

**WELD COUNTY  
CODE ORDINANCE 2018-08**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION AND CHAPTER 3 HUMAN RESOURCES, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, STATE OF COLORADO:**

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

**WHEREAS**, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

**WHEREAS**, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of the County of Weld, State of Colorado, that certain existing Chapters of the Weld County Code be, and hereby are, repealed and re-enacted, with amendments, and the various Chapters are revised to read as follows.

**CHAPTER 2  
ADMINISTRATION**

**Amend Sec. 2-2-150. Ethics rules and standards.**

All Elected Officers and employees of the County of Weld, Colorado, shall comply with the ethics rules, standards, and penalty provisions set forth in the laws of the State of Colorado, including, but not limited to, Article XXIX "Ethics in Government" of the Colorado Constitution, as required by Section 16-9 of the Weld County Home Rule Charter. The County Attorney shall provide guidance annually to Elected Officers and employees regarding such ethics rules, standards, and penalty provisions and how to comply with them.

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Carly Koppes, Clerk and Recorder, Weld County, CO



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cc: FI(OW), Act(BC),  
CTB(EG), CA(BB), HR(PR)  
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### CHAPTER 3 HUMAN RESOURCES

#### **Amend Sec. 3-1-40. Employment records.**

- A. The employment record is the property of the County. All information submitted to the employment record shall be date stamped by the Department of Human Resources prior to being placed in the file. Information submitted through the Human Resources System is electronically date stamped.
- B. The Department of Human Resources is the custodian of all official employment records for current and past employees of the County. The employee's record kept in the Department of Human Resources will be the official record for all employment history.
- C. Current and past employees may request the Department of Human Resources to enter documents into the employment record rebutting disciplinary charges, pursuant to Section 3-4-10.B of this Code, or documents submitted as part of the grievance procedure set forth in Section 3-4-60. Any such request must be submitted within thirty (30) days of the incident or action. Prior to the documents being placed in the employment record, the department head, elected official, or direct supervisor will be notified by the Department of Human Resources.
- D. Each employee has the right to request to view a numbered copy of employment records pertaining to that employee. State law requires that personal demographic data, such as social security numbers, addresses, and financial information within the records, be restricted from access by anyone other than an individual who has a direct interest; such as, the employee or the employee's direct supervisor. Other information relating to compensation, job applications, performance ratings, and any compensation paid in connection with termination are subject to disclosure under the Colorado Open Records Act ("CORA"), C.R.S. §24-72-201, et seq. If requested, the employee may schedule a time to obtain copies of part or all of the employment records pertaining to that employee upon providing written notification to the Director of the Department of Human Resources of the documents requested.
- E. If a request pursuant to the Colorado Open Records Act (CORA) is received by Weld County for part or all of an employment record, the employee, the Board of County Commissioners, the Director of Human Resources, the Communications Director, and the County Attorney's Office will be notified of the request as soon as practicable, but in no case more than three business days after receipt. The notice to the employee shall include a copy of the request, a statement of the timeframe within which a response is required, and an advisement that the employee may pursue court action(s) to prohibit disclosure.



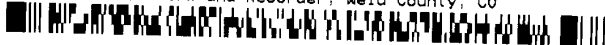
- F. The County Attorney's Office and Director of Human Resources shall review the CORA request, including any related documents, to determine what information is subject to release under CORA. The employee may assert a privilege or other privacy interest in order to prohibit disclosure of part or all of the employment record by filing an action in a court of appropriate jurisdiction. Any such assertion must be done by the employee individually or with privately obtained legal counsel. The County will not withhold otherwise releasable employment records without direction from the court. The County reserves the right to seek whatever court action it determines is necessary in response to a CORA request for employment records.
- G. Prospective employers will be provided the dates of employment, the title of the employee, and the salary. The employee may authorize release of additional information to a prospective employer by expressly granting such permission in writing. Additionally, the employee may obtain copies of his or her employment record for a prospective employer pursuant to Section D above.

**Amend Sec. 3-3-10. Expectations of proper conduct.**

- A. Every County employee should be aware that he or she is a public employee and it is the employee's duty to serve citizens in a courteous and efficient manner. An employee must maintain a standard of conduct and performance which is consistent with the best interests of the County. Examples of conduct that may result in disciplinary action, up to and including termination from employment, include, but are not limited to, the following:
- 1. thru 9. – No change.
  - 10. Accepting gifts, as prohibited by and described in Article XXIX "Ethics in Government" of the Colorado Constitution and the Colorado Code of Ethics, C.R.S. §§24-18-101 et seq and C.R.S. §§24-18-201 et seq.
  - 11. thru 20. – No change.
- B. – No change.
- C. Every County employee shall comply with the ethics rules, standards, and penalty provisions set forth in the laws of the State of Colorado, including, but not limited to, Article XXIX "Ethics in Government" of the Colorado Constitution, as required by Section 16-9 of the Weld County Home Rule Charter and Section 2-2-150 of this Code.

**Amend Sec. 3-3-100. Conflict of interest.**

Conflicts of interest in government employment are governed by state law, the Colorado Code of Ethics, C.R.S. §§24-18-101 et seq., and C.R.S. §§24-18-201 et seq. Employees should consult with the County Attorney's office for guidance to determine whether a possible conflict of interest exists.



**Amend Sec. 3-6-20. Sick leave.**

A. Sick leave is not a right. It is a privilege given to eligible employees to be used in the following circumstances:

1. and 2. – No change.

3. An employee who is required to care for members of his or her immediate family, as defined under the Federal Medical Leave Act (FMLA), (spouse, child or parent) who are ill, may use their accumulated sick leave. For the purposes of the FMLA, the employee's child must be under the age of eighteen (18), still in school, or if older there must be medical certification showing the child is disabled.

4. – No change.

B. All regular employees are eligible for sick leave after one (1) full pay period of employment. The accrual rate is shown on Table 3.5:

Remainder of Section – No change.

**Amend Sec. 3-6-50. Family and medical leave policy.**

A. thru I. – No change.

J. Employee status and benefits during leave.

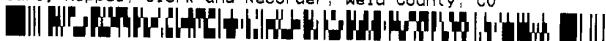
1. – No change.

2. Under current County policy, the employee pays a portion of the health care 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 Human Resources Department by the end of each month. If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped for the duration of the leave.

3. 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 health care 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. – No change.

L. Use of paid and unpaid leave.



1. If the employee has accrued paid leave, the employee must use applicable paid leave first up to thirty (30) days and then take the remainder of the twelve (12) weeks as unpaid leave, unless qualified for Short-Term Disability.
2. An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all accrued paid sick leave before they become eligible for Short Term Disability. If the employee does not have enough sick leave to cover the thirty (30)-day waiting period for Short Term Disability, then the employee will be required to use any comp time and vacation leave or other earned leave prior to being eligible for unpaid leave. Unpaid leave will need to be used if all accrued/earned time has been exhausted and, if they have not been out for thirty (30) days, the waiting period for Short Term Disability. Once their sick time has been exhausted and the thirty (30)-day waiting period has expired an employee may be eligible for Short Term Disability. If eligible, the employee will no longer use their vacation, comp time or other earned leave benefits as Short Term Disability will begin paying their benefit.
3. and 4. – No change.

M. and N. – No change.

O. Procedure for requesting leave.

1. Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request, to the responsible FMLA administrative vendor. The FMLA administrative vendor will work with the Department of Human Resources if the employee is eligible to return to work with the restrictions or accommodation requests submitted. The Department of Human Resources will work with the Department Head/Elected Official on these requests. ONLY the Department Head/Elected Official may approve requests for accommodations for their departments.

Remainder of Section – No change.

**BE IT FURTHER ORDAINED** by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

**BE IT FURTHER ORDAINED** by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.



The above and foregoing Ordinance Number 2018-08 was, on motion duly made and seconded, adopted by the following vote on the 19th day of November, A.D., 2018.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST: Esther G. Meoick  
Weld County Clerk to the Board

Steve Moreno  
Steve Moreno, Chair

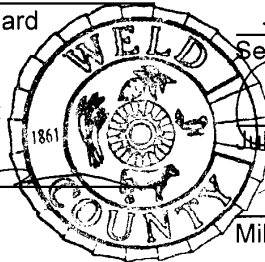
Barbara Kirkmeyer  
Barbara Kirkmeyer, Pro-Tem

BY: Bethany Jord  
Deputy Clerk to the Board

Sean P. Conway  
Sean P. Conway

APPROVED AS TO FORM:

[Signature]  
County Attorney



Mike A. Cozad  
Mike A. Cozad

Mike Freeman  
Mike Freeman

Date of signature: 11/26/18

First Reading: October 10, 2018  
Publication: October 17, 2018, in the Greeley Tribune  
  
Second Reading: October 29, 2018  
Publication: November 7, 2018, in the Greeley Tribune  
  
Final Reading: November 19, 2018  
Publication: November 28, 2018, in the Greeley Tribune  
  
Effective: December 16, 2018

