



Preserving Public Trust:
La Plata County
Ethics Handbook

May, 2010



La Plata County
Colorado



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Preface – Why an Ethics Handbook?

“A public office is a public trust.” These simple words, spoken by former U.S. President Grover Cleveland, express a basic and profound truth that guides our conduct as public servants.

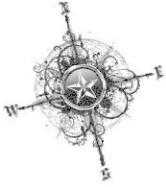
The citizens of La Plata County have entrusted us – County employees, board and commission members and elected officials – as their public servants. This is an office of trust requiring the utmost integrity, diligence and professionalism in the performance of our duties.

The ***Code of Ethics and Conduct*** adopted by the La Plata County Board of County Commissioners and included in this handbook establishes standards for our conduct. Yet, the Code of Ethics and Conduct alone is not enough. In our daily work we make decisions and choices, and we need a touchstone to ground our actions, reduce ambiguity and uncertainty and assist us in making sound decisions and good choices that will instill confidence in government. This Ethics Handbook is intended to help serve that purpose.

Just as the ***La Plata County Compass, our organizational strategic plan***, defines the County’s vision and guides our decision making processes, so too, the ***La Plata County Ethics Handbook*** serves as a ***“moral compass”*** to guide our actions and behavior.

Underpinning our Code of Ethics and Conduct and this handbook are our shared organizational values of integrity, service, collaboration, stewardship, innovation and humor/wellbeing. Each value informs our attitude and approach as we work together to serve the citizens of La Plata County.

May this Ethics Handbook assist all of us - employees, board and commission members and elected officials alike – in fulfilling and preserving the public trust.



La Plata County Code of Ethics and Conduct

Policy Statement

Each employee, board and commission member and elected official of La Plata County is an integral participant in the County's mission of excellence in public service, and each is expected to exhibit a high degree of professionalism and personal integrity consistent with the pursuit of excellence in the conduct of his/her responsibilities.

La Plata County holds to certain shared values by which our actions are to be measured and governed. This policy identifies certain of those commonly held values and associated behaviors. Violations of the Code of Ethics and Conduct may be cause for disciplinary action up to and including termination of employment. Its contents should not be construed as a contract, express or implied, between La Plata County and any member of the public or any employee, board or commission member or elected official of La Plata County.

Respect for Persons

We place a high value on human relations, human diversity and human rights. Consistent with these values, we strive to maintain a work environment that is characterized by mutual respect for all individuals. Such an environment has no place for harassment or discrimination based on race, gender, religion, national origin, age, sexual orientation, veteran status or disability and, such behavior will not be tolerated. As befitting our commitment to our public service mission, we will treat one another and the citizens of La Plata County in a cordial and respectful manner.

Respect for Property

We will be responsible caretakers of La Plata County's resources. Consistent with this value, each of us is expected to exercise reasonable care in the use of County property and report any damage to County property to the appropriate supervisor or other County official.

Compliance with Laws and County Policies

We will follow acceptable business and professional principles in conducting County business. We will exhibit personal and professional integrity and objectivity at all times and, in accordance with the standards in this policy, take precautions to ensure that outside financial interests do not place us in conflict with fulfillment of our duties and responsibilities.

Employees are encouraged to report to their Department Head/Elected Official any evidence of activity by a state agency, contractor or employee constituting a violation of state or federal law and/or fraud in the operations of County-sponsored programs. Employees are also expected to report any suspicion of misappropriation of local, state or federal resources or acts that endanger the health or safety of the public or employees, and mismanagement of programs, funds, or abuses of authority. Retaliation against any employee reporting evidence such events is strictly prohibited.



Ethical Conduct

We will be guided by standards of ethical conduct when making decisions regarding our behavior. These standards include, but are not limited to, the following:

- An employee, board or commission member or elected official shall not acquire or hold an interest in any business which he or she has reason to believe may directly and substantially benefit economically by official action over which he or she has substantive authority.
- An employee, board or commission member or elected official shall not receive, directly or indirectly, anything of value from any individual with the intent of influencing the official responsibilities of that employee, board or commission member or elected official.
- An employee, board or commission member or elected official shall not receive anything of value for speaking before a public or private group in his/her official capacity. Meals, which are incidental to the engagement, may be accepted only where all participants of the engagement are entitled to the same meal.
- An employee, board or commission member or elected official shall not disclose confidential information gained as a result of his/her responsibility in order to obtain an economic interest for himself/herself or his/her immediate family.
- An employee shall not cause the employment, appointment, promotion, transfer, or advancement of an immediate family member to a position in which the employee supervises.
- No person shall use government personnel, equipment, materials, or office space in an election campaign.
- It is the duty of all employees, board and commission members and elected officials to observe the highest ethical principles as set forth in this policy in all official actions, and to refrain from any course of conduct, which might result in, or create the appearance of, a violation of these ethical standards.



Amendment 41 – the Gift Ban

In 2006 the voters of Colorado approved Amendment 41, which has been codified at Article XXIX of the Colorado Constitution. The Amendment contains a “gift ban” that prohibits any public officer, local government official, government employee or family member from (a) accepting a gift whose value exceeds \$50 from any person; or (2) accepting or receiving any monetary gift or forgiveness of indebtedness without providing lawful consideration of equal or greater value. Examples include gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts. One exception is a gift valued at less than \$50 and received once over the course of a single calendar year. Other exceptions include things like unsolicited awards of appreciation in the form of a plaque, trophy or desk item; unsolicited subscriptions related to the recipient’s performance of official duties; or unsolicited items of trivial value such as a pen, calendar, plant, notepad or other similar item valued at less than \$50.

To clarify some of the ambiguity and to implement the Amendment, the Colorado Independent Ethics Commission was formed and has issued several rulings interpreting the Amendment. Over the course of the last year or so the Commission has made the following determinations:

1. **Scholarships** are generally permissible.
2. **Insurance** proceeds are permissible.
3. **Prizes** are permissible if the competition was fair, open to everyone similarly situated, and if the gift is not given based on the official or employee’s governmental status. This exception allows acceptance of scholarly prizes.

4. **Raffles, lotteries and silent auctions** are permissible as long as they are fair, the employee or official either bought a ticket or otherwise shared an equal chance to win (like putting a card in a fishbowl), and the awards were not rigged in favor of the public employee or official based on his or her governmental status.

5. **“Special occasions”** have been more broadly defined. Amendment 41 allowed personal friends to give gifts on “special occasions.” The Commission has loosened the definition of “special occasions” to allow social amenities like meals and gifts among personal friends and family members so long as:

- a. The personal or family relationship is the controlling factor and not the governmental position, and
- b. The receipt of the gift or thing of value by the public official or employee would not create the appearance of:
 - (i) Using his or her office for personal benefit;
 - (ii) Giving preferential treatment to any person or entity;
 - (iii) Losing independence or impartiality; or
 - (iv) Accepting gifts or favors for performing official duties.

6. **Special Discounts** are prohibited if the discount is specifically targeted at a government official or employee or a small group of employees or officials where there is a potential to influence government action. Commercial discounts or discounts to a broad group of individuals where there is no realistic possibility of influence or reward is acceptable. Officials and employees can accept certain opportunities or benefits that are available to the general public or to all government employees and officials or a subset of employees and officials so long as the opportunity is uniformly offered and the group is large enough that it is unlikely that the discount would in any way influence the recipients in the performance of their official duties.

7. **Payment of expenses for attendance at educational events** is permissible as long the expenses are reasonable but additional per diems are prohibited.

As a general rule of thumb, you should not accept or solicit things of value greater than \$50 from anybody who is currently doing, or would like to do, business with the County or with whom you do business in your professional capacity, including nonprofit corporations, charitable corporations, consultants or trade associations. When you receive a gift or invitation, you should consider whether the person would give you the gift or invitation regardless of your position/job. If the gift is based upon your personal relationship rather than your position, it is probably okay to accept it. If it is because of your position, you should not accept.

Examples:

A national cell phone company is offering a discount to government employees nationwide. Is it acceptable to participate in the discount program? Yes, because the discount is broad, offered to a large number of individuals, and there is no realistic possibility of influence or reward.

A heavy equipment vendor is hosting a holiday party for all county Road and Bridge supervisors in the region. Is it appropriate to participate? No, for two reasons – first, the meal may exceed the \$50 gift ban, but even more importantly, the Road and Bridge supervisors may be in a position to review bids offered by this vendor at some point in the future.

You are a volunteer for a local non-profit organization, and you’ve been given a \$50 gift certificate for volunteer work you have done on behalf of the non-profit. May you accept the gift certificate? Yes, because the gift is based on your personal volunteer work and is unrelated to your employment at La Plata County.



Conflicts of Interest

La Plata County is still a small community; therefore it is likely that from time to time, situations may occur that could constitute a real or perceived conflict of interest. A conflict of interest occurs when an employee or board or commission member:

- Has a substantial interest in any decision, contract, sale, purchase, or invoice with La Plata County;
- Solicits, accepts or agrees to accept, any compensation, favor, gift, promise or other items of value (whether tangible or intangible) in return for influencing, attempting to influence, rewarding or not rewarding an official action or decision;
- Participates in a La Plata County project or activity while negotiating prospective employment for him or herself with a person or organization who has a financial interest in that project or activity.

Anyone who believes that he/she may have a conflict of interest should notify his/her immediate supervisor.

To be safe, if you are staffing a project, involved in a negotiation, participating in review team or serving in some other influential role that comes to involve a friend or family member, good judgment should prevail. Speak to your supervisor about the potential conflict and remove yourself from the activity. Anyone who is unsure if he/she has a conflict of interest should consult his/her immediate supervisor, department head, elected official, or the County Attorney.

Example:

Diana has a friend, Tim, who has submitted a bid on a county project. Tim has offered to take Diana to lunch if she would “put in a good word” for him with the project manager. Diana graciously reminds Tim that it would be inappropriate for her to influence a public bid process, and even though she knows he is qualified for the assignment, and that she must maintain her distance from the selection process to avoid any appearance of impropriety.



Fair and Equitable Treatment

As public servants, each of us must perform our duties and responsibilities in a fair and equitable manner. This means:

- Not exceeding the authority of your official role to assist private entities or individuals in their dealings with La Plata County where this would result in preferential treatment to any person or organization;
- Not granting or making available any special consideration, treatment, advantage favor, service or thing of value beyond that which is commonly granted to the public at large, unless specifically authorized by statute, ordinance or regulation;
- Not treating any individual more or less favorably because of their race, gender, religion, national origin, age, sexual orientation, veteran status, or disability;
- Giving open and equal access to consideration for appointments to employment, boards and commissions and other voluntary positions based on the merits of the individual;
- Not using any position for private gain.

Example:

Helen’s friend needs a building permit quickly and asks if there is anything Helen can do to help. Fortunately, Helen realizes that she should not use her position to seek preferential treatment for her friend.





Political Activity

Under the Fair Campaign Practices Act, political bodies are precluded from making contributions or expending money from any source to urge electors to vote in favor of or against various issues or a particular candidate. As such, **a governmental entity like La Plata County may not:**

1. Use public funds, facilities, supplies, equipment or bulk mail permits to urge a vote in favor of or against an issue or the nomination, retention or election of any person to any public office, even when the cost is reimbursed. The prohibited use of public funds can arise even when they are not directly spent to urge voters to take a position. Examples include the use of publicly owned facilities, or equipment including meetings rooms, phones, fax machines, copiers, computers, internet access and vehicles. Employee time may be considered a contribution.
2. Allow others advocating a position to use these resources. An advocacy group or candidate may rent facilities but only on the same terms as all other groups or candidates.
3. Use employee newsletters to advocate a position or the nomination, retention or election of a candidate.
4. Use or require employees to advocate a position or candidate during working hours or allow employees to use County resources to advocate a position or candidate. During working hours, employees may dispense factual information in response to unsolicited questions. Employees must restrict their advocacy to personal time.
5. Post campaign literature at the offices of the County or County owned facilities or property.
6. Accept cash or other in-kind contributions from citizens for use in connection with the election.

Notwithstanding the foregoing prohibitions, **a governmental entity such as La Plata County may:**

- a. Dispense a factual summary that includes arguments both in favor of and against a proposal. However, the summary may not contain a conclusion or opinion in favor of or against any particular issue.
- b. Pass a resolution taking a formal position of advocacy on an issue.

An *elected official* may (a) express his or her personal opinion on any issue (C.R.S. §1-45-117(1)(b)(II)). For example, it is permissible for an elected official to endorse a candidate in an upcoming election by writing a letter of support. However, when expressing a political opinion, an elected official should avoid inadvertently using public funds (including County-owned computers, fax machines or copy machines) to distribute the message.

Employees of the governmental entity may (a) respond to questions about an issue provided the employee has not solicited the question. Such requests can come from the general public, candidates or other government agencies. For example, it is permissible under the exception for an employee to agree to write a newspaper column providing factual information about a proposed ballot measure if asked to do so by the newspaper; and (b) expend personal funds, make contributions or use personal time to urge electors to vote in favor of or against an issue or a candidate.



Requests for Information or Access

In the past, candidates have requested copies of inter-department memos, works in progress, attorney-client privileged information, departmental turnover information or access to employees. Such requests may put employees in an awkward position as they may not want to become involved in campaign issues. However, if done correctly, the provision of information can be a positive process geared to better educating the candidate and richer political debate.

An appropriate exchange of information requires a **consistent** approach to all candidate requests. Particular candidates should not be given special access to County information. Additionally, the exchange of information may have to be restricted to comply with various legal requirements. It is appropriate to respond to such requests but employees should not provide access or information that would not normally be provided to other members of the public. To ensure consistent and timely responses, requests from candidates for information or employee access should be directed to the County Manager's Office. However, if the request for purely factual information that is readily available (number of employees in your department, office hours, etc), please respond.

Permitted Political Activity

Public employees may participate in most political activities **on their own time**, although some employees, who are members of professional organizations, by virtue of their professional code of ethics, may be prohibited from doing so. **Most employees may:**

- Express political opinions publicly or private as long as they are not in a county uniform, the opinions do not impair the fair and impartial discharge of their official duties and they do not purport to speak on behalf of La Plata County but rather express an opinion solely as a private citizen;
- Attend meetings for the purpose of becoming better informed concerning an issue or candidate;
- Make contributions to candidates, political parties or campaign committees;
- Solicit or encourage contributions to be made to a candidate or campaign committee.

Holding Public Office

County employees may hold public office (other than County elected offices) and otherwise participate in community affairs, subject to the following:

- No employee may continue to serve as a County employee if elected or appointed to the County offices of County Commissioner, Sheriff, Treasurer, Assessor, Clerk and Recorder, Coroner or Surveyor.
- In the event that the elective office creates a substantial conflict with the employee's duties and responsibilities, the employee must resign or will be subject to dismissal.
- An employee who is a candidate for public office must conduct all campaign and other political activities during off-duty hours or during approved leave.

Examples:

Bob has been asked by a friend who is running for the school board to display his campaign sign in Bob's office. Wisely, Bob declines, recognizing that it would be inappropriate to use his office to advocate for a political candidate.

Tom is an elected official who plans to run for re-election. It would be convenient for him to store his campaign literature and materials in his County office, but he avoids doing so because it would be utilizing County resources (his office space) to further his campaign.





Nepotism

Nepotism is the employment, promotion, appointment, or supervision of a relative or friend, whether qualified or not, to a position with La Plata County. However, an individual who is otherwise qualified, should not be denied employment or appointment by La Plata County solely because he or she is related to or friends with a County employee or appointee (who would not be supervising his or her activities).

An employee's spouse, domestic partner, mother, father, sister, brother, son, daughter, in-laws, aunts, uncles, grandparents, grandchildren and custodial person are defined as "relatives."

Any individual an employee is associated with on a personal level outside of the workplace is considered a "friend."

Nepotism arises when an individual is involved, directly or indirectly, in the hiring, appointment, promotion or supervision of a relative or friend.

No employee or appointee shall:

- Directly or indirectly, advocate, participate in, or cause the employment, appointment, reappointment, evaluation, promotion, transfer, determination of compensation or discipline of a relative or friend;
- Exercise direct or indirect jurisdiction, supervision or direction of a relative or friend;
- Use his or her position to assist a relative or friend in securing contracts or development agreements with persons or departments, for whom the public servant exercises contracting authority.
(It is important to note that our staff are a great resource for new talent, so using an employee as a reference or an employee providing a reference for a candidate he or she knows, is fine. This provision simply speaks to the fact that an employee should not exert any undue influence over the selection process or put pressure on a supervisor to hire a friend. Any questions on this should be referred to the Human Resources Department.)

Change in Relationship

Employees who marry or become members of the same household or become intimately involved should consult with the Human Resources Director to discuss personnel options to ensure compliance with our nepotism guidelines.

Example:

Jonathan's friend, Jane, applies for a position that reports to him. Although Jane may be qualified for the position, Jonathan can neither hire nor supervise a relative or friend. Jane is welcome to apply for another County position for which she is qualified that does not report to a relative or friend.



Use of County Property

Employees are expected to care for and conserve County resources, including equipment, vehicles, buildings and supplies entrusted to them. This includes facilities, computer equipment, phones, pagers and radios, motor vehicles, office machines and audio-visual equipment. Even simple things like turning off lights and equipment at the end of the day and double-siding copies when possible are ways we can conserve energy and/or resources.

Examples:

Kurt uses one of the County vehicles for a site visit on a Friday afternoon. While driving back, a rock makes a visible crack in the windshield. He returns at 4:45 p.m. Even though it is late, he makes sure to bring it to the attention of the Fleet Manager.

Laura observes a problem with a faucet in the ladies restroom that will not fully turn off. Instead of assuming someone else will report the leaky faucet, she takes a moment to notify Building Maintenance staff herself.

Examples Cont.

Shirley is attending week-long work-related training conference in Denver and was assigned a County vehicle for that purpose. She has a friend in nearby Golden that she would like to visit on the weekend after the conference. Would this be appropriate? No. While incidental use of a County vehicle during business trips is acceptable, using a County vehicle to extend a trip for personal or leisure activities should be avoided. It is also inappropriate to use a County vehicle to bring family along on a business trip. If one intends to extend a business trip for personal or leisure activities, or would like to bring a family member along, he or she should use his or her own car.



Use of County Networks

La Plata County is committed to providing employees with the technological and communication tools necessary to perform their jobs in the fastest most efficient manner possible. (Please refer to La Plata County Policy Number I.B.1 – Network Use.) As such, the County provides its employees with access to office telephones, cell phones, voicemail, computers, e-mail, networks, Internet systems, fax machines and other communication equipment required to conduct County business. A common-sense approach to appropriate use of such property is expected from each employee afforded access to the use of this equipment, and all users are expected to use County equipment appropriately, honestly, and constructively.

Electronic mail (email) and on-line services are utilized to facilitate work and are intended for business-related communications, including uses related to County-sponsored events and activities. Occasional use for personal communications is allowed; however, all employees are expected to use common sense and good judgment in the use of County email and on-line services.

Employees are also expected to be professional in their communications and to avoid any communication that is disrespectful, offensive and/or threatening to others. Blatant misuse is not acceptable and may result in suspension and/or disciplinary action, up to and including dismissal and/or legal action.

Examples:

The school that Myra's daughter attends has instituted an email alert system for notification of school emergencies and other important information. May Myra provide her work email address for that purpose? Yes, as it is an incidental and infrequent personal use of the email system.

In his free time, Jack has a personal business as a caterer. Is it appropriate for Jack to use the County's email system to solicit business from County employees or to send information to private clients? No. County equipment should not be used for personal business or personal gain.

Internet service at her home is expensive, so Trudy has given her work email to family and friends to communicate with her electronically. Is that acceptable? No, as this would likely result in more than an occasional or infrequent personal use of the County's email system.

John is a member of a local civic group that is hosting an event to benefit a local non-profit organization. May John use the County email system to announce the event? Yes, as the event does not benefit a private business or John personally. John can also announce such events in the employee newsletter.





Disclosure of County Information

Many La Plata County documents are public records and may be disclosed in accordance with the County’s Public Records Policy (Policy Number I.B.2). All employees should read and be well acquainted with this policy. However, not all documents are public records. With respect to County information and records, **employees, board and commission members and elected official may not:**

- Use or disclose confidential information for personal gain;
- Disclose confidential or non-public information to any person not entitled or authorized to receive the information;
- Disclose details of any executive session to any person or entity that is not authorized to receive the information;
- Intentionally conceal a record that is required by law to be released.

Example:

Kim has received an email from the County Attorney with some helpful information on a subject of interest to the community and wonders whether she can share this information with others. Is it ever appropriate for an employee to share or forward an email from the County Attorney to any other County employee or anyone outside of the County? Not without permission from the County Attorney.

All communications from the County Attorney are considered to be attorney-client privileged, confidential information and therefore should not be distributed to anyone outside the organization without specific permission from the County Attorney. Such communications should also only be shared with those County employees who are directly involved in the issue or topic. When in doubt, always consult the County Attorney.



Use of Paid Work Time

All employees are expected to use paid work time efficiently, productively and with personal responsibility and accountability. Employees are expected to:

- Begin and end work at their assigned times;
- Adhere to lunch and break time limitations;
- Be courteous, considerate and prompt in conducting business.

A supervisor should not encourage, direct, request or authorize any County employee to use paid work time to perform activities other than those required in the performance of official duties.

Example:

Sally would like to work from 7:30 a.m. to 4:30 p.m. in the summertime rather than 8:00 a.m. to 5:00 p.m. but recognizes that she should request permission from her supervisor to change her work schedule before actually doing so. Flexible work schedules are permitted with approval of the supervisor, assuming that: the employee’s work can be properly performed during the requested hours, it does not compromise the work of others in the department, and customer service is maintained.

Sam is a member of a professional association and its meetings are in the middle of his work day. May he attend on paid work time? If La Plata County benefits from Sam’s attendance, he may attend on work time, with his supervisor’s approval. If Sam’s attendance is more of a benefit to him personally than to the County, he should not attend on work time; however, he may use his own leave time to do so.



Outside Employment

County employees may take occasional or part-time jobs if:

- There is no conflict with assigned work hours. Certain County positions require the employee to be available for “on-call” duty. Outside employment must not conflict with these specific positions.
- The employee’s efficiency and job safety is maintained.
- There is no conflict of interest, real or perceived with respect to one’s job (as determined by the applicable department head or elected official or the County Attorney, if necessary).
- Acknowledgement by the related elected official or department head is obtained. An employee may not engage in outside business activities during his/her working hours unless on approved leave.

Example:

Luke is a heavy equipment operator and snow plow driver who is on call for duty during winter storms. Luke would like to take on a part time job assisting his brother in his construction business on the weekends. Does this fit the parameters of part time employment? As long as it does not conflict with Luke’s ability to report for duty as may be required on evenings or weekends or impair his ability to perform his job efficiently and safely, Luke may hold this part time job, with permission of his department head.



Ethics Matter! A Few Helpful Tips

To stay out of ethical jeopardy, keep these basic guidelines in mind:

Think about the “headline test.” A simple way to think about ethical issues and how we act or behave in response to them is to apply the “headline test” – in other words, consider how the public would perceive your conduct if it were accurately described on the front page of the newspaper. If the story would result in embarrassment, or even the perception of impropriety, the conduct should be reconsidered.

Use e-mail appropriately and carefully. We would never use County letterhead to tell jokes, make personal or editorial comments, express anger or disparage others, and email should be treated the same way. We should use it carefully, be brief and focus on business. The same should apply to our use of County cell phones to send text messages.

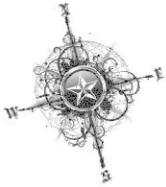
Use the resources at your disposal. When you have a question about an ethical issue, there are many resources to help you make a good decision including your supervisor, the Human Resources Director, County Attorney, Assistant County Manager and County Manager. Consulting others is a sign of your good judgment!





Volunteer or Citizen Concerns

If an individual believes that an ethics violation has occurred, he or she should report the concern to the County Manager by calling 970-382-6210. Alleged violations of Amendment 41 to the Colorado Constitution may be reported in writing directly to the Colorado Independent Ethics Commission, 633 17th Street, 13th Floor, Denver, Colorado 80202 (Phone: 303-866-5727).



Employee Concerns

If an employee believes that an ethics violation has occurred, he or she should report the concern to his or her department head or elected official. If an employee still does not believe that the issue is being adequately addressed, he or she should contact the Human Resources Director at 970-382-6361 or the County Manager at 970-382-6210.



Acknowledgements

Thanks to the employees and elected officials of La Plata County for their counsel and contributions to this handbook. Special thanks extend to Kelli Ganevsky, Human Resources Director, and Mark Reddy, Chair of the Personnel Committee, for their active participation in this project.