

**March 24, 2015**

**SIXTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 24th, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser, Chief Deputy Clerk.

The Invocation was given by Ethan McClaugherty of the Evangelical Free Church.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

**APPROVAL OF AGENDA**

**Commissioner Norden** added item #7 to the Consent Agenda – Approval of a Purchase Order to DTI in the amount of \$93,960 for a 2005 Freightliner.

**Commissioner Payne** moved to approve the Agenda with the addition to the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

**CONSENT AGENDA**

1. Approval of Medical Marijuana Business Licensing Authority Minutes / March 2, 2015.
2. Approval of Minutes / March 10, 2015
3. Approval of Bills March 24, 2015 / \$799,012.66
4. Approval of Water Lease Agreements (#951 and #952 with the Upper Arkansas Water Conservancy District)
5. Changing meeting time of Planning Commission from 4:00 p.m. to 3:00 p.m. on the first Tuesday of each month.
6. Schedule of Public Hearings: None
7. Approval of Purchase Order to DTI in the amount of \$93,960 for 2005 Freightliner

**Commissioner Bell** moved to approve the Amended Consent Agenda. She noted that \$85,000 of the \$93,960 was from insurance for the replacement of the damaged vehicle. Commissioner Norden seconded the motion. Commissioner Payne noted the change of time to 3:00 p.m. for the Planning Commission Meetings. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

**ADMINISTRATIVE/INFORMATIONAL**

1. Administrative and Elected Officials
  - a. County Sales & Use Tax Report, Sunny Bryant, Budget & Finance Officer

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**Sunny Bryant** presented her report. In January, \$298,685 was collected in Retail Sales Tax. The Auto Use Tax collected in February was \$62,242. The Construction Use Tax collected in February was \$9,890. The Lodging Tax collected in January was \$8,231. The Sheriff Retail Sales Tax collected in January was \$199,124. The Sheriff Auto Use tax collected in February was \$41,495. The Sheriff Construction Use Tax collected was \$6,593.

2. Citizens Not Scheduled: None.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. In consideration of a Proclamation for Child Abuse Prevention Month in Fremont County – April 2015  
Representative: Steve Clifton, Department of Human Services Director

**Steve Clifton** said April is Child Abuse Prevention Month. They have had several news releases to raise public awareness and educate the public about child abuse. This is a collaborative effort with numerous agencies within the community.

**Stacey Kwitek** read the Proclamation for the record. The kickoff ceremony will be held at 2:00 p.m. on April 2<sup>nd</sup> at the Macon Plaza.

**Commissioner Payne** moved to adopt the Proclamation for Child Abuse Prevention Month in Fremont County – April 2015. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

2. In consideration of a Proclamation declaring September 19 through October 12, 2015 as Fremont Fall Heritage Festival  
Representatives: Mary Chamberlain and James Nelson – Heritage Commission

**Mary Chamberlain** said in order for the Fall Festival to be successful they are starting on the event now.

**James Nelson** read the Proclamation for the record. He said information about the festival will be available on their website.

**Commissioner Bell** moved to adopt the Proclamation declaring September 19 through October 12, 2015 as the Fremont Fall Festival. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

3. In consideration of a Proclamation declaring April 6-12, 2015 as National Public Health Week  
Representative: Rick Miklich, Public Health & Environment Director

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**Rick Miklich** said the department has just issued their Public Health Improvement Plan that outlines the top priorities for the next three years. He noted Fremont County has higher than average rates for suicide, tobacco use, prescription drug abuse, and teen pregnancy. Mr. Miklich read the Proclamation for the record.

**Commissioner Bell** moved to approve the Proclamation declaring April 6-12, 2015 as National Public Health Week. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

4. Establish date on April 7, 2015 from 2:00 p.m. to 4:00 p.m. for an Open House at the Garden Park County Building

**Commissioner Norden** said the facility has been operating for about one month now. The offices located in the Garden Park Building include Public and Environmental Health, Weed Control, Emergency Management, and the Sheriffs Investigation Division.

**Commissioner Payne** moved to approve the date on April 7, 2015 from 2:00 to 4:00 p.m. for an Open House at the Garden Park County Building. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

5. "Best in Colorado" Asphalt Pavement Award for the Airport category  
Representatives:  
Tom Peterson, Executive Director, Colorado Asphalt Pavement Association and  
Rob Mangone, Vice President Rocky Mountain Materials

**Commissioner Norden** said the Colorado Asphalt and Pavement Association annual banquet was held in February. The Association presented this award to Fremont County and Rocky Mountain Materials at the banquet.

**Tom Peterson** said there were five airports in the state that submitted for this award. The projects are judged by CDOT, engineers, and consultants. This project stood out and met all FAA regulations. He commended Airport Manager Richard Baker and Rob Mangone for their outstanding hard work on this project.

**Rob Mangone** said the crews worked weekends to get the project completed. He thanked Mr. Baker for being a great partner during this project.

6. Liquor License:  
Canon City Rodeo Association  
1595 S. 9<sup>th</sup> Street  
Canon City, CO 81212  
Special Events Liquor Permit – May 1 and May 2, 2015  
Representative: Adam Messer, President of the Canon City Rodeo Association

**Adam Messer** said the Canon City Rodeo started in 1872. He requested the Commissioners approve the Special Event Permit for the annual Blossom Weekend Rodeo. He said the serving area is the same as past events. The Mounted Rangers will provide security at the event.

**Chief Deputy Clerk Blausen** said the applicant has submitted the required paperwork and the property has been posted. Both of the investigation reports have been received from the Sheriff and Sid Darden.

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**Commissioner Payne** moved to approve the Special Events Permit for the Canon City Rodeo Association on May 1<sup>st</sup> and May 2<sup>nd</sup> 2015. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

7. Consideration to award bid to GMCO for Dust Suppressant at \$0.63/gallon  
Representative: Tony Adamic, Department of Transportation Director

**Tony Adamic** said they had solicited for bids in mid February. All of the bids were opened on March 12<sup>th</sup> with assistance from Finance Officer Sunny Bryant.

**Commissioner Bell** moved to award the bid to GMCO for Dust Suppressant at \$0.63 per gallon. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

8. Consideration to award bid to Fremont Paving for ½” SX Asphalt mix from the Canon City plant at \$53.00/ton  
Representative: Tony Adamic, Department of Transportation Director

**Tony Adamic** said this is for County Road #143 from Elm Avenue and Ninth Street up to the golf course and includes Forge Road.

**Commissioner Payne** moved to award the bid to Fremont Paving for SX Asphalt at \$53 per ton. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

9. Consideration to award bid to Rocky Mountain Materials for ½” SX Asphalt mix from the Florence plant at \$48.00 / ton  
Representative: Tony Adamic, Department of Transportation Director

**Tony Adamic** said if they receive grant approval this bid would be for three miles of roadway. One mile is located within Florence city limits and the rest is in the county. This is part of the Regional Roads Project.

**Commissioner Bell** moved to award the bid to Rocky Mountain Materials for asphalt materials from the Florence plant at \$48 per ton. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

10. Consideration to award bid to SunCor Energy for CSS-1H Tack Oil at \$2.11/gallon  
Representative: Tony Adamic, Department of Transportation Director

**Tony Adamic** said the bid from SunCor Energy was significantly less than the other bids as they were able to piggyback on to a bid with CDOT.

**Commissioner Payne** moved to approve the bid award to SunCor Energy at \$2.11 per gallon. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

11. Consideration to award bid to Cobitco for CRS-2P/2R Emulsion and Fog Seal material for cost according to location in the County.

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Representative: Tony Adamic, Department of Transportation Director

**Tony Adamic** said this will cover 7.9 miles of chip seal, 1.9 miles on the east end and 6 miles on the west end of the County.

**Commissioner Bell** moved to award the bid to Cobitco for Emulsion and Fog Seal material with price to vary by location. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

12. Consideration to award bid to SunCor Energy for HFMS-2P material at \$2.45/gallon

Representative: Tony Adamic, Department of Transportation Director

**Tony Adamic** said this material is used for patching on the asphalt roads. The only place this material is being manufactured is in Grand Junction.

**Commissioner Payne** moved to award the bid to SunCor Energy for HFMS-2P material at \$2.45 per gallon. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

13. Consideration to award bid to Front Range Aggregate for ¾" Aggregate Chip material for the West area of the County at \$10.00/ton

Representative: Tony Adamic, Department of Transportation Director

**Tony Adamic** said this is for the west end chip seal project.

**Commissioner Bell** moved to award the bid to Front Range Aggregate for the ¾ aggregate chip material at \$10 per ton. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

14. Consideration to award bid to Tezak Heavy Equipment for ¾" Aggregate Chip material for the East area of the County at \$9.00/ton

Representative: Tony Adamic, Department of Transportation Director

**Tony Adamic** said this is for the chip seal at the east end of the County. The bid is split due to the transportation costs of the material to different locations.

**Commissioner Payne** moved to award the bid to Tezak Heavy Equipment for ¾ aggregate chip material at \$9 per ton. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

15. In consideration of appointing Catherine Webster to the John C. Fremont Library Board of Trustees for a term expiring December 31, 2020.

**Commissioner Bell** moved to appoint Catherine Webster to the John C. Fremont Library Board of Trustees for a term expiring December 31, 2020. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

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16. Request: ZC 13-001 Mary's Rezone Extension of Contingency. Request approval of a second six month extension of the deadline for submittal of contingency items in conjunction with #ZC 13-001 Mary's Zone Change from the Agricultural Estates to Industrial Zone District. Said Zone Change was approved on September 10, 2013, contingent upon specified items being provided to the Department of Planning and Zoning within six months after approval of the application by the BOCC. The property is located approximately 700 feet west of the intersection of High Street and Orchard Avenue, on the south side of High Street, in the North Canon Area.

Representative: Matt Koch, Cornerstone Land Surveying

**Matt Koch** said this is the 2<sup>nd</sup> extension request. The owner has already paid the contractor who has not yet completed the work.

**Commissioner Bell** noted the applicant has requested a one year extension and asked Mr. Giordano if there is any reason why they cannot have the full year.

**Planning and Zoning Director Giordano** said there is not a problem with a one year extension; it would be up to the Board. Generally only six month extensions are granted.

**Commissioner Payne** moved to approve a one year extension of the deadline for submittal of contingency items for ZC 13-001, Mary's Rezone. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

#### 17. Presentation of Fremont County 2014 Accountability Report

**Commissioner Bell, Commissioner Norden, and Commissioner Payne** presented the 2014 Accountability Report. This report will be posted on the website.

18. Request: Extension of conditions temporary use Permit, department file # TUP 11-008 Over the River. Request approval of an extension of Conditions 1 and 10 as follows:

- A. Condition 1 to be edited to provide the term of the permit shall be from the date of approval by the Board and shall be effective for all phases of the projected exhibition dates of the first two weeks of August of the exhibition year, which is estimated to be 2018-2020
- B. Condition 10 be edited to provide that documentation of the reimbursement agreement between OTR Corp. and the City of Canon City shall be provided to the Planning Department no later than April 1 of the exhibition year.

The site is located approximately 5.9 miles of a 42.4 mile stretch of the Arkansas River between Canon City and Salida, Colorado.

**Planning & Zoning Director Giordano** said the department received a letter from Lori Potter, the Attorney for the applicant requesting an extension. In condition 1, the event was scheduled to take place in August 2015. The applicant is estimating the event will not take place until August of 2018-2020. Condition 10 the reimbursement to the City of Canon City also had the same deadline and the applicants are requesting it be extended as well. The department has no opposition to grant the extension as the applicant is facing some legal challenges with the event.

**Commissioner Bell** moved to extend the deadline for Conditions #1 and #10 to be extended to the exhibition year estimated to be 2019 for TUP 11-008 Over the River. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

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19. Request: SRU 13-003 Arkansas Valley Ambulance – Texas Creek Ambulance Station (Fire Station) Extension of Contingency Deadline. Request approval of a second twelve month extension of the deadline for submittal of contingency items in conjunction with Special Review Use #SRU 13-003 Arkansas Valley Ambulance – Texas Creek Ambulance Station (Fire Station). Said Special Review Use was approved on September 10, 2013, contingent upon specified items being provided to the Department of Planning and Zoning within six months after approval of the application by the BOCC. The property is located on the south side of U.S. Highway 50, 1.6 miles west of the intersection of U.S. Highway 50 and Colorado State Highway 69, across from Shannon Road, in the Texas Creek Area. Representative: Elaine Foster, Chairman of Ark River Emergency Medical Services

**Commissioner Norden** noted the applicant, Elaine Foster, is not present today.

**Planning & Zoning Director Giordano** said the department has no opposition to granting the extension. The applicants are having trouble meeting the engineering requirements and building code requirements for the building they are currently occupying.

**County Attorney Jackson** stated a year is too long as the applicants should not even be occupying the building now. They have already been occupying the building for two years.

**Bill Giordano** explained the applicant was in violation at the time the original SRU was submitted and were occupying the building at that time.

**Commissioner Norden** agreed and requested that when the Department notifies the applicant of the extension that the applicant also be put on notice that because of the existing violation the Board of Commissioners expects compliance within the six month period and that another extension may not be considered.

**Commissioner Payne** moved to approve the six month extension of the contingency deadline for SRU 13-003 Arkansas Valley Ambulance. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

20. In consideration of a Resolution adopting an amended policy regarding On-duty Injury Leave, Policy 7.07 of the Fremont County Personnel Policies and Procedures Manual

**County Attorney Jackson** explained there is one Resolution for both items #20 and #21 on the agenda. She said there were some discrepancies with the On-duty Injury Leave and Leave Without Pay Policy. This Resolution will make those policies consistent with each other.

**Commissioner Bell** moved to approve Resolution #13 for both agenda items #20 and #21 amending the Fremont County Personnel Policy 7.07 and 7.08. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried. Resolution #13 is attached.

21. In consideration of a Resolution adopting an amended policy regarding Leave Without Pay, Policy number 7.08 of the Fremont County Personnel Policies and Procedures Manual

This item was addressed in item #20.

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**PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

None.

**Chairman Norden** adjourned the meeting at 10:59 A.M.

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Clerk and Recorder

RESOLUTION NO. 13, SERIES OF 2015

RESOLUTION ADOPTING AN AMENDED POLICY REGARDING ON-DUTY INJURY LEAVE, POLICY 7.07 AND LEAVE WITHOUT PAY, POLICY 7.08 OF THE FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, pursuant to §30-2-104, the Board of County Commissioners is authorized to adopt a classification and compensation plan for all County employees paid in whole or in part by the County; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, has adopted the March 1, 2010 Fremont County Personnel Policies and Procedure Manual; and

WHEREAS, the Board of County Commissioners has determined that the language of Policy 7.07 regarding On-Duty Injury Leave, and Policy 7.08 regarding Leave Without Pay, require revision to enable County Employees to better understand the purpose, intent and requirements of Fremont County regarding the availability of On-Duty Injury Leave and Leave Without Pay; and

WHEREAS, a copy of the amended On-Duty Injury Leave/ Job Related Injury or Illness, Policy, Number 7.07 and Leave Without Pay, Policy Number 7.08, are attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County:

1. Amended Policy 7.07 regarding On-Duty Injury Leave, for the Fremont County Personnel Policies and Procedures Manual, (March 1, 2010) is hereby approved and adopted, effective April 1, 2015.
2. Amended Policy 7.08 regarding Leave Without Pay, for the Fremont County Personnel Policies and Procedures Manual, (March 1, 2010) is hereby approved and adopted, effective April 1, 2015.
3. The County Manager, in his Human Resources capacity, shall provide a copy of the Amended Policy 7.07 and Amended Policy 7.08, to all employees, by a means reasonably calculated to reach all employees, at the earliest possible opportunity.

Commissioner Bell moved for adoption of this Resolution, with a second by Commissioner Payne. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: 3/24/15

Ed H. Norden  
Chairman

Attest: Jody Blausen  
Clerk

**7.07 On Duty Injury Leave | Job Related Injury or Illness (Amended: Eff. 4/1/15)**

Any employee who becomes incapable of performing his/her normal duties as the result of an injury or illness suffered as a result of activities performed within the scope of the employee's employment shall be deemed to be on injury leave until he/she is able to resume his/her normal duties, any substitute duties as the case may allow, or ends employment with the County. An Employee who is ineligible for Family and Medical Leave (FMLA) shall also be ineligible for Injury Leave, except when the injured employee has available sick leave, vacation leave, compensatory leave, and if properly approved by an elected official or department head, authorized Leave Without Pay (in accordance with Policy 7.08).

An employee who is injured in a work-related injury, whether full-time or part-time, shall receive the statutory benefits available under the Worker's Compensation Act of Colorado, Section 8-40-101, et. seq., C.R.S., per Fremont County Personnel Policy, Subject 8.04. The Worker's Compensation Act of Colorado currently compensates an employee who has a temporary job-related injury or illness with approximately 2/3 of the employee's average weekly wage (minus estimated payroll deductions required by law) up to a maximum benefit.

The Worker's Compensation Act of Colorado requires a three (3) working day waiting period during which the injured employee receives no disability wage unless the period of disability lasts longer than fourteen (14) calendar days from the date of injury, beginning with the day after the day of injury.

Any employee on injury leave may be compensated for the three (3) working day waiting period only if he/she has accrued and elects to use compensatory time, sick leave or vacation leave.

Injury leave will be authorized only in those cases in which:

A report of accident form has been initiated by the Elected Official, Supervisor or a designee of the affected Office or Department;

An employee has a written statement from the County's Designated Physician (pursuant to the requirements of the Colorado Worker's Compensation Act) concerning the employee's medical condition and/or treatment and his/her inability to return to work;

All County policies relating to injury leave are complied with fully.

Fremont County will continue to contribute the County share of the insurance premium for the employee's health/life insurance during any period of Injury Leave and FMLA Leave, up to a maximum of twelve weeks in any twelve (12) month period, which shall be calculated in a manner consistent with Family and Medical Leave. After the twelve week period, payment of the full insurance premium will be the responsibility of the employee. The first month of continued insurance premium payment benefit will commence based on the following:

If the injury occurs during the 1st through the 15th of the month, and the employee does not return to work in the current month, then payment of the first month's continued insurance premium will be for the month of injury. If the injury occurs from the 16th through the last day of month, then

payment of the first month's continued insurance premium will be for the month immediately following the month of injury.

If the employee returns to work during the 1st through the 15th of the month, the County will contribute its regular insurance premium payment. If the employee returns to work after the 16th of the month, the employee must pay the full insurance premium for the month of return, unless the return date is within the twelve weeks of continued insurance premium payment from Fremont County.

The employee will be responsible to make payments for the employee's share of the health and life insurance premiums during the twelve weeks of continued benefits as set forth above, and the full premium thereafter. Payment shall be paid to the County no later than the last working day of the month of coverage. If the employee fails to make the premium payment when due, the County may exercise its right to cancel health/life insurance for non-payment of premium.

An employee shall not accrue vacation or sick leave while on injury leave. If the employee is released to return to work on a part-time basis and performs employment on this basis he/she will accrue a proportionate share of the normal benefit accrual amounts according to Fremont County Personnel Policy, Subject 7.12.

The Human Resource Department will initially require the employee to be examined and treated by a physician selected by the County and/or its workers' compensation insurance carrier. The cost of said examination and treatment shall be at the expense of the insurance carrier or the County but only if the workers' compensation claim is approved or accepted by the Carrier. Thereafter, the employee may have the opportunity to select a physician under the current Colorado Workers' Compensation rules.

The employee must aid in the completion of the necessary reporting forms needed by the County or its insurance carrier.

During the period that an employee is receiving Injury Leave, the employee must keep the Human Resource Department informed of his/her medical status at least once per week.

It shall be the policy of Fremont County to return employees that suffered job-related injuries or illnesses to full or partial duty as soon as possible. Modified duty may be used when available and possible to accommodate employee injuries, with the concurrence of the treating physician. Also when possible and when a vacant position is available, this modified duty may be performed in a different department of the County.

The employee will be entitled to return to his/her former position if he/she returns to work within the time limits prescribed below. If the employee returns to work within the time limits, the period while an employee is on injury leave shall not constitute a break in service for the employee. Any appointment made to a position that is vacant due to an employee being on Injury Leave shall be temporary.

If an employee on Injury Leave is unable to return to work, for any reason at the expiration of FMLA Leave time, or after using all accrued County Leave (including authorized Unpaid Leave), whichever occurs last, he/she will be terminated from employment with Fremont County as prescribed in Chapter 11. Termination of service under this provision will in no way affect continuation of statutory and insurance payments under the Worker's Compensation Act.

**7.08 Leave Without Pay (Amended: Eff. 4/1/15)**

Leave Without Pay may be granted to an employee for good cause. Under justifiable circumstances, as determined by the department head or elected official, an employee may be granted a Leave Without Pay for a period not to exceed twelve (12) weeks in any one year period of time. Leave Without Pay shall be for specific periods of time and shall not be open-ended. Upon expiration of the time granted, the employee must report for work or secure a leave extension. Failure to report to work or secure an extension of time for Leave Without Pay shall be considered job abandonment, resulting in termination from employment. The County Manager may review all requests for unpaid administrative leave, to ensure the existence of unusual or exceptional circumstances and consistency in the granting of unpaid leave.

Leave Without Pay will be granted only after all compensatory time and vacation leave has been exhausted. In the case of injury or illness, sick leave must also be exhausted. To apply for Leave Without Pay, an employee shall present the request in writing to the Elected Official/Department Head at least ten (10) calendar days before the effective date, except in emergency or unexpected situations. If advance approval for Leave Without Pay is not secured by the employee, even in emergency or unexpected circumstances, approval after the fact is not guaranteed and the employee may be subject to disciplinary action, up to and including termination of employment.

An employee shall not accrue vacation leave or sick leave benefits while on Leave Without Pay. The Employer shall not contribute to a retirement account for an employee who is on Leave Without Pay. To arrange for payment by the employee of medical/life insurance premiums, loans, retirement, and other automatic withdrawals normally taken from employee compensation, the employee shall contact the Human Resource Department and make such arrangements prior to taking any Leave Without Pay, if possible, or as soon as possible thereafter, provided the Employee can demonstrate good cause for failure to make prior arrangements. An employee who uses authorized Leave Without Pay shall be reinstated to the same pay grade upon return to employment. Any appointment made to a position temporarily vacated by an employee on Leave Without Pay shall be temporary. Properly authorized Leave Without Pay shall not constitute a break in service with Fremont County.