardware, software and peripherals. The Purchasing and IT Departments negotiate purchasing agreements with hardware, software, network, and telecommunication vendors, service agencies, multimedia companies, software developers and others.
- B. This Policy is designed to ensure that:
1. Identified needs are first addressed through existing systems.
 2. Identified new or additional technology is the most effective and efficient solution.
 3. All purchases are compatible with existing technologies, and will not cause any negative impact on performance or operations.
 4. All necessary supporting infrastructures are available to install the products i.e. switches, routers, network and electrical cabling, memory, processors, disk space, etc. as well as attachments, cables and documentation.
 5. New or additional technology will not create separate or duplicate data stores or multiple isolated systems.
 6. Products and deployments are in compliance with all licensing and security requirements and policies.
 7. Delivery and installation are scheduled in conjunction with the IT Department and Facilities.
 8. All initial and recurring costs have been identified and budgeted.
- C. This Policy applies to the purchasing of any technologies that:
1. Will be installed on, or connected to, any existing County-owned computer, peripheral, or network device.
 2. Might be expected (at some time in the future) to be installed on, or connected to, any existing County-owned computer, peripheral, or network device.
 3. Will be, or might be expected to be, supported by the County IT Department.
 4. Will be, or can be, used to create data, manipulate or store data related to any County funded operation.



CHAPTER 13: TECHNOLOGY STANDARDS AND PURCHASING

5. Will, or can, impact the operations or security of existing County technology systems or infrastructure

Section 2: Selection of Standard Technologies

- A. The County IT Department will maintain an “Approved List” (Appendix A) of programs and products, including:
 1. Laptops , Desktops, Servers, Printers, Faxes, Copiers, Scanners, Phones, and other common hardware products.
 2. Operating System, Word Processor, Spreadsheet, Presentation, DVD production, Data Archiving, Audio Recording, Email Client, Internet Browser, etc.
- B. The County IT Department will test all hardware and software for required performance, integration and compatibility with current IT infrastructure, as well as for impacts on security, systems integrity, operations, clients, servers, network and support operations.
- C. New models, new versions or any significant changes to an approved program or product will require new testing and approval. The list(s) of Approved products will be periodically reviewed and maintained by the IT Department. Products may be removed from the list should new security or functional problems be discovered.

Section 3. Exceptions to Standard Technologies

- A. If required functionality cannot be met by a program or product on the Approved List, then the Requestor, with IT Department assistance, will research programs or products that can meet the functional requirement(s). If one, or more, are found, then a detailed software testing and evaluation procedure will be scheduled.
 1. If a new program or product is found that meets these requirements, and it passes testing, then the IT Department will consider adding the program to the list of Approved Items.

Section 4. Purchasing Procedures

- A. All technology purchases must be for items on the Approved List. The forms (PADS and NTEP) are available on the County system at N:\IT POLICIES.
- B. Prior to ordering, the requesting department must develop a deployment/implementation schedule with the IT Department and Facilities.



CHAPTER 13: TECHNOLOGY STANDARDS AND PURCHASING

Section 5. Requesting a Technology Purchase

- A. If the request is for a Approved Technology, the Technology Director (or designee) and the requesting Department Head complete and sign a Purchase Authorization and Deployment Schedule (PADS) Form.
- B. If the request is for a new unapproved technology, the Technology Director (or designee), with the assistance of the requesting Department, completes the New Technology Evaluation Procedure (NTEP). If the technology is approved, it is added to the Approved List and Requestor proceeds with a Purchase Authorization and Deployment Schedule (PADS) Form.
- C. Purchase Authorization and Deployment Schedule (PADS) form is delivered to the Purchasing Department and the goods and services are ordered based upon proper signature authority, and available funds.

Section 6. Emergency Disaster Recovery Technology Purchases

- A. Any non-approved technology tools, programs, products or services deemed essential by the Technology Director in order to recover from a disaster may be ordered without completing the New Technology Evaluation Procedure (NTEP). However, all such tools, programs and products must be removed from the system(s) as soon as possible and the New Technology Evaluation Procedure (NTEP) must be completed before they are reused or reconnected to the system(s).

See Appendix D for approved list of hardware and software.



APPENDIX A: HEARING PROCEDURES

Section 1. Purpose:

- A. This policy is established to provide a hearing procedure for employees who have received discipline and are requesting a hearing pursuant to the provisions of Chapter 5, Section 2 of the attached Sweetwater County Employee Manual, the following procedures will be observed to provide a fair hearing.

Section 2. Hearing Procedures:

- A. The following procedures shall apply to any employee who has requested a hearing pursuant to Chapter 5, Section 2 of the attached Sweetwater County Employee Manual.
1. The employee requesting a hearing must file a written request for a hearing with the appropriate Elected Official or Department Head within 15 calendar days of the employee's receipt of a notice of disciplinary action for which a hearing is provided. Failure to timely request a hearing shall be deemed a waiver of a right to a hearing and the right to contest the action.
 2. Upon receipt of a request for a hearing, the Elected Official or Department Head shall communicate with the employee directly or through legal counsel to jointly select a hearing officer. The independent hearing officer shall be, insofar as is possible, impartial, and experienced and qualified by training to function as a hearing officer. The same standards that would apply to judicial disqualification for bias or prejudice shall likewise apply to any hearing officer selected.
 3. If the employee and the Elected Official, Department Head are unable to mutually agree on a hearing officer within fifteen (15) days, the Elected Official or Department Head shall have the right to select the hearing officer. As an aid to the parties, the Sweetwater County Human Resources office shall maintain a list of persons qualified to serve as hearing officers and shall forward the list to the parties on request. The parties should first consider the names on the list, but they are not required to use the names on the list, and may select any qualified person whether on the list or not.
 4. The responsibilities of the hearing officer shall include:
 - A. Contacting the parties, establishing a schedule for the hearing process, and arranging for the logistics of the hearing, including making provision to have a record made, stenographically or by a reliable recording system.



APPENDIX A: HEARING PROCEDURES

- B. Ruling on preliminary matters relating to discovery and other procedural issues. The hearing officer shall have authority to limit discovery or to shorten time lines for responses to discovery and related matters. The hearing officer shall determine the time, place, schedule and procedures used in any hearing. The hearing officer shall assure that a complete record of the proceedings of the hearing is available for review.
- C. At the hearing, the hearing officer shall conduct the hearing, rule on admission of evidence and objections, resolve questions of procedure and otherwise conduct the hearing as needed.
- D. At the conclusion of the hearing, the hearing officer shall prepare written findings of fact and conclusions of law which resolve the issues at the hearing. Those findings, together with a recommended decision, shall be provided to the Sweetwater County Commissioners, with copies provided to the respective parties. The hearing officer shall also provide the complete record to the Human Resources Director. The hearing officer shall provide his written decision within thirty (30) days of the completion of the hearing.
- E. The Elected Official or Board, as appropriate, shall review the recommended decision, and may adopt the decision or reject it. In the event that the Elected Official or Board rejects the recommended decision, the Elected Official or Board shall set forth its conclusion in writing together with reasons for rejecting the decision supported by the record. The decision of the Elected Official or Board shall constitute the final decision.
- F. Hearings shall be deemed confidential personnel matters and shall not be open to the public. Documents created or produced during the hearing shall be deemed a part of the employee's personnel file and shall be confidential. In the event that the employee requests a hearing be open and expressly waives confidentiality, the hearing shall be conducted in public. Provided however, to the extent that the hearing officer considers it necessary, a public hearing may be closed in part or in whole if conducting it in public could expose information otherwise confidential or privileged by law, or where there is other good cause. The hearing officer shall also have authority to order information redacted from documents as reasonably needed to preserve legal privileges, confidentiality, to protect witnesses or parties from identity theft or other harm, or for similar legitimate reasons.



APPENDIX B: FEDERAL AND STATE NOTICE REPORTING REQUIREMENTS

All employees should read and understand the following federal and state reporting requirements. Any questions should be directed to the Human Resources Department.

- Family and Medical Leave Act (FMLA) – 1 page
- Occupational Safety and Health Administration (OSHA) – 1 page
- Equal Employment Opportunity (EEO) – 2 pages
- Fair Labor Standards Act (FLSA) - State and Local Government Employees– 1 page
- Employee Polygraph Protection Act (EPPA) – 2 pages
- The Uniformed Services Employment and Reemployment Rights Act (USERRA) – 1 page



EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. 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.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember 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 on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

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 3 consecutive calendar days combined with at least two visits to a health care provider or one 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.

Use of Leave

An employee does not need to use this 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 employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA 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 also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



Job Safety and Health

It's the law!



Occupational Safety and Health Administration
U.S. Department of Labor

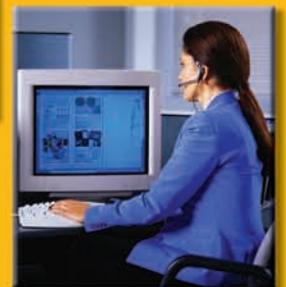
EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the *OSH Act*.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the *OSH Act* that apply to your own actions and conduct on the job.

EMPLOYERS:

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the *OSH Act*.

This free poster available from OSHA –
The Best Resource for Safety and Health



Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA
www.osha.gov

OSHA 3165-12-06R

Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE

\$5.85 PER HOUR

BEGINNING JULY 24, 2007

\$6.55 PER HOUR

BEGINNING JULY 24, 2008

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

STATE AND LOCAL GOVERNMENT EMPLOYEES

OVERTIME PAY

At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

Law enforcement and fire protection personnel: You may be paid overtime on the basis of a "work period" of between 7 and 28 consecutive days in length, rather than on a 40-hour workweek basis.

COMPENSATORY TIME

Employees may receive compensatory time off instead of cash overtime pay, at a rate of not less than 1½ hours for each overtime hour worked, where provided pursuant to an agreement or understanding that meets the requirements of the Act.

EXEMPTIONS

The Act does not apply to persons who are not subject to the civil service laws of State or local governments and who are: elected public officials, certain immediate advisors to such officials, certain individuals appointed or selected by such officials to serve in various capacities, or employees of legislative branches of State and local governments. Employees of legislative libraries do not come within this exclusion and are thus covered by the Act.

Certain types of workers are exempt from the minimum wage and overtime pay provisions, including bona fide executive, administrative, and professional employees who meet regulatory requirements.

Any law enforcement or fire protection employee who in any workweek is employed by a public agency employing less than 5 employees in law enforcement or fire protection activities is exempt from the overtime pay provisions.

YOUTH EMPLOYMENT

16 years old is the minimum age for most occupations. An **18**-year old minimum applies to hazardous occupations. Minors **14** and **15** years old may work outside school hours under certain conditions. For more information, visit the YouthRules! Web site at www.youthrules.dol.gov.

ENFORCEMENT

The Department of Labor may recover back wages either administratively or through court action for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Civil money penalties of up to \$11,000 per violation may be assessed against employers who violate the youth employment provisions of the law and up to \$1,100 per violation against employers who willfully or repeatedly violate the minimum wage or overtime pay provisions. This law prohibits discriminating against or discharging workers who file a complaint or participate in any proceedings under the Act.

ADDITIONAL INFORMATION

- Some state laws provide greater employee protections; employers must comply with both.
- Employees under 20 years of age may be paid a youth minimum wage of not less than \$4.25 an hour during their first 90 consecutive calendar days after initial employment by an employer.
- Employers are required to display this poster where employees can readily see it.



For additional information:

1-866-4-USWAGE

(1-866-487-9243)

TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION

Wage and Hour Division
Washington, D.C. 20210



NOTICE

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS*

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits *polygraph* (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties up to \$10,000 against violators. Employees or job applicants may also bring their own court actions.

ADDITIONAL INFORMATION

Additional information may be obtained, and complaints of violations may be filed, at local offices of the Wage and Hour Division. To locate your nearest Wage-Hour office, telephone our toll-free information and help line at 1 - 866 - 4USWAGE (1 - 866 - 487 - 9243). A customer service representative is available to assist you with referral information from 8am to 5 pm in your time zone; or if you have access to the internet, you may log onto our Home page at www.wagehour.dol.gov.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

**The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.*

**U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Wage and Hour Division
Washington, D.C. 20210**

WH Publication 1462

June 2003



YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



U.S. Department of Labor
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

Publication Date—July 2008

APPENDIX C: FORMS

The following forms in Appendix C have been provided for the employees' and supervisors' convenience.

Questions and requests for assistance should be directed to the Human Resources Department.

Family and Medical Leave Act Forms

- Certification of Health Care Provider for Employee's Serious Health Condition (4 pages)
- Certification of Health Care Provider for Family Member's Serious Health Condition (4 pages)
- Notice of Eligibility and Rights & Responsibilities (2 pages)
- Designation Notice (1 Page)
- Certification of Qualifying Exigency for Military Family Leave (3 pages)
- Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (4 pages)

Other Forms

- Policy Acknowledgement Form (1 page)
- Internal Incident/Accident Form (1 page, front & back)
- Leave of Absence Request Form (1 page)
- Request for Travel Requisition (2 pages)
- Sweetwater County Mileage Log (2 pages)



Certification of Health Care Provider for
Employee's Serious Health Condition
(Family and Medical Leave Act)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division



OMB Control Number: 1215-0181
Expires: 12/31/2011

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

No Yes. If so, dates of admission:

Date(s) you treated the patient for condition:

Will the patient need to have treatment visits at least twice per year due to the condition? No Yes.

Was medication, other than over-the-counter medication, prescribed? No Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

No Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? No Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: No Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? No Yes.

If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? No Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?
 No Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? No Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?
 No Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Certification of Health Care Provider for
Family Member's Serious Health Condition
(Family and Medical Leave Act)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division



OMB Control Number: 1215-0181
Expires: 12/31/2011

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____
First Middle Last

Name of family member for whom you will provide care: _____
First Middle Last

Relationship of family member to you: _____

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

Employee Signature Date

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider’s name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax:(_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
___No ___Yes. If so, dates of admission: _____

Date(s) you treated the patient for condition: _____

Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

Will the patient need to have treatment visits at least twice per year due to the condition? ___No ___Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
___ No ___Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such as medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? No Yes.

Estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? No Yes.

Explain the care needed by the patient and why such care is medically necessary:

5. Will the patient require follow-up treatments, including any time for recovery? No Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary: _____

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? No Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary:

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ___No ___Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: ___ times per ___ week(s) ___ month(s)

Duration: ___ hours or ___ day(s) per episode

Does the patient need care during these flare-ups? ___ No ___ Yes.

Explain the care needed by the patient, and why such care is medically necessary: _____

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Signature of Health Care Provider

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.
DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

Notice of Eligibility and Rights & Responsibilities
(Family and Medical Leave Act)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division



OMB Control Number: 1215-0181
Expires: 12/31/2011

In general, to be eligible an employee must have worked for an employer for at least 12 months, have worked at least 1,250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

[Part A – NOTICE OF ELIGIBILITY]

TO: _____
Employee

FROM: _____
Employer Representative

DATE: _____

On _____, you informed us that you needed leave beginning on _____ for:

- The birth of a child, or placement of a child with you for adoption or foster care;
- Your own serious health condition;
- Because you are needed to care for your _____ spouse; _____ child; _____ parent due to his/her serious health condition.
- Because of a qualifying exigency arising out of the fact that your _____ spouse; _____ son or daughter; _____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- Because you are the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

- Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)
- Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):
 - You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ___ months towards this requirement.
 - You have not met the FMLA's 1,250-hours-worked requirement.
 - You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact _____ or view the FMLA poster located in _____.

[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by _____.** (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

- Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request _____ is/_____ is not enclosed.
- Sufficient documentation to establish the required relationship between you and your family member.
- Other information needed: _____

No additional information requested

If your leave does qualify as FMLA leave you will have the following responsibilities while on FMLA leave (only checked blanks apply):

_____ Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

_____ You will be required to use your available paid _____ sick, _____ vacation, and/or _____ other leave during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

_____ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We _____ have/_____ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

_____ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the reverse side of this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following rights while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:
 - _____ the calendar year (January – December).
 - _____ a fixed leave year based on _____.
 - _____ the 12-month period measured forward from the date of your first FMLA leave usage.
 - _____ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have _____ sick, _____ vacation, and/or _____ other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

_____ For a copy of conditions applicable to sick/vacation/other leave usage please refer to _____ available at: _____.

_____ Applicable conditions for use of paid leave: _____

Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, please do not hesitate to contact:

_____ at _____.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

PART A: QUALIFYING REASON FOR LEAVE

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached. Yes No None Available

PART B: AMOUNT OF LEAVE NEEDED

1. Approximate date exigency commenced: _____

Probable duration of exigency: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency? No Yes.

If so, estimate the beginning and ending dates for the period of absence:

3. Will you need to be absent from work periodically to address this qualifying exigency? No Yes.

Estimate schedule of leave, including the dates of any scheduled meetings or appointments: _____

Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours _____ day(s) per event.

PART C:

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (_____) _____ Fax: (_____) _____

Email: _____

Describe nature of meeting: _____

PART D:

I certify that the information I provided above is true and correct.

Signature of Employee

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYER.**

Certification for Serious Injury or
Illness of Covered Servicemember - -
for Military Family Leave (Family and
Medical Leave Act)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division



OMB Control Number: 1215-0181
Expires: 12/31/2011

Notice to the EMPLOYER INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. § 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For Completion by the EMPLOYEE and/or the COVERED SERVICEMEMBER for whom the Employee Is Requesting Leave INSTRUCTIONS to the EMPLOYEE or COVERED SERVICEMEMBER: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a covered servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 C.F.R. § 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE ("DOD") HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; or (3) a DOD non-network TRICARE authorized private health care provider INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed on Page 2 has requested leave under the FMLA to care for a family member who is a member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a covered servicemember's serious injury or illness includes written documentation confirming that the covered servicemember's injury or illness was incurred in the line of duty on active duty and that the covered servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave.

Certification for Serious Injury or Illness
of Covered Servicemember - - for
Military Family Leave (Family and
Medical Leave Act)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division



SECTION I: For Completion by the EMPLOYEE and/or the COVERED SERVICEMEMBER for whom the Employee Is Requesting Leave: (This section must be completed first before any of the below sections can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and Address of Employer (this is the employer of the employee requesting leave to care for covered servicemember):

Name of Employee Requesting Leave to Care for Covered Servicemember:

First Middle Last

Name of Covered Servicemember (for whom employee is requesting leave to care):

First Middle Last

Relationship of Employee to Covered Servicemember Requesting Leave to Care:

Spouse Parent Son Daughter Next of Kin

Part B: COVERED SERVICEMEMBER INFORMATION

(1) Is the Covered Servicemember a Current Member of the Regular Armed Forces, the National Guard or Reserves? ___Yes ___No

If yes, please provide the covered servicemember's military branch, rank and unit currently assigned to:

Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)? ___Yes ___No If yes, please provide the name of the medical treatment facility or unit:

(2) Is the Covered Servicemember on the Temporary Disability Retired List (TDRL)? ___Yes ___No

Part C: CARE TO BE PROVIDED TO THE COVERED SERVICEMEMBER

Describe the Care to Be Provided to the Covered Servicemember and an Estimate of the Leave Needed to Provide the Care:

SECTION II: For Completion by a United States Department of Defense (“DOD”) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (“VA”) health care provider; (2) a DOD TRICARE network authorized private health care provider; or (3) a DOD non-network TRICARE authorized private health care provider. If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). (Please ensure that Section I above has been completed before completing this section.) Please be sure to sign the form on the last page.

Part A: HEALTH CARE PROVIDER INFORMATION

Health Care Provider’s Name and Business Address:

Type of Practice/Medical Specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; or (4) a DOD non-network TRICARE authorized private health care provider: _____

Telephone: () _____ Fax: () _____ Email: _____

PART B: MEDICAL STATUS

(1) Covered Servicemember’s medical condition is classified as (Check One of the Appropriate Boxes):

- (VSI) Very Seriously Ill/Injured** – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
- (SI) Seriously Ill/Injured** – Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)
- OTHER Ill/Injured** – a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.
- NONE OF THE ABOVE** (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a “serious health condition” under § 825.113 of the FMLA. If such leave is requested, you may be required to complete DOL FORM WH-380 or an employer-provided form seeking the same information.)

(2) Was the condition for which the Covered Service member is being treated incurred in line of duty on active duty in the armed forces? ___ Yes ___ No

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

(5) Is the covered servicemember undergoing medical treatment, recuperation, or therapy? ___ Yes ___ No. If yes, please describe medical treatment, recuperation or therapy:

PART C: COVERED SERVICEMEMBER'S NEED FOR CARE BY FAMILY MEMBER

- (1) Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes No
If yes, estimate the beginning and ending dates for this period of time: _____

- (2) Will the covered servicemember require periodic follow-up treatment appointments?
 Yes No If yes, estimate the treatment schedule: _____

- (3) Is there a medical necessity for the covered servicemember to have periodic care for these follow-up treatment appointments? Yes No

- (4) Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)? Yes No If yes, please estimate the frequency and duration of the periodic care:

Signature of Health Care Provider: _____ **Date:** _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE PATIENT.**

SWEETWATER COUNTY
POLICY ACKNOWLEDGEMENT FORM

I acknowledge that I have received a copy of the Sweetwater County Employee Manual. I agree to read and understand the provisions, therein.

Signature

Date

Printed Name

Signature of Supervisor

Date

Printed Name of Supervisor

Department



8. What was employee doing at time of incident/accident?

9. When was supervisor notified?

10. Name(s) of Witness(es) and phone number(s)

SUPERVISOR: COMPLETE SECTION BELOW

When was supervisor notified?

Name(s) of Witness(es) and phone number(s)

Section A: Condition of Employees

1. Does the Employee have lost time Yes NO

2. Date disability began

3. Date expected to return to work

4. Urinalysis/BAC test ordered Yes NO

5. Date test completed

6. Has employee completed Worker's Compensation paperwork, if applicable? Yes NO Not Applicable Date completed

Section B: Follow-up Evaluation

1. Was the accident preventable Yes NO

2. Please explain your answer (use additional sheets if needed)

3. What measure(s) could the employee have taken to prevent the incident/accident?

4. What do you recommend be done to avoid this type of accident?

5. Was the injury work related?

Section C: Vehicle Accident

Complete this section only if incident/accident involved a motor vehicle.

Name of County Driver _____ State _____

Driver's License # _____ Exp. Date _____

COUNTY VEHICLE INFO

License Plate No.

Make of Vehicle

Model/Year

VIN

TIME AND PLACE

Date of Accident

Time of Accident

Location (complete address)

DAMAGE TO COUNTY VEHICLE

Describe vehicle damage (use additional sheet; include pictures if applies)

OTHER CAR AND OTHER PROPERTY DAMAGED

Full Name of Other Driver (Last, First, MI)

Phone Number

E-mail Address

License Plate No.

Make of Vehicle

Vehicle Owner's Name and Address same

Mailing Address with City/State/Zip Code

Driver's License #

State

Exp. Date

Model

VIN

City/State/Zip Code

Policy #

Name and Address of Insurance Company (Not Agency)

Describe damage to vehicle and/or other property

INJURED PERSONS

Name (Last, First, MI)

Date of Birth/Age

Address

City/State/Zip Code

Nature of Injury

Taken to Hospital? Yes NO

POLICE AND EMERGENCY

Name & address of any police agency at scene

Name of Officer

Report #

Name & address of any paramedics/emergency personnel at scene

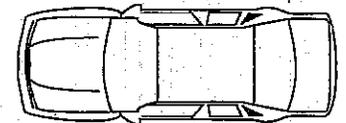
WITNESSES

Name, address, phone # and other contact info on all witnesses

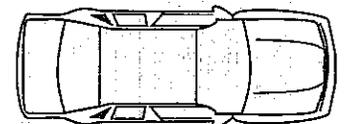
Describe how the accident happened

Shade damaged area

YOUR VEHICLE



OTHER VEHICLES



Hotel Room Days _____ x \$ _____ = \$ _____

Rent A Car Days _____ Type _____ \$ _____

Air Fare Departure _____ Return _____ \$ _____

Registration Days _____ x \$ _____ = \$ _____

Meals charged to hotel room Yes _____ No _____

TOTAL COST \$ _____

Purchasing Agent : _____

Department Head Approval: _____ Date: _____

- ★ Professional
 - ★ Resourceful
 - ★ Innovative
 - ★ Dedicated
 - ★ Efficient
-

IRS FRINGE BENEFIT REPORTING FOR PERSONAL USE OF COUNTY VEHICLES

Information and Instructions

To All County Personnel:

According to the **Internal Revenue Service (IRS)**, a fringe benefit is anything of value given to an employee by the County in addition to his/her wages or salary. The IRS requires that any **fringe benefit** provided to you by the County is taxable and must be included in your pay, unless the law specifically excludes it. The **personal** use of a County owned vehicle is an example of a taxable fringe benefit. Anytime a County vehicle is used for the benefit of the employee, a value for that use must be determined and taxed appropriately. The County will use the **CENTS/MILE METHOD**, whereby the miles driven for personal use will be multiplied by the IRS mileage reimbursement rate to determine the value of the taxable benefit. Personal use of a vehicle includes the value of commuting to and from work in a County vehicle, even if the vehicle is taken home for the convenience of the County (e.g., *on-call personnel or prior to leaving for a conference or training*).

Certain vehicles are excluded from these rules. All use of **QUALIFIED NON-PERSONAL USE VEHICLES** are considered a working condition fringe and the value can be excluded from employees' income (i.e., does not need to be included as taxable income). **QUALIFIED NON-PERSONAL USE VEHICLES** include;

- * Clearly marked police and fire vehicles
- * Unmarked vehicles used by law enforcement officers. The officer **MUST** be authorized to carry a firearm, execute search warrants and make arrests,
- * An ambulance or hearse used for its specific purpose,
- * Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds,
- * Delivery trucks with seating for driver only, or driver plus a folding jump seat,
- * A passenger bus with a capacity of at least 20 passengers used for its specific purpose,
- * School buses, and
- * Tractors and other special purpose farm vehicles.

To comply with these important IRS reporting requirements, all personnel operating County motor vehicles will be required to maintain the mileage log on the reverse side of this form, in those payroll periods in which personal use mileage occurred. If you operate a County vehicle during the pay period, you must submit one of these completed forms to your supervisor, along with your time card. Your supervisor will then forward the mileage log to payroll along with the department time cards. All personal use mileage should be accounted for on the mileage log sheets. ***Failure to accurately report personal use mileage may result in disciplinary action, up to and including termination. Such failures may also result in fines being imposed on the County, therefore your cooperation is important.***

If you are uncertain whether your use of a County vehicles is personal or business, as defined by the IRS regulations, or if you have other questions, please contact the County Clerk's Office at 307-872-3754 or the Human Resources Department at 307-872-3910.

Thank You for Your Cooperation

Sweetwater County Board of County Commissioners

APPENDIX D: APPROVED HARDWARE AND SOFTWARE

Approved List

Hardware

February, 2010

Desktop Computer

No.	Description
DC1	DELL Optiplex – Must go through IT and Purchasing
DC2	None

Keyboard

No.	Description
KB1	Logitech

Mouse

No.	Description
MO1	Logitech

LCD Monitor

No.	Description
LM1	DELL
LM2	NONE

Laptop Computer

No.	Description
LC1	DELL Latitude – Must go through IT and Purchasing

Network Laser Printer

No.	Description
LP1	IBM – For AS400 compatibility. (Model will be determined by IT based on needs)
LP2	HP - (Model will be determined by IT based on needs)

Multi-function Printer/Copier/Fax

No.	Description
MP1	To be determined during Bid (urrentlySavin)
MP2	NONE

Scanner

No.	Description
SC1	HP – (Determined on a case by case basis)

- ☆ Professional
- ☆ Resourceful
- ☆ Innovative
- ☆ Dedicated
- ☆ Efficient

APPENDIX D: APPROVED HARDWARE AND SOFTWARE

Phones

No.	Description
PH1	Cisco IP Phone 7912 (0 buttons)
PH2	Cisco IP Phone 7941 (2 buttons)
PH3	Cisco IP Phone 7961 (6 buttons)
PH4	Cisco IP Phone 7970 (8 buttons)

Projector

No.	Description
PJ1	DELL
PJ2	NONE

Virtual Desktop Appliance

No.	Description
PN1	Pano

External Hard Drive

No.	Description
EHD1	USB
EHD2	eSATA

APPENDIX D: APPROVED HARDWARE AND SOFTWARE

Approved List

Hardware

February, 2010

Operating System Software

No.	Description
	<i>Workstations:</i> Widows XP SP3, Windows 7 Enterprise (not rolled out yet)
	<i>Servers:</i> Microsoft Windows 2003, Microsoft Windows 2003 R2, Windows 2008 R2

Productivity Suite

No.	Description
	<i>Workstations:</i> Microsoft Office 2003 and 2007 this includes but is not limited to: Word, Excel, PowerPoint, Project, Visio, Outlook, OneNote, Access, InfoPath, Publisher

Email Client

No.	Description
	Microsoft Outlook 2003 and 2007

PDF Utilities

No.	Description
	Adobe Reader 9
	Adobe Acrobat Professional 8 and 9 Standard
	Fox it Reader

Compression Utilities

No.	Description
	WinZip 14.0

APPENDIX D: APPROVED HARDWARE AND SOFTWARE

Web Browsers

No.	Description
	Microsoft Internet Explorer 7 and 8
	Mozilla Firefox 3.6

DVD/CD Utilities

No.	Description
	Power DVD
	Roxio CD Creator V10

Audio Player and Utilities

No.	Description
	Microsoft Windows Media Player 11
	Wave Pad Sound Editor

Secure Access Software

No.	Description
	Cisco VPN Client 5.0.02
	Real VNC
	TRACKIT Remote
	LogMein

Mapping Software

No.	Description
	Map Info

AS400 Client Software

No.	Description
	Iseries Access V5R4/V6R1
	VIP Doc View
	Single Signon

APPENDIX D: APPROVED HARDWARE AND SOFTWARE

General Utility Software

No.	Description
	PrintScreen 2000
	Google Earth

Antivirus Software

	ESET
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Other software used within the County:

- Cisco Call Attendant (Red Headed Boy)
- Realware
- WyoSafe
- Expressions
- Word Perfect
- Capture Perfect
- QuickBooks
- Polk
- Judicial Dialog
- Track It