

# Pueblo West Metropolitan District Personnel Policies



**PUEBLO WEST METROPOLITAN DISTRICT**

**PERSONNEL POLICIES**

**DRAFT OF CHANGES TO BE PRESENTED IN 2019**

**ADOPTED BY THE BOARD OF DIRECTORS (~~12/15/2017~~)<sup>1</sup>**

**Commented [AW1]:** Update with new effective date.

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<sup>1</sup> Be sure to update the effective date, if necessary, to identify the current edition; capture in the footer as well.

# Pueblo West Metropolitan District Personnel Policy

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<sup>2</sup> [You may need to update page numbers depending on changes made during the review process.](#)

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# Pueblo West Metropolitan District Personnel Policy

## 1.0 INTRODUCTION

### 1.10 Terms

“District” Used to define the Pueblo West Metropolitan District as the employer.

“Board of Directors” An elected position serving terms stipulated by Colorado Law who are responsible for the overall direction and established policy of the Pueblo West Metropolitan District.

“District Manager” Is appointed by the Board of Directors to have general supervision over the administration of the affairs, employees and business of the Pueblo West Metropolitan District. The District Manager is in the Executive Management Group.

“General Counsel” Is Legal counsel hired by the Board of Directors to provide legal advice and direction to the Pueblo West Metropolitan District. General Counsel is considered part of the Executive Management Group.

“Department Director” Has the overall operational duties of a specific department with the Pueblo West Metropolitan District. Department Director is considered as part of the Director/Management Group.

Commented [AW2]: Insert “Senior”

“Manager” Is defined as having specific duties related to the operation of a department or program. This person may fall within a larger department under the direction of a Department Director. This position is part of the ~~Senior Management Group~~ or Mid-Level Management Group dependent on job role responsibilities.

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“Supervisor” Used to describe a management level above a staff level employee who fits any of the management groups.

“District Management” Is defined as any level of supervision having responsibility for employees with the Pueblo West Metropolitan District.

“Employee” Used to define any staff member holding a position within the Pueblo West Metropolitan District.

“Fire Suppression Employees” Firefighters assigned to work a nontraditional work period from their assigned fire station. These are non-administrative positions. Fire suppression employees are those who are trained in fire suppression, emergency medical services, and all other hazard related emergency situations. They have the legal authority and responsibility to engage in fire suppression, emergency medical services, and are engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.



# Pueblo West Metropolitan District Personnel Policy

## 1.20 Policy Statement

The policies and procedures contained in this handbook do not represent a contract, nor should they be relied upon as binding, inflexible promises made by the District. The Board of Directors reserves the right to adopt, amend or rescind any policy, procedure, or benefit to these policies and procedures through formal action of the Board of Directors, reflected in the official records of the Board.

## 1.30 Purpose and Scope of Guidelines

These policies are intended to inform employees of the District's position on basic, employment-related subjects. They are not all inclusive. The policies establish guidelines to be used as a reference source by employees and supervisors.

These policies and procedures apply to all employees of the District, except where otherwise stated.

## 1.40 Employment at Will <sup>3</sup>

Employment with the District is "at-will." Nothing in this handbook is intended to modify the District's at-will employment policy. <sup>4</sup>

**Commented [AW3]:** Committee approved recommended changes on 11/1/18.

## 1.50 Authority of Board of Directors

The District Board of Directors reserves the right to adopt, amend, or rescind any guideline, procedure, or benefit. Any modification of these guidelines may be made only pursuant to formal action of the Board of Directors, reflected in the official records of the Board. No employee or agent of the Board is authorized to modify these guidelines by agreement, practice, or otherwise.

Ultimate responsibility for operation of the District is vested in the Board of Directors. The Board retains the right to operate the District consistent with its legal authority, including, but not limited to, the right to direct the work of employees; hire, promote, demote, classify, evaluate, and retain employees in positions with the District; demote, suspend, terminate, or otherwise discipline employees; transfer, assign and schedule employees; lay off employees; determine and implement the methods, equipment, facilities, personnel, and other means by which District operations are to be conducted; take steps it deems necessary to maintain the efficiency and safety of operations; determine the budget of the District; determine the level of any activity or service provided by the District; and determine planning or staffing levels.

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**Commented [AW4]:**

**Commented [AW5]:** Recommend deletion to Board of Directors

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The Board of Directors may exercise its authority to manage the District through its supervisory employees.

<sup>3</sup> Whether a property right has been created is a matter of law; please consult with an Employers Council attorney if any clarification is needed regarding at-will / due process. Handbook reviewed with an at-will assumption.

<sup>4</sup> Recommend you replace the highlighted section with the more robust sample disclaimer language added for your consideration. This notice must be in CAPITAL, BOLD letters to meet the courts' interpretation of what is required for a clear and conspicuous disclaimer. This notice should also appear on a separate page, directly behind any table of contents.

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### IMPORTANT NOTICE

AT \_\_\_\_\_, NEITHER THE EMPLOYEE NOR THE ORGANIZATION IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT WITH \_\_\_\_\_ IS AT-WILL. EITHER THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION. NO REPRESENTATIVE OF \_\_\_\_\_, OTHER THAN THE ELECTED OFFICIAL OR AGENCY HEAD, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ELECTED OFFICIAL OR AGENCY HEAD AND THE EMPLOYEE.

THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE ORGANIZATION RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF \_\_\_\_\_. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

## Pueblo West Metropolitan District Personnel Policy

### **1.60 Equal Employment Opportunity<sup>5</sup>**

The District is an equal employment opportunity employer. These guidelines are to be applied without regard to any otherwise qualified person's race, creed, color, sex, sexual orientation, age, national origin, ancestry, religion, disability, or genetic information, subject to such reasonable requirements of the District as may be permitted by law.

It is our policy to comply with applicable federal, state and local laws governing Equal Employment Opportunity (EEO). Unlawful discrimination in employment is strictly prohibited. All employees of the District are responsible for becoming familiar with EEO policies, supporting EEO and Diversity programs and immediately reporting alleged or suspected violations to any member of management or to Human Resources. The District prohibits any form of retaliation against an employee who complains about, or reports prohibited discriminatory conduct.

The District will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or present a direct impact to the safety of the individual, other employees, or public at large. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

### **1.61 Religious Accommodation**

The District will make reasonable accommodation for employees whose work requirements interfere with a religious belief unless doing so poses undue hardship on the District. Employees needing such an accommodation are instructed to contact Human Resources immediately.

### **1.62 Pregnancy Accommodation**

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. In the event an employee's pregnancy limits the employee's ability to complete their essential job functions or becomes a safety risk to themselves or others, the employee shall immediately notify their immediate supervisor and request reasonable accommodation pursuant to law.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the District will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the District's business operations.

The District may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about

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<sup>5</sup> Recommend you use the Employers Council verbiage as it is a bit more comprehensive than the previous guideline and also contains information that was missing, primary related to the complaint procedure. It is also considered best practice to place this guideline directly behind the *Table of Contents* to emphasize its importance to the organization.

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~~this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.~~

~~The District will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.~~

**Commented [AW7]:** Committee approved recommended changes on 11/1/18.

### **Equal Employment Opportunity and Unlawful Harassment**

~~The Company is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, [insert applicable state protected classes here if desired], or any other status protected by applicable state or local law.~~

### **ADA and Religious Accommodation**

~~The Company will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the Company or cause a direct threat to health or safety. The Company will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the Company.~~

### **Pregnancy Accommodation**

~~Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.~~

~~Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the Company will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the Company's business operations.~~

~~The Company may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact their Human Resources representative [or insert name/contact details for appropriate company representative or department].~~

~~The Company will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.~~

### **EEO Harassment**

## Pueblo West Metropolitan District Personnel Policy

The Company strives to maintain a work environment free of unlawful harassment. In doing so, the Company prohibits unlawful harassment because of age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other status protected by applicable state or local law.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other applicable status protected by state or local law will not be tolerated. Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mails, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct such as assault, or blocking an individual's movements.

This policy applies to all employees including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

### **Sexual Harassment**

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the Company believes it warrants separate emphasis.

The Company strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

### **Complaint Procedure**

## Pueblo West Metropolitan District Personnel Policy

If you believe there has been a violation of the EEO policy or harassment based on a protected class, including sexual harassment, please use the following complaint procedure. The Company expects employees to make a timely complaint to enable the Company to investigate and correct any behavior that may be in violation of this policy.

Report the incident to **(Specify person by job title. Depending on the company, the Employer should name no less than two persons in authority, preferably one male and one female, such as, Manager, Human Resources Director, President, Executive Director, in-house counsel, Board of Directors, or Management Committee, etc. This is especially important for companies with remote work site locations or no central Human Resources Department.)** who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to either of these individuals with your complaint, you should report the incident to **(specify person by job title).**

Commented [AW8]: District Manager and Human Resources Manager

Commented [AW9]: General Counsel

The Company prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If you perceive retaliation for making a complaint or your participation in the investigation, please follow the complaint procedure outlined above. The situation will be investigated.

If the Company determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

### 1.63 Lactation Accommodation

A private space will be provided, and time will be permitted, for nursing mothers to express milk during the workday for up to two (2) years following the birth of a child. The break time shall, if possible, run concurrently with rest and meal periods already provided to the employee. If the breaks cannot run concurrently and/or additional time is needed, Human Resources and the employee will agree upon a schedule which might include the employee using unpaid leave (if non-exempt), annual leave/vacation time, arriving at work earlier, or leaving later.<sup>6</sup> However, if providing such a break time would seriously disrupt the operations of the District, we may deny break time to employees who wish to express breast milk. Employees needing such an accommodation are instructed to contact Human Resources immediately.

### 1.70 Immigration Law Compliance

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the District within the past three (3) years, or if their previous I-9 is no longer retained or valid.

<sup>6</sup> It is important to note that while employers may provide unpaid break time to nonexempt employees in increments of 30 minutes or more, employers cannot deduct from an exempt employee's pay for breaks. Best practice is to pay for the breaks, especially if employees get additional paid breaks for other activities (e.g., smoking).

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~~It shall be a condition of employment with the District that the employee shall have a valid social security card upon hiring. The employee shall also allow the District to make a photocopy of said social security card for its records and the employee's personnel file. The employee's name, as it appears on the Social Security card, will be used for all District records.<sup>7</sup>~~

**Commented [AW10]:** Committee approved recommended changes on 11/1/18.

## 1.80 Code of Ethics

Refer to Title 3 of the District's Bylaws to review the Code of Ethics [P:\District Policies\Bylaws\](#) or from Human Resources.

## 2.0 WORKING CONDITIONS

### 2.10 Work Week

Each employee's work week consists of a seven-day (7) period beginning and ending at ~~midnight~~ Sunday unless otherwise specified in writing by an authorized representative of the District.<sup>8</sup>

**Commented [AW11]:** Work week is 12:01 Monday through 12:00 Sunday.

### 2.11 Regular Work Week

The regular work week shall be forty (40) hours for all full time and non-exempt employees, ordinarily to be worked in five (5) consecutive eight (8) hour shifts, unless otherwise ~~specified~~.

**Commented [AW12]:** Insert comment regarding exempt employees. Expected to work at least 40 hours a week.

### 2.12 Hours of Work

Normal business hours for the District shall be from 8:00 A.M. to 5:00 P.M., Monday through Friday. However, certain departmental hours may vary and be based on seasonal/operational needs as determined by the Department Director and approved by the District Manager in writing to better provide service to Pueblo West residents.

### 2.13 Break Times<sup>9</sup>

Each full workday, employees are provided with two rest periods of fifteen (15) minutes in length or one fifteen (15) minute rest period for a scheduled partial workday. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time. The District reserves the right to assign said break so as to properly continue serving the public. The employee who works over the normal shift shall also be entitled to such additional breaks as the additional hours required in accordance with the above rules of one break per four (4) hours worked. Rest periods shall be utilized as defined herein, and are not to be added to the lunch period, or taken at the beginning or end of the scheduled work day.

All full-time employees are provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all

<sup>7</sup> Information related to HR practices such as recruitment, hiring, orientation, onboarding, etc. are typically not included in the employee handbook; consider incorporating into a separate compilation of Administrative/HR SOPs.

<sup>8</sup> There could be adverse implications in this practice; in what circumstances would the workweek be otherwise specified?

<sup>9</sup> Public entities are specifically excluded within the definition of "employer" in the Colorado Wage Act and are not subject to its provisions, including meal and rest periods. As a public entity you may set practices based on the business needs of the organization.

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active responsibilities and restrictions during meal periods and will not be compensated for that time. Whenever possible, the meal period shall be scheduled in the middle of the work shift and shall be a minimum of thirty (30) minutes or maximum of sixty (60) minutes based on operational hours. Additional meal periods of one half (1/2) hour each will be given starting at hour twelve (12) of a continuous overtime shift and every four (4) hours thereafter until the end of the shift.

Fire Suppression personnel shall be provided rest and meal periods while on duty providing such periods do not interfere with the normal response for emergency situations. Pueblo West Metropolitan District provides facilities within the fire stations for rest periods and meals for on duty crews. Meal periods outside the fire station are at the approval of the Fire Chief. Due to the nature of emergency work, fire suppression shall not be relieved from duty for rest or meal periods and shall be able to respond to emergencies quickly while on duty.

### 2.14 Training Time

District employees ordinarily are compensated for time spent in District-required training activities.

Compensation will not be provided, however, for the following training meeting all of the following criteria unless specifically authorized by the Department Director or District Manager:

- 1) Attendance is outside the employee's regular working hours;
- 2) Attendance is in fact voluntary;
- 3) The employee performs no productive work during attendance; and
- 4) Training is not directly related to the employee's job, unless the training is obtained at an independent school or college attended on the employee's own initiative or the training program is established by the District and corresponds to courses offered by independent learning institutions.

### 2.20 Attendance

Consistent, regular attendance by all employees is important to the successful operation of the District. Employees are required to report promptly for work in accordance with shift schedules.

### 2.21 Notice of Absence

Employees who must be absent from work are expected to notify their immediate supervisor within a reasonable time, not less than one (1) hour before their scheduled starting time. Unless physically unable, only the employee may call in to the supervisor. Employees should communicate with the supervisor when absent multiple days from work. The employee may be asked for a probable duration of the absence.

Supervisors may request a physician's statement acknowledging the absence and releasing the employee to return to full, unrestricted duty.

Failure to notify the appropriate director/supervisor about an unscheduled absence, failure to call in, (a no-call, no-show) or failure to provide the required documentation according to policy may



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result in corrective/disciplinary action up to and including termination. If there is a no-call, no-show for three (3) consecutively scheduled shifts, ~~the employee is determined to have abandoned his/her job and~~ employment is terminated.

**Commented [AW13]:** Committee approved recommended changes

Five (5) ~~or more~~ unscheduled absences in a twelve (12) month time period are considered ~~below expectations~~ **excessive**. Continued unscheduled absences will result in corrective/disciplinary action up to and including termination.

**Commented [AW14]:** Committee approved recommended changes

Employees who have exhausted their annual Paid Time Off (PTO) allotment but have unscheduled or unexcused absences, will be subject to unpaid leave and/or corrective/disciplinary action up to and including termination. Requests for an advance on the next year's ~~Paid Time Off (PTO)~~ allocation will not be granted. An unscheduled and/or unexcused absence may be determined to exist when ~~Paid Time Off (PTO)~~ has been exhausted, a ~~Paid Time Off (PTO)~~ request was not timely or was not approved and/or a pattern of absences has been determined to exist.

**Commented [AW15]:** Committee approved recommended changes

**Commented [AW16]:** Committee approved recommended changes

**Commented [AW17]:** Committee approved recommended changes

An unexcused and/or unscheduled time off from work that occurs is defined when an employee is not present at work during a normally scheduled work period.

Excused absences are scheduled in advance for such events as vacation, medical appointments, military service, family activities, surgery, jury duty, funerals, and more that cannot be scheduled outside of regular work hours. An excused absence is an absence that the employee schedules in advance with his or her manager or supervisor or for which the employee provides an acceptable reason upon return to work.

Calling in and notifying your immediate supervisor within a reasonable time, not less than one (1) hour before your scheduled starting time, constitutes a scheduled call off.

### 2.22 Tardiness

Tardiness of non-exempt employees will be charged as leave without pay. An employee's tardiness may be the basis for disciplinary action, including termination. ~~Paid Time Off (PTO)~~ cannot be used to make up a time shortage caused by tardiness.

**Commented [AW18]:** Committee approved recommended changes

### 2.30 Safety

It is the responsibility of each employee to learn and observe all applicable safety practices, guidelines, directives, or procedures. Safety-related questions should be directed to each employee's immediate supervisor. Violation of safety practices, guidelines, directives, or procedures may result in disciplinary action up to and including termination.

The Pueblo West Metropolitan District Safety Program is available at [P:\Safety\Safety Manual\PWMD Safety Manual.pdf](#) or from Human Resources.

## Pueblo West Metropolitan District Personnel Policy

Employment related accidents involving injury to self, other individuals, or damage to property must be reported immediately to the department supervisor and in accordance with the District Manager's Critical Information Requirements.<sup>10</sup>

Upon review of safety, property damage, and injury reports, along with all other available information related to the accident, an employee may be charged by the safety committee with a preventable accident. Any preventable accident may be grounds for termination.

### 2.31 Safety Rules

The District has safety rules with which employees are expected to comply. These rules are not exclusive; employees are expected to do their jobs in a reasonable and safe manner whether or not specific safety rules apply. It is the responsibility of each employee to read and understand all District safety rules. Disobeying a safety rule may result in disciplinary action up to and including termination.

### 2.32 Safety Committee

The District has established a Safety Committee comprised of members of each major department location and meets monthly to discuss safety rules and review issues that affect the safe practices of all employees. The Chair of the Safety Committee shall be the Risk Management and Safety Manager or designee.

### 2.33 Maintenance and Housekeeping

Each employee is responsible for the condition of equipment used on the job. Equipment which is damaged, worn, or in need of maintenance should be reported to appropriate personnel. Employees should direct any concerns regarding the use of equipment to their immediate supervisors.

Cleanliness and orderliness are important to the operation of the District. Employees are responsible for keeping their work areas clean and orderly. The District reserves the right to restrict the placement of pictures or posters on walls within District premises.

### 2.34 Reporting Accidents

Any employment related accident involving any injury and/or property damage must be reported to a supervisor immediately. All employees involved in or witnessing the accident shall remain in the immediate area until released by the District's Safety Officer or designee. Employees may leave the area to notify a supervisor, summons help, or if in additional danger. The accident area shall be closed off and left undisturbed until released by the District's Safety Officer or designee. Unless medically necessary, all involved employees and employee witnesses, shall remain in the immediate vicinity until released by the District's Safety Officer or designee. All required drug and alcohol testing must be completed following the appropriate District drug and alcohol policy before the employee and/or employee witnesses are released.

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<sup>10</sup> It is okay to set an expectation of immediate reporting; however, be aware that Colorado law provides employees four days in which to do so, which is noted in a later section.

## Pueblo West Metropolitan District Personnel Policy

A motor vehicle accident involving a District Commercial Motor Vehicle and a CDL driver both Non DOT and DOT Federal Motor Carrier Safety Administration (FMCSA) policies will apply. In some cases DOT FMCSA policy may apply, even if the employee is NOT operating a commercial motor vehicle. The District's drug and alcohol policies are located on the District's intranet at [P:\District Policies\Drug&Alcohol](#) or from Human Resources.

All written reports required to document the accident should be started by the employee and/or supervisor while on scene, completed, and sent to the Chair of the Safety Committee or designee as quickly as possible, but no later than seventy-two (72) hours following the accident. Accident forms available at [P:\Safety\ACCIDENT FORMS](#) or from Human Resources.

Failure to report promptly any accident involving injury or property damage may result in disciplinary action up to and including termination.<sup>11</sup>

### 2.40 Workers Compensation

Pueblo West Metropolitan District is committed to providing a safe work environment for all employees. The District's Workers' Compensation program is intended to provide compensation for certain work-related injuries, medical case management, rehabilitation and returning employees to work. An employee who sustains a work related injury shall notify their supervisor immediately. An employee is required to complete an Accident Worksheet within four (4) working days of the incident. Failure to report an injury may result in reduced Worker's Compensation benefits. The District will designate health care providers who will treat all work related injuries.

If seen in an emergency room the employee will be referred to a designated health care provider for further or follow-up care. Forms are available at [P:\Safety\Colorado Special District injury forms](#).

Commented [AW19]: Add or HR throughout policy

Employees with work-related injuries must go to the District's designated medical providers. The employee should not change medical providers unless they are referred by the designated, attending physician or case manager.

The initial three (3) days or shifts of lost time after a work-related injury (not including the date of injury) are not covered by Workers' Compensation but shall be paid as regular pay through payroll. This time will not be deducted from the employee's ~~Paid Time Off (PTO)~~ bank. If the employee is on lost time because of the Workers' Compensation injury, they will be paid directly from the District's Workers' Compensation carrier. Any lost time must have a written physician's directive/order. Please contact payroll or human resources for more information.

Employees off work due to Workers' Compensation are subject to the Family and Medical Leave Policy. FMLA leave will run concurrently with Workers' Compensation lost time.

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<sup>11</sup> There is considerable overlap between *Safety, Reporting Accidents, and Workers Compensation*; recommend combining related information into a more unified guideline to mitigate unnecessary repetition.

## Pueblo West Metropolitan District Personnel Policy

Before returning to work an employee must receive from the designated Workers' Compensation medical provider a written medical release for all job duties performed. Employees who are unable to return to full duty may be offered temporary, modified, alternative duty if available. If temporary, modified, alternative duty is authorized by the designated treating physician or case manager, the employee must return to work. The employee's regular, unrestricted job can be held open for him/her for a maximum of one (1) year from the date of injury and including the time covered under Family and Medical Leave ~~Act~~ (FMLA).<sup>12</sup>

Commented [AW20]: Accept change

### 3.0 LEAVES OF ABSENCES

#### 3.10 Leave Time

The District provides paid or unpaid leave for use by employees under specific circumstances. Available leave and the circumstances under which it may be used are described below. The use of paid leave ordinarily must be approved in advance by each employee's supervisor. Unless advance approval is obtained, if possible, an employee may be charged for unpaid leave even if he or she is absent for a reason for which leave could otherwise be used. In addition, absence from work without advance approval may subject an employee to discipline, up to and including termination. If the employee has exhausted his/her PTO during an approved leave, additional unpaid leave may be approved by the District Manager unless covered by any other type of leave.

#### 3.20 Family and Medical Leave Act (FMLA) Policy<sup>13</sup>

##### ~~3.21 Eligibility for Leave~~

~~An employee who has been employed at least twelve (12) months and has worked at least 1250 hours during the twelve (12) months immediately before starting a leave of absence is eligible for a family or medical leave of absence under the Family and Medical Leave Act (FMLA) or Military Leave if certain conditions are met. An employee who qualifies for a family and/or medical leave of absence under the FMLA may be eligible to take up to twelve (12) work weeks in a rolling twelve (12) month period of unpaid leave or in the case of leave to care for a covered service member, may take up to twenty six (26) work weeks of leave. Employees who have Paid Time Off (PTO) available to them will be required to use Paid Time Off (PTO) from the time their FMLA leave is approved. During the leave period, if all conditions are met, the employee may return to the same or similar position held at the beginning of the leave.~~

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##### 3.22 Types and Length of Family and Medical Leave

- **Medical Leave:**
  - a. ~~The employee is unable to perform the essential functions of his or her position due to a serious health condition as defined in Section 3.23 to include incapacity due to pregnancy, pre natal medical care or child birth.~~

<sup>12</sup> There may be ADA implications and/or other considerations; why only one (1) year?

<sup>13</sup> A Family Medical Leave Act (FMLA) guideline must be tightly crafted to avoid any compliance gaps and/or missteps; for example, the current guideline does not address benefits, protections, responsibilities, unlawful acts, or enforcement. Recommend the sample language added for your consideration be used as written with minimal modification to match practice.

## Pueblo West Metropolitan District Personnel Policy

- **Family Leave:**

- a. ~~To care for the employee's child after birth or placement for adoption or foster care. Time taken under this provision must be taken within twelve (12) months following the birth or if an adoption or foster child placement of the child; or~~
- b. ~~Care for the employee's spouse, eligible partner, and eligible child under 18 years of age or disabled, or parent who has a serious health condition.~~

- **Military Family Leave:**

- a. ~~If an employee has a spouse, eligible child or parent on active duty or is called to active duty status in the National Guard or Reserves, the employee may use their twelve (12) work week entitlements to address certain qualifying urgent matters.~~
- b. ~~An employee may also take up to twenty six (26) weeks of leave during a single twelve (12) month period to care for a covered service member who is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty. The injury or illness must make the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, therapy; or is in outpatient status; or is on the temporary disability retired list.~~

- **Intermittent Leave:**

- a. ~~An eligible employee does not need to use their family and medical entitlement in one block of time. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt District operations. Leave due to qualifying urgent matters may also be taken on an intermittent basis.~~

~~Intermittent leave may be taken in separate blocks of time or as a reduced leave schedule. A reduced leave schedule is a schedule that reduces an employee's usual number of working hours per work week or hours per work day. Intermittent leave may be used to care for the employee's spouse, eligible partner, child, parent, or for an employee's own serious health condition. An employee may take intermittent leave for the birth or adoption of a child only if the employee, the supervisor and District Manager approve such a leave. The District may require an employee to temporarily transfer to another position with equal pay in order to better accommodate recurring periods of leave. Intermittent leave is based on regularly scheduled and budgeted hours. Benefits will continue without any need for an election as long as the employee remains actively employed and working each work week.~~

### 3.23 Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care

## Pueblo West Metropolitan District Personnel Policy

~~provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment or incapacity due to pregnancy or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.~~

### 3.24 Length of Leave

- **Medical/Family Leave:**
  - a. ~~An eligible employee may take up to a maximum of twelve (12) work weeks of family and medical leave during a rolling twelve (12) month period under FMLA.~~
  - b. ~~Time absent from work as a result of a work-related injury that involves the employee's serious health condition will apply toward the FMLA benefit.~~
- **Military Family Leave:**
  - a. ~~An eligible employee may take up to a maximum of twelve (12) work weeks leave to address certain qualifying urgent circumstances. Qualifying circumstances may include attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.~~
  - b. ~~Eligible employees may also take up to twenty-six (26) weeks to care for a covered service member during a single twelve (12) month period.~~

### 3.25 Requesting Leave Time

~~If the need for leave is foreseeable, the employee should notify his/her supervisor and Human Resources of the request thirty (30) days prior to the leave.~~

~~If the need for a leave is unforeseeable, the employee should notify his/her supervisor according to the District's call off policy.~~

~~The employee must provide sufficient information for the District to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. FMLA forms A and B should be submitted to Human Resources within fifteen (15) days of receipt of the forms by the employee.~~

~~Employees need to complete an application for Family and Medical Leave (Form A). All leave requests are based on a serious health condition of an employee or eligible family member and must include a Certification from the Health Care Provider (Form B). Failure to provide proper notification and certification may result in denial of the leave. Periodic re-certifications may be required. The District may require a second opinion at the District's expense. Documentation confirming family relationship, adoption or foster care may be required. Absence after denial of leave may result in disciplinary action according to the District's corrective action and attendance~~

## Pueblo West Metropolitan District Personnel Policy

~~policies and guidelines. All FMLA employee legal rights and application forms are available online on Paycom in Employee Self Service or in the Human Resources office.~~

~~The District will inform the employee requesting leave whether they are eligible under FMLA. If not eligible, the reason will be provided.~~

### 3.26 Paid Leave and Benefits

Employees must use any accrued ~~Paid Time Off (PTO)~~ PTO during an FMLA leave for the employee's own serious medical condition or if the leave is for an eligible family member. Benefit deductions will continue as scheduled. If the employee has used all Paid Time Off, they must make payment arrangements for benefits with the Human Resources department.

Commented [AW21]: Committee approved recommended changes

### 3.27 Return to Work

An employee must provide a Return to Work (Form C) before their actual return to work date. An employee under FMLA job protection will then return to the same or equivalent position subject to FMLA requirements.

#### **FAMILY AND MEDICAL LEAVE**

The Organization provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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

#### **MILITARY FAMILY LEAVE ENTITLEMENTS**

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition."

#### **Benefits and Protections**

## Pueblo West Metropolitan District Personnel Policy

During FMLA leave, the Organization maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the Organization for payment of insurance premiums during leave.

Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer's jury duty pay are not granted on unpaid leave. **(Employers must modify this section to indicate whether paid leave continues to accrue during FMLA.)**

### **Eligibility Requirements**

Employees are eligible if they have worked for this Organization for at least 12 months, for 1,250 hours over the previous 12 months, and if they work at a work site with at least 50 employees within 75 miles. **(Employers may elect not to enforce this last requirement for employee relations' reasons, such as wanting consistency between small and large work sites.)**

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the Organization, or 26 weeks as explained above. **(Employers should specify here their definition of 12-month period. For example, "The Organization uses the 12-month period measured forward from the first day of an employee's leave.")**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Organization's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the Organization's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

### **Substitution of Paid Leave for Unpaid Leave**

The Organization requires employees to use accrued paid leave while taking FMLA leave. Paid leave used at the same time as FMLA leave must be taken in compliance with the Organization's normal paid leave policies. If an employee's leave of absence does not constitute paid leave as defined in the Organization's paid leave policies, the employee cannot use accrued paid leave, but can take unpaid



## Pueblo West Metropolitan District Personnel Policy

leave. FMLA leave is without pay when paid leave benefits are exhausted. (Employers should modify this paragraph to be consistent with their paid leave guidelines; e.g., what leave is used first and whether the employer will allow employees to supplement workers' compensation benefits or disability paid with paid leave.)

### **Employee Responsibilities**

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

Employees must provide sufficient information for the Organization to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Organization if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also may be required to provide a certification and periodic recertification supporting the need for leave. (If not required in all cases, the employer should specify the circumstances requiring certification.) The Organization may require second and third medical opinions at the Organization's expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the Organization's attendance guideline. Employees on leave must contact the Human Resources Manager at least two days before their first day of return.

### **The Organization's Responsibilities**

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

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

### **Unlawful Acts**

FMLA makes it unlawful for the Organization to:

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

### **Enforcement**

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

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

Failure to return to work the day after expiration of the approved leave or when released by the health care provider may result in termination of employment.

**Commented [AW22]:** Committee approved moving this section to 3.20

## Pueblo West Metropolitan District Personnel Policy

### 3.30 NON FMLA LEAVES <sup>14</sup>

#### 3.32 Military Leave – Non FMLA

Active military duty leave for full-time and part-time employees will be granted in accordance with State and Federal regulations and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

Any employee who is required to continue in military service beyond the time allowed for military leave shall be afforded leave with continued pay or supplemented pay up to their regular District pay for the duration of their service and shall be reinstated to full employment rights upon separation from military service as required by law.

Employees granted a military leave of absence are re-employed and paid in accordance with the laws governing veteran's re-employment rights. The Organization pays for the first 15 days of leave. After that time, leave is without pay<sup>15</sup>.

**Commented [AW23]:** Committee recommending considering eligibility on a calendar year basis 11/1/18.

#### 3.34 Emergency Volunteer Leave

Employees called into emergency service by a qualified volunteer organization<sup>16</sup> are entitled to a leave of absence without loss of benefits or status while the employee is volunteering for such organization. Such paid leave shall not exceed a total of fifteen (15) days in any calendar year and shall be allowed only if the required volunteer service is satisfactorily performed, which shall be presumed unless the contrary is established. Leave pursuant to this guideline shall only be allowed if the employee returns to his/her position the next scheduled work day after being relieved from emergency volunteer service, except for cases in which the employee is unable to return to work due to injury or circumstances beyond the employee's control and the employee notifies the District as soon as practicable, but prior to the next scheduled work day.

**Commented [AW24]:** Add approval by DM or HR

#### 3.35 Bereavement Leave

An employee who suffers a death in his or her immediate family will be allowed up to forty (40) hours of bereavement leave per occurrence. Bereavement leave shall be approved by the employee's Department Director. Documentation may be required. Fire Suppression Employees will be allowed up to forty-eight (48) hours of bereavement leave per occurrence. Additional bereavement leave may be requested and charged to the employee's ~~Paid Time Off (PTO)~~ PTO. Immediate family is defined as spouse, children (including step, adopted, and legal), sibling (including step, adopted, and legal), parent (including step, adopted, and legal), grandparent

**Commented [AW25]:** Committee approved recommended changes

<sup>14</sup> Is there an alternate medical leave available for employees not eligible for FMLA?

<sup>15</sup> Colorado statutes require public employers to grant service members military leave without loss of wages for up to 15 days in the leave year established by the employer; and to maintain seniority, status, efficiency rating, vacation, sick leave, and other benefits of the service member for those days.

<sup>16</sup> What constitutes 'emergency service' or 'qualified' volunteer organization? Overly vague guidelines are often subject to misinterpretation, which may generate liability for the organization. Be clear in both intentions and expectations to avoid unnecessary confusion.

## Pueblo West Metropolitan District Personnel Policy

(including step, adopted, and legal), grandchildren (including step, adopted, and legal), and family by law (specifically parent, sibling, grandparent).

### 3.37 Administrative Leave

Employees may be placed on administrative leave ~~with~~ pay, during the investigation of a specific event or occurrence, when possible disciplinary action is under consideration, when the employee has been charged with criminal misconduct, or under other circumstances as may be deemed necessary by management. Employees placed on administrative leave will be advised of the reason for the leave and, if possible, the probable duration of the leave.

Commented [AW26]: Change to "without". 11/1/18

### 3.38 Jury Duty/Court Time

Any employee who is summoned for jury duty, or subpoenaed as a witness in connection their employment, during a regularly scheduled work time, shall provide a copy of the subpoena or order requiring such duty to the employee's supervisor. Any employee who is summoned for jury duty, or subpoenaed as a witness in connection with their employment, the District will pay the employee during their service.<sup>17</sup> If an employee is released from jury duty, the employee must return to work within one (1) hour<sup>18</sup> after the employee is released from jury duty if two (2) or more hours remain in their scheduled shift. If the employee is chosen for jury duty, the employee shall provide their supervisor verification of jury duty selection and participation. In order for the employee to receive compensation, any stipend paid to the employee for jury service or as a witness fee must be paid to the District or an equivalent amount deducted from the employee's pay.

The Organization recognizes jury duty as a civic responsibility of everyone. When summoned for jury duty, an employee will be granted leave to perform his or her duty as a juror. If the employee is excused from jury duty during his or her regular work hours, he or she is expected to report to work promptly. Employees receive regular pay for the first three days of jury duty if they were scheduled to work and they provide confirmation of juror service.

Beginning the fourth day and thereafter, employees, as jurors, are paid \$50.00 per day by the State of Colorado for state, district, or county court jury duty. For jury duty in excess of three days, employees receive the difference between jury duty pay and their regular pay up to a maximum of ten days (80 hours). Jury duty beyond this time is without pay from the Organization.

Commented [AW27]: Committee disapproved recommended change. 11/1/18

### 3.39 Voting

Any employee whose work schedule is such that polls are not open during at least three (3) nonworking hours on Election Day shall be permitted paid leave for the time spent voting, not to exceed two (2) hours.

### 3.40 Domestic Abuse Leave

Employees subject to domestic abuse may be eligible for a leave of absence. Please see Human Resources for more information.

<sup>17</sup> Is this the practice regardless of how long the employee is required to serve? Best practice is usually to limit the number of days paid by the employer; sample language has been added for your consideration.

<sup>18</sup> What if the employee is released shortly before lunch?

# Pueblo West Metropolitan District Personnel Policy

## 3.41 Reinstatement of Service Tenure

If a full-time employee with five years of continuous service or more, who voluntarily separates from employment and is later reemployed, shall be reinstated to their original date of hire excluding their period of non-employment with the District.<sup>19</sup>

## 3.42 Absent Without Leave

After an employee is absent three (3) days of consecutive scheduled work without notice of any kind, the employee shall be ~~deemed to have voluntarily~~ terminated.<sup>20</sup>

**Commented [AW28]:** Committee approved recommended changes

## 4.0 COMPENSATION

### 4.10 Pay Guidelines and Procedures

The Human Resources Department is responsible for administering payroll and benefits, including receiving and resolving employee questions and problems concerning compensation.<sup>21</sup>

**Commented [AW29]:** Committee approved recommended changes

### 4.11 Pay Range and Structure

The Pueblo West Metropolitan District has established a pay range structure showing a minimum, midpoint and a maximum for all job classifications available from Human Resources. The pay range structure will be reviewed periodically. Employees shall be placed on the pay structure according to their job classification.

### 4.12 Pay Policy and Practice

The Pueblo West Metropolitan District has established a Pay Policy and Practice ~~document~~ available at ~~P:\Human Resources\Pay Policy and Structure\Pay Policies and Practice.docx~~ or from Human Resources, that explains how the following are administered.<sup>22</sup>

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- ~~Internal transfers.~~
- ~~Employees exceeding maximum of pay range.~~
- ~~Reorganization.~~
- ~~Demotion.~~
- ~~Not meeting job expectations on performance appraisals.~~
- ~~New hire pay.~~
- ~~New hire in grading.~~
- ~~Promotion to a position in a new pay band.~~

- Commented [AW30]:** Change to pay range
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#### **Compensation Administration**

We consider a number of factors including overall organizational effectiveness, our need for attracting/retaining qualified and talented employees, as well as our financial position. ~~Four~~ main tools are utilized to determine compensation.

<sup>19</sup> In all circumstances regardless of how long the break in service?

<sup>20</sup> Employers cannot force a "voluntary" resignation.

<sup>21</sup> Information of this nature is better relayed during the orientation/onboarding process and does not need to be included separately in the handbook; recommend removing.

<sup>22</sup> Publishing information of this nature may create obligation for the organization more in alignment with the property rights associated with due process, which potentially undermines the at-will nature of the employment relationship. Sample language has been added for your consideration.

## Pueblo West Metropolitan District Personnel Policy

### Job Description

The majority of our jobs have been defined in a written job description. These typically identify the purpose, responsibilities, qualifications, and accountabilities of the job.

### Job Evaluation

Job evaluation is a procedure to rate a position and organize a job hierarchy. The purpose is to establish the relationship of each job in comparison to other jobs within the company.

### Salary Ranges

Currently we have implemented a formal salary structure in an attempt to keep our salaries aligned with comparable markets. These ranges are developed by blending our compensation philosophy, salary survey data, and current economic business conditions.

### Performance Appraisal

The performance appraisal process measures an employee's demonstrated job performance and results achieved. How well a job is performed is one of the major factors that determine eligibility for a merit increase.

Commented [AW32]: Committee approved recommended changes

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### 4.13 Pay Periods

Employees are paid bi-weekly on Fridays. When payday falls on a holiday, the checks will be available the day before. An employee who must be absent on pay day may authorize in writing the release of their paycheck to a representative. The District does not assume responsibility for any paycheck after it is released to an authorized representative. An employee who must be absent from work for a prolonged period may request in writing that their check be mailed to a designated address.

### 4.14 Direct Deposit<sup>23</sup>

Effective 1/1/2011, Pueblo West Metropolitan District is a direct deposit employer. Payroll checks will be paid through direct deposit from an employer and employee authorized financial institution. Employees hired before 1/1/2011, that are not currently on direct deposit may opt out of direct deposit.

### 4.15 Deductions

Federal and state income taxes, social security contributions, and all deductions required by law are automatically deducted from employee paychecks. In addition, payroll deductions may be authorized in writing by individual employees to include, but not limited to, health, dental, vision, voluntary insurance benefits, retirement plans, deferred compensation, and cafeteria plan contributions or other District Manager approved deductions.

<sup>23</sup> Public entities are specifically excluded within the definition of "employer" in the Colorado Wage Act and are not subject to its provisions, including the voluntary requirement for direct deposit. As a public employer you may set pay practice based on the business needs of the organization.

## Pueblo West Metropolitan District Personnel Policy

Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period on a weekly basis. The Organization is committed to complying with salary basis requirements which allows properly authorized deductions.

**Commented [AW33]:** Change to District throughout document.

If you believe an improper deduction has been made to your salary, you should immediately report this information to (specify person by job title or department). Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed.<sup>24</sup>

**Commented [AW34]:** Human Resources

### 4.20 TYPES OF PAY

#### 4.21 Paid Time Off Pay

Vacation and Sick leave are combined into ~~Paid Time Off (PTO)~~PTO. See the benefits section for a plan schedule.

#### 4.22 Holiday Pay<sup>25</sup>

Employees assigned to work on District designated holidays shall be paid based on a scheduled shift ~~at their basic hourly rate plus additional pay at the rate of time and one half (1½) for those hours actually worked on the designated holiday.~~<sup>26</sup>

**Commented [AW35]:** ½ times their basic hourly rate

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**Commented [AW36]:** Change to observed throughout policy

**Commented [AW37]:** Use sample language in footnote. Change designated to observed.

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The District may designate an alternative day off for any employee required to work on a District recognized holiday.

In lieu of receiving holiday pay, Fire Suppression Personnel are granted additional PTO hours as approved by the District.

For a list of current holidays see the Benefits Section 13.20.

**Commented [AW38]:** Add observed

#### 4.23 On-Call Pay

Employees may be assigned on-call duty requiring that they be available for work during a specified time period outside their normal working hours.

Employees assigned to be on-call will be paid one (1) hour pay for each day of on-call time, Monday through Friday, and two (2) hours per day for Saturday, Sunday, and holidays.

Employees scheduled to be on-call must acknowledge a call within five (5) minutes and must be able to respond within a reasonable amount of time not to exceed thirty (30) minutes.

<sup>24</sup> Recommend adding to handbook; this safe harbor language can help show that any improper payment to an employee is not a willful action.

<sup>25</sup> Are holiday hours counted as hours worked in the calculation of overtime?

<sup>26</sup> This could be read a few different ways. Regular rate plus time and a half = 2.5x their regular rate. Sample language: Employees will receive their base pay for the hours they would normally work on a District designated holiday. Employees who are required to work on a District designated holiday will receive one and a half times their regular rate for the hours they work on a District designated holiday.

## Pueblo West Metropolitan District Personnel Policy

All employees who are on-call shall refer to the Districts “Non DOT Drug and Alcohol Policy” under the section marked - **WHAT IF I AM “On Call”?** – to determine the District’s requirements as it relates to the use of drugs and/or alcohol while on call <P:\District Policies\Drug&Alcohol> or from Human Resources.

All employees who require a CDL for their employment must also comply with the District’s “DOT Drug and Alcohol Policy” section **3.1.38 “On Call/Call Back status”** which outlines policy specific to CDL drivers when on call <P:\District Policies\Drug&Alcohol> or from Human Resources.

### 4.24 Call Back Pay<sup>27</sup>

Employees who are called to return to work will receive a minimum of three (3) hours of pay at the overtime rate when called back to work after the regularly scheduled shift ends and the employee has left the regular work area.

**Commented [AW39]:** Disregard footnote and keep policy the same

All employees who are called back shall refer to the District’s “Non DOT” Drug and Alcohol Policy” under the section marked - **WHAT IF I AM “On Call”?** – to determine the District’s requirements as it relates to the use of drugs and/or alcohol when reporting in for a call back. <P:\District Policies\Drug&Alcohol> or from Human Resources.

All employees who require a CDL for their employment must also comply with the District’s “DOT Drug and Alcohol Policy” section **3.1.38 “On Call/Call Back status”** which outlines policy specific to CDL drivers when reporting in for a call <P:\District Policies\Drug&Alcohol> or from Human Resources.

### 4.25 Shift Differential Pay

Employees who are assigned to work any portion of a shift between the hours of 10:00 P.M. and 6:00 A.M. are eligible to receive a shift differential. The pay differential is a fixed dollar amount per hour added to the employee’s current rate of pay. This additional rate shall also be included in overtime calculations.

Fire Suppression Personnel are not eligible for shift differential pay.

Employees called back to work are not eligible for shift differential pay.

### 4.26 Severance Pay

Employees who involuntarily lose their employment due to a job elimination or department reorganization will be eligible to receive a minimum of two (2) weeks of regular pay or one (1) week of regular pay for each completed year of service whichever is greater. If an employee is

**Commented [AW40]:** .

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<sup>27</sup> There is significant redundancy between the On Call and Call Back sections; consider combining the two into a singular guideline to mitigate unnecessary repetition.

## Pueblo West Metropolitan District Personnel Policy

offered an alternative position in the District, the employee will not be offered a severance. If the employee refuses the alternative position the employee will be considered voluntarily terminated.<sup>28</sup>

### 4.27 Special Reserve Pay

The District provides special reserve pay under certain circumstances. See the Benefits Section 13.54 for a plan schedule.

### 4.28 Longevity Pay

A regular full-time employee who has completed five (5) years of service shall receive longevity pay following the date of their fifth anniversary. The amount of longevity pay begins at \$180 per year and continues until the completion of another five-year increment, when it increases to the next level.

- Over five (5) years, but less than ten (10) years of service: \$180.00
- Over ten (10) years, but less than fifteen (15) years of service: \$300.00
- Over fifteen (15) years, but less than twenty (20) years of service: \$420.00
- Over twenty (20) years of service: \$540.00

For regular part-time employees, the amount of longevity pay is half of the full-time rate and continues until the completion of another five-year increment, when it increases to the next level.

The anniversary date is defined as the employee's date of hire. Changes in position do not constitute a change of the anniversary date for this policy. The longevity pay will be calculated at the end of each year and will be awarded to employees in check form with the annual Safety Incentive checks.

An employee who terminates employment and is then reemployed with the District shall have longevity time cumulatively calculated based on Section 3.41 Reinstatement of Service Tenure.<sup>29</sup>

Employees whose positions change from regular part-time to regular full-time or change from regular full-time to regular part-time will be adjusted accordingly.

The longevity pay is capped at twenty (20) years of service.

If an employee terminates during the year, longevity pay will be prorated for the year.<sup>30</sup>

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<sup>28</sup> Refer to previous comment regarding HR operating procedures; recommend removing.

<sup>29</sup> Refer to previous comment regarding reinstatement.

<sup>30</sup> Does the proration apply to employees rehired during the year as well?



## Pueblo West Metropolitan District Personnel Policy

### 4.30 Overtime

It shall be the policy of the District to reduce overtime compensation whenever possible. The District may require employees to work overtime. Overtime is considered the hours actually worked over twelve (12) hours in one shift and/or over forty (40) hours during any work week.<sup>31</sup>

Overtime for Fire Suppression Personnel is addressed in Section 4.33

### 4.31 Flextime – Non-exempt Employees

Flextime at the District is a work schedule with time of arrival and departure that differs from the standard operating hours. Supervisors approve flextime on a case-by-case basis, based on District operating needs.

Each department in the District defines their standard operating days and hours and employees are expected to be at work during these hours unless approval is granted for a flexible work schedule (flextime).

Departments may develop flexible schedules for non-exempt employees within the standard 40-hour workweek. All actual hours worked over 40 in a work week is subject to overtime pay or compensatory time as stated in Section 4.32. Non-exempt employees may be asked to work overtime regardless of an already existing flextime schedule.

Once a flextime schedule is approved, the employee will be expected to work that schedule, unless given approved leave or permission to depart from the flextime/alternate work schedule by the Department Director.

During a holiday week and as business demands, the work shift times and days may change. Weekend, rotating shifts, etc. may also be established to meet business demands.

### 4.32 Compensatory Time – Non-exempt Employees

It shall be the policy of the District that authorized hours worked in excess of regularly scheduled work time by non-exempt employees be compensated in compensatory time of one (1) hour<sup>32</sup> for each additional hour worked over twelve (12) hours in a shift or forty (40) hours in a work week.<sup>33</sup> Compensatory time must be used within 15 days or it will be paid out on the following pay check. Department directors must track all compensatory time if authorized in writing.

### 4.33 Overtime Pay Compensation – Non-exempt Employees

Employees who are not exempt from the Fair Labor Standards Act shall receive overtime compensation for hours actually worked over twelve (12) hours in one shift and/or over forty (40)

<sup>31</sup> The definition of the work week is necessary for purposes of calculating overtime pay. For Wage-Hour considerations, the handbook should define the workweek in terms of a seven-consecutive-day period (168 hours). For example, 12:01 a.m. on Sunday to 12:00 midnight on Saturday even though the work schedule is Monday-Friday.

<sup>32</sup> Compensatory time is the equivalent of cash overtime and would be accrued at 1.5x for each hour worked in excess of 12 hours in a shift or 40 hours in a work week. For example, 45 hours in a work week = 7.50 hours of accrued compensatory time or 7.50 hours of cash overtime. One overtime guideline to address both is sufficient; sample language has been added for your consideration.

<sup>33</sup> Refer to previous comment regarding definition of work week.

## Pueblo West Metropolitan District Personnel Policy

hours during any work week.<sup>34</sup> Depending on department scheduling, eligible employees shall be paid one and one-half (1 ½) times their regular rate of pay as determined by the District pay schedule or may receive compensatory time off pursuant to section 4.32.

Employees must receive approval and authorization from their supervisor, department director or the District Manager before working overtime. Employees who are not authorized to work overtime will be paid at the overtime rate or credited with compensatory time. However, failure to receive prior approval for overtime will result in corrective/disciplinary action up to and including termination. Overtime compensation for time spent training shall be provided as required by the Fair Labor Standards Act.

Unless there is an extreme emergency, employees shall not work more than an equivalent to a double shift or exceed the Department of Transportation (DOT) Hours of Service Rules.

Non Fire Suppression Employees required to work four (4) hours beyond their regular assigned shift shall be provided a meal. If a worked shift extends beyond a second four (4) hour period, the employee shall be provided with another meal.

The District has established a twenty-eight (28) day consecutive cycle for Fire Suppression Employees. Pursuant to FLSA 553.201 section (k), Fire Suppression Employees working greater than 212 actual hours in the work cycle will be compensated at the overtime rate.

### OVERTIME/COMPENSATORY TIME

All nonexempt employees must record all time worked and all compensatory time taken on departmental timesheets. All overtime must be approved in advance by the supervisor. Overtime at the rate of time and one-half the employee's base rate will be paid to nonexempt employees when work is performed in excess of 40 hours in one week. For purposes of calculating overtime, the workweek begins at 12:00 a.m. midnight Sunday and ends at 11:59 p.m. Saturday. The 40-hours threshold is based on actual hours worked in the week. Therefore, ~~sick time, vacation, holiday, or other paid or unpaid leave time is not included in calculating the 40-hours threshold.~~

~~Nonexempt employees will be given compensatory time off in lieu of cash payment or overtime for up to a maximum of \_\_\_\_\_ compensatory hours (or \_\_\_\_\_ hours of overtime).~~

The compensatory time balance is payable to the nonexempt employee at termination. Payment at any other time must be approved by \_\_\_\_\_ (specify person by job title or department).

Fire Suppression Employees working in excess of 212 actual hours within the work cycle, shall be paid one and one half (1½) times their regular rate of pay as determined by the District.<sup>35</sup>

Commented [AW41]: 12:01 Monday through 12:00 Sunday night

Commented [AW42]: PTO

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Commented [AW44]: Human Resources

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<sup>34</sup> Refer to previous comment regarding definition of work week.

<sup>35</sup> Same as above; recommend removing.

## Pueblo West Metropolitan District Personnel Policy

### 4.34 Compensatory Time - Exempt Employees<sup>36</sup>

Employees who are paid on a salary basis, and fit the Fair Labor Standards Act (FLSA) exemption requirements, are considered exempt from receiving compensatory time.

### 4.35 Overtime Pay Compensation - Exempt Employees

Employees who are paid on a salary basis, and fit the Fair Labor Standards Act (FLSA) exemption requirements are considered exempt from receiving overtime pay.

### 4.36 Working Off The Clock – Non-exempt Employees

Working “off the clock” is expressly contrary to District policy and is not allowed under any circumstance. If non-exempt employees are unable to complete assigned tasks during normal work hours, they should immediately notify their direct supervisor. Only approved overtime hours worked will be compensated according to Section 4.30 Overtime.<sup>37</sup>

#### **Full-time Employee**

an employee normally scheduled to work at least 40 hours per week. Full-time employees are currently [eligible/ineligible] for Organization benefits.

#### **Part-time Employee**

an employee normally scheduled to work at least \_\_\_\_\_ hours or less than a 40-hour workweek. Part-time employees are currently [eligible/ineligible] for Organization benefits.

Commented [AW46]: 20

#### **Temporary Employee**

an employee who is hired in a job established for a temporary period or for a specific assignment. Temporary employees are currently [eligible/ineligible] for Organization benefits.

#### **Exempt Employee**

an employee who is not eligible for overtime pay.

#### **Nonexempt Employee**

Nonexempt employees are eligible for paid overtime or compensatory time at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours per workweek.

Commented [AW47]: Reject changes

## 5.0 EMPLOYMENT PRACTICES

### 5.10 Eligibility to Apply for Transfer or Promotion

Employees shall not be eligible to apply for transfers or promotions until the completion of ninety (90) days of employment in their current position with the District.

### 5.20 Educational Assistance

The District supports education which improves the skills, qualification, and performance of District employees. The Educational Assistance Policy encourages professional development through formal education. Please refer to the Educational Assistance Policy located at [P:\District Policies\Educational Assistance](#) for employee eligibility requirements. To be considered for the

Commented [AW48]: Add or HR

<sup>36</sup> Definitions should be presented in simple terms to facilitate understanding; sample language has been added for your consideration.

<sup>37</sup> All overtime must be paid regardless of approval.

## Pueblo West Metropolitan District Personnel Policy

Educational Assistance, the employee will need to apply to the Department Director and District Manager. All requests are subject to approval by the District Manager and must be approved in ~~the current year's budget~~. The program reimburses eligible employees up to 100% of the eligible expenses for educational courses taken at an approved educational institution. To receive reimbursement the employee must obtain approval before registering for course(s), and the employee must complete it with a passing grade of a "C" or better. The employee is obligated to continue to work at the District at a minimum of twelve (12) months of employment after completion of the course(s).

Commented [AW49]: Add "budgeted"

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While educational assistance is expected to enhance employee's performance and professional abilities, the District cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increase.

Employees should contact the Human Resources Department for more information or questions about the Educational Assistance Policy, as well as the detailed terms and conditions of the program.

### 5.25 Training and Certifications

The District recognizes that for development purposes, employees may need to attend training programs, workshops, or join professional associations that will enable them to remain abreast of best practices in their respective fields. The purpose of this policy is to outline parameters for attending external training functions and joining/renewing memberships in professional associations. Please note that this policy is subject to annual budgets established for each department.

Training benefits are available to full-time and part-time employees. The benefit can be used for cost associated with:

- Certificate programs and credential / Recertification programs and renewal
- Workshops, seminars and conferences
- Membership in professional organizations
- Professional/State exams
- Paramedic Certification \*\*

(\*\*An employee seeking a paramedic certificate to qualify the employee must have been employed by the District for at least one (1) year. Upon completion of the certificate / training the employee is obligated to commit twelve (12) months of employment with the Pueblo West Fire Department.)

The District reserves the right to determine which training programs and association memberships are in the best interest of the ~~employee as well as the~~ District. It is the expectation that each employee maintain state-mandated certificates or credentials necessary to the employee's job. The District will not pay if a retest of the same classification and certification level test is needed or required.

Requests for training or certifications must be approved by the employee's Supervisor and Department Director. The employee's Department Director must approve in writing payment of

## Pueblo West Metropolitan District Personnel Policy

all or a portion of the fees and costs of training programs or certifications requested including any meal per diem or travel expenses.

The District invests in training and certifications for employees with the expectation that the investment be returned through enhanced job performance. Employees approved for training or certification that exceeds \$2000 must complete the Training & Certification Agreement [P:\District Policies\Educational Assistance](#) that specifies an employee's commitment to their employment with the District for twelve (12) months after the completion of the training or receiving the certification. In the event an employee voluntarily separates from employment with the District, or is terminated for cause, within the time period designated, the employee will be required to pay back the designated amount per the agreement of the original training or certification request. Human Resources will monitor the need for employees to complete reimbursement agreements.

### 5.30 Vacancies

The District considers a position vacant when there is no employee assigned to the position who has the foreseeable ability or apparent intention to perform the duties of the position. ~~The District reserves the right to declare a position vacant under other circumstances, for example, the apparent abandonment of a position by an employee, and also reserves the right not to declare a position vacant, in its discretion.~~<sup>38</sup>

Employees of the District are encouraged to apply for vacant positions for which they are qualified. The District awards vacant positions to the applicants who are best-suited to meet the needs of the District with the goal to promote from within the ~~workforce~~ based on employee development.

### 5.40 Promotions

A promotion is considered the advancement of an employee to a position that carries more responsibility and a higher rate of pay. All regular employees of the District are eligible to be considered for promotions for which they apply and are qualified, notwithstanding herein, employees currently on a performance improvement plan are not eligible to receive a promotion.

### 5.50 Reclassification

When an employee has been assigned responsibilities greater than his or her job description calls for, at least twenty (20) consecutive days out of sixty (60) calendar days the employee may be eligible for reclassification. If the assignment of increased duties or responsibilities is twenty (20) consecutive days or less the employee may be given the added job title of "Acting". If the time period is twenty one (21) consecutive days or more, "Interim" may be added to the job title.

If applicable, the supervisor of the employee shall furnish to the District Manager for review, a report on the employee's responsibilities and work assignments. The District Manager will review the report and shall determine the extent of the reclassification if any; and the effective date of reclassification based upon the material furnished to him by the supervisor.

<sup>38</sup> Refer to previous comment regarding HR operating procedures; recommend removing.

**Commented [AW50]:** Accept recommended changes

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**Commented [AW52]:** Re-word to include succession planning

## Pueblo West Metropolitan District Personnel Policy

Experience obtained while service as an “acting” or “interim” employee may be used as documented experience to qualify for a promotion or job reclassification.

### ~~5.60 Re-Organization or Restructuring~~

~~The District reserves the right to re-organize, restructure or re-align departments.~~

~~If during a departmental reorganization or restructuring an employee is terminated because no position is available they may be eligible for severance pay.~~

~~Affected employees may apply for vacancies within the District for which they are qualified.~~

~~Affected employees who participate in the District’s group medical, dental and/or vision insurance are eligible to continue insurance coverage at their own expense as authorized by federal and state law (COBRA<sup>39</sup>).~~

### 5.70 Employment of Relatives and Close Personal Relationships

The District will not employ any relatives or people with a close personal relationship to another employee on a regular, on-going basis under circumstances where:

- a. One would directly exercise ~~supervisory~~, appointment, or dismissal authority over the other or;
- b. ~~One would directly have authority over disciplinary action as to the other; or~~<sup>40</sup>
- c. One would audit, verify, receive, or be entrusted with money received or handled by the other in the course of employment; or
- d. One would have access to the employee’s confidential information, including payroll and personnel records or cause a conflict of interest to the District; or
- e. Where conflicts exist in the relationship or in the department that are disruptive to the normal work flow and function of the department.

Commented [AW53]: Add “disciplinary”

When employees of the District become related or if close personal relationships develop and their working relationship is prohibited by this policy or creates a conflict of interest, the District reserves the right to take the action it deems appropriate.

### 5.80 EMPLOYMENT TYPES<sup>41</sup>

#### 5.81 Non-exempt Employee

~~A Non-exempt employee is specifically defined as pursuant to the Fair Labor Standards Act, as amended. Non-exempt District employees are generally paid an hourly wage and are eligible for overtime compensation. For further information, please contact the Human Resources Department.~~

<sup>39</sup> Refer to previous comment regarding HR operating procedures; recommend removing.

<sup>40</sup> Same as (a); recommend removing.

<sup>41</sup> The majority of this section can be removed if sample *Employment Classifications* guideline is used per recommendation.

## Pueblo West Metropolitan District Personnel Policy

### **5.82 Exempt Employee**

~~An Exempt employee is specifically defined as pursuant to the Fair Labor Standards Act, as amended. Exempt District employees are generally paid a salary and are not eligible for overtime compensation. For further information, please contact the Human Resources Department.~~

### **5.83 New Employees**

Each new employee is employed on a training basis for ninety (90) calendar days. During this training period employees will undergo orientation to the department and the District, will receive such training as is deemed appropriate, and will be evaluated by their supervisors. Upon successful completion of the training period, an employee may be considered either a regular full-time, part-time or Per Request Needed (PRN) employee, with the right to apply for transfer or promotion.<sup>42</sup>

An employee's training period may be extended for an additional sixty (60) calendar days at the discretion of the Department Director. An employee whose training period is extended will be so notified in writing.

Classification of an employee as "regular" is not intended to alter the at-will status of the employment relationship.

For the purpose of employment, starting benefits and policies set forth in this manual; fire suppression personnel shall have a training period of ninety (90) days of employment but will continue with a professional development plan for a period of one (1) year. Administrative positions for the fire department will adhere to the policy as set forth as ninety (90) days of employment.

### **5.84 Full-Time Employment**

~~Full time employment is defined as hired to regularly work thirty (30) or more hours per week.~~

### **5.85 Part-Time Employment**

~~Part Time employment is defined as hired and regularly scheduled to work at least twenty (20) hours per week but less than thirty (30) hours per week. Part Time employees are not eligible for benefits except where required by law, employees are paid for holidays only if worked and are entitled to overtime compensation according to policy. Refer to Section 13.12 for clarification.~~

### **5.86 Temporary Employment**

~~Employees hired for positions known to be of limited duration, usually one (1) year or less, are considered temporary employees. Temporary employees are not eligible for benefits except where required by law, employees are paid for holidays only if worked and are entitled to overtime compensation according to policy.~~

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<sup>42</sup> Successfully completing a probationary period of employment may give rise to a reasonable expectation of job security and the understanding that termination can only be for cause thereby jeopardizing the at-will nature of the employment relationship. Employers Council advises against using a probationary period and advises that employees should be at-will from day one. Employers can and should evaluate performances at all times.

## Pueblo West Metropolitan District Personnel Policy

### 5.87 Per Request Needed (PRN)

Employees who are hired and scheduled to work as needed but not for regularly scheduled shifts. Per Request Needed (PRN) employees are not eligible for benefits except where required by law, employees are paid for holidays only if worked and are entitled to overtime compensation according to policy.

### 5.88 Seasonal Employees

Employees hired to work in the Parks and Recreation Department for a specific period of time, usually ~~six~~ (6) months or less, are considered Seasonal Employees. Seasonal employees are not eligible for benefits except where required by law, employees are paid for holidays only if worked and are entitled to overtime compensation according to policy.

Commented [AW54]: Change to 120 days or less

### 5.89 Volunteer Fire Fighters

Volunteer Fire Fighters are fire suppression personnel scheduled in coordination with the department to work shifts as needed. Volunteer Fire Fighters are not eligible for benefits except where required by law.

### 5.90 Per Diem Employees<sup>43</sup>

Employees hired for positions where work hours vary from week to week depending on the District's needs. Per Diem Employee's compensation shall be paid by the shift worked. Per Diem Employees shall not be eligible for benefits, except where required by law. Per Diem Employees shall receive holiday pay, only if actually worked. Per Diem Employees shall not be entitled to overtime compensation, except as required by law.

### ~~5.91 Reinstated Employees~~

~~A full-time employee with five years of continuous service or more, who voluntarily separates from employment and is later reemployed, shall be a reinstated employee with their original date of hire excluding their period of non-employment with the District.<sup>44</sup>~~

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## 6.0 EMPLOYEE APPRAISALS AND PERFORMANCE MANAGEMENT

### 6.10 Job Descriptions

Each position must have a job description describing the essential duties and responsibilities of the job. This document is the basis for determining the job class for the position, performance planning, pay and department staffing. Job descriptions ~~will~~ be reviewed and/or revised on an annual basis and approved by the District Manager or Board of Directors.<sup>45</sup>

Commented [AW55]: Change to "may"

<sup>43</sup> Equivalent to PRN.

<sup>44</sup> Refer to previous comment regarding reinstatement. If listed here, recommend removing elsewhere in the handbook to avoid unnecessary duplication.

<sup>45</sup> Be aware that use of definitive terms such as "will" create an obligation for the organization; to the extent job descriptions are not reviewed/revised on an annual basis, the organization is in violation of its own guideline, which may call other guidelines into question.



# Pueblo West Metropolitan District Personnel Policy

## 6.20 Employee Appraisals<sup>46</sup>

~~The District expects each of its employees to be appraised concerning his or her job performance at least annually. The appraisal process is intended to provide employees with information concerning their employment progress and to serve as a means of improving employee performance. The appraisal process is not meant to serve as a substitute for ongoing discussions between supervisors and employees.~~

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~~Supervisors are expected to appraise each employee annually. This expectation is not intended to create a right to an annual appraisal, but rather imposes a duty on supervisors. Similarly, the District's appraisal guideline is not intended to entitle employees to a specific method or standard of appraisal, but is intended to impose an affirmative obligation on supervisors to appraise employees regularly and consistently.~~

~~New employees shall have periodic reviews during their first ninety (90) days of employment, a formal ninety (90) calendar day appraisal and at their first (1<sup>st</sup>) anniversary date.~~

~~All new appraisal plans, related action plans and/or other details of the District's performance appraisal process shall be communicated by supervisors to the employees under their direction.~~

~~Every two (2) years on the employee's anniversary date a 360 performance appraisal will be conducted. The information solicited in a 360 degree feedback process will include feedback from an employee's subordinates, peers (colleagues), and supervisor(s), as well as a self evaluation by the employee him or herself.~~

## 6.21 Appraisal Standards

It is the responsibility of District management to develop appraisal standards. **Written appraisal standards are to be maintained by each supervisor for the employees under his or her supervision.** Whenever the nature of the job permits, appraisal standards should be objective indicators of job performance. All appraisal standards and other details of the District's performance appraisal process shall be communicated by supervisors to the employees under their direction.

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Commented [AW57]: Should be maintained

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## 6.22 Appraisal Process

The appraisal process shall permit oral and written responses by employees, shall require annual written appraisals for each employee that are signed by the employee and the appraiser, and shall include review of each appraisal by the appraiser's supervisor. Each written appraisal shall become a part of the appraised employee's personnel record.

Commented [AW58]: Add "maintained by HR Department"

## Performance Appraisal

Evaluating employee job performance and providing feedback is an important factor in making employment-related decisions. See your supervisor for information regarding our review process.

<sup>46</sup> This level of detail is rarely included in the handbook; sample language has been added for your consideration.

## Pueblo West Metropolitan District Personnel Policy

### 6.30 Performance<sup>47</sup>

~~Employee performance is managed through ongoing continuous feedback throughout the performance cycle, regarding how their performance is meeting the supervisor's expectation, coaching and conducting performance evaluations.~~

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~~Employees are accountable for their own performance.~~

~~Supervisors are directed and expected to guide, direct and support the work of employees.~~

### 6.40 Employee Performance Management

Employees are expected to perform and otherwise conduct themselves in a responsible and professional manner. All should act as team players, treating fellow employees and members of the public with courtesy, dignity and respect and take pride in themselves and their work. It is the responsibility of all employees to observe all rules, policies, operating procedures and directives of the District.

#### Discipline

Occasionally performance or other behavior falls short of our standards and/or expectations. When this occurs, management takes action, which, in its opinion, seems appropriate.

Disciplinary actions can range from an informal discussion with the employee about the matter to immediate discharge. Action taken by management in an individual case does not establish a precedent in other circumstances.

Commented [AW59]: Keep changes

### 6.41 Performance Improvement Plan<sup>48</sup>

~~Managers should inform employees when their performance or behavior is unacceptable or otherwise not meeting expectations and implement the appropriate corrective action. This action may range from a written performance improvement plan to corrective action. A performance improvement plan may include a plan to improve or correct inappropriate behavior or poor performance.~~

~~The written Performance Improvement Plan should:~~

- ~~a. Identify the specific behavior or performance issue.~~
- ~~a. Identify what is expected to correct behavior or improve performance.~~
- ~~a. Determine the appropriate time line for correction or improvement and schedule the date to review results.~~
- ~~a. Inform the employee of the consequences if correction or improvement does not occur.~~

~~Disciplinary or corrective action may range from a verbal warning to termination depending on the circumstances of the situation. Corrective action is not necessarily~~

<sup>47</sup> This level of detail is rarely included in the handbook; sample language has been added for your consideration.

<sup>48</sup> Refer to previous comment regarding HR operating procedures.

# Pueblo West Metropolitan District Personnel Policy

~~progressive and may include a verbal warning, written warning, suspension, or termination.~~

~~Please note that either the District or the employee may terminate employment at any time with or without notice or cause.~~

Commented [AW60]: Keep changes

## 7.0 EMPLOYEE CONDUCT

### 7.10 General Rules of Conduct

The District expects all of its employees to act in the best interests of the District and its constituents. It is the responsibility of all employees to observe all rules, guidelines, operating procedures and directives of the District. The District further expects that each of its employees will behave with courtesy and respect toward other employees and members of the public. Specific rules of conduct adopted by the District or described in these guidelines are not meant to be all inclusive, but rather address some common and serious potential problems.

### 7.20 Dress and Appearance

Picture identification badges will be issued to all employees. All employees working on private property or working District sponsored public events must be ready to display or show their District picture ID when asked.

The District will provide and maintain uniforms for departments that require employees to wear uniforms.

All employees must be in compliance with District safety standards at all times.

Employees assigned to work in safety sensitive areas that may include but, are not limited to garages, operational plants or in any outdoor location shall wear approved steel toed boots or shoes at all times. Steel toed boots or shoes shall meet all approved ANSI safety standards. Safety glasses, hardhats and safety vests may be required. At the supervisor's discretion, employees may be eligible for one pair of safety footwear per calendar year. All District financed purchases shall be from the District's authorized supplier.

The District believes a properly attired employee helps to create a favorable image for the District. Employee dress should be appropriate to the work situation. Radical departures from what the District considers conventional dress are not permitted, regardless of the nature of the job performed. If you are in doubt about whether or not attire is appropriate, check with your Supervisor ahead of time.

Office personnel are expected to dress in a "Business Casual" manner normally acceptable in business establishments. Dresses and skirts must not be shorter than two (2) inches above the knee. Jeans, shorts, ~~sweat pants, tank tops, yoga pants, jogging pants, T-shirts, athletic-type clothing, or strapless dresses/tops (without a jacket) are unacceptable. Shoes should be professional and appropriate in nature and in good condition. ~~Flip flops are not permitted.~~~~

Commented [AW61]: Add "Bermuda shorts"

Commented [AW62]: Add "or footwear"

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## Pueblo West Metropolitan District Personnel Policy

Jean Day is intended to be a more relaxed dress day for office employees, although it is still necessary to maintain a business image. Jean Day is every Friday or the last workday in a holiday week. Employees may wear jeans or other denim, as long as they are free of holes and not tattered or damaged, and shall wear a District logoed or business casual shirt. Employees should take their day's schedule into account. If meeting with visitors, traditional dress may be more suitable.

**Commented [AW63]:** Add "Sneakers in good condition may be worn with jeans"

There may be occasions when office personnel are required to perform work in safety sensitive areas or outside of their normal office area. In such cases, the employee may be allowed, with prior approval from their Supervisor or Manager, to modify their attire while the work is being performed. ~~Personnel who perform offsite audits will be provided two (2) uniforms per year. Personnel who perform offsite inspections will be provided five (5) uniform shirts every six (6) months.~~

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Occasionally, the District Manager may temporarily modify the dress code to accommodate special events, visits, etc. In such cases, the temporary modification to the dress code will be communicated in advance.

~~Executive~~ staff members are allowed ~~four~~ professional shirts with the District logo per year. ~~Shirts must be returned to Human Resources upon termination of employment.~~

**Commented [AW64]:** Senior Management

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**Commented [AW66]:** Add "per department requirement"

Only District authorized logos may be worn on any clothing visible to the public, including hats/caps. Personnel visible to the public must wear a District issued name tag. Approved District provided uniforms must be worn for all scheduled working hours or shifts.

Employees wearing unapproved or inappropriate clothing will be asked to leave the work site and change to appropriate clothing. Where permitted by law, this time will not be considered paid time. Employees shall only wear District provided uniforms for work related activities. Employees violating the dress code policy will be subject to disciplinary action up to and including termination.

Uniforms damaged by no fault of the employee will be replaced by the District. ~~Uniforms damaged or lost through employee negligence will be replaced at the employee's cost.<sup>49</sup>~~

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Coveralls shall be supplied by the District for those employees that have been determined to need them by their Department Director.

When employment with the District ends, all District issued property including identification badges, keys and uniforms must be returned to the supervisor.

### 7.30 Smoking

The District has designated all buildings and vehicles as "Smoke Free". Smoking, including the use of electronic cigarettes, otherwise known as e-cigarettes is not permitted anywhere in the

<sup>49</sup> Costs associated with uniforms may not cut into overtime compensation or take the employee below minimum wage.

## Pueblo West Metropolitan District Personnel Policy

District's indoor facilities, vehicles or equipment, within fifteen (15) feet of any doorway leading into a District indoor facility, or in other areas where the District prohibits smoking.

### 7.40 Drugs and Alcohol

All employees shall comply with the District's Non DOT drug and alcohol policy. All employees required to have a CDL for their job classification must also comply with the District's DOT drug and alcohol policy. Any Employee who is exposed to any unlawful, illicit, or prohibited substance or any other substance, lawful or unlawful, during the course and scope of their employment, that may impair his/her ability to complete their job functions or in any way violate this personnel policy, shall immediately report such exposure to his/her immediate supervisor.

### 7.41 Non DOT Drug and Alcohol Policy<sup>50</sup>

Is located at [P:\District Policies\Drug&Alcohol](#) or from Human Resources.

### 7.42 DOT Drug and Alcohol Policy

Is located at [P:\District Policies\Drug&Alcohol](#) or from Human Resources.

### 7.43 Drug and Alcohol Testing

Refer to the District's drug and alcohol policies listed in Sections 7.41 and 7.42 if applicable, for testing requirements.

## 7.50 CRIMINAL CONVICTIONS

### ~~7.51 Pre-Employment Criminal Convictions<sup>51</sup>~~

~~Convictions within the last seven (7) years (or longer if deemed appropriate by the District Manager) shall be evaluated by the District Manager on a case-by-case basis to determine whether the criminal record of the applicant would create an unreasonable and foreseeable risk to the District, its employees or the public because of the history of convictions involving theft, drugs, violence and/or bodily harm. If it is so determined a prospective new employee may pose a risk, the employment offer shall be rescinded.~~

Commented [AW67]: Keep in policy

### 7.52 Reporting New Convictions

All employees will be required to immediately report any criminal convictions involving theft, drugs, violence and/or bodily harm. Any employee that has his/her driver's license suspended or revoked for any reason is prohibited from operating District vehicles and equipment. All suspended, revoked, and/or canceled driver's licenses must be reported to Human Resources immediately. Employees should refer to the District's Fleet Safety Policy for other prohibitions and policies.

### 7.60 Conflict of Interest

District employees shall not place their personal business interest above the best interest of the District or Board's constituents.

<sup>50</sup> Any separate standalone policies should also be submitted for review.

<sup>51</sup> Refer to previous comment regarding recruitment practices; recommend removing.

## Pueblo West Metropolitan District Personnel Policy

Conflicts of interest shall be deemed to exist in any situation in which the relationship between a representative of the District and an existing (or potential) vendor is such that sufficient influence could be exercised to the extent that either the District or the vendor might be prevented from fully pursuing its own separate interests.

Direct financial interest shall be defined as any interest which provides the individual with income, property, personal advancement or other additions to their personal finances.

Each official and employee of the District shall file a personal statement, with the District Manager and Board of Directors, disclosing any situations which might become a conflict of interest as defined herein. The District Manager and the Board of Directors shall review said statements and determine what action, if any, should be taken.

### 7.70 Off-Duty Conduct

The District reserves the right to take appropriate action including dismissal from employment, in response to off-duty conduct of employees which:

- a. Relates to a bona fide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of the employee; or
- b. Is necessary to avoid a conflict of interest or the appearance of such a conflict with any of the employee's responsibilities.

### ~~7.80 Harassment<sup>52</sup>~~

~~The District prohibits any harassment of its employees that discriminate against anyone or adversely reflect upon the race, color, ancestry, religious creed, national origin, physically challenged, medical condition, sex, age, marital status or sexual orientation.~~

~~Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when:~~

- ~~a. Submission to such conduct is made, either explicitly or implicitly, as term or condition of an individual's employment;~~
- ~~b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or~~
- ~~c. Such conduct has the purpose or effect of substantially interfering with an individual's job performance or creating an intimidating, hostile or offensive employment environment.~~

~~Harassment based on race, color, ancestry, religious creed, national origin, physically challenged, medical condition, sex orientation, age, marital status, or any other legally protected class is prohibited. Harassment consists of verbal or other conduct relating to any of those characteristics which has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or which otherwise adversely affects an individual's employment.~~

<sup>52</sup> This section may be removed if sample EEO/Unlawful Harassment guideline is used per recommendation.

## Pueblo West Metropolitan District Personnel Policy

~~Any employee who believes he or she has been the victim of prohibited harassment or who has observed such harassment is expected to report the harassment immediately to a supervisor, Human Resources or the District Manager. Human Resources and General Counsel shall investigate and take or recommend action to prevent and/or remedy any harassment. Investigation of the reported harassment and the results will be kept confidential to the extent possible. If prohibited harassment is found to have occurred the District shall take such disciplinary action against the harassing party as it deems necessary including warning, suspension or termination.~~

Commented [AW68]: Delete

### 7.90 Violence Free Workplace

The District has a policy of zero tolerance for violence. If you engage in any violence in the workplace, or threaten violence in the workplace, appropriate disciplinary action, up to and including termination, may be taken.

“Violence” includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with this organization, including employees and ~~customers~~, never feels threatened by any employee’s actions or conduct.

Commented [AW69]: Add “and non-employees”

Commented [AW70]: Add “and non-employees”

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### 7.91 Reporting Violence

It is everyone's responsibility to prevent violence in the workplace. You can help by reporting what you see in the workplace that could indicate that a co-worker is in trouble. You are in a better position than management to know what is happening with those you work with. You are encouraged to report any incident that may involve a violation of any of the District’s policies that are designed to provide a comfortable workplace environment. Concerns may be presented to your supervisor.

All reports will be investigated and information will be kept as confidential as practicable.

The District is committed to maintaining a safe environment for employees and the public. Behaviors such as intimidation, threatening or hostile physical or verbal behaviors, stalking, physical or verbal abuse, assault, vandalism, arson, sabotage, illegal possession or use of firearms and/or weapons, jokes or offensive comments regarding violence or any other similar act which is inappropriate in the workplace is prohibited.

Any individual who feels they have been subjected to, or has observed any of the behaviors listed above, or has knowledge of any violation of this policy should immediately report this to his/her supervisor. Employees may contact the appropriate law enforcement authorities if they genuinely believe that an immediate danger to their own safety or that of others exists. However, such contact shall be immediately reported to management. The District prohibits adverse action against an employee because the employee in good faith reported an incident.

## Pueblo West Metropolitan District Personnel Policy

Each department should maintain a department response plan specific to its location and to be implemented when warranted.

### ~~8.0 DISCIPLINARY ACTION~~<sup>53</sup>

#### ~~8.10 Expectations~~

~~The District expects all employees to conduct themselves pursuant to the highest professional, business and ethical standards and will not tolerate misconduct. The District through its Board of Directors, management and supervisors retains the right to take such disciplinary action as it deems appropriate in any given circumstances.~~

~~The District's disciplinary policies and rules are intended to place employees on notice that specified conduct is likely to have serious consequences in the work place, not to limit the District's right to take such action as it may deem appropriate in any given instance.~~

~~The following conduct may result in disciplinary action, up to and including immediate termination. This list is not exhaustive; the District reserves the right to discipline, suspend, or terminate employees for any appropriate reason.~~

- ~~a. Job performance is below expectations.~~
- ~~b. Insubordination.~~
- ~~c. Fighting or threats of physical violence.~~
- ~~d. Conviction of, a plea of guilty to, or failure to contest a charged felony.~~
- ~~e. Falsification of or material omission from an employment application, payroll records, time reports, or other District documents.~~
- ~~f. Violation of the District's drug and alcohol policy.~~
- ~~g. Carelessness, negligent, or misuse of District property.~~
- ~~h. Theft, vandalism, or destruction of District property.~~
- ~~i. Improper use of District vehicles or equipment, including communication equipment.~~
- ~~j. Violation of safety rules or practices.~~
- ~~k. Unauthorized absence.~~
- ~~l. Frequent or habitual tardiness.~~
- ~~m. Leaving assigned work area without prior authorization.~~
- ~~n. Violation of the District's conflict of interest policy.~~
- ~~o. Misuse of Paid Time Off (PTO).~~
- ~~p. Misuse of break periods.~~
- ~~q. Release of confidential information of the District.~~
- ~~r. Illegal possession or use of firearms or weapons on District property.~~
- ~~s. Violation of the District's sexual harassment policy.~~
- ~~t. Failure to report for work without proper notification within three days.~~

Commented [AW71]: Delete

<sup>53</sup> Employers should avoid reference to progressive discipline in an employee handbook. Specific procedural steps limit an employer's ability to act in accordance with each type of offense. Steps should also be avoided in supervisor manuals; however, supervisors could be given general guidelines to use in applying their own judgment in handling problems. This section may be removed if sample *Discipline* guideline is used per recommendation.



## Pueblo West Metropolitan District Personnel Policy

- ~~u. Inducing or encouraging any employee of the District to violate any District rule, policy or directive.~~
- ~~v. Engaging in any unauthorized interruption of work.~~
- ~~w. Loss of any license, certificate, or other credential required for the performance of a job responsibility.~~

### **8.20 Levels of Disciplinary Action**

The level of discipline to be imposed for an infraction shall be that which the District, through its Board of Directors, managers, or supervisors, deems appropriate under the circumstances.

~~District management retains the right to determine in its discretion, that any of the following disciplinary actions is appropriate without using lower levels of discipline first. Disciplinary action may include:~~

- ~~a. A verbal warning or reprimand, which will be documented by the supervisor and placed in the employee's personnel file.~~
- ~~b. A written reprimand signed by the employee's supervisor and acknowledged by the employee and placed in the employee's personnel file.~~
- ~~c. Suspension without pay. A suspension without pay shall be accompanied by a written statement, signed by the employee and his or her supervisor, stating the reason, duration and consequence of a further occurrence. (Managers must consult Human Resources before an exempt employee is suspended).~~
- ~~d. Demotion. All disciplinary demotions must be reflected by a written statement placed in the demoted employee's personnel file stating that the demotion was for disciplinary purposes and setting forth the reason for the discipline.~~
- ~~e. Termination.~~

Commented [AW72]: Delete

## **9.0 CONFLICT RESOLUTION**

### **9.10 Conflict Resolution Statement**

The District has established a conflict resolution procedure which is available to any employee for the resolution of complaints, disputes, or concerns regarding the interpretation or application of District Policies.

### **9.20 Conflict Resolution Procedure**

The conflict resolution procedure is intended to provide a formal process for resolving employment issues. It is not, however, intended to be a substitute for healthy, on-going and appropriate communication between employees, supervisors and management nor is it intended that the conflict management procedure be used to harass employees or supervisors or interfere with the operations of the District.

Before the conflict resolution procedure is started, employees should attempt to resolve disputes, complaints, and concerns with their immediate supervisors by discussing such matters informally.

The conflict resolution procedure shall consist of the following steps:

## Pueblo West Metropolitan District Personnel Policy

First, an employee shall present written documentation to his or her immediate supervisor stating the subject of the conflict, identifying the policy or policies at issue, and requesting consideration pursuant to this procedure. The employee and the supervisor shall confer on the matter and the supervisor shall respond in writing within five business days. The supervisor shall advise the Department Director and Human Resources of the conflict and relevant issues within twenty-four (24) hours of receipt of written complaint.

Second, if not resolved at step one. The employee may request in writing, a meeting between the employee and the Department Director. Such requests shall also specify the nature of the conflict and the policy or policies at issue. The employee and Department Director shall meet within five business days and the Department Director shall respond to the issues in writing within five business days following the meeting.

Third, if not resolved at step two. The employee may within five business days after receiving the Step two response, request in writing that a meeting be held between the employee, Department Director, Human Resources' and the District Manager. A meeting should take place within five (5) business days and the District Manager shall respond in writing.

Fourth, a final written appeal may be made to the Board of Directors. The decision of the Board of Directors shall be final.

Any conflict not pursued to the next step will be considered resolved. The time needed for a response at any step may be limited or extended by mutual agreement. An employee involved shall have the sole right to determine whether to pursue a conflict resolution from one step to the next.

### 10.0 EMPLOYEE RECORDS

#### 10.10 Personnel Records

Personnel records are retained and secured in the official Human Resources Department by the District concerning all employees. Such records ordinarily include applications, insurance forms, payroll deduction authorizations, performance appraisals, certain pay records, transfer and promotion forms, records of disciplinary action, training records, and any certificates or credentials required for an employee's job. Other information concerning employees may be kept as personnel records, at the discretion of the District.<sup>54</sup>

In order to keep personnel records current, the Human Resources Department must be notified of any change in any employee's address, phone number, marital status, or military status; any birth or death in any employee's immediate family; any change in the name or telephone number of the person to be notified in case of emergency; any change in insurance beneficiary; or any other information needed to maintain accurate records. Each employee is responsible for providing the

<sup>54</sup> It is not considered best practice to retain information beyond that which is necessary for effective, lawful management of the employment relationship.

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## Pueblo West Metropolitan District Personnel Policy

District with records concerning any licenses or certificates required for the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed. All records must be updated in writing annually.

Employee files are maintained by the Human Resources department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Personnel file access by current employees and former employees upon request will generally be permitted within 3 days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Human Resources department. Employee files may not be taken outside the department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

Commented [AW74]:

### 10.20 Other Required Records

This District is required to comply with Federal Motor Carrier Safety Regulations which are issued by the Federal Motor Carrier Safety Administration (FMCSA) for all drivers required to have a Commercial Driver's License for employment. The District maintains files containing information relating to pre-employment, your driving record, drug and alcohol testing, and medical information required by FMCSA. The District also maintains separate driving files and drug and alcohol testing files for all employees authorized to operate District vehicles and equipment or in other safety sensitive positions. For more information on how these records are managed, see the District Fleet Safety Policy located at <P:\District Policies\Fleet\Fleet Policy.doc> or from Human Resources.

### 10.30 Release of Information

Personnel records are considered confidential subject to statutory requirements. Employees may examine their own personnel records, except for letters of reference, by contacting the Human Resources Department. Employees may authorize the release of specified personnel records by executing a written request designating the record(s) to be released and the person or entity to whom they may be released.

No personal information on past or present District employees shall be provided by the District via telephone inquiries, except to confirm or deny information presented by a third party. Responses to requests by mail shall be limited to confirmation of documented information provided by a third party, unless such requests for information are accompanied by an authorization to release the information requested, signed by the employee.

A copy of any written information sent to a third party concerning a former or current employee shall also be sent to the last known address of the employee.

Information in a Commercial Motor Vehicle driver's record will be released as required by the Federal Motor Carriers Safety Administration and its regulations.

# Pueblo West Metropolitan District Personnel Policy

## 11.0 SEPARATION OF EMPLOYMENT AND EXIT PROCEDURE

### 11.10 Reason for Separation

An employee may separate from employment by disciplinary termination, layoff, resignation, or retirement.

### 11.20 Disciplinary Termination

Employees and volunteers who are terminated for disciplinary reasons are not eligible for rehire. Such employees shall be paid for accrued but unused compensatory time, ~~Paid Time Off (PTO)~~PTO, and ~~Paid Time Off (PTO)~~PTO banked time. Employees who are dismissed for disciplinary reasons may be entitled to continue coverage under the District's group health and dental insurance programs at their own expense as provided by state and federal law.

### 11.30 Layoff

The District reserves the right to layoff or furlough employees for reasons of efficiency, economy, lack of work, or for such other reason as the Board of Directors deems sufficient. Employees who are laid off are eligible to continue health and dental insurance, if any, at their own expense as authorized by federal and state law.

Laid off employees may apply for vacancies with the District and shall be afforded preference over new hires for positions for which they are qualified.

Employees who are laid off are eligible for rehire. At the time of lay off, employees shall be paid for accrued but unused compensatory time, ~~Paid Time Off (PTO)~~PTO, and ~~Paid Time Off (PTO)~~PTO banked time at their regular rate of pay. Laid off employees are eligible to continue coverage under the District's group health and dental insurance programs at their own expense as provided by state and federal law.

### 11.40 Resignation

An employee who resigns in good standing is eligible for re-employment with the District. An employee resigns in good standing if she/he does not resign under threat of termination, gives the District at least a two (2) weeks' notice<sup>55</sup>, and completes necessary exit forms.

Employees who resign shall be paid for all accrued but unused compensatory time, ~~Paid Time Off (PTO)~~PTO, and ~~Paid Time Off (PTO)~~PTO banked time at their regular rate of pay. Employees are eligible to continue coverage under the District's group health and dental insurance programs at their own expense as provided by state and federal law.

### 11.50 Retirement

Employees who retire are eligible for rehire. Upon retirement, employees shall be paid their accrued but unused compensatory time, PTO, and ~~Paid Time Off (PTO)~~PTO banked time at their regular rate of pay.

<sup>55</sup> Employers may request notice; however, notice requirements can give rise to arguments that the relationship is not at-will.

## Pueblo West Metropolitan District Personnel Policy

### 11.60 Exit Procedure

Employees who are laid off, resign, or retire shall contact the Human Resources Department to provide all information required for separation and to make arrangements concerning final pay, payment for accrued leave, and continuation of benefits.

## 12.0 MISCELLANEOUS GUIDELINES

### 12.10 Whistleblowing

No director, officer, or employee who in good faith makes a report or raises a concern about the District shall suffer harassment, retaliation, or adverse employment consequence. Anyone who retaliates against someone who has in good faith reported a wrong doing or suspected wrong doing will be subject to disciplinary action up to and including termination of employment. Employees should share their questions, concerns, suggestions or complaints with their immediate supervisor. If the employee is not comfortable speaking with their supervisor or not satisfied with the supervisor's response, the employees should report the concern to Human Resources, General Counsel or District Management. Human Resources, General Counsel or District Management will communicate reported violations or concerns to the District Manager. The Board of Directors shall be notified if the District Manager or General Counsel be the individual involved. The District Manager will work with Human Resources and/or General Counsel to determine how violations or concerns will be addressed and communicated to the Board of Directors. The Board of Directors shall be notified if the District Manager or General Counsel is the individual involved.

Anyone filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense<sup>56</sup>. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

## 12.20 USE OF DISTRICT RESOURCES

### 12.21 District Property

District property is to be used only for official District business, in an appropriate manner, and in accordance with all applicable rules, operating procedures, or directives. No employee shall remove District property or the property of any other employee from District premises or work sites without proper authorization. Any employee who steals District property or the property of any other employee, or who abuses, misuses, damages, or destroys District property shall be subject to discipline, up to and including immediate termination.

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<sup>56</sup> [A statement like this may discourage people from bringing complaints. If you have an honesty policy, you may not need to make this statement.](#)

## Pueblo West Metropolitan District Personnel Policy

### 12.22 District Computer Resources

All employees who are granted access to the District's computer network are required to comply with all of the District's computer policies. The District's computer policies are located on the District's intranet at [P:\District Policies\Computer Policies](#) or from Human Resources.

### 12.23 District Vehicles

If a District vehicle is utilized during normal work hours, personal use of such vehicle is limited to break and lunch times for meal purchase and/or consumption (i.e., convenience stores or eateries within District boundaries unless outside on authorized District business). Only authorized District employees may drive District vehicles unless for a justifiable situation or other business purposes as deemed by District Manager.

If a vehicle is assigned to an employee for on-call use, reasonable personal use is acceptable. Non-District employees are not allowed in District vehicles, except for pre-approved ride-a-long type programs, community relations activities, a justifiable situation or other business purposes as deemed by District Manager.

Unless otherwise assigned by District Manager, District vehicles not on-call must remain at a work location.

*Revised by motion of the Board of Directors on 6/9/15.<sup>57</sup>*

## 12.30 POLITICAL ACTIVITY

### 12.31 Politicking

Any District employee has the right as a citizen to participate fully in the political process. No District employee, however, shall campaign for any candidate or cause on District time or using District resources. No District employee shall publicly campaign for any candidate or cause while wearing a District uniform or District insignia.

### 12.32 District Board Membership of Employees

A board member may not be employed by the District. Where an employee of the District is elected to the District board, they must resign their employment with the District. Failure to do so shall result in termination of employment.

### 12.40 Outside Employment

Employees may be allowed outside employment provided the following conditions are met. The Department Director is made aware of the outside employment and believes it will not interfere with District employment. Such outside employment can in no way interfere with the performance of the employee's duties, related duties or responsibilities, and must be performed outside the employee's approved work schedule and off District property. Requirements of employment with

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<sup>57</sup> Recommend removing if the Board revision has already been incorporated into the handbook.

## Pueblo West Metropolitan District Personnel Policy

the District shall have priority over any requirements of outside employment. Employees required to have a CDL for District employment must have written approval from Fleet Management and the District Manager BEFORE a department director may authorize outside employment. Fleet Management will not give written approval if there is a possibility of creating a DOT “Hours of Service” violation. All drivers, especially drivers required to have a CDL for District employment, should refer to the District’s Fleet Safety Policy <P:\District Policies\Fleet\Fleet Policy.doc>, or from Human Resources, for other prohibitions and policies.

### 12.50 Possession of Weapons and Firearms<sup>58</sup>

District employees must comply with all federal, state and local firearms and weapons laws. Possession of a weapon or firearm on District property is permitted if fully compliant with all applicable laws.<sup>59</sup> The open carrying of firearms on District property is prohibited unless required by the employee’s job description.

~~Concealed weapons for which the individual has a permit must be unloaded or properly disarmed so as to render them un-dischargeable or unusable while on Organization property. Further, the individual with the concealed weapon who has a permit must report to (Name) that they are carrying a concealed weapon while on Organization property and must show (Name) the permit. You must provide (Name) the weapon for inspection. Additional precautions may be taken depending upon the circumstances.~~

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### 12.60 Health Examinations<sup>60</sup>

The District reserves the right to require physical or psychological examinations of any District employee, at District expense, as follows:

- ~~• To determine the ability of an applicant who has been offered employment to perform job-related functions required by business necessity. All applicants in the Public Works, Fire Department, Support Services and Utilities Departments who are offered employment shall have a physical examination.~~
- ~~• When there is a need to determine whether an employee is able to perform the essential functions of their job;~~
- ~~• As may be required to determine the necessity or feasibility of reasonable accommodations for a disability;~~
- ~~• Periodically, as may be necessary to comply with fitness for duty or monitoring requirements imposed by law.~~

~~Results of all physical or psychiatric examinations shall be treated as confidential records by the District and shall be maintained separately from District personnel records.~~

Commented [AW76]: Keep in policy

<sup>58</sup> Sample language has been added for your consideration.

<sup>59</sup> Does this mean any weapon?

<sup>60</sup> Refer to previous comments regarding recruiting practices and HR operating procedures.

## Pueblo West Metropolitan District Personnel Policy

### 12.70 Desks/Lockers/Storage/Equipment Inspections

The District reserves the right to open and enter any office, desk, locker, file cabinet, or other storage location, within District premises and to inspect District vehicles and any containers brought into the workplace. The District also reserves the right to access any communication device, as well as any form of electronic device or media owned by the District. Although an employee may be assigned an office, desk, vehicle, locker, file cabinet, other storage area, or device, such assignment does not create an expectation of privacy in the use of such items or areas.

The fax, copier, voice mail, email, computer systems, and internet access are solely for the purpose of conducting District business and are subject to the Colorado Open Records Act. Some job responsibilities at the District require access to the internet. Internet use brings the possibility of breaches to the security of confidential District information. Internet use also creates the possibility of contamination to our system via viruses or spyware. ~~Spyware allows unauthorized people, outside the District, potential access to District passwords and other confidential information.~~ Caution should be used when accessing the internet.

Employees are responsible for any use of the internet. Under no circumstances may District owned computers or other electronic equipment, be used to obtain, view or reach any pornographic, or otherwise immoral, unethical or non-business related sites. Doing so can lead to disciplinary action<sup>61</sup> up to and including termination. Under conditions approved the District

Manager, telephone conversations may be monitored and voice mail messages may be retrieved in the process of monitoring customer service.

Any private conversations overheard during such monitoring, or private messages retrieved, that constitute threats against other individuals can and will be used as the basis for termination for cause.

### 12.80 FINANCIAL POLICIES

#### 12.81 Expense Reimbursement

The District reimburses employees for expenses reasonably incurred in the course of District business, provided such expenses have been authorized in advance or are determined by the District, in its discretion, to have been necessarily incurred under circumstances where advance approval was not reasonably possible. Employees seeking reimbursement for expenses will be required to document those expenses.

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<sup>61</sup> Disciplinary action (up to and including termination) is mentioned at least thirty (30) times throughout the handbook, which is unduly repetitive and keeps the reader focused on the consequence rather than the expectation. Consider revising to communicate the expectation in a more concise manner and alleviate redundancy.



## Pueblo West Metropolitan District Personnel Policy

The District shall approve expenditures allotted for meal expenses when traveling for the District with receipts and an expense report. The District reimbursement shall not exceed the guidelines set forth on the General Service Administration's "Per Diem Rates" look-up ~~table~~.

Commented [AW77]: Add link to find information

The District shall reimburse employees for authorized use of their personal vehicles on District business when a District vehicle is not available. The reimbursement rate shall be the current IRS mileage rate.

All requests for reimbursement for expenses shall be submitted on the District's expense form with receipts.

### 12.82 Purchasing Policy

Refer to the District Purchasing policy located on the District's intranet at [P:\District Policies\Purchasing\Purchasing Policy Adopted 6.14.2011.docx](#) or from Human Resources.

### ~~12.83 Fuel Card Policy~~

~~Refer to the District Fuel Card policy located on the District's intranet at [P:\District Policies\Fleet\Fuel Card Policy.docx](#) or from Human Resources.~~

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### 12.84 Purchasing Card Policy

Refer to the District VISA Purchasing Card policy located on the District's intranet at [P:\District Policies\Finance\Purchasing Card Policy 2013.doc](#) or from Human Resources.

## 13.0 BENEFITS

### 13.10 Paid Time Off (PTO)

#### 13.11 ~~Paid Time Off (PTO)~~ PTO Accrual - Full Time Employees

- **1<sup>st</sup> Year of Employment**

New employees will receive a maximum of thirty (30) ~~Paid Time Off (PTO)~~ PTO hours: ten (10) hours per month for the first three months during their first ninety days of employment. After completing ninety (90) days of employment, the employee will receive a pro-rated amount of ~~Paid Time Off (PTO)~~ PTO depending on the month in which the employee was hired.

First year employees are eligible to receive a maximum of 120 hours of ~~Paid Time Off (PTO)~~ PTO.

- **2<sup>nd</sup> and 3<sup>rd</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 80 hours of ~~Paid Time Off (PTO)~~ PTO are credited to employee and April 1<sup>st</sup> of each calendar year, 80 hours of additional ~~Paid Time Off (PTO)~~ PTO are credited to employee.

## Pueblo West Metropolitan District Personnel Policy

- **4<sup>th</sup> through 9<sup>th</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 100 hours of ~~Paid Time Off (PTO)~~PTO are credited to employee and April 1<sup>st</sup> of each calendar year, 100 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to employee.

- **10<sup>th</sup> through 14<sup>th</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 112 hours of ~~Paid Time Off (PTO)~~PTO are credited to employee and April 1<sup>st</sup> of each calendar year, 112 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to employee.

- **15<sup>th</sup> + Years of Employment**

January 1<sup>st</sup> of each calendar year, 120 hours of ~~Paid Time Off (PTO)~~PTO are credited to employee and April 1<sup>st</sup> of each calendar year, 120 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to employee.

*Adopted by Resolution No. 2016-90 on 12/13/2016.*

### 13.12 ~~Paid Time Off (PTO)~~PTO Accrual - Part-Time Employees

- **1<sup>st</sup> Year of Employment**

New employees will receive a maximum of fifteen (15) ~~Paid Time Off (PTO)~~PTO hours; five (5) hours per month for the first three months during their first ninety days of employment. After completing ninety (90) days of employment, the employee will receive a pro-rated amount of ~~Paid Time Off (PTO)~~PTO depending on the month in which the employee was hired.

First year employees are eligible to receive a maximum of 60 hours of ~~Paid Time Off (PTO)~~PTO.

- **2<sup>nd</sup> and 3<sup>rd</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 40 hours of ~~Paid Time Off (PTO)~~PTO are credited to employee and April 1<sup>st</sup> of each calendar year, 40 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to employee.

- **4<sup>th</sup> through 9<sup>th</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 50 hours of ~~Paid Time Off (PTO)~~PTO are credited to employee and April 1<sup>st</sup> of each calendar year, 50 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to employee.

- **10<sup>th</sup> through 14<sup>th</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 56 hours of ~~Paid Time Off (PTO)~~PTO are credited to employee and April 1<sup>st</sup> of each calendar year, 56 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to employee.

- **15<sup>th</sup> + Years of Employment**

## Pueblo West Metropolitan District Personnel Policy

January 1<sup>st</sup> of each calendar year, 60 hours of ~~Paid Time Off (PTO)~~PTO are credited to employee and April 1<sup>st</sup> of each calendar year, 60 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to employee.

At the end of the calendar year, a maximum of 20 unused ~~Paid Time Off (PTO)~~PTO hours may be carried over.<sup>62</sup>

### 13.13 ~~Paid Time Off (PTO)~~PTO Accrual – Fire Suppression Personnel

- **1<sup>st</sup> Year of Employment**

New fire suppression personnel will receive a maximum of fifty-four (54) ~~Paid Time Off (PTO)~~PTO hours eighteen (18) hours per month for the first three (3) months) during their first ninety (90) days of employment. After ninety (90) days of employment, the employee will receive a prorated amount of ~~Paid Time Off (PTO)~~PTO depending on the month in which the employee was hired. First year employees are eligible to receive a maximum of 216 hours of ~~Paid Time Off (PTO)~~PTO.

- **2<sup>nd</sup> and 3<sup>rd</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 132 hours of ~~Paid Time Off (PTO)~~PTO are credited to fire suppression personnel and April 1<sup>st</sup> of each calendar year, 132 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to fire suppression personnel.

- **4<sup>th</sup> through 9<sup>th</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 156 hours of ~~Paid Time Off (PTO)~~PTO are credited to fire suppression personnel and April 1<sup>st</sup> of each calendar year, 156 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to fire suppression personnel.

- **10<sup>th</sup> through 14<sup>th</sup> Year of Employment**

January 1<sup>st</sup> of each calendar year, 168 hours of ~~Paid Time Off (PTO)~~PTO are credited to fire suppression personnel and April 1<sup>st</sup> of each calendar year, 168 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to fire suppression personnel.

- **15<sup>th</sup> + Years of Employment**

January 1<sup>st</sup> of each calendar year, 192 hours of ~~Paid Time Off (PTO)~~PTO are credited to fire suppression personnel and April 1<sup>st</sup> of each calendar year, 192 hours of additional ~~Paid Time Off (PTO)~~PTO are credited to fire suppression personnel.

Adopted by Resolution No. 2016-90 on 12/13/2016.

### 13.14 Extended ~~Paid Time Off (PTO)~~PTO Bank

Employees with an Extended ~~Paid Time Off (PTO)~~PTO Bank may use the banked hours after using their yearly ~~Paid Time Off (PTO)~~PTO allotment credited to them each January 1<sup>st</sup>.

<sup>62</sup> What happens to balances in excess of the carryover amount? Okay, the forfeit is addressed below.

## Pueblo West Metropolitan District Personnel Policy

In November of each year it may be determined that an automatic cash-out of hours in an amount approved by the Board will be cashed-out and paid to the employee the first (1<sup>st</sup>) pay period of December of each calendar year. Employees will be given the option of depositing automatically cashed-out dollars/hours into the 457 plan instead of taking the cash-out in taxable pay.

The balance of all Extended ~~Paid Time Off (PTO)~~PTO Banked hours will be cashed out at the separation of employment.

### 13.15 Paid Time Off Policy

~~Paid Time Off (PTO)~~PTO must be requested in one (1) hour increments. Fire **Suppression** Employees must request ~~Paid Time Off (PTO)~~PTO in increments of a minimum of four (4) hours.

Commented [AW78]: Add "and exempt employees"

~~Paid Time Off (PTO)~~PTO may not be used to make up a time shortage caused by tardiness.

~~Paid Time Off (PTO)~~PTO requests are approved according to defined, written District policies.

~~Paid Time Off (PTO)~~PTO may be used when an employee is unable to work because of an illness or non-work related injury. Medical documentation or a medical release may be required.

~~Paid Time Off (PTO)~~PTO may be used when an employee's attendance is necessary for the medical care or treatment of a member of their immediate family. Medical documentation may be required.

For Full-time Employees, a maximum of 80 -hours of ~~Paid Time Off (PTO)~~PTO may be carried-over to the next calendar year for non-fire suppression personnel. Fire suppression personnel may carry over a maximum of five (5) shifts or 120 hours to the next calendar year. For Part-time Employees, a maximum of 20 hours may be carried-over to the next calendar year for non-fire suppression personnel.

Any hours above 80 (120 hour maximum for fire suppression personnel, and 20 hour maximum for part-time) will be forfeited at the end of the calendar year.

Any emergency requests for a ~~Paid Time Off (PTO)~~PTO cash-out must be submitted to Department Director for initial approval and for final approval to the District Manager. If an emergency cash-out is approved, a minimum ~~Paid Time Off (PTO)~~PTO bank of 80 -hours must be maintained for full-time employees and a minimum PTO bank of 20 hours must be maintained for part-time employees. An emergency is defined as a potential loss of the employee's or employee's immediate family's life, limb, or employee's real property.

The balance of all ~~Paid Time Off (PTO)~~PTO hours will be cashed out at the separation of employment.

# Pueblo West Metropolitan District Personnel Policy

## 13.20 Holidays

Holidays are credited separately as they occur. Fire suppression are credited with seven (7) alternative holidays per year.

The District provides the following paid holidays:

- New Year's Day (January 1)
- Martin Luther King Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Friday following Thanksgiving Day (fourth Friday in November)
- Christmas Eve (December 24)
- Christmas Day (December 25)
- New Year's Eve (December 31)

When a holiday falls on a Sunday, the following Monday shall be observed. When a holiday falls on a Saturday, the preceding Friday shall be observed. Employees who are normally scheduled to work on Saturdays or Sundays will observe the actual day of the holiday. To receive pay for a designated holiday, an employee must have worked on or been paid for the work day immediately preceding and the work day immediately following the holiday.<sup>63</sup>

## Emergency Closings

The Pueblo West Metropolitan District will always make every attempt to be open for business. In situations in which some employees are concerned about their safety, management may advise supervisors to notify their departments that the office is not officially closed, but anyone may choose to leave the office if he or she feels uncomfortable.

If the office is officially closed during the course of the day to permit employees to leave early, nonexempt employees who are working on-site as of the time of the closing will be paid for a full day. If you leave earlier than the official closing time, you will be paid only for actual hours worked, or you can take PTO time. Exempt employees will be paid for a normal full day but are expected to complete their work at another time.

**Commented [AW79]:** Add comments about 4/10 holidays.

**Commented [AW80]:** Add "Observed"

**Commented [AW81]:** Add comment that holiday are credited for 8 hours

**Commented [AW82]:**

<sup>63</sup> Do holiday hours count towards the calculation of overtime/compensatory time?

## Pueblo West Metropolitan District Personnel Policy

### **13.30 Bereavement Leave**

~~See Section 3.35 for more information.~~

### **13.40 Severance Pay**

~~See Section 4.26 for more information.~~

### **13.50 Insurance Benefits**

All regular full-time employees are eligible to receive group insurance benefits as established by the District's Board of Directors. The terms and conditions of all group insurance plans offered by the District are subject to change from time to time at the discretion of the Board of Directors. District insurance plans may require employee contributions as a condition of participation. Required contributions must be made through payroll deductions.

Part-time employees may be eligible to participate in voluntary benefit plans offered through authorized companies.

### **13.51 Medical, Vision, and Dental Insurance**

The District offers health, vision, and dental insurance for eligible employees and dependents. If selected by the employee the coverage begins the first of the month following the first thirty (30) days of employment.

Information is available from the Human Resources Offices concerning available options, coverage dates and scope of coverage. The District contributes a percentage toward the premium cost of the medical, vision and dental health benefits.

### **13.52 Life Insurance**

The District provides group life insurance for all eligible employees and dependents up to a maximum amount determined by the Board of Directors and available from the Administrative Offices.

### **13.53 Voluntary Insurance Benefits**

Accident Indemnity, Supplemental Hospital Protection, Short-Term Disability, Cancer coverage and Specified Health Event Protection Plans, Life Insurance and Supplemental Dental Plans may be available. See Human Resources for more information.

### **13.54 Special Reserve Pay**

After ninety (90) days of employment, in addition to ~~Paid Time Off (PTO)~~PTO, the District provides a special reserve of up to 240 hours, up to thirty (30) eight (8) hour work day equivalents of pay, to regular full-time employees for their own serious medical conditions when all ~~Paid Time Off (PTO)~~PTO has been exhausted. Part-time employees may be eligible to receive 120 hours of Special Reserve Pay. A Special Reserve Pay maximum of 240 hours of regular pay for full-time employees or up to a maximum of 120 hours of regular pay to regular part-time employees is the maximum allowed during the entire duration of the employee's employment with the District.

## Pueblo West Metropolitan District Personnel Policy

Eligibility for Special Reserve Pay does not cover illness or injuries covered under Workers' Compensation policy or benefits.

Employees must submit a request in writing to the District Manager to use Special Reserve Leave and must include a physician's certification of a medical condition that prevents the employee from working a regular schedule.

Employees who have previously used Special Reserve Pay, and who have a Special Reserve balance less than 240 hours for full-time employees and less than 120 hours for part-time employees, may choose to transfer accrued ~~Paid Time Off (PTO)~~ PTO hours to the Special Reserve. Full-time employees shall not exceed a Special Reserve balance of 240 hours, and part-time employees shall not exceed a balance of 120 hours. Employees shall only transfer accrued PTO hours to their Special Reserve between December 1 and December 15, and must maintain at least 40 hours of accrued PTO for full-time employees and 20 hours for part-time employees. Employees shall complete and submit a Special Reserve transfer form to the Human Resources Department. Employees shall not be allowed to transfer hours from Special Reserve to PTO under any circumstances.

### 13.60 RETIREMENT BENEFITS

#### 13.61 401(a) Plan

The District offers a mandatory retirement plan in addition to the benefits provided pursuant to state law. The plan requires employee contributions to receive the District match.

Regular full-time employees will be eligible for participation in the District retirement plan the first of the month following thirty (30) days of employment.

#### 13.62 Deferred Compensation Plan

A voluntary 457 Deferred compensation plan is offered through payroll deduction.

#### 13.63 Roth IRA Plan

A voluntary Roth IRA compensation plan is offered through payroll deduction.

#### 13.70 Section 125 Plans

A Cafeteria Plan provides a flexible benefit plan that allows pre-taxed benefit premium deductions. See Human Resources for more information.

## Pueblo West Metropolitan District Personnel Policy



## Pueblo West Metropolitan District Personnel Policy

### 14.0 EMPLOYEE ACKNOWLEDGEMENT<sup>64</sup>

~~I acknowledge that I have received a copy of the employment guidelines of the (the “District”). I understand that these guidelines do not constitute a contract and impose no legal obligation of any kind on the District.~~

~~I understand that the District reserves the right to change or rescind these guidelines at any time, as well as the right to determine their meaning, purpose, and effect. I also understand that the District reserves the right, in its sole discretion, to determine whether, and to what extent, these guidelines should be applied in any given circumstances.~~

~~I understand that my employment with the District is at-will, and may be terminated at any time, with or without cause, a statement of reasons, or a hearing, and that I may resign at any time, for any reason.~~

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Adopted by the Board of Directors 12/15/2017

**I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED \_\_\_\_\_ . I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:**

- **EMPLOYMENT WITH \_\_\_\_\_ IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE ORGANIZATION, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE ORGANIZATION HAS THE SAME RIGHT.**

\_\_\_\_\_

<sup>64</sup> The final page should include an acknowledgement that mirrors the notice at the front of the handbook and appear in CAPITAL, BOLD letters. Refer to previous comment regarding at-will/due process.

## Pueblo West Metropolitan District Personnel Policy

- THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.
- THE HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF SOME OF THE ORGANIZATION'S GUIDELINES.
- THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE ORGANIZATION THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.
- NO REPRESENTATIVE OF \_\_\_\_\_, OTHER THAN THE ELECTED OFFICAL OR AGENCY HEAD OF THE ORGANIZATION, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ELECTED OFFICAL OR AGENCY HEAD AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

\_\_\_\_\_  
Employee Name \_\_\_\_\_ Date