



To: All Ouray County Employees
From: Ouray County Administration

Date: October 19, 2022

Re: Notice to Employees of the Board of County Commissioners Decision Concerning the Family and Medical Leave Insurance (FAMLI) Program

Notice is hereby given to Ouray County Employees that a vote on Resolution No. 2022-037 was held on October 4, 2022, in which the Board of County Commissioners (“Board”) declined participation, but will facilitate withholding and remittance of premiums of individual employees opting into the Family and Medical Leave Insurance (FAMLI”) Program. This notice explains how the vote affects employees’ rights and benefits.

I. LEAVE COMPARISON: FAMLI PROGRAM, COUNTY LEAVE PROGRAM:

The FAMLI Program

Under the FAMLI Program, covered individuals may take up to twelve (12) weeks of paid aggregate family/medical leave (up to 16 weeks for pregnancy complications) in a twelve-month period for:

- Birth, adoption, placement, care of a new child during first year after birth, adoption or foster care;
- Care for a family member with a “serious health condition” (including pregnancy);
- An employee’s own serious health condition;
- Exigency leave (active duty military; post deployment or death); or
- Safe leave (employee or employee’s family member is the victim of domestic abuse, stalking or sexual assault/abuse)

Employers participating in the FAMLI Program must submit insurance premiums to the state starting on January 1, 2023 through a payroll premium split between employees and employers. Paid leave benefits start no sooner than January 1, 2024. Paid leave is a partial income replacement as follows: 90% of an employee’s average weekly wage for the portion of their wages equal to or less than 50% of the state average weekly wage; and 50% of the portion of their wages that exceeds the state average weekly wage. The maximum weekly benefit is \$1,100. For more information, see the FAMLI Premium and Benefits Calculator: <https://famli.colorado.gov/individuals-and-families/premium-and-benefits-calculator>.

Ouray County (“County”) has declined to participate in the FAMLI Program as an employer; however, if an employee wishes to opt into the FAMLI Program individually, the County is willing to facilitate the collection of the employee’s individual premium and to remit it to the Division on behalf of the employee. Please contact the FAMLI Division at CDLE_FAMLI_info@state.co.us.

Ouray County’s Leave Program (Attached – Chapter 7 of Personnel Policy)

CHAPTER 7 – LEAVE

Sections:

- 7-1 HOLIDAYS
- 7-2 VACATION LEAVE
- 7-3 PERSONAL LEAVE
- 7-4 SICK LEAVE
- 7-5 LEAVE SHARING POLICY
- 7-6 BEREAVEMENT LEAVE
- 7-7 LEAVE INVOLVING WORKER'S COMPENSATION
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- 7-11 PARENTAL INVOLVEMENT LEAVE
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7-1 HOLIDAYS

7. The County provides a paid holiday benefit to eligible employees for certain holidays. The Board will annually set a schedule of compensated holidays and reserves the right to vary or change holiday benefits as deemed appropriate. Generally, the following eleven holidays will be observed by the County:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Monday after Thanksgiving
- Christmas

- B. Employees in full-time positions working a 36-hour workweek shall be compensated as though they worked full-time on the designated holidays. Eligible employees working less than a 36-hour workweek shall be compensated for paid holidays on a prorated basis according to the number of hours budgeted per year. Non-exempt employees of the Sheriff's Department, County Emergency Medical Services, and other employees who work on a designated holiday will be given a compensatory day. Part-time non-benefitted and contract employees are not entitled to compensation for holidays.

- C. If an employee is utilizing vacation or sick leave benefits and a holiday falls during that employee's leave, the holiday benefit will be provided in lieu of the vacation or sick leave benefit that would otherwise have applied.
- D. Non-exempt employees who are required or scheduled to work on a designated County holiday shall be entitled to compensation at their regular hourly rate or if overtime work, comp time at 1.5 hours per hour worked. This provision does not apply to non-exempt employee of the Sheriff's Department or County Emergency Medical Services.

7-2 VACATION LEAVE

- A. The County offers paid vacation leave to eligible employees. Vacation leave shall accrue for full-time employees as shown in the following schedule. For purposes of vacation leave accrual and use, full-time employees will accrue and use vacation leave on the basis of an 8-hour work day, notwithstanding the fact the decrease in hours from 40 to 36, and the resulting adjustments in work schedules. Part-time benefitted employees shall earn vacation leave at an equivalent rate proportionate to their normal weekly hours. Part-time non-benefitted and contract employees are not eligible for vacation leave.
- B. Vacation accrual rates are as follows:

0 through 4 years of employment	8 hours per month
5 through 15 years of employment	12 hours per month
16 years of employment plus	16 hours per month
- C. Vacation leave must be earned before taken and shall require the prior approval of the appropriate department head, supervising elected official or designated representative. Department heads or supervising elected officials have discretion to approve or deny requests for vacation leave for employees under their supervision in order to ensure the successful operation of their department. Employees must provide their supervisors, department heads or supervising elected official with reasonable advance notice prior to taking vacation leave.
- D. Vacation leave shall not be accumulated beyond a total cap for eligible employees of the County as follows:

0 through 4 years of employment	cap = 200 hours
5 through 15 years of employment	cap = 300 hours
16 years of employment plus	cap = 400 hours.

Employees exceeding accrued vacation within a specified cap of 200, 300, or 400 hours as of December 31, 2015 shall have until December 31, 2016 to use all amounts over a specified vacation accrual cap, and shall forfeit any accrued time over a specified accrual cap as of January 1, 2017.
- E. Designated holidays occurring during vacation leave are counted as holidays, not as vacation. If an employee is ill during a vacation period, or if the County offices are closed for an emergency during the vacation period, the vacation period will nevertheless be counted as vacation days. Employees do not accrue vacation time while on any unpaid leave.
- F. All eligible employees shall be paid for accumulated vacation leave at the time of separation from the County at the employee's rate of pay immediately preceding separation or termination. The amount paid to an eligible employee shall not exceed

the accrual caps above. Vacation leave shall be prorated to the last day of service with the County and the records maintained by the Human Resources Director regarding vacation leave shall be deemed conclusive for all purposes.

7-3 PERSONAL LEAVE

- A. Full-time employees shall be granted personal leave with pay on an accrual basis. Part-time benefitted employees shall earn personal leave at an equivalent rate proportionate to their normal weekly hours. All full-time employees shall accrue 4.0 hours of paid personal leave per month of employment. Personal leave for full-time employees shall be accrued and used based on an 8-hour day and 40-hour week, notwithstanding the schedule changes effective January 1, 2014 resulting in a 36-hour week. Part-time non-benefitted and contract employees shall not be eligible for paid personal leave.
- B. Personal leave may not be taken before it is earned and may be used for any purpose. Personal leave may not be accrued as such; however, any employee with 48 hours or less of remaining personal leave as of December 31 of any year shall retain the total amount to start the next calendar year. Additional personal leave may accrue to a maximum of 48 hours, and then any excess personal leave shall be added to the employee's accrued sick leave, until the employee has the capped sick leave amount of 480 hours. Any unused personal leave beyond the carryover amount of 48 hours is lost if not used by December 31 of each year once the employee also has accrued the maximum sick leave of 480 hours.
- C. Use of personal leave is subject to approval of the appropriate department head, supervising elected official or supervisor except in cases where personal leave is for non job-related illness, injury, medical condition or disability. When personal leave is used for non job-related illness, injury, medical condition or disability, the employee shall notify the appropriate department head, supervising elected official or supervisor on the first date of absence. Failure to report may be considered cause for denial of paid personal leave for the period of absence unless the employee furnishes an acceptable explanation. The employee shall keep his or her supervisor informed of the expected date of return.
- D. Upon separation from County employment, the employee shall not be entitled to any payment for personal leave.

7-4 SICK LEAVE

- A. Full-time employees shall be granted sick leave with pay on an accrual basis. Part-time benefitted employees shall earn sick leave at an equivalent rate proportionate to their normal weekly hours. All full-time employees shall accrue 4.0 hours of paid sick leave per month of employment. Sick leave will be accrued and used by full-time employees on the basis of an 8-hour day and 40-hour week, notwithstanding the changes in scheduling to a 36-hour week. Part-time non-benefitted and contract employees shall not be eligible for paid sick leave.
- B. Sick leave is to be used only when an employee is ill and unable to work, or in the event of sick family members, or as provided for in the Family Medical Leave Act. Employees using sick leave are required to notify the appropriate department head,

supervising elected official or supervisor on the first day of absence due to illness, and shall keep their supervisor informed of their expected date of return.

- C. Sick leave may be accrued to a maximum of 480 hours; however, an employee will not be compensated upon termination, retirement or voluntary separation for any time attributable to sick leave. When an employee has reached 480 hours of accrued sick leave time on December 31 of each year, all hours in excess of 480 shall be forfeited as of January 1 of each year.

- D. Employees with more than 480 hours of accrued sick leave as of the date of adoption of this revision will lose the excess hours of accrued sick leave as of December 31, 2013.

7-5 LEAVE SHARING POLICY

- A. Employees of the County may donate vacation, personal or sick leave hours they have accumulated to employees that have exhausted all of their vacation, sick and personal leave and compensatory time if the employee receiving the donated personal leave has experienced a personal tragedy or catastrophic circumstance. The employee seeking additional leave time shall submit a request in writing to the Human Resources Director as soon as reasonably possible prior to all leave time being exhausted. If the Human Resources Director determines that good cause exists for the request, the Human Resources Director will request donations of leave time from eligible employees. In order to be eligible to voluntarily donate leave, an employee must retain a minimum of 80 hours of his or her own sick leave. No more than 160 hours of leave may be provided by all donating employees combined in any calendar year to a receiving employee.
- B. No injury that is covered under “workers’ compensation” wage benefits may be eligible for leave sharing. Any leave exercised under this provision shall be concurrently subject to FMLA leave, if applicable. The provisions herein shall not be applicable to employees of less than six months of employment with the County.
- C. Any unused shared leave shall be returned to the donor employee on an hourly basis.
- D. Arrangements for leave sharing must be coordinated with the Human Resources Director and respective supervisors, department heads or supervising elected officials.

7-6 BEREAVEMENT LEAVE

- A. All employees are entitled to take a week (thirty-six hours) of bereavement leave, whether paid or unpaid. A full-time employee shall be allowed up to a week(thirty-six hours) of paid leave due to the death of a family member to allow the employee to attend the funeral and make necessary arrangements associated with the death. The employee shall notify his or her supervisor immediately of the need to take bereavement leave. Part-time employees shall be eligible for paid bereavement leave at an equivalent rate proportionate to their normal weekly hours. Temporary employees shall not be entitled to paid bereavement leave.
- B. “Family member” is defined as an employee’s spouse or significant other, children, siblings, in-laws, parents, grandparents, aunts, uncles, cousins or other dependents and step relatives of the same relationship. “Significant other” means that a

relationship exists between two people, neither of whom is married, that is intended to remain indefinitely and where there is joint responsibility for each other's common welfare, there are significant shared financial obligations, and there is a shared primary residence. Under other circumstances, bereavement leave may be granted by the employee's supervisor.

7-7 LEAVE INVOLVING WORKERS' COMPENSATION

- A. Application. Workers' Compensation Insurance pays for an employee's medical expenses and a percentage of the employee's loss of income for an injury or illness incurred within the scope of the employee's job duties. The employee must report the injury or illness to his or her supervisor immediately, regardless of the severity, and sign and submit all appropriate forms to the Human Resources Department within twenty-four hours after the injury or illness has occurred. Failure to promptly report a job-related injury or illness may result in a loss or reduction of benefits, so long as the employee is capable of notifying the supervisor.
- B. Definition. An employee will be deemed to be on workers' compensation leave until he or she is able to resume essential job functions on his or her regular work schedule, when approval is granted by the County to return to the regular work schedule on a restricted basis as defined by the employee's attending physician, resuming performance of all of the essential duties required in the employee's position with reasonable accommodation, or when the employee is separated from County employment.
- C. Benefits. An employee on workers' compensation leave will be entitled to receive the statutory benefits available under the Workers' Compensation Act of Colorado, C.R.S. § 8-40-101, et seq., and as may be determined by Ouray County's workers' compensation insurance carrier. Benefits may be reduced if it is determined that the injury or illness was not job related, that the injury was caused by a willful failure of an employee to use safety devices provided by the employer or willful failure to obey a reasonable safety rule adopted by the employer, or where the injury results from intoxication of the employee from drugs or alcohol.
- D. Medical Examinations and Treatments. If any injury requires immediate emergency treatment, the nearest hospital emergency room should be utilized. Upon release from emergency treatment, the employee must seek follow-up medical care from a County-designated provider. Injuries not constituting an emergency but requiring a physician's care shall be treated by a County-designated medical service provider. Failure to comply with utilization of a County-designated provider may result in a denial of payment for medical expenses through the County Workers' Compensation Insurance carrier. Each new employee receives a list of designated medical providers and a list can be obtained from the Human Resources Department at any time.
- E. Report Medical Status. During leave for a workers' compensation injury or illness, employees, if they are capable, must keep their supervisors informed on at least a weekly basis of their medical status in regard to their ability to return to work. Ouray County reserves the right to request periodic reports regarding the employee's medical status from the designated medical provider.
- F. A workers' compensation claim does not preclude an employee from being separated from employment pursuant to the other provisions of these Personnel Regulations.

- G. Modified Schedule or Restricted Duty. While recovering from an on-the-job injury, an employee may return to work on a temporary basis with a modified work schedule and/or with restricted duties as the case may allow. The County reserves the right to limit or deny return to work on a modified schedule or restricted duty.
- H. Leave With County Compensation.
1. Regular Full-Time and Scheduled Part-Time Positions. A full-time or scheduled part-time employee in a regular position who is on leave for an authorized workers' compensation claim will be paid his or her full salary or wages from the County during the initial three calendar days of leave following the date of the injury or illness (or the first 24 hours of leave for an employee on an approved modified schedule). The County will require reimbursement in the amount of all payments received by the employee from the Workers' Compensation Insurance carrier for lost wages during this initial period.
 2. If the employee is still unable to return to his/her regular work schedule after the initial period of three calendar days (or 24 hours for an employee on a modified schedule), the County may continue to pay the employee 10 percent of his or her regular rate of pay for up to 176 hours of additional eligible leave time. This payment from the County is in addition to the non-taxable 66 $\frac{2}{3}$ percent of the wages payment that the employee receives from the Workers' Compensation Insurance carrier.
 3. Part-Time and Contract Positions. Any temporary or part-time employee who is eligible for leave will be paid his or her appropriate rate of pay from the County during the initial three calendar days of leave following the date of the injury or illness. During this initial three day period, the County will require reimbursement in the amount of all payments received by the employee from the Workers' Compensation Insurance carrier for lost wages. The employee shall also have his or her case referred to the County's Workers' Compensation Insurance carrier for any continued payments to which the employee is entitled in lieu of payment of wages.
 4. Termination of Leave With County Compensation. Termination of leave with County compensation will occur when 1) the employee is placed on leave without County compensation status, 2) the County has a written release from the attending physician permitting the employee to return to his or her regular work schedule and resume performance of all the essential duties required in the employee's position, or 3) the employee is separated from County employment.
- I. Leave Without County Compensation
1. Conversion to Leave Without County Compensation. When an employee remains on leave (full-time or on an approved modified schedule) beyond the maximum hours eligible for compensation by the County, the employee will be placed on leave without County compensation status. The employee shall also have his or her case referred to the County's Workers' Compensation Insurance carrier for any continued payments to which the employee is entitled in lieu of payment of wages.
 2. Termination of Leave Without County Compensation. Termination of leave without County compensation may occur when the County has a written release from the attending physician permitting the employee to return to his or her regular work schedule and resume performance of all the essential duties

required in the employee's position; or when approval is granted by the County to return to his or her regular work schedule on a restricted duty basis as defined by the attending physician, resuming performance of all the essential duties required in the employee's position with reasonable accommodation. The failure of an employee to return to work upon the expiration of the 12-workweek period as defined by Section 7-9(A) of the Family and Medical Leave Act will subject the employee to dismissal.

- J. Continuation of Benefits. Employees who are on leave for workers' compensation injuries with County compensation will continue to be eligible for all County benefits that they currently receive when actively at work.

7-8 MILITARY LEAVE

Employees may take military leave in accordance with applicable provisions of C.R.S. § 28-3-601 et seq.

7-9 COURT LEAVE

- A. An employee who is required to appear as a potential juror or serve as a juror or is under subpoena as a witness in a civil or criminal case shall be granted jury and witness leave to serve in that capacity. Such leave will be with the employee's normal pay for all hours that fall during the employee's regular work schedule, or at least \$50.00 per day for the first three days of service as required by C.R.S. § 13-71-126, whichever is greater. An employee shall be granted jury leave with pay for the period required to serve on jury duty.
- B. An employee on jury leave who has received payment from the State of Colorado for his or her services during a court case shall turn over such compensation to the County, with the exception of any payment for travel that may be retained by the employee.

7-10 FAMILY AND MEDICAL LEAVE POLICY

- A. General Provisions. It is the policy of the County to grant up to twelve weeks of family and medical leave during any twelve-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid depending on the circumstances and as specified in this Section.
- B. Eligibility. In order to qualify to take family and medical leave the employee must have worked for the County at least one year and for at least 1,250 hours during the twelve-month period immediately before the date when the leave would begin.
- C. Reasons for Leave. In order to qualify as FMLA leave under this policy the employee must be taking the leave for one of the reasons listed below:
 - 1. The birth of a child and to care for that child.
 - 2. The placement of a child for adoption or foster care with the employee.
 - 3. To care for a spouse, child or parent with a serious health condition.
 - 4. The serious health condition of the employee that makes the employee unable to perform the functions of the employee's position.

5. Military Family Leave. An eligible employee with a spouse, son, daughter or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may take up to:
 - a) Twelve weeks of leave in a single twelve-month period to address certain qualifying exigencies. Qualifying exigencies may include:
 - (1) Attending certain military events
 - (2) Arranging for alternative childcare
 - (3) Addressing certain financial and legal arrangements
 - (4) Attending certain counseling sessions
 - (5) Attending post-deployment reintegration briefings
 - b) Twenty-six weeks of leave in a single twelve-month period to care for a covered service member if:
 - (1) Caring for a current member of the Armed Forces, National Guard or Reserves who has a serious injury or illness incurred or aggravated in the line of duty on active duty.
 - (2) Caring for a veteran who was a member of the Armed Forces, National Guard or Reserves at any time during the period of five years preceding the start of treatment, recuperation or therapy.
 - (3) If the service member is undergoing medical treatment, recuperation or therapy on an outpatient status or is on the temporary disability retired list for an injury or illness that must make the service member medically unfit to perform his or her duties. In the case of a veteran, the qualifying illness or injury must be incurred or aggravated in the line of duty and manifests itself before or after the service member became a veteran.
- D. Definition of Serious Health Condition. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that requires inpatient care at a hospital, hospice or residential medical care facility, or a condition that requires continuing care by a licensed healthcare provider.
- E. Leave Granted. An eligible employee can take up to twelve weeks of leave under this policy during any twelve-month period. The County will use the twelve-month period measured forward from the date any employee's first FMLA leave begins in determining the twelve weeks of leave entitlement.
- F. Substitution of Paid Leave for Unpaid Leave. The County requires employees on FMLA leave to use accrued paid leave unless collecting workers' compensation benefits. FMLA leave is without pay when paid leave benefits are exhausted.
 1. An employee taking leave for the birth of a child must use paid sick leave for physical recovery following childbirth. The employee must use all accrued paid leave and then will be eligible for unpaid leave for the remainder of the twelve weeks.
 2. An employee who is taking leave for the adoption care or foster care of a child must use all paid vacation leave, qualifying sick leave, personal leave and comp time prior to being eligible for unpaid family leave. Care leave for adoption, birth or foster care expires twelve weeks from the date of the birth or placement.
- G. Employees with questions about what illnesses are covered under this FMLA policy or

- under the County's sick leave policy may call the Department of Human Resources.
- H. The County will require an employee to provide a doctor's certification of a serious health condition. The certification process is outlined in Subsection M of this Chapter.
 - I. If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care with the employee, or to care for a child or parent with a serious health condition, the husband and wife may only take a total of twelve weeks of leave. For the purposes of the FMLA, the employee's child must be under the age of eighteen or, if older, there must be medical certification showing the child is disabled.
 - J. Employee Status and Benefits During Leave.
 - 1. While an employee is on leave the County will continue the employee's vacation and sick leave accruals and health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.
 - 2. Under current County policy the employee may pay a portion of the healthcare premium. While on paid leave the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave the employee must continue to make this payment, either in person or by mail. The payment must be received in the Department of Accounting by the end of each month. If the payment is more than thirty days late, the employee's healthcare coverage may be dropped for the duration of the leave.
 - 3. If the employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period. An employee must return for at least thirty days to be considered to have returned unless the employee retires following the leave.
 - 4. If the employee contributes to a life insurance plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave the employee must continue to make those payments along with the healthcare payments. If the employee does not continue these payments the County may discontinue coverage during the leave period or will recover the payments at the end of the leave period in a manner consistent with the law.
 - K. Employee Status After Leave.
 - 1. An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The position will be the same or one that entails substantially equivalent skill, effort, responsibility and authority.
 - 2. Medical certification that the employee is able to return to work may be required.
 - L. Intermittent Leave or a Reduced Work Schedule.
 - 1. The employee may take FMLA leave in twelve consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of twelve weeks over a twelve-month period.
 - 2. When an employee is using foreseeable intermittent leave, the County may require the employee to transfer temporarily to an available alternative position

with equivalent pay and benefits.

3. For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.
4. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee must reach agreement with the County before taking intermittent leave or working a reduced-hour schedule. If this is not possible, the employee must prove that the use of the leave is medically necessary. The County may require certification of the medical necessity, as discussed in Subsection N of this Chapter.

M. Certification of a Serious Health Condition.

1. The County will ask for certification of a serious health condition. The employee must respond to such a request within fifteen days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.
2. Certification of a serious health condition shall include the date when the condition began, its expected duration and diagnosis, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
3. If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.
4. The County has the right to ask for a second opinion. The County will pay for the employee to get a certification from a second doctor that the County will select.
5. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will jointly select the third doctor and the County will pay for the opinion. This third opinion will be considered final.

N. Procedure for Requesting Leave.

1. Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request, in writing, to their immediate supervisor and the Department of Human Resources.
2. When an employee plans to take leave under this policy, the employee must give the County thirty days' notice. If it is not possible to give thirty days' notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the County's operations.
3. If an employee fails to provide thirty days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty days from the date the employer receives notice.
4. While on leave, employees are requested to report periodically to the County

regarding the status of the medical condition and their intent to return to work.

7-11 PARENTAL INVOLVEMENT LEAVE

- A. Eligibility. Eligible employees are entitled, by law, to use leave to attend academic activities for school-aged children. To be eligible, employees must work in a nonexecutive and nonsupervisory position and be the parent or legal guardian of a child enrolled in either public or private school grades K-12 or certain non-public home-based education programs. Employees are entitled to take leave for the following academic activities: parent-teacher conferences and meetings about special education services, response to intervention, dropout prevention, attendance, truancy, or disciplinary issues.
- B. Use of Leave. Full-time employees are entitled to take up to a maximum of eighteen hours in an academic year to attend such activities. Part-time employees are entitled to take leave on a prorated basis. Employees are only entitled to take six hours of leave in any one-month period and are only entitled to take leave increments no longer than three hours.
- C. Paid Leave Substitution. The County will require employees to use accrued paid leave before leave without pay will begin.
- D. Notification Requirements. Employees must provide written verification of the academic activity from the school or school district if requested to do so by the department head or supervising elected official.
- E. Limitation on Leave. The County may deny leave requests in cases of emergency or other situations that may endanger a person's health or safety or in a situation where the absence of the employee would result in a halt of service or production.

7-12 NON-MEDICAL LEAVE WITHOUT PAY

- A. Non-medical leave without pay may be granted to an employee for good cause and when it is in the best interest of the County and the employee. Under justifiable circumstances, as determined by the employee's supervisor, an employee may be granted leave without pay for a period not to exceed twelve weeks in any one period of time. Leave without pay shall be for a specific period of time and upon expiration of the leave the employee must report for work. Failure to report for work or to secure an extension of the leave shall be considered a resignation.
- B. To apply for leave without pay an employee shall make a request in writing to his or her supervisor at least thirty working days prior to the requested effective date, except in emergency situations. It shall be at the sole discretion of the supervisor whether leave without pay may be granted. If leave without pay is granted, it will be with the assurance that reinstatement to the same position and pay will be secure. Any appointment made to a position vacated by an employee on leave without pay shall be temporary and approved leave without pay shall not constitute a break in service with the County.
- C. An employee shall not accrue retirement, vacation or sick leave benefits while on leave without pay. The employee may continue his or her health, dental, vision or other insurance by contacting the Human Resources Department and making arrangements for payment of all premiums for such insurance during the leave without pay.

7-13 ADMINISTRATIVE LEAVE

- A. Description. Administrative leave is a term for temporary removal from a job assignment. It is most common for an employee to be placed on administrative leave if a co-worker, citizen or other person has made allegations of misconduct against him or her. Administrative leave may be used to remove the employee from the situation while an investigation of the complaint or allegations occurs. The County may also place an employee on administrative leave pending the resolution of a criminal case even when the case is not directly related to job performance. While on administrative leave with pay, an employee will receive the same wage as if he or she was actively at work during regular hours. On administrative leave without pay, an employee may request compensation by deducting accrued vacation or compensatory time.
- B. Responsibilities of Employee. The employee who is placed on administrative leave shall not come to the County office worksite, call the County office or worksite, or use County e-mail unless otherwise instructed by the appropriate department head, supervising elected official or other designated representative(s). The employee will not use County property or talk with other County employees unless so instructed. The employee will be available at reasonable times for questioning by County-appointed investigators.
- C. Continuation of Benefits. Employees who are on administrative leave with pay will continue to be eligible for all the County benefits that they normally receive when on regular status. On unpaid administrative leave, vacation and sick leave will not accrue and the County will not make any contribution during the leave without pay period for retirement or group insurance programs. The employee will be entitled to continue participation in all group insurance programs during the administrative leave provided that the employee deposits with the County the amounts necessary to cover the total cost of the premium(s). Information as to availability of continuing participation in group insurance programs may be obtained from the Human Resources Department.

7-14 EMERGENCY CLOSING OF COUNTY OFFICES

- A. At times, emergencies such as severe weather, natural disaster or power outages may disrupt County operations. The Board of County Commissioners may close County offices for these emergencies upon the recommendation of the County Administrator based on the County Administrator's consultation with other appropriate officials. In an emergency, the Chair of the Board or, in the event that the Chair is unavailable, any Commissioner has been delegated the authority to make such a decision to close County offices. If an emergency closure is declared, departments and offices will be notified individually by the County Administrator's office or Sheriff's office. Each department head and supervising elected official is responsible for notifying his or her respective department's employees of the closure. Signs will be posted on each facility and, if the closure is for more than one day, notice will be posted on the County's website, broadcast utilizing WENS, and notice will be sent to the newspaper of record.
- B. Any employee who is absent from his or her position when County offices are officially open will be charged as appropriate with vacation, sick leave, personal leave, compensatory time or leave without pay for any time missed. When operations

are officially closed due to emergency conditions, the time off from scheduled work for full-time or part-time employees will be paid. Employees in essential operations (Road and Bridge, Sheriff, EMS, Public Health) may be asked to work on a day that County operations are officially closed. In those circumstances employees who work will receive regular pay for their shift.

- C. Due to inclement weather when travel to and from work may be hazardous, employees may use vacation leave, personal leave, compensatory time or leave without pay to arrive later to work or leave work early with the permission of their supervisor. Employees may also make prior arrangements with their supervisor to work remotely when appropriate and during inclement weather. All permission to work remotely shall be at the discretion of the department head, elected supervising official, or supervisor.

7-15 LEAVE AUTHORIZATION

Requests for leave shall be made in advance of the start date, except for sick leave. The employee shall submit a written request to his or her supervisor indicating the type of leave and departure and return dates for approval. It is the responsibility of the employee to properly report all leave taken on his or her timesheet. An employee who is absent from duty without approval shall receive no wages for the duration of the absence and shall be subject to disciplinary action. If an employee is absent from duty without approval for a period of three consecutive days, the County may terminate the employee.

II. EMPLOYEE'S RIGHT TO VOLUNTARILY OPT-IN AS AN INDIVIDUAL PARTICIPANT

Even though the County has declined participation in the FAMLI Program, a County Employee may individually opt into the program by contacting the FAMLI Division at CDLE_FAMLI_info@state.co.us.

Colorado Family and Medical Leave Insurance (FAMLI) - Written Employee Notice and Break Room Poster for Local Government Employers

Notice posting date: _____ (must be within 30 days following the vote)

Beginning in 2024, Colorado's paid family and medical leave insurance (FAMLI) program will provide paid time off when you face life circumstances that pull employees away from their jobs — like growing your family or caring for a loved one with a serious health condition.

The _____ has decided NOT to participate in the Colorado FAMLI program, per a vote of our governing body on October 4, 2022.

1. While we have voted to opt out of the state-run FAMLI program, Ouray County currently offers a paid leave program for our employees. To learn more about our paid leave program, please speak to your HR representative or see attached leave policy.

What are my options for paid and unpaid leave?

You still have the choice to voluntarily opt into FAMLI as an individual: As a Colorado

worker, you have the right to opt into FAMLI benefits pursuant to Colorado Revised Statute 8-13.3-514 C.R.S. You can either self-elect coverage and submit your employee premium along with your wage data every quarter directly to the FAMLI Division by creating an account at famli.colorado.gov once the online FAMLI portal is live, or your local government employer may assist you. If you create your own online account, you will need the FEIN # of your employer. Please reach out to your HR representative for assistance and to review your options. You can learn more about the FAMLI program by contacting the Division at [CDLE FAMLI info@state.co.us](mailto:CDLE_FAMLI_info@state.co.us) or by visiting famli.colorado.gov.

You could be eligible for FMLA: The Family and Medical Leave Act (FMLA) is a federal program that provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave. FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees.