

Artesia Fire Protection District



2023 Personnel Guidelines

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ARTESIA FIRE PROTECTION DISTRICT

Personnel Guidelines

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1.0 INTRODUCTION

1.10 Disclaimer

IMPORTANT

THE GUIDELINES CONTAINED IN THIS HANDBOOK DO NOT REPRESENT A CONTRACT, AND ARE NOT MEANT TO BE ENFORCEABLE, AND SHOULD NOT BE RELIED UPON AS BINDING, INFLEXIBLE PROMISES MADE BY THE DISTRICT. 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. THE DISTRICT ALSO RESERVES THE RIGHT, IN ITS SOLE DISCRETION, TO DETERMINE WHETHER, AND TO WHAT EXTENT, THESE GUIDELINES SHOULD BE APPLIED IN ANY GIVEN CIRCUMSTANCES. THIS HANDBOOK SUPERSEDES ALL PREVIOUS PERSONNEL GUIDELINES.

EMPLOYMENT WITH THE DISTRICT IS “AT-WILL.” ANY EMPLOYEE MAY BE TERMINATED WITH OR WITHOUT CAUSE, A STATEMENT OF REASONS, OR A HEARING. JUST AS ANY EMPLOYEE MAY RESIGN AT ANY TIME, FOR ANY REASON. NOTHING IN THIS HANDBOOK IS INTENDED TO MODIFY THE AT- WILL RELATIONSHIP BETWEEN THE DISTRICT AND ITS EMPLOYEES.

1.20 Purpose and Scope of Guidelines

These guidelines are intended to inform employees of the District’s position on basic, employment-related subjects. They are not all inclusive but address those general topics most likely to be of interest to employees in the course of ordinary, day-to-day operations of the District. These guidelines serve as a reference source by employees and supervisors. The District expects that they ordinarily will be followed. These guidelines apply to all employees of the District, except where otherwise stated.

1.30 Employment At-Will

Employment with the District is “at-will.” Any employee may be terminated with or without cause, a statement of reasons, or a hearing, just as any employee may resign at any time, for any reason. Nothing in this handbook is intended to modify the at-will relationship between the District and its employees.

1.35 Application Process

Application, Association Interview, Fire Chief/Assistant Interview, Background Authorization, Drug and Alcohol Testing Program Consent/Refusal Form, Results reviewed, additional District paperwork, Functional Capacity Evaluation Test, paperwork reviewed, test results reviewed. Applicant approved.

1.40 Authority of Board of Directors

The District Board of Directors reserves the right to adopt, amend, or rescind any guideline, procedure, or benefit. Any modifications 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 the employees, hire, promote, demote, classify, evaluate, and retain employees in positions with the District; demote, suspend, discharge, 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 the 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.

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

1.50 Equal Employment Opportunity

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.

2.00 WORKING CONDITIONS

2.10 On-Call Time

Officer in Charge will be assigned on-call duty requiring that they be available for all calls during a specified time period. Officer in Charge may be paid \$3.00 per hour straight time for on-call time.

2.11 Training Time

District employees are ordinarily compensated for time spent in District required training activities. Compensation will not be provided, however, for the following training unless specifically authorized by the District:

- a) Training undertaken to meet certification requirements mandated by a higher level of government (e.g., the State of Colorado or the United States) for performance of the employee's duties; and
- b) Training meeting all of the following criteria:
 - 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 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 course offered by independent learning institutions.

2.12 Overtime

The District may require employees to work overtime.

- a) Employees who are not exempt from the Fair Labor Standards Act shall receive overtime compensation for hours actually worked in excess of forty (40) hours during the work week. Overtime shall not be worked unless approved by an authorized representative of the District.

OR, AS AN ALTERNATIVE:

- b) Employees who are not exempt from the Fair Labor Standards Act Shall receive overtime compensation for hours actually worked over forty (40) hours during any work week or over eight (8) hours during any day. Overtime shall not be worked unless approved by an authorized representative of the District.

OR, AS AN ALTERNATIVE:

- c) Employees other than those assigned to fire suppression [or emergency medical] duties who are not exempt from the Fair Labor Standards Act shall receive overtime compensation for hours actually worked in excess of forty (40) hours during the work week. Employees assigned to fire suppression duties who are not exempt from the overtime requirements of the Fair Labor Standards Act shall be compensated at overtime rates for work actually performed in addition to their regularly assigned work schedule. Overtime shall not be worked unless approved by an authorized representative of the District.

Overtime compensation for time spent training shall be provided as required by the Fair Labor Standards Act.

2.13 Overtime Compensation

Non-exempt employees who actually work more than forty (40) hours in a work week shall be paid one and one-half (1-1/2) times their regular rate of pay as determined by the District pay schedule for hours worked over forty (40).

Fire suppression and emergency medical personnel shall be compensated at one and one-half (1-1/2) times their regular rate of pay as determined from the District pay schedule for work actually performed in addition to their regularly assigned work schedule, unless compensatory time is provided for such work.

2.14 Attendance

Regular attendance by all employees is important to the successful operation of the District. Employees are expected to maintain a good attendance record and to report promptly for work in accordance with shift schedules.

2.15 Pay Guidelines and Procedures

The Budget Officer is responsible for administering payroll and benefits, including receiving and resolving employee questions and problems concerning compensation.

2.16 Pay Periods

Employees are paid once each month, on the 3rd Monday of the month after the Board Meeting. Checks will be mailed the next following work day.

2.17 Deductions

Federal and State income taxes [and social security contributions, if applicable] are automatically deducted from employee paychecks, as is required by law. In addition, the following payroll deductions may be authorized in writing by individual employees annual Association Dues and Security Deposit on Equipment.

2.18 Garnishment

A garnishment is a legal document of a specified sum from an employee's wages in order to satisfy a creditor. If the District is required to garnish an employee's wages, the garnishment will be made in accordance with the law.

2.20 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 discharge.

2.21 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 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 discharge.

2.22 Reporting Accidents/Workers' Compensation

Any employment-related accident involving any injury or property damage whatsoever must be reported to the immediate supervisor of each employee involved in or witnessing the accident. Such report shall be made at the earliest practicable time. Failure to report promptly any accident involving injury or property damage may result in disciplinary action up to and including discharge.

Employees are covered for employment-related injury or illness by the Colorado Workers' Compensation Act. Under the Act an employee may receive benefits for missing work as a result of an employment-related injury or illness. Delay in reporting a work-related injury or illness may result in a loss of benefits under the Act.

2.30 Maintenance/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 placement of pictures or posters on walls within District premises.

3.00 COMPENSATION

3.10 Pay Schedule

Employees are paid according to a pay schedule adopted by the Board of Directors. Employees shall be placed on the pay schedule according to their job classification [and any other factors relevant to the specific pay schedule].

3.20 Pension Benefits

Pension Benefits are based on Fire Police Pension Association (FPPA) guidelines. Each Volunteer Fireman will be given one year credit for each year a minimum of 36 hours of training is achieved.

4.00 LEAVE TIME/HOLIDAYS/VACATION

4.10 Injury Leave/Workers' Compensation

Any employee who incurs a work-related injury or illness is entitled to benefits pursuant to the Colorado Workers' Compensation Act.

Any employee on injury leave shall provide the District with such information concerning his or her medical condition as the District may require from time to time.

4.20 Unpaid Leave

Under circumstances where an employee is not eligible for paid leave, he or she may be granted unpaid leave on such terms and conditions as may be permitted by the District in its discretion. Unpaid leave shall not be granted for more than six (6) months but may be renewed by the District upon its expiration.

Failure of an employee to return upon expiration of unpaid leave may result in termination of employment.

5.00 EMPLOYMENT PRACTICES

5.10 Training and Education

The District supports education and training programs which improve the skills, qualifications, and performance of District employees. The District will pay the fees and costs of education and training programs that are specifically required by the District. In addition, the District may, in its discretion, approve payment of all or a portion of the fees and costs of education or training programs requested by employees. The District's approval of payment for one segment, portion, or course that is a component of an education or training program does not obligate the District to pay for any additional segment, portion, or course.

It is ordinarily each employee's responsibility to maintain state-mandated certificates or credentials necessary to the employee's job.

Educational leave is available, at the District's discretion, to assist employees in developing professional and technical skills related to employment with the District. Such leave may be granted to attend professional or technical conferences, training seminars, schools, or programs. Educational leave must be approved in advance by [the District's Chief Executive Officer or other appropriate manager]. Requests for educational leave must be made in writing and must clearly state the dates and purpose of the leave requested.

5.20 Nepotism

The District ordinarily will not employ close relatives under circumstances where:

- (1) One would directly or indirectly exercise supervisory, appointment, or dismissal authority over the other;
- (2) One would directly or indirectly have authority over disciplinary action as to the other;
- (3) One would audit, verify, receive, or be entrusted with money received or handled by the other in the course of employment; or
- (4) One would have access to the employer's confidential information, including payroll and personnel records.

For purposes of this guideline, a close relative is anyone of equal or greater relationship than a first cousin, which includes anyone descended from the employee's grandparents. In addition, a close relative includes an employee's spouse and anyone descended from that spouse's parents.

When employees of the District become related and their working relationship is prohibited by this guideline, one employee will be required to transfer to another position, provided a position is available, or to resign. If neither affected employee voluntarily transfers or resigns, the District shall terminate or transfer one of the employees, in its discretion.

5.30 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.

6.00 EMPLOYEE CONDUCT

6.10 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.

6.15 Dress and Appearance

All employees of the District must maintain an appearance that is neat, clean, and appropriate to the area in which the employee works.

6.20 Drugs and Alcohol

The District strictly prohibits the manufacture, distribution, use or possession on District premises of alcoholic beverages of any kind and drugs other than those prescribed by a physician or obtained from a legal over-the-counter source. Employees are expected to use prescription or legal over-the-counter drugs in an appropriate manner and dosage and are expected to know whether the appropriate use of such drugs may impair their ability to perform their jobs safely and competently.

No employee is permitted to report for duty while impaired by or under the influence of alcohol or drugs to the slightest degree. Any employee who reports to work impaired by or under the influence of drugs or alcohol shall be relieved of his or her duties immediately and without pay.

Any violation of this guideline will subject an employee to discipline, up to and including immediate discharge.

6.21 Reporting Convictions

Any employee who is convicted or pleads no contest under any criminal ~~drug~~ statute regarding a violation, shall notify the District of the conviction or plea within five days. Failure to so notify the District may result in termination of employment. No applicant or existing personnel required to

register as a sex offender, regardless of the circumstances is allowed to work for the Fire District in any department.

6.22 Drug and Alcohol Testing

All District employees shall be subject to a drug and alcohol testing program that fulfills the requirements of Code of Federal Regulations Title 49, Part 382 (Federal Motor Carrier Safety Assoc.). Tests can be conducted under the following circumstances:

a) Each such employee shall be tested before the first time they perform any safety-sensitive function for the District. Such functions including driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading or unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work related to vehicle maintenance or operation. Pre-employment tests shall be required only after an applicant is offered a position

b) Alcohol and controlled substance tests shall be conducted after any accident involving any safety-sensitive function. Such tests shall be conducted as soon as is practicable following an accident if the accident involved personal injury, property damage, or a citation for a moving traffic violation. Employees involved in accidents shall make themselves available for testing unless they need immediate medical attention and shall not use alcohol for eight hours after any accident or until after a post-accident alcohol test, whichever occurs first.

c) Tests may be conducted on a random basis at unannounced times throughout the year. Such random tests shall be conducted just before, during, or just after the performance of safety-sensitive functions.

d) Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that an employee has violated the District's alcohol or drug prohibitions. Reasonable suspicion must be based on specific, contemporaneous observations concerning the employee's appearance, behavior, speech or body odors. Such observations may include indications of the chronic and withdrawal effects of controlled substances.

e) A drug or alcohol test shall be conducted if and when an employee who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties. No employee may be assigned to a safety-sensitive position until a return-to-duty drug test is administered with a negative result.

f) An employee who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Such follow-up testing shall be conducted just before, during, or just after the performance of safety-sensitive functions.

Testing procedures and facilities used for tests shall conform with the Code of Federal Regulations, Title 49, Section 40, et seq.

Any driver who refuses to submit to a drug or alcohol test required by this guideline shall not perform or continue to perform duties and will be subject to discipline up to and including dismissal. An employee will

be deemed to have refused to submit to testing if he or she is unavailable or fails to provide samples sufficient for testing absent any medical necessity. Verified positive tests for alcohol or drugs shall subject employees to disciplinary action up to and including dismissal.

6.25 Functional Capacity Evaluation Test

Normal Range of Motion: Cervical, shoulder, wrist, hands, elbow, truck and lower extremities, Normal Grip Strength, Demonstrate proper body mechanics throughout exercises, Endurance (standardized 3 minute Step Test), Squatting (10 reps), Forward Bend, Floor-to-waist Lift (50 lbs 1 rep), Waist-to-shoulder Lift (50 lbs 1 rep), Overhead Lift (50 lbs 1 rep), Frequent Lift (floor to waist) (50 lbs 10 per min. X 5 minutes), Box Carry (50 lbs for 50 ft), Push (50 lbs for 50 ft), Pull (50 lbs for 50 ft), Overhead Work, Climb Ladder, Sustained Crouching/Kneeling (5 minutes)

6.30 Harassment

The District prohibits any harassment of its employees on the basis of sex, race, color, national origin, ethnicity, disability, religion, age, or sexualorientation.

Sexual harassment is defined as unwelcome 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, a term of 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
- d) 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, national origin, ethnicity, disability, religion, age or sexual orientation consists of verbal or other conduct relating to any of those characteristics which has the purpose or effect of creating an intimidating, hostile or offensive working environment; 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 opportunities.

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 to his or her immediate supervisor or to. In all events, prohibited harassment should be reported to a person in a position to take corrective action against the harasser, including, if necessary, members of the District's Board of Directors.

Upon notification of prohibited harassment, a supervisor shall notify the District's chief personnel officer [or other appropriate manager]. The District's chief personnel officer [or other appropriate manager] shall immediately investigate, take action to prevent and remedy any harassment, and report his or her findings and course of action to appropriate District administrators and the complaining party. Investigations of reported harassment and the results of such investigations will be kept confidential to the extent possible, given the need for a complete and fair investigation.

Employees shall not be subject to retaliation for making good faith complaints or reports of prohibited harassment.

If prohibited harassment is found to have occurred, the District shall take such disciplinary action against the harassing party as it deems necessary and appropriate, including warning, suspension, or immediate discharge.

6.40 Use of 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 discharge.

6.50 Use of District Vehicles

District vehicles may be used only for the purpose and in the manner authorized by the District. Only authorized and qualified District employees may operate District vehicles. All vehicles shall be operated in accordance with all applicable traffic laws and vehicle operators shall be responsible for the condition and proper use of their vehicles.

Unauthorized or improper use of District vehicles may result in discipline, up to and including discharge.

6.60 Conflict of Interest

District employees shall not place their personal interests above the best interests of the District or Board's constituents. Accordingly, employees of the District shall not:

1. Engage in a substantial financial transaction for private business purposes with another employee whom he or she supervises;
2. Take any official action directly and substantially affecting to its economic benefit a business or other undertaking in which he or she has a substantial direct or indirect financial interest or business arrangement;
3. Disclose or use confidential information acquired in the course of his or her official duties to further substantially his or her personal financial interests; or
4. Accept a gift of substantial value or a substantial economic benefit which might tend improperly to influence him or her in the discharge of his or her responsibilities, or which could be construed as a reward for action taken in the course of official duties.
5. Any employee who knows or reasonably should know he or she has a potential conflict of interest shall disclose such potential conflict to his or her supervisor.

6.70 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.

6.80 Whistle Blowing

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 Board of Director President. The Board

President will work with Legal Counsel to determine how violations or concerns will be addressed and communicated to the rest of the Board of Directors.

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.

Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

7.00 DISCIPLINE

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. Whether an employee's performance, conduct, or behavior warrants disciplinary action is within the District's discretion. The District does not intend by these guidelines to create any expectation that any employee will be assured of any particular form of disciplinary action, such as warnings, notice, or any form of progressive discipline, prior to discharge.

7.10 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:

1. A verbal warning or reprimand, which may be accompanied by a written notation in the supervisory record or in the employee's personnel file.
2. A written reprimand signed by the employee's supervisor and acknowledged by the employee. Written reprimands are intended to be placed in the reprimanded employee's personnel file. Employees may provide written explanations or responses to reprimands for placement in their personnel file.
3. Suspension without pay. A suspension without pay shall be accompanied by a written statement, signed by the employee and his or her supervisor, setting forth the fact of the suspension, the reason for the suspension, and the duration of the suspension.
4. 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.
5. Termination.

8.00 GRIEVANCES

The District has established a grievance procedure which is available to any non-supervisory employee for the resolution of complaints, disputes, or concerns regarding the interpretation or application of District guidelines. Any such dispute, complaint, or concern may be raised as a grievance pursuant to the grievance procedure.

8.10 Purpose of Grievance Procedure

The grievance procedure is intended to provide a formal process for the resolution of grievances. It is not, however, intended to be a substitute for healthy and appropriate communication between employees and supervisors, nor is it intended that the grievance procedure be used to harass supervisors or interfere with the operations of the District. Before the grievance procedure is started, employees should attempt to resolve disputes, complaints, and concerns with their immediate supervisors by discussing such matters informally.

8.20 Grievance Procedure

The grievance procedure shall consist of the following steps:

Step 1. An employee may present a written complaint to his or her immediate supervisor setting forth the subject of the grievance and requesting consideration pursuant to this procedure. The employee and the supervisor shall confer on the matter and the supervisor shall respond to the complaint, orally or in writing, within (3) working days. A supervisor shall advise the Fire Chief of the grievance.

Step 2. If the grievance is not resolved at Step 1, the employee may, within (3) working days of the supervisor's response, request in writing that a meeting be held between the employee and the Fire Chief and Board of Directors. Such request shall also specify the nature of the grievance. The employee and [appropriate person] shall meet as soon as is practicable thereafter and shall respond to the grievance in writing within (3) working days of that meeting, circumstances permitting.

Step 3. If the grievance is not resolved at Step 2, the employee may, within (3) working days after receiving the Step 2 response, request in writing that a meeting be held between the employee and [the District's Chief Executive Officer]. The employee and [the Chief Executive Officer] shall meet as soon as is practicable and [the Chief Executive Officer] shall respond to the grievance within (30) working days, circumstances permitting. The decision of the [Chief Executive Officer] shall be final.

Any grievance not pursued to the next step within the time specified will be considered resolved. The time limits for taking any action under this guideline may be extended by agreement. The failure of any District supervisor to respond to a grievance within the time limits specified in this guideline or agreed upon should be reported to the [Human Resources Director or other appropriate person]. An employee filing a grievance shall have the sole right to determine whether to pursue a grievance from one step to the next.

9.00 EMPLOYEE RECORDS

9.10 Personnel Records

Personnel records are retained 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, in the discretion of the District.

In order to keep personnel records current, the Budget Officer 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 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.

9.20 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 Budget Officer. 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.

10.00 SEPARATION FROM EMPLOYMENT

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

10.10 Disciplinary Termination

Employees who are terminated for disciplinary reasons are not eligible for rehire.

10.20 Resignations

An employee who resigns in good standing is eligible for re-employment with the District.

10.30 Retirement

Employee who retire can continue to be volunteer firefighters but cannot receive any additional service years. Once they start to receive retirement from Fire Police Pension Association, they cannot change back.

10.40 Exit Procedure

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

11.00 MISCELLANEOUS GUIDELINES

11.10 Political Activity

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.

11.20 Board Membership of Employees

A board member may be employed by the district. May not vote on conflict of interest. Where an employee of the district is elected to the district board, he or she must take a leave of absence for his or her term of office [or must resign his or her employment with the district]. Failure to do so shall result in termination of employment.

11.30 Smoking

Smoking is permitted anywhere in the District's indoor facilities, within fifteen (15) feet of any doorway leading into a District indoor facility, or in any other area where the District prohibits smoking.

11.40 Expenses

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 ordinarily be required to document those expenses.

The District shall not approve meal expenses per person, including tips, greater than at the current government rate for that geographical area. The District shall reimburse employees for use of their personal vehicles on District business at the current government rate-per mile.

All requests for reimbursement for expenses shall be in writing and must contain original receipts.

11.50 Health Examinations

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

- a) to determine the ability of an applicant who has been offered employment to perform job-related functions required by business necessity. [In the alternative: All applicants who are offered employment shall be examined;]
- b) when there is a need to determine whether an employee is able to perform the essential functions of his or her job;
- c) as may be required to determine the necessity or feasibility of reasonable accommodations for a disability;
- d) 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 District personnel records.

11.60 Desks/Lockers/Storage/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. Although an employee may be assigned an office, desk, vehicle, locker, file cabinet, or other

storage area or device, such assignment does not create an expectation of privacy in the use of such items or areas.

11.70 Staff Use of District Computer Resources

All District computers and other devices, including cellular phones, must be used in a responsible, efficient, ethical and legal manner. Failure to adhere to this guideline may result in revocation of access privileges and may result in disciplinary action, including termination.

Employee use of District computers and other devices, including cellular phones, must be consistent with the objectives of the District. Transmission or access of any material in violation of any U.S. or state law or regulation is prohibited, as is transmission or access of non-work-related material. Access to sexually-oriented material is specifically prohibited. The District reserves the right to determine what use of District computers and other devices, including cellular phones, in the workplace is appropriate.

Internet transactions and e-mail and text messages are not private. District staff and administrators may monitor these transactions and messages at any time, for any reason without notice to the user.

Security on the District's computer network is a high priority. The District is to be notified of known or suspected security problems. Any user identified as a security risk, or as having a history of problems with other computer systems, may be denied access to the internet.

Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, or any agencies or other networks that are connected to the internet. This includes, but is not limited to, the uploading or creation of computer viruses.

Without specific permission from the District, staff members are prohibited from accessing fee services via the internet. If such services are accessed, the staff member will be responsible for any fee or cost involved.

All employees shall be required to agree in writing to the conditions of this guideline, and to such other terms and conditions as the District may require, as a condition to use of District computers and other devices, including cellular phones, in the workplace.

11.80 Staff Use of Electronic Mail

Electronic mail is an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

All District electronic mail systems are owned by the District and shall be used for the purpose of conducting official District business only. All other uses, including personal use, are prohibited.

Users of District e-mail systems are responsible for their appropriate use. All illegal and improper uses of the electronic mail system, including but not limited to pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited. Use of the electronic mail system for which the District will incur an expense without express permission of a supervisor is prohibited.

Electronic messages are not for private or confidential matters. Because there is no guarantee of privacy or confidentiality, other avenues of communication should be used for such matters.

In order to keep District electronic mail systems secure, users shall not leave the terminal signed on when unattended and shall not leave their password available in an obvious place near the terminal or share their password with anyone except the electronic mail system administrator.

Electronic messages are not private. The District retains the right to monitor, review, store and disclose all information sent over the District electronic mail system at any time for any reason, without notice to the employee.

Except as provided herein, District employees are prohibited from accessing another employee's electronic mail without the express consent of the employee. All District employees are advised that electronic mail messages can be retrieved even if they have been deleted and that statements made in electronic mail communications can form the basis of various legal claims against the individual author or the District.

Electronic mail sent or received by the District or the District's board of directors and employees may be considered a public record subject to public disclosure or inspection under the Colorado Open Records Act.

District employees shall be subject to disciplinary action, including termination, for violation of this guideline and regulation.

All District employees shall sign an acknowledgment form stating they have received and read the guideline and regulation. The form will be maintained in the employee's personnel file.

12.00 AMERICANS WITH DISABILITY ACT

12.10 ADA Coordinator and Board Minutes and Financials

In compliance with Americans with Disability Act, if anyone with an eyesight disability requests a copy of our minutes, agenda and financials, we can have them produced into Braille, large print or audio (whichever is the most economical for the District). We will need a 10 day notice. If anyone with a hearing disability needs a sign language interpreter at one of our Board Meetings, we will need a 7 day notice. ADA/Section 504 Coordinator is: _____

3.00 EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the employment guidelines of the ARTESIA FIRE PROTECTION 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_____