

**POUDRE RIVER PUBLIC LIBRARY DISTRICT
AGENDA ITEM SUMMARY**

Name of Requestor: Sabrina Stromnes
Appearance Date: April 11, 2016
Time Required: 10 minutes
Date Decision Needed: April 11, 2016

<p>Agenda Item: VII. UNFINISHED BUSINESS a. Human Resources Policies Updates and Revisions Approval</p>

Objective: Approval of proposed policy changes.

Situation: The January 2015 HR Policy Manual contains some outdated information as well some information that no longer applies to the Library District after separating from the City of Fort Collins. The Manual has been updated to reflect these changes as well as to clarify some of the language that was vague and potentially misleading to employees. Additional changes were made to reflect the current practices of the Library District and to align with current employment laws. Bereavement leave was expanded to include aunts, uncles, nieces and nephews as family members covered under the leave policy.

Advantages: Provides employees with up-to-date policy information and mitigates potential risk for the Library by clarifying vague and/or misleading language.

Disadvantages: None

Requested Action:

Board approval of the Human Resources Policies updates and revisions as presented with revised information under section 6.7.8 Reporting Criminal Charges related to “speed contest” and “reckless driving.” Please see attached policy revision and attached City of Fort Collins Traffic Codes.

Potentially Affected Interest:
Staff

Level of Public Interest and Participation:
Low

6.7.8 Reporting Criminal Charges

- A. All employees who are charged with the following offenses, whether the offense allegedly occurred on duty or off, must report the charges verbally and in writing to their supervisors as soon as possible during business hours and not later than when the employee returns to work:
1. Any felony offense
 2. Any non-traffic misdemeanor offense
 3. The following traffic offenses:
 - a. Driving while license denied, suspended or revoked
 - b. Eluding or attempting to elude a police officer
 - c. Hit and run, or leaving the scene of an accident, or failure to give notice, information, aid and/or report to police when involved in an accident resulting in injury to, serious bodily injury to death to any person or damage to a vehicle.
- B. In addition, all employees whose jobs involve driving any vehicle (whether District or privately owned) and who are charged with any of the following offenses, whether the offense allegedly occurred on duty or off, must report the charges verbally and in writing to their supervisors as soon as possible during business hours and not later than when the employee returns to work:
1. Driving under the influence of intoxicating liquor and/or drugs, driving while impaired by intoxicating liquor and/or drugs, or driving with excessive alcoholic content, or driving while ability impaired
 2. Speed contest ~~in which the employee was driving 10 or miles per hour over the speed limit: For the purposes of this Section, speed contest shall mean the operation of one (1) or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for streets and existing traffic conditions, vying for position or performing one (1) or more lane changes in an attempt to gain advantage over one (1) or more of the other race participants.~~
 3. Reckless driving: For the purposes of this Section, reckless driving shall mean a person who drives any motor vehicle or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving.
- C. Criminal conduct by employees may result in disciplinary action, possibly including termination of employment, even when the alleged conduct occurred off duty when it relates to qualifications for or performance of an employee's job. Moreover, the District may investigate alleged criminal misconduct and take disciplinary action regardless of whether the employee is convicted in court of the alleged offense.

City of Fort Collins Traffic Code

- **1105. - Speed contests, exhibition of speed - immobilization.**

(1)

No person shall engage in any motor vehicle speed contest on a street or highway, and no person shall aid or abet in any such motor vehicle speed contest on any street or highway.

(a)

For the purposes of this Section, *speed contest* shall mean the operation of one (1) or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for streets and existing traffic conditions, vying for position or performing one (1) or more lane changes in an attempt to gain advantage over one (1) or more of the other race participants.

(2)

No person shall engage in any motor vehicle speed exhibition on a street or highway, and no person shall aid or abet in any such motor vehicle speed exhibition on any street or highway.

(a)

For purposes of this Section, *speed exhibition* shall mean the operation of a motor vehicle to present a display of speed or power. *Speed exhibition* includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage or leaving visible tire acceleration marks on the surface of the roadway or ground.

(3)

No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a street or highway, in any manner obstruct or place any barricade or obstruction or assist or participate in placing any such barricade or obstruction upon any street or highway.

(4)

The provisions of this Section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course or drag strip.

(5)

In addition to any sentence imposed on a second or subsequent conviction for violation of this Section, the Court may order the motor vehicle involved in the speed contest or exhibition immobilized pursuant to Subsections 42-4-1105(5) through (9), C.R.S. (Ord. 016, 2003 §1; Ord. 109, 2006 §10)

- **1401. - Reckless driving**

A person who drives any motor vehicle or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving.

(Ord. 016, 2003 §1; Ord. 097, 2009 §31; Ord. [120.2015](#) §4)

**POUDRE RIVER PUBLIC LIBRARY DISTRICT
HUMAN RESOURCES POLICY MANUAL**

Summary of Changes

- **Complaint Procedure:** Changed the reporting order to be HR Manager first. Also added language on the procedure to follow if the complaint involves the Executive Director.
- **Recruitment and Selection Process:** added language to state that positions can be filled by lateral transfer and that current employees can apply to external job postings.
- **Restrictions on Employment of Relatives:** added aunt, uncle, niece and nephew.
- **Examples of Voluntary Deductions:** Removed reference to Savings Bonds because this is no longer offered by the City as a benefit.
- **Examples of Other Deductions:** Removed language related to last chance agreements since we do not have a last chance agreement policy.
- **Deductions from Pay for Exempt Employees:** Changed deduction for partial day absence to full day absence because exempt employees cannot be docked pay if they work any portion of a day.
- **Pay for Exempt Employees (6.4.4):** Deleted this entire paragraph because the same information is included in the preceding paragraph.
- **Time Reporting:** Clarified language.
- **Employee Benefit and Leave Policies:** Removed reference to Business Travel Accident Insurance Plan because this is no longer offered by the City.
- **Vacation Time:** Reworded the policy to reflect our actual practice of allowing employees to accrue more than 240 hours of vacation time. The maximum carry over remains at 240 hours.
- **Holiday Time:** Clarified the language and more clearly defined the floating holiday policy.
- **Sick Leave:** Clarified the language and removed reference to unused sick time being converted to short-term disability leave because this is no longer offered by the City.
- **Bereavement Leave:** Clarified the language and added aunt, uncle, niece and nephew as “family members” under the policy.
- **Medical Leave:** Changed the wording to show that this leave is for employees who don’t qualify for FMLA or who have exhausted FMLA leave. Also clarified some of the language and removed reference to part-time employees not being eligible for this leave to reflect our actual practice.
- **Time Donations:** Removed compensatory time from the allowable types of time donation.
- **Temporary Restrictions (Modified Duty):** Removed the entire policy because it contains language that could be considered discriminatory. This policy is not required under the law. Any modified duty would already be covered under the ADA.
- **Anti-Violence:** Removed reference to not allowing employees to carry weapons onto the organization’s property to coincide with the Colorado statute on concealed carry.
- **Attendance and Punctuality:** Removed the portion of the policy that says employees may be paid for missed time if a supervisor believes the employee has a compelling reason for not calling in.
- **Reporting Criminal Charges:** Used the City Traffic Codes provided by the City Attorney’s Office to further define the policy on Reporting Criminal Charges related to “speed contest” and “reckless driving.” ~~Further defined the policy around “speed contest” and added that employees should report such a charge if it is due to speeding 10 or more miles above the speed limit.~~
- **Issue Resolution:** Removed the language related to name clearing hearings since we don’t have a policy related to name clearing.

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6.0 INTRODUCTION

The Human Resources policies contained within are also found in section six (6) of the Poudre River Public Library District Policy Manual and outline the personnel programs and benefits of employment as adopted by the Board of Trustees. Because the Library District continues to contract some HR services from the City of Fort Collins, references to City policies are cited when applicable. If there is a conflict between the City of Fort Collins policies or procedures and this Manual, the provisions of this Manual will apply.

All employees should familiarize themselves with the contents of these policies to understand the terms and conditions of employment with the Library District.

6.1 BACKGROUND INFORMATION

6.1.1 Equal Employment Opportunity

Poudre River Public Library District is dedicated to the principles of Equal Employment Opportunity (EEO). We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race, sex, color, religion, national origin, disability, sexual orientation, marital status, military status, genetic information, or any other status protected by applicable state or local law. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

ADA and Religious Accommodation

The Library District will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the organization or cause a direct threat to health or safety. Employees needing such accommodation are instructed to contact their supervisor or the Human Resources Manager immediately.

Sexual Harassment

The Library District 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 substantially 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

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

Report the incident to the Human Resources Manager or the Deputy Director of the Library District or the Executive Director of the Library District who will investigate the matter and take corrective action where appropriate. 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 the Human Resources Manager ~~Executive Director of the Library District~~.

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If your complaint relates to the actions or inactions of the Executive Director, report the complaint to an Officer of the Board of Trustees of the Poudre River Public Library District.

The Library District prohibits retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation. If you believe there has been a violation of our EEO or retaliation standard, please follow the complaint procedure outlined above.

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

6.1.2 Safety, Risk Management and Workers' Compensation

The District is committed to providing a safe work environment. Employees should report any unsafe practices or conditions to their supervisor immediately.

The risk of loss due to property damage, employee accidents or injuries, or other liability claims are covered by the District's insurance providers. Employees who are injured on the job, however slightly, or learn that they have an occupational illness, injury or disability must immediately report such information to their supervisors and the Human Resources Manager. Employees are also required to comply with the District's Workers' Compensation requirements, including completing forms and providing information requested by the Human Resources Manager and the District's designated physician. The forms to be filed when a claim occurs are available on the District's Intranet site.

If medical treatment for an on-the-job injury is needed, it must be obtained from one of the organization's designated physicians. If not, the employee may be responsible for the cost of medical treatment.

6.2 EMPLOYMENT CATEGORIES

The Library District employs every employee in either a classified position or an unclassified position. In addition, every employee is either "exempt" or "non-exempt" from the overtime provisions of the federal and state wage and hour laws.

6.2.1 Categories of Employment

Classified Positions

Classified positions are eligible for Library District benefits. Classified positions may be full-time, in which the employee is regularly scheduled to work the equivalent of a forty-hour work week, or part-time in which the employee is regularly scheduled to work a minimum of twenty and a maximum of thirty-nine hours per work week. The benefit package for part-time classified employees is prorated. Benefits are explained more fully in Personnel Policy 6.6, "Employee Benefit and Leave Policies."

Employees in classified positions who have successfully completed their initial period of introductory status (six months) may be terminated only for cause, as defined in "Separation from Employment," Personnel Policy 6.9.

Classified positions may be exempt or non-exempt from applicable wage and hour laws depending on the nature of the work performed by the employee.

Exempt and Non-Exempt Positions

Employees who qualify as administrative, executive or professional employees within the meaning of applicable laws are considered "exempt," which means that they are ineligible to earn overtime pay or accrue compensatory time off.

Employees in exempt positions are expected to devote such additional time as may be necessary to accomplish the duties of their positions, including time outside normal business hours.

Non-exempt employees are compensated for all time they work and receive overtime compensation at a time-and-a-half rate, either as wages or "compensatory time off, for hours worked in excess of 40 hours in the workweek. Only non-exempt employees are eligible to earn overtime pay or accrue compensatory time. See Policy 6.4, "Wages and Hours," for details.

Unclassified Positions

Unclassified positions include hourly and specified management positions.

For unclassified employees, the employment relationship is always at the mutual consent of the Library District and the employee. Accordingly, either the employee or the District may terminate the relationship at will at any time with or without cause or notice. Unclassified employees do not become classified employees or otherwise change unclassified categories with the passage of time in an unclassified position. Unclassified employees have no right to become classified employees.

Unclassified Management Positions

Unclassified management employees are eligible for all Library District sponsored benefits. Part-time unclassified management employees are eligible to participate in City-sponsored benefits on a *pro rata* basis based upon their position's designated FTE.

Hourly with-no-benefits Positions

Employees in hourly positions are hourly employees who:

- i. Work sporadically throughout the year on-call or as-needed, usually for fewer than 30 hours per week, or
- ii. Are regularly scheduled to work less than 30 hours per week.

Employees in hourly positions are not eligible for City-sponsored benefits such as paid vacation and sick leave, health insurance, pension and deferred compensation plans, and the like.

Employees in these positions are not eligible for holiday pay but are eligible for benefits required by law, such as Social Security and Workers' Compensation.

Hourly with no benefits positions are non-exempt as described above under "Exempt and Non-exempt positions."

Hourly with-no-benefits positions are at-will. Accordingly, either the employee or the District may terminate the relationship at will at any time with or without cause or notice.

6.2.2 Probationary Status

Employees who are hired into classified positions begin service on probationary status for a minimum of six months from the date of hire. The length of an employee's probationary status may be extended at the discretion of the supervisor for up to an additional six months. Probationary status does not automatically end after the passage of six months or any other length of time. Probationary status ends only after the employee is notified in writing and after the status change becomes effective at the beginning of the next pay period.

During the probationary period, employment is with the mutual consent of the employee in the classified position and the District. Accordingly, either the employee or the District may terminate the employment relationship at will with or without cause or notice during the probationary period.

Employees who are not within their initial probationary period and who are promoted or transferred from another classified position or from an unclassified management position may only be terminated from employment for cause and will not be placed on a probationary period for the new position.

Unclassified and hourly employees do not serve a probationary period. For such employees, the employment relationship is with the mutual consent of the employee and the District and may be terminated by either party at will with or without cause or notice at any time.

6.3 RECRUITMENT AND SELECTION

6.3.1 Recruitment and Selection Process

Depending on the staffing needs of the District, new or existing positions may be posted and filled externally, posted and filled internally, or filled through promotion or lateral transfer. External postings are advertised to the public and are open for application to all eligible members of the public including current employees.

Where appropriate, internal postings will be advertised to current employees of the District. Only current District employees are eligible to apply for internal postings.

6.3.2 Pre-Employment Testing

Positions with the District are considered as "positions of trust." Such positions include but are not limited to jobs where the employee regularly interacts with youth or potentially vulnerable persons, has unsupervised access to District property of significant value, handles cash, or is responsible for accounting duties. The District will conduct a background investigation of applicants. The District may, at its discretion, make selection and retention decisions based upon the information obtained in connection with a background investigation.

6.3.3 Restrictions on Employment of Relatives

The District prohibits the hiring, promotion, demotion or transfer of family members of current District employees where a relative would:

1. Directly exercise supervisory, appointment, salary determination, dismissal or disciplinary authority over another family member; or
2. Audit, verify, receive or be entrusted with moneys received or handled by another family member.

For purposes of this policy, the terms "relative" and "family member" mean spouse, civil union partner, parent, child, sibling, sibling's children, aunt, uncle, niece, nephew, cousin, grandparent and grandchild, including in-law, step and foster relationships. The terms also include any person claimed by the employee as a dependent for income tax purposes or any person residing in and sharing with the employee the expenses of the household.

6.4 WAGES AND HOURS

6.4.1 Working Hours

The District's standard workweek for payroll purposes begins at 12:00 a.m. Monday and ends at 11:59 p.m. the following Sunday. Each supervisor will establish employees' working schedules. Employees may be required to work overtime or hours other than those normally scheduled.

6.4.2 Overtime and Compensatory Time Off

Overtime compensation may be in the form of wages or time off, known as "compensatory time." Only non-exempt employees are eligible to earn overtime pay or compensatory time off. All overtime work by a non-exempt employee must be approved in advance by the supervisor, except

in extraordinary circumstances. Exempt employees are ineligible to earn overtime pay or compensatory time off but may informally flex their time as approved by management.

Overtime for hours in excess of 40 hours in a workweek shall be paid at one and one-half times the regular hourly rate. Similarly, overtime in excess of 40 hours taken as compensatory time will earn one and one-half hours of compensatory time for each hour of overtime. Unless previously arranged with the supervisor, overtime for hours in excess of 40 hours in a workweek will be provided as paid time as described above rather than provided as compensatory time.

For part-time classified employees, overtime hours worked beyond the normal workweek but less than 40 hours worked in total will be paid at the regular hourly rate or will be accrued as compensatory time on a one-to-one hourly basis.

Vacation leave and sick leave will not be used in the computation of overtime.

6.4.3 Paydays and Deductions from Pay

The District pays its employees on a bi-weekly basis, every other Friday. Payment will be made by direct deposit or by pay card. If the payday falls on a holiday observed by banks or the District, employees will be paid on the preceding Thursday. Each payment covers work performed through the previous two workweeks. Any questions about deductions from pay should be directed to the District's Human Resources Manager or the Finance Officer.

Examples of Required Deductions and Withholdings:

State and federal laws require the District to make the proper deductions on behalf of each employee. Required deductions generally include, but are not limited to:

1. FICA contributions, except for designated positions in police;
2. Medicare contributions;
3. Federal and State income taxes;
4. Wage assignments, garnishment or levies required by court order;
5. Contributions to pension plans, such as the Employee's Retirement Plan or Money Purchase 401 Plans, for eligible employees.

Examples of Voluntary Deductions:

Upon written request by an eligible employee, the District may deduct the following from each payroll payment:

1. Insurance premiums for plans sponsored by the District;
2. Two direct deposits to any two financial institutions of the employee's choice;
3. Employee contributions to District-sponsored health care and day care reimbursement plans;
4. Employee contributions to the District-sponsored 457 deferred compensation plan and other retirement plans approved by the District;
5. Employee contributions to the United Way;
6. ~~Employee contributions to the purchase of U.S. Savings Bonds (\$25 minimum contribution per payroll).~~

Comment [SS1]: This is no longer being offered.

Examples of Other Deductions:

Without limiting the reasons or categories for which it may do so, the District may deduct the following from each payroll payment:

1. The replacement cost value of District property which the employee has failed to return to the District upon the employee's termination of employment;
2. The cost of a split sample drug test when the split sample test is requested by an employee and a positive result is reported;
3. ~~The cost of any drug or alcohol test required as a condition of a last chance agreement or other disciplinary action.~~
4. The costs of personal telephone and cellular phone use that have not been reimbursed as required by the District.
5. The amount of any overpayment in wages, salary, or use of paid leave.

Comment [SS2]: Confirmed what this is and that it is used at the City and would be good to keep in our policy.

Deductions from Pay for Exempt Employees

- A. In compliance with the federal Fair Labor Standards Act (FLSA), deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with District leave policy; to offset amounts exempt employees receive as jury or witness fees, or for military pay; for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions; ~~a partial~~ full day absence after exhausting all applicable paid leave pursuant to principles of public accountability; or, for any other reason allowed by law.
- B. It is the District's intent to comply with the salary basis requirements of the FLSA. Managers are prohibited from making any deductions from the salaries of exempt employees that would violate the FLSA. Any exempt employee who believes that an improper deduction has been made to the employee's salary should immediately report this belief to the employee's direct supervisor or to the Human Resources Manager. Additionally, an exempt employee may utilize any applicable provisions of the issue resolution, grievance, or appeal process set forth in these policies. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed.

Comment [SS3]: No deductions if any part of day worked.

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~~6.4.4 Pay for Exempt Employees~~

~~The Library District follows the federal Fair Labor Standards Act (FLSA) in determining deductions that are permissible from the pay of an exempt employee. If you believe that an improper deduction has been made to your salary, you should immediately report this information to the District's Finance Officer.~~

Comment [SS4]: This paragraph is redundant after the paragraph directly above.

6.4.5 Time Reporting

- A. All non-exempt employees are required to record accurately on their official time sheets all hours worked as well as all leave time. When recording compensatory time, employees must record the actual number of overtime hours worked, ~~and they~~ Employees will then earn compensatory time at one and one-half times the number of hours recorded.

B. All exempt employees are required to accurately record "exception hours" on their official time sheets. "Exception hours" are any hours other than regular hours worked, for example, sick and vacation time. Exempt employees shall not log regular hours worked on the official time sheet.

6.5 GENERAL INFORMATION

6.5.1 Personnel Files, Employee Information and Reference Requests

Personnel files for all Library District employees will be housed at the Administration Center. Documents containing medical or credit information about an employee or family member will be maintained in a separate file. Once a document or information is placed in the employee's personnel file, it may not be removed except as required by law.

The Colorado Records Act (CORA) requires that all public records, with limited exceptions be open for inspection by any person at all reasonable times. The law requires that the Library District as a public entity make certain employment records available to employees, an employee's supervisor and the public.

Employees wishing to review their own personnel files may do so by making an appointment with the Human Resources Manager or Executive Director. Requests from the media about personnel policies and practices, compensation and benefits or specific employees should be forwarded to the Human Resources Manager or Executive Director.

Upon receiving a signed release from a former or current employee, supervisors may, at their discretion, provide oral references or letters of reference regarding employees.

6.5.2 Training, Conferences, and Travel

As a learning organization, the Library District encourages employees to attend appropriate training sessions, webinars and or conferences that will improve job skills and contribute to continuous professional development. Employee requests to participate in a learning opportunity must be approved by his/her direct supervisor. Factors that supervisors may consider in making such decisions include relevance to an employee's job and/or organizational mission, budget, operational needs of the District and duration of training.

Exempt employees will not be compensated or receive additional time off for conference attendance that may extend beyond a normal work week.

The Library District follows the travel expense reimbursement guidelines of the City of Fort Collins.

6.6 EMPLOYEE BENEFIT AND LEAVE POLICIES

6.6.1 Insurance

The Library District's comprehensive benefits package includes a number of different plans for eligible staff members. The District currently offers the plans below through the City of Fort Collins and adheres to the City's policies and procedures regarding these benefits.

- *Medical Insurance Plan* - helps pay covered medical expenses for you and your family.
- *Life Insurance Plan* - provides term insurance coverage equal to one times your annual salary. Employees may purchase additional insurance at group rates.
- *Short-term Disability (STD) Plan* - helps replace your salary if you suffer a covered disability for a limited period of time.
- *Long-term Disability (LTD) Plan* - helps replace your salary if you suffer a covered disability for an indefinite period of time.
- *Business Travel Accident Insurance Plan* – offers accident and life insurance protection while traveling on organization business. *Travel Assistance Plan* – provides travel assistance when traveling more than 100 miles away from home.
- *Dental Insurance Plan* - provides to you and your eligible dependents dental coverage at group rates.
- *Vision Insurance* – for eligible employees
- *Employee Assistance Program* – for eligible employees
- *Flexible Spending Accounts* – enables participants to pay health and dependent care expenses with pre-tax, rather than after-tax, dollars.

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For more information about these plans, please refer to the Summary Plan Description on the City of Fort Collins Human Resources web site or contact the District’s Human Resources Manager. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

6.6.2 Retirement

The Library District offers a retirement plan for eligible employees. For more information about retirement plan benefits, contact the District’s Human Resources Manager.

6.6.3 Vacation Time

Eligible employees (classified employees and unclassified management employees) accrue vacation time beginning with the first day of employment. Vacation time is accrued bi-weekly each pay period. Eligible employees cease accruing vacation time during any period of unpaid leave which exceeds thirty (30) consecutive calendar days.

Accrued vacation time may not be used until after the bi-weekly pay period in which it was accrued. The District will not advance vacation time or advance wages to employees in connection with use of vacation time. Vacations must be scheduled and approved by the employee’s supervisor. Although efforts will be made to accommodate employee’s requests to take vacation time, supervisors must consider the needs of the department when evaluating vacation requests.

Eligible employees accrue vacation time in accordance with the schedules described below:

Years of Service from Date of Hire	Vacation Hours Accrued Per Pay Period	Total Days Accrued Per Year
0-3 yrs (0-36 mos)	4.62 hours	15 days
4-5 yrs (37-60 mos)	4.92 hours	16 days
6-7 yrs (61-84 mos)	5.23 hours	17 days
8-9 yrs (85-108 mos)	5.54 hours	18 days
10-12 yrs (109-144 mos)	6.15 hours	20 days
13-14 yrs (145-168 mos)	6.46 hours	21 days
15-16 yrs (169-192 mos)	6.77 hours	22 days
17-18 yrs (193-216 mos)	7.08 hours	23 days
19-20 yrs (217-240 mos)	7.08 hours	23 days
Over 20 yrs (241 mos +)	7.38 hours	24 days

Part-time employees are currently eligible for vacation pay that is prorated based on the number of hours normally scheduled to work.

When a paid holiday falls within the employee's vacation period, an additional day of vacation may be granted. Vacation time will not be counted in the computation of overtime.

Upon separation of employment, employees receive pay for earned, unused vacation.

~~Employees may carry over unused vacation into the next anniversary year.~~ The maximum unused vacation that full-time employees may accumulate carry over is 30 days (240 hours). For part time employees, the maximum of vacation time accumulation is prorated based on the number of hours normally scheduled to work.

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All unused vacation time which cannot be carried over is forfeited after the end of the last pay period paid within the calendar year, unless an extension is authorized by the Executive Director.

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All accrued but unused vacation time is payable upon separation from employment at the rate of one hour's pay (at the employee's regular hourly rate at the time of termination) for each hour of unused vacation time. Employees may, with prior permission, use accrued vacation time to extend their employment through the first day of the month (even if the first day of the month is not a regularly scheduled work day) following their last day worked; the balance of accrued but unused vacation time would then be included in the final payroll payment issued after the final day on payroll.

6.6.4 HOLIDAY TIME

The Library District currently closes for the following national holidays as days off with pay for classified employees and unclassified management employees:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

In addition to the holidays listed above classified employees and unclassified management employees will be granted three floating holidays to be used during the calendar year with supervisor's prior approval.

The library remains open on Martin Luther King Day, Presidents' Day and Veterans' Day holidays. In observance of these holidays, classified employees and unclassified management employees are granted three paid floating holidays that must be used in the calendar year they are granted with supervisor approval.

New employees must be actively employed on the day the actual holiday occurs in order to receive the floating holiday.

When a holiday falls on a Saturday, it is observed on the preceding Friday. When the holiday falls on a Sunday, the following Monday is observed. Should any one of the observed holidays occur during an employee's vacation period, an additional day of vacation may be granted.

Holiday time is counted as hours worked in the computation of overtime. Full-time employees receive eight hours of holiday pay at their regular rate of pay. Holiday pay for part-time employees is prorated based on their regularly scheduled work hours.

6.6.5 Sick Leave

During the first 30 days of employment, eligible employees (classified employees and unclassified management employees) receive no paid sick leave. At the beginning of each calendar year, eligible full-time employees shall receive 120 hours (pro-rated based on FTE) of sick leave for use during that calendar year. This amount will be pro-rated for those eligible employees commencing employment after January 1 of a calendar year. Pro-ration shall be from the beginning of the month in which the eligible employee begins employment. For example, if an eligible full-time employee begins employment on February 20, the pro-ration shall be calculated based on a start date of February 1, and the employee shall receive 110 hours of sick leave after the employee completes the first 30 days of employment. Part-time classified employees are eligible for sick leave on a prorated basis. Unused sick time may not be carried over and will be forfeited at the end of each calendar year.

At the end of each calendar year any unused sick leave shall be converted to banked short term disability leave to be used only to increase the short term disability leave benefit from 70% of base pay. Banked short term disability leave is capped and shall not exceed 265 hours. Neither sick leave pay nor short term disability may be used for absences covered by workers' compensation

~~insurance. Sick Leave questions should be directed to your immediate supervisor or to the Human Resources Manager.~~

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When unable to report to work due to illness, employees must give their supervisor as much advance notice as possible before the start of their shift in accordance with departmental work rules.

Eligible employees may take available but unused paid sick leave under any of the following circumstances:

1. When they are unable to perform their job due to a non-occupational personal illness, injury, disability or other medical circumstances, including pregnancy, childbirth, and related medical conditions;
2. For non-occupational related reasonable travel time and necessary medical, optical and dental health examinations and treatments, including periodic exams for preventative reasons, and scheduled counseling appointments of the employee, when such exams, treatments, and appointments cannot be scheduled outside regularly scheduled work hours;
3. When the employee's family member is ill and requires the care of the employee. For purposes of this policy, "family member" means the employee's child, spouse, civil union partner, sibling, parent, grandparent, or grandchild, including natural, step, in-law and foster relatives, whether or not those relatives are living in the employee's home. "Family member" also includes any other relative of the employee (in addition to those listed in the previous sentence) as long as that other relative actually lives in the employee's home;
4. When the employee's family member (as defined above) requires the assistance of the employee to attend medical appointments. This includes reasonable travel time and necessary medical, optical and dental health examinations and treatments including periodic exams for preventive reasons and scheduled counseling appointments, when such exams, treatments, and appointments cannot be scheduled outside regularly scheduled work hours;
5. When an employee is unable to work after reaching maximum medical improvement (as determined by the City's Library's designated physician) from a workers' compensation eligible injury, illness, or disability, ~~but and~~ is eligible for the Library District's long-term disability insurance coverage, ~~the employee must~~ makes application ~~such benefit for long-term disability upon reaching maximum medical improvement~~, and diligently pursues a determination of benefit eligibility.

6.6.6 Bereavement Leave

~~Full-time~~ employees are currently eligible for paid leave up to a maximum of five working days or 40 hours (includes any travel time), whichever is less, for bereavement leave for the death of an employee's family member. Bereavement leave is available to ~~eligible part-time less than full-time~~ employees on a pro-rated basis. For purposes of this policy, "family member" means employee's child, spouse, civil union partner, sibling, parent, grandparents, grandchild, ~~aunt, uncle, niece, or~~

[nephew](#) including natural, step, in-law and foster relatives, whether or not those relatives are living in the employee's home.

Request for bereavement leave must be made to the employee's supervisor as soon as the employee knows of the need for leave.

6.6.7 Family and Medical Leave

The Library District contracts with the City of Fort Collins for the administration of the federal Family and Medical Leave Act ("FMLA") and adheres to the "Family and Medical Leave" Policy of the City of Fort Collins. See Appendix 1 for (COFC Personnel Policies and Procedures Manual 6.9, "Family and Medical Leave").

6.6.8 Medical Leave (~~for Employees Pre- and Post-FMLA~~ Not FMLA Eligible or Extended beyond FMLA)

A medical leave of absence may be granted to eligible employees for absences arising from the employee's illness, injury, or pregnancy. This leave may be approved under the following circumstances:

- The employee is not eligible for FMLA leave, or
- Has exhausted all available FMLA leave.

The following conditions must be met for a medical leave to be granted:

- The employee has completed ninety (90) days of employment with the Library District.
- The employee notifies the immediate supervisor as soon as possible of the need for medical leave.
- All available sick leave and earned vacation are used at the beginning of the leave of absence.
- The employee submits to the supervisor a written statement from the attending medical provider outlining the reason for leave and the estimated time needed. (The organization may require the employee to obtain an opinion from a medical provider selected by the Library District.)
- The immediate supervisor and Human Resources staff approve the leave before the leave is taken.

Medical leaves, and any extension of leaves, generally will be limited to no longer than 12 weeks. An employee ready to return to work from leave must present a medical provider's statement indicating ability to return to work. If an employee is unable to return to work at the end of FMLA/extended leave, the employee may be entitled to additional accommodation under the Americans with Disabilities Act (ADA) or other law. The employee must supply sufficient information from their medical provider indicating that they are unable to return due to a disability and the likely date the employee will be able to return to work with or without reasonable accommodation. The employee must qualify for coverage under the Act and any accommodation provided must be reasonable and not result in any undue hardship to the employer. The scope and

duration of the potential accommodation will be determined after an interactive dialogue between the employee and the Library District.

The Library District may reinstate an employee ready to return from a medical leave of absence, when in the opinion of the District, it is practical to do so [or as a reasonable accommodation under the ADA](#). The District does not guarantee reinstatement of an employee to the former job. When the employee is available to return to work, the employee is free to apply for any vacancy available and may be considered along with other applicants.

The Library District currently continues medical, [dental, vision](#) and life insurance benefits for an employee on leave for a maximum of 12 weeks, or 26 weeks as defined and described above, as long as the employee continues to pay the employee's portion of the premium. Vacation and sick leave will not accrue during a medical leave of absence. Holidays, bereavement pay, or employer's jury duty pay will not be granted during the leave. ~~Part-time employees are not eligible for a leave of absence under these guidelines except as may be required by the ADA. Also see guidelines for Family and Medical Leave (FMLA Leave.)~~

~~Part-time employees are not eligible for leave under these guidelines except as required for a disability.~~

All questions, or requests or additional information, related to this policy may be discussed with any employee's supervisor or with the Human Resources Manager.

6.6.9 Administrative Leave

All Library District employees, regardless of category of employment, may be placed on Administrative leave at any time with or without cause or notice at the sole discretion of the District. Circumstances under which such a leave may occur include, but are not limited to, the following:

- To make inquiries into or investigate a work-related matter;
- To remove the employee from the workplace pending a pre-deprivation hearing or decision;
- To protect the employee;
- To protect the public;
- To protect other employees or property in the workplace; or
- To further any other work-related or business-related purpose.

Unless it would likely be harmful to an administrative or criminal investigation, the supervisor or manager shall place an employee on administrative leave as soon as reasonably practical after learning of any of the following:

1. Reasonable grounds exist to believe an employee may have violated the public trust. The public trust is violated when an employee engages in conduct that would be likely to significantly harm the public's perception that the employee is upholding his or her responsibility to appropriately use public resources, funds, materials, and confidential information, and to otherwise act in the best interests of the Library District.

2. Reasonable grounds exist to believe an employee has tested positive following a drug or alcohol test conducted pursuant to Library District policy.
3. Reasonable grounds exist to believe that the public or the Library District may be harmed if an employee is permitted to continue to work during the pendency of an investigation or disciplinary proceedings.

6.6.10 Military Leave

All Library District employees, regardless of category of employment, are eligible to take military leave for active duty or active or inactive duty training if they are members of the reserves or enlisted in any branch of the United States Armed Forces or are member of the National Guard of any state in the United States. Employees granted a military leave of absence are re-instated and paid in accordance with the laws governing veterans' re-employment rights.

Employees are provided with paid leave for a maximum of 15 working days (120 hours for full-time employees, pro-rated for part-time employees) per calendar year for active duty or active duty training with the National Guard or any branch of the U.S. Armed Forces.

After exhausting the 15 days of paid military leave, an employee may choose to use accrued vacation time, compensatory time, accrued but unused holiday time, and personal time, if applicable, and/or take leave without pay for active duty or active or inactive duty training with the National Guard or any branch of the U.S. Armed Forces. An employee may not use any other type of paid leave during military leave, including, but not limited to sick leave or injury leave.

After the first 30 continuous calendar days of unpaid leave for military service, the Library District sponsored health insurance for the employee and covered dependents will terminate. After coverage terminates, the employee may elect to continue coverage at his or her own expense and will be provided with detailed notice of the right to continue coverage.

Employees who are reinstated after completing active duty or active or inactive duty training will be eligible for immediate coverage under any applicable health insurance plans existing at the time without a waiting period.

6.6.11 Domestic Violence Leave

Employees who have been employed for 12 months or more, regardless of category of employment, may take up to three working days of unpaid leave in any 12-month period if the employee is a victim of domestic abuse, stalking, sexual assault, or any other crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence (collectively referred to as "domestic violence". The employee will only be eligible for this leave if he or she is using it to:

1. Seek a civil restraining order to prevent domestic abuse;
2. Obtain medical care or mental health counseling or both for himself or herself or for his or her children to address physical or psychological injuries resulting from the domestic violence;

3. Make his or her home secure from the perpetrator of the act of domestic violence or seeking new housing to escape the perpetrator; or
4. Seek legal assistance to address issues arising from the act of domestic violence and attending and preparing for court-related proceedings arising from domestic violence.

Except in cases of imminent danger to the health or safety of the employee, an employee must provide his or her supervisor with advance notice of the need for the leave as soon as learning of the need. The employee's supervisor may require that the employee submit documentation of the need for the leave.

Use of domestic violence leave shall be unpaid. An employee must exhaust any and all accrued vacation and personal leave, and any applicable dependent care leave and sick leave before using domestic violence leave.

The organization shall maintain the confidentiality of all information related to the employee's use of domestic violence leave.

6.6.12 Voting

All District employees, regardless of category of employment, who are registered electors, may take time off to vote. Voting time may only be requested or taken if the employee's work hours are such that there are less than three hours before or after working time when the polls are open. Time off is limited to a maximum of two hours and must be taken on an election day between the time of opening and closing of the polls.

Employees who wish to take time off to vote must inform their supervisor prior to the Election Day. If an employee requests voting time off at any time other than the beginning or ending of his or her shift, the supervisor may specify which hours may be used.

6.6.13 Jury Duty

Employees in classified positions and unclassified management positions will be paid while on jury duty that overlaps with any scheduled work time up to a maximum of 25 working days in any 12 month period. To receive this pay, the employee must pay to the Library District any jury duty pay received by the employee from the court jurisdiction, excluding any mileage reimbursement. Any further time an employee serves on jury duty is unpaid by the District unless the employee chooses to use accrued paid leave time, such as vacation time.

Employees in hourly positions will be paid their regular wages up to fifty dollars per day for the first three days of jury duty, or any part of those days, that overlap with scheduled work time. After the first three days of jury duty, such employee will be granted all necessary time off but such time is unpaid by the organization unless the employee chooses to use accrued paid leave time, such as vacation, personal time or compensatory time.

6.6.14 Witness Duty

Employees in classified positions and unclassified management positions will be paid during time they are subpoenaed or otherwise required by law to appear as a witness in any "personal" matter that overlaps with scheduled work time up to a maximum of two working days in any 12-month

period. To receive pay, the employee must pay to the Library District any witness pay received by the employee, excluding mileage. Any further time an employee is required to appear as a witness is unpaid by the District unless the employee chooses to use accrued paid leave time. A matter is considered "personal" if, in the discretion of the employee's supervisor, it is not directly related to the employee's essential job functions. An employee's appearance as a witness in "non-personal" matters is considered regular working time and the employee must pay to the organization any witness pay received by the employee.

Employees in unclassified hourly and contractual positions will be granted all necessary time off when required to appear as a witness in "personal" matters, but such time is unpaid by the organization unless the employee chooses to use accrued paid leave.

6.6.15 Time Donations

The time donation policy provides Library District employees the opportunity to make voluntary, confidential donations of accrued vacation ~~or compensatory~~ time to other District employees who (i) have exhausted all other available paid leaves including, but not limited to, sick, injury, vacation, compensatory time, emergency leave and personal leave, but excluding short term disability, (ii) are not eligible to receive Workers' Compensation benefits, and (iii) to whom one or more of the following situations apply:

1. To a classified employee or unclassified management employee who is awaiting the outcome of a long-term disability claim. Time donations allow the recipients to continue on payroll until the long-term disability claim is either approved or denied.
2. To a classified employee or unclassified management employee who has been approved for short-term disability leave due to a temporary disability and has exhausted his/her own short term disability bank. This subsection is intended to allow an employee who has exhausted his/her own STD bank to receive time donations to get to 100% of pay during the approval of short-term disability.
3. To a classified employee or unclassified management employee who has returned to work from a STD event, but who still needs temporary intermittent treatment related to the same STD event. Time donations in this case may continue up to a maximum of six months.
4. To a classified employee or unclassified management employee to care for a dependent when the employee has exhausted all other available and applicable paid leave, and dependent care leave, and the employee is needed to provide necessary care for his or her spouse, child or parent suffering from a serious health condition (as defined in the Family and Medical Leave section of these Policies and Procedures) up to a maximum of 12 weeks in any calendar year.

District employees may donate only accrued but unused vacation ~~or compensatory~~ time. There is no limit as to the number of hours that may be donated by an employee. If there are hours remaining unused, the hours will be prorated back to the donor(s). Each hour donated will be added as an hour to the recipient and paid at the recipient's regular rate of pay, even if that rate is different than the donor's rate of pay. While using donated vacation and compensatory time, the

recipient continues to receive the same benefits as if using his or her own applicable leave time. Employees receiving or eligible to receive workers compensation payments are not eligible to receive time donations.

The District will consider donated time to be income at the time it is used by the recipient, and not income of the donor, to the extent allowed by law. Accordingly, the donated time will be subject to taxes and withholding at the time it is paid to the recipient.

Requests for time donations must be made in writing by (or on behalf of) the eligible employee the Executive Director or designee, who has the discretion to allow or reject any time donation request. The request may be submitted any time after the eligible employee has 80 or fewer hours of paid leave time remaining, as long as it reasonably appears that the employee will exhaust paid leave. Unless otherwise instructed by the requesting recipient employee, the District will advise employees of the name and eligibility category of each employee who is eligible to receive a time donation. Solicitation of time donations can only be made by the Executive Director or designee.

Employees wishing to donate accrued but unused vacation or compensatory time must submit a request in writing through a time donation form to the Executive Director. The District will not disclose to the recipient the name of donor employees, except as required by law.

6.6.16 Benefits Year Defined

For purpose of this Section 6, Employee Benefit and Leave Policies, the Benefits Year is defined as that period beginning on the next day following the end of the last pay period within a calendar year and ending on the last day of the last period paid within a calendar year.

6.6.17 Temporary Restrictions (Modified Duty)

~~Eligible employees who are temporarily unable to perform all the essential functions of their jobs may be assigned to modified duty, where reasonably available at the discretion of the Library District. The purpose of modified duty is to allow eligible employees with temporary restrictions to continue working on a short term basis until their condition improves and they are able to return to their regular positions. Eligible employees may request modified duty, or the District may require employees to perform modified duty under certain circumstances. Eligible employees assigned to modified duty will continue to receive their regular base rate of pay.~~

~~"Modified duty" means that one or more essential functions of the employee's job are changed by the Library District, in its discretion, consistent with the recommendations of the employee's health care provider or the District's designated physician. An employee on modified duty may continue in the same position but with different or fewer duties or reduced schedule, or may be assigned to a different position or even a different department or work unit at the District's discretion.~~

~~For temporary restrictions resulting from non-work related injury or illness, only employees in classified positions and unclassified management positions are eligible for modified duty. For temporary restrictions resulting from work-related injury or illness, all employees are eligible for modified duty. Modified duty is not guaranteed to eligible employees, but is only provided where it is reasonably available at the discretion of the District.~~

A restriction is considered to be "temporary" only when the employee establishes through the credible prediction of a health care provider that the employee will be able to return to her or his regular position and perform all essential functions of that position (with or without reasonable accommodations) within fewer than six months of the date the temporary restriction began. The decision whether to grant or deny a request for modified duty is completely within the discretion of the District. In addition, in the case of temporary restrictions resulting from work related injury or illness, the District may, in its discretion, extend a modified duty assignment until the employee reaches maximum medical improvement in the opinion of the District's designated physician.

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Employees may only be assigned to and continued on modified duty based upon written verification from a health care provider which:

1. Describes the employee's work restrictions; and
2. States an anticipated date (which must be within fewer than six months from the date the restriction began) when the employee will be able to perform all essential functions of her or his regular position with or without reasonable accommodation.

The District may require employees to obtain such written verifications from their health care providers. The District also may require employees to be examined by the District's designated physician in order to obtain such verifications, seek clarification or additional information, confirm the need for modified duty, or provide a second opinion.

Employees returning from modified duty must obtain a release from a physician or health care provider confirming that the employee is able to return to work without endangering the health and safety of herself or himself or others, and obtain a description satisfactory to the District of any accommodations necessary to allow the employee to perform the essential functions of her or his regular position. In addition, the District may, at its discretion, require the employee to complete a fitness for duty examination by a physician or other health care provider designated and paid for by the District.

6.7 CONDUCT AND WORK ENVIRONMENT

Employees of Poudre River Public Library District are responsible for conserving public resources, funds and materials. Public employees must uphold the public trust and their conduct must be compatible with the best interest of the District.

6.7.1 Conduct and Performance

Although it is impossible to predict every possible type of employee misconduct, the following are some of the types of conduct which could lead to disciplinary action up to and including termination.

1. Theft or misuse of District money or property.
2. Commission or conviction of a felony or of any crime involving moral turpitude.
3. Violation of Library District rules, regulations, policies or procedures.
4. Harassment of, or discrimination against any individual based on any protected class (see policy 6.1).

5. Falsification, unauthorized use or destruction of Library District records, reports, or other data or information belonging to the District.
6. Abusive or threatening treatment of any person, including but not limited to physical or verbal confrontation (see policy 6.7.3).
7. Insubordination or refusal to comply with directives or assignments.
8. Use or possession of alcohol or controlled substances during working time (see 6.7.2).
9. Engaging in personal business while on the job or engaging in outside employment which interferes with District job performance.
10. Job abandonment.
11. Destruction, loss or abuse of Library District property.

6.7.2 Alcohol and Drugs

Alert and rational behavior is required for the safe and adequate performance of job duties. Therefore, working after the apparent use of alcohol, a controlled substance or abuse of any other substance is prohibited. Furthermore, the possession, purchase or consumption (use) or sale of a controlled substance or alcohol on District premises or while conducting District business is prohibited.

The District may require an employee to undergo tests for alcohol and/or controlled substances when a supervisor reasonably suspects that the employee has alcohol and/or a controlled substance in her or his system during working time.

Limited use of alcohol for library-related functions on library property after operating hours may be approved at the discretion of the Executive Director.

6.7.3 Anti-Violence

Employees must not engage in intimidation, threats or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, ~~carrying weapons on to organization's property~~, or any other act, which in management's opinion is inappropriate to the workplace. In addition, employees must refrain from making bizarre or offensive comments regarding violent events and/or behavior. Employees are expected to report any prohibited conduct to management. Employees should directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

6.7.4 Dress and Appearance

In the interest of presenting a professional image to the public, employees are required to use good judgment in determining their dress and appearance, especially employees who have contact with the public.

Employees who are dressed inappropriately or whose appearance is otherwise inappropriate, in the judgment of the supervisor, may be sent home and directed to return to work in proper attire. Such employees will not be compensated for the time away from work. In addition, employees whose dress or appearance is inappropriate may be subject to disciplinary action.

6.7.5 Attendance and Punctuality

All employees are expected to be on time and punctual for showing up to work. In addition, regular attendance is considered an essential function and is necessary for the efficient operation of the business.

Employees who are going to be absent or late must contact their supervisor/manager no later than one hour before the start of the employee's work shift or time the employee is expected to report to work. When notifying the supervisor of the need to be absent or late, the employee must report:

- The reason for the absence or lateness; and
- The expected date or time when the employee expects to return to work.

The organization recognizes that under exceptional circumstances, neither the employee nor someone on their behalf may be able to call within the time required. In such case the employee or representative must contact the employee's supervisor as soon as possible after the beginning of the shift. ~~If the supervisor, in her or his discretion, believes the employee had a compelling reason which prevented the employee from obtaining prior approval for the absence or calling in on time, the supervisor may approve pay for the period of absence or lateness.~~

6.7.6 Restrictions on Solicitation

During working time, employees may not solicit or distribute literature, products or services for any purpose. During non-working time, employees may wish to advertise and sell personal items like cookies, cosmetics, and the like, on a limited basis. Working time does not include break or meal periods when employees are not engaged in performing their work tasks. Information on products being solicited shall be limited to employee break areas only and one-time email notifications.

6.7.7 Conflict of Interest

The District requires that employees protect District information and avoid outside activities or relationships, which do or could adversely influence their decisions or actions on the job.

No employee may accept any gift, gratuity, favor, entertainment, loan, or any other consideration or item of monetary value which, in the judgment of a reasonably prudent person, would tend to impair or give the appearance of impairing the employee's independence of judgment in the performance of her or his duties.

6.7.8 Reporting Criminal Charges

- A. All employees who are charged with the following offenses, whether the offense allegedly occurred on duty or off, must report the charges verbally and in writing to their supervisors as soon as possible during business hours and not later than when the employee returns to work:
1. Any felony offense
 2. Any non-traffic misdemeanor offense
 3. The following traffic offenses:
 - a. Driving while license denied, suspended or revoked
 - b. Eluding or attempting to elude a police officer
 - c. Hit and run, or leaving the scene of an accident, or failure to give notice, information, aid and/or report to police when involved in an accident resulting in injury to, serious bodily injury to death to any person or damage to a vehicle.
- B. In addition, all employees whose jobs involve driving any vehicle (whether District or privately owned) and who are charged with any of the following offenses, whether the offense allegedly occurred on duty or off, must report the charges verbally and in writing to their supervisors as soon as possible during business hours and not later than when the employee returns to work:
1. Driving under the influence of intoxicating liquor and/or drugs, driving while impaired by intoxicating liquor and/or drugs, or driving with excessive alcoholic content, or driving while ability impaired
 2. Speed contest ~~in which the employee was driving 10 or miles per hour over the speed limit: For the purposes of this Section, speed contest shall mean the operation of one (1) or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for streets and existing traffic conditions, vying for position or performing one (1) or more lane changes in an attempt to gain advantage over one (1) or more of the other race participants,~~
 3. Reckless driving: ~~For the purposes of this Section, reckless driving shall mean a person who drives any motor vehicle or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving.~~
- C. Criminal conduct by employees may result in disciplinary action, possibly including termination of employment, even when the alleged conduct occurred off duty when it relates to qualifications for or performance of an employee's job. Moreover, the District may investigate alleged criminal misconduct and take disciplinary action regardless of whether the employee is convicted in court of the alleged offense.

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6.7.9 Confidential Information

Employees of the District will have access to confidential information of the organization and members of the public. The term "confidential information" here means information which is submitted to or generated by the organization for its use in the exercise of functions required or authorized by law which is not or cannot be made available to the general public. It includes, but is not limited to, confidential patron and personnel records, non-public information exchanged or discussed in any properly convened executive session, and attorney-client communications.

All employees must comply with Colorado Library Law, Privacy of User Records, CRS 24-90-119. Each employee is responsible for ensuring that any information released may be legally provided. All requests for disclosure of confidential information about the District's users and user transactions should be directed to the employee's supervisor or to the Executive Director.

6.7.10 Smoking and Tobacco Use

Smoking of all types, including electronic smoking devices, is prohibited inside all District facilities, and within 20 feet of all entrances of the Webster House Administrative Center and the Old Town Library. Outdoor areas surrounding the Council Tree and Harmony Libraries are regulated by smoking and tobacco use restrictions of Front Range Village and Front Range Community College—Larimer Campus, respectively. The use of smokeless tobacco within all District facilities is prohibited. These restrictions apply to all employees as well as visitors, at all times, including non-business hours.

6.7.11 Acceptable Use of District Property and Communication Systems

The District's non-public property, furnishings, supplies, computer equipment, networks, Internet connectivity, e-mail, voice mail, and telephone systems are business tools intended for employees to use in performing their job duties. These systems are intended for employees to use in performing their jobs. Therefore, all documents and files are the property of the District. All information regarding access to the organization's computer resources may not be disclosed to non-organization personnel, other than pre-approved disclosure of limited information for business purposes.

All computer files, documents, and software created or stored on District computer systems are subject to review and inspection at any time. Employees should not assume that any such information is confidential, including e-mail either sent or received.

Computer equipment should not be removed from the organization premises without written approval from the Executive Director or their designee. Upon separation of employment, all communication tools should be returned to the organization.

Some employees need to access information through the Internet in order to do their job. Use of the Internet is for business purposes during the time employees are working. Personal use of the Internet should not be on business time, but rather before or after work or during breaks or lunch period. Regardless, the organization prohibits the display, transmittal, or downloading of material that is in violation of District policies or procedures or otherwise is pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or unlawful at any time.

E-mail

E-mail is to be used for business purposes. While personal e-mail is permitted, it is to be kept to a minimum. Personal e-mail should be brief and sent or received as seldom as possible. The District prohibits the display, transmittal, or downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or unlawful at any time. No one may solicit, promote, or advertise any products, events or services beyond the provisions of 6.7.6. Management may monitor e-mail from time to time.

Employees may not attempt to gain access to another employee's personal file of e-mail messages or send a message under someone else's name without the latter's express permission. Employees are strictly prohibited from using District communication systems in ways that management deems to be inappropriate. If you have any question whether your behavior would constitute unauthorized use, contact your immediate supervisor before engaging in such conduct.

Voice Mail

The District's voice mail system is intended for transmitting business-related information. Although the District does not monitor voice messages as a routine matter, the District reserves the right to access and disclose all messages sent over the voice mail system for any purpose. Employees must use judgment and discretion in their personal use of voice mail and must keep such use to a minimum.

Telephones/Cell Phones/Mobile Devices

Employee work hours are valuable and should be used for business. Excessive personal phone calls can significantly disrupt business operations. Employees should use their break or lunch period for personal phone calls.

Confidential information should not be discussed on a cell phone or mobile device. Phones and mobile devices with cameras should not be used in a way that violates other District guidelines such as, but not limited to, EEO/Sexual Harassment and Confidential Information.

For safety reasons, while on Library District business, employees should avoid the use of cell phones and mobile devices to make calls while driving. Employees must park whenever they need to use a cell phone. Generally, stopping on the shoulder of the road is not acceptable. Employees are prohibited from using a cell phone or other device to text while operating a motor vehicle. Texting is permitted only where the vehicle is at rest in a shoulder lane or lawfully parked.

The organization's telephone lines should not be used for personal long distance calls.

6.7.12 Emergency and Inclement Weather Closure

In the event of a closure of District facilities during normal operating hours due to safety or emergency situations or inclement weather, exempt and non-exempt classified staff and exempt unclassified management staff members will be compensated at their normal rate of pay for time scheduled. Administration will instruct staff as to the appropriate way to record closure time.

Hourly staff working at the time of an announced closure will be compensated at their normal rate of pay for time scheduled that day. Hourly staff not working at the time of an announced closure will not be paid. For more detail refer to PRPLD Policy 3.8.

6.8 DISCIPLINE AND CORRECTIVE ACTION

Employees are expected to meet the reasonable expectations of their supervisors and perform satisfactorily. Occasionally, employees perform unsatisfactorily, violate a policy, or act inappropriately in the supervisor's judgment.

6.8.1 Employees in Classified Positions on Probationary Status or Unclassified Positions

- A. For classified introductory status employees and unclassified employees, continued employment is at-will and the employee or the District may terminate the employment relationship with or without cause at any time and without prior discipline or warnings.—The District may, at its discretion, choose alternate forms of discipline less severe than termination including but not limited to: warnings (oral or written), assigned training, suspension, reduced pay level and demotion.
- B. Although one or more of these disciplinary actions may be taken, no formal order or system is necessary. The District may terminate the employment relationship without—prior disciplinary actions whenever it determines, in its discretion, that such action should occur.

6.8.2 Employees in Classified Positions Who Have Completed the Probationary Period

- A. Classified employees, who have completed their initial period of probationary status, may have their employment terminated by the District only for "cause" as defined herein. The term "cause" means a reason for the termination. "Cause" may relate to the individual employee's conduct or to the District's operational needs. Examples of "cause" for termination include, but are not limited to, a violation of the law, unsatisfactory job performance, excessive absences, failing to appear for work as scheduled or engaging in any type of misconduct or action inconsistent with the public trust. Please also refer to the "Conduct and Performance" section of this policy. Additionally, cause for termination may exist for reasons unrelated to job performance, such as operational need, reorganization, and elimination of positions or staff reduction.
- B. Although the District is not required to follow a formal order or system of discipline, the District may, in its discretion, impose progressively severe discipline. Supervisors may, at the District's discretion, provide coaching or other notice of performance concerns (orally or in writing) before taking more severe action such as suspension, demotion or termination of employment. However, such forms of corrective action need not be used when the District deems that circumstances warrant more severe action. Progressive discipline of related or unrelated issues may be combined to establish cause for termination.

6.8.3 Pre-Decision Hearing Procedure

- A. Classified employees who have completed their initial period of probationary status ("eligible employees") will be given notice and an opportunity to be heard, in accordance with the following procedure, prior to the imposition of:
 - 1. A suspension;
 - 2. A demotion;
 - 3. An involuntary transfer to a position in a lower pay grade;
 - 4. An involuntary temporary reduction in hours (a furlough as described at 3.6.7 of these policies) of three days or more in any 12-month period if the reduction is being

- imposed on an individual basis;
- 5. An involuntary reduction in FTE of greater than 25%; or
- 6. Termination of employment.

B. **Written Notice:** A memorandum by a supervisor to the employee should generally contain the following types of information:

1. Description of the performance problem, misconduct or reason for recommended action;
2. Related background information, such as previous disciplinary action;
3. Type of discipline or action being recommended;
4. Date, time and location of a pre-decision hearing for the employee's response to the memo;
5. Notice that the employee may waive the hearing;
6. Notice that the employee may have an attorney or representative at the hearing;
7. Signature line for the employee to acknowledge receipt of the memorandum.

C. **Hearing:** Unless waived by the employee, a hearing before the Executive Director or designee will be held to provide the employee with the opportunity to be heard and present information concerning the proposed discipline or action. The hearing typically will be tape-recorded and facilitated by the Human Resources Manager. Other District representatives, such as supervisors and attorneys, may attend the hearing.

Decision Following the Hearing: A decision whether to impose discipline or take action will be made after the hearing within a time period determined by the Executive Director, or designee, not to exceed 10 (ten) business days. If the employee waived the hearing, the decision will be based upon the memorandum and employee's personnel record. The employee will be informed of the decision in writing. Depending on the decision, the employee may appeal the decision in accordance with the appeal process described herein.

6.8.4 Grievance and Appeal Process

Only Classified employees who have completed their introductory period are eligible to use this grievance and appeal process, hereinafter referenced as "eligible employee" or "eligible employees". This process may only be used to seek review of the events specifically listed below, and may not be used to challenge performance appraisals, classifications, assignments to training, or other actions relating to employment. Employees who wish to challenge events not covered by this policy or employees who are not eligible to use the grievance and appeal process may use the issue resolution process described in these Personnel Policies and Procedures.

6.8.5 Actions Subject to the Grievance Process

An eligible employee may submit a grievance regarding any of the following actions, or a portion of any such action, regarding said employee. If the action occurs simultaneously with an appealable issue, the employee must follow the appeal process and may not submit a grievance regarding the action.

1. Written warning or reprimand;
2. Suspension without pay of less than three work days;
3. Involuntary lateral transfer to a different position in the same classification or pay grade based on unsatisfactory job performance, corrective or disciplinary action;

4. Involuntary temporary reduction in hours (a furlough as described in these policies) of three days or more in any 12 month period; or
5. An involuntary reduction in FTE of 25% or less as described in these policies.

6.8.6 Actions Subject to the Appeal Process

An eligible employee may appeal any of the following actions, or a portion of any such action, regarding that employee.

1. Suspension without pay of three work days or more;
2. Demotion;
3. An involuntary reduction in FTE of more than 25% as described in these policies.
4. Involuntary transfer to a position in a lower pay grade.
5. Termination of employment.

6.8.7 No Retaliation for Use of Grievance or Appeal Process

The District prohibits any form of retaliation against employees for using this grievance or appeal process. Employees who believe they were retaliated against in violation of this policy should notify the Executive Director in writing, who will take appropriate action to investigate and resolve the complaint.

6.8.8 How to Initiate a Grievance or Appeal

To initiate a grievance or appeal, the employee must file a timely written complaint which describes the following in detail:

1. The action which is the subject of the grievance or appeal;
2. The events upon which the action was based including names of persons involved, dates, times and other important facts;
3. What the employee believes is wrong with the action; and
4. The outcome, remedy or change the employee believes to be appropriate if the action is overturned.

6.8.9 Grievance Process

- A. Within fifteen (15) calendar days after receipt of notice of the action to be imposed, an eligible employee who wishes to file a grievance must file a written complaint with the Deputy Director and must submit a copy to the Human Resources Manager.
- B. Within thirty (30) calendar days after receipt of the written complaint, the Deputy Director or designee will present written findings to the employee with a copy to the Human Resources Manager. The Deputy Director or designee may, at her or his discretion, meet with the employee to discuss the complaint either before or at the time the written findings are provided to the employee. Additionally, the Deputy Director or designee may conduct any administrative investigation she or he deems appropriate prior to making the written findings. The Human Resources Manager may aid in any investigation. The decision of the Deputy Director or designee shall be final.

6.8.10 Appeal Process

- A. Within fifteen (15) calendar days after receipt of the written notice of the imposition of an action which is subject to the appeal process, an eligible employee who wishes to appeal must file a written request to appeal with the Executive Director and submit a copy to the Human Resources Manager.
- B. The Human Resources Manager, or his/her designee, shall schedule a time for a hearing before a hearing officer designated by the District. The District shall designate a person other than an officer or employee of the District to serve as hearing officer. Such a person must be licensed to practice law in the State of Colorado.
- C. The hearing officer shall review all relevant evidence, including but not limited to written documents and oral testimony, which is offered by the District or the employee. The hearing officer may also ask questions of the parties and witnesses during the hearing. The hearing officer shall utilize hearing policies and procedures adopted by the District. For disciplinary related action, the District shall have the burden to prove cause by a preponderance of the evidence. For non-disciplinary action, the employee shall have the burden to prove lack of cause by a preponderance of the evidence. The term "cause" shall be as defined at section 6.8.2. of this manual.
- D. After the hearing, the hearing officer shall make evidentiary findings of fact, based upon the evidence offered at the hearing, with regard to the events that gave rise to the action taken. He or she shall also recommend for the Library Board President's consideration any ultimate conclusions of fact that the hearing officer may deem appropriate, which shall include, but is not limited to: (1) whether cause existed for the action taken; (2) whether the action taken was reasonable and appropriate in light of the evidentiary findings of fact; and (3) whether the action taken should be upheld, overturned, or modified. The hearing officer's evidentiary findings of fact and recommended ultimate conclusions shall be final and submitted to the Library Board President within a reasonable period of time after the hearing, with copies to the employee, the Executive Director, the District's Attorney, and the Human Resources ~~Director~~ Manager.
- E. For purposes of this policy, evidentiary findings of fact are findings regarding the historical events that gave rise to the action taken. Ultimate conclusions of fact are conclusions of law or mixed questions of fact and law that are based on evidentiary findings of fact and that determine the rights and liabilities of the parties.

6.8.11 Time Limits

- A. The Human Resources Manager, or his or her designee, may, at her or his discretion, waive or extend any time limit for good reason upon request by any party to the grievance or appeal or at her or his own initiative. If the Human Resources Manager does not respond to a request for an extension, the employee should presume that the request was denied.
- B. An employee's failure to take an action within any time limit (or extended limit) will terminate the grievance or appeal process. If the Deputy Director or Executive Director,

or their designees, fail to respond within any time limit (or extended limit), then the employee may proceed to the next step.

- C. Where there are no time limits for a particular action, the action should be taken as quickly as reasonably possible under the circumstances in light of the complexity and seriousness of the issue raised and the schedules of the persons involved.

6.8.12 Issues Subject to This Policy

This issue resolution process is designed to allow employees in any category of employment to raise and seek resolution of concerns about the terms or conditions of their employment, such as working conditions, oral warnings or counseling, written counseling, work relationships, performance evaluations, pay, and violation or application of policies and procedures.

Classification issues will be handled exclusively in accordance with the Compensation Administration Policies and are not subject to the issue resolution process. Employees who are not eligible to use the grievance and appeal process may use the issue resolution process to raise any work-related concern. Employees who are eligible to use the grievance and appeal process may only use the issue resolution process for matters which are not grievable or appealable.

6.8.13 Issue Resolution Process

- ~~A.~~ Employees wishing to raise or seek resolution of concerns about issues subject to this policy (~~other than a name clearing hearing~~) should first discuss the matter informally with their supervisors. Employees may move directly to step two, if they believe that the supervisor cannot satisfactorily address or resolve the issue. ~~Requests for name clearing hearings for employees ineligible for the grievance and appeal process, should be submitted in accordance with subparagraph F. below.~~

- ~~A.~~
- B. If an issue has not been satisfactorily addressed or resolved after discussion with the supervisor, the employee should prepare a brief memorandum explaining the issue and recommending how the issues should be addressed or resolved. The memorandum should be sent to the Human Resources Manager.
- C. The Human Resources Manager will forward the matter to the Department Manager (or if the matter involves the Department Manager, to the Deputy Director or Executive Director). The Human Resources Manager then may act as a facilitator, or assign a facilitator from another department, to assist in addressing and resolving the issue.
- D. The Department Manager (or Deputy Director or Executive Director), at her or his discretion, may meet with the employee and others to investigate the issue and may require the employee and others to provide further information. The Department Manager (or Deputy Director or Executive Director) will respond to the employee raising the issue orally and/or in writing.
- E. Although there are not formal time limits for raising issues or responding, employees are expected to raise any issue through this process promptly, and not later than six months after the issue arose. Likewise, management will respond as quickly as reasonably possible under the circumstances in light of the complexity and seriousness of the issue raised.

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~~Employees and former employees who are not eligible to participate in the grievance and appeal process may request a name clearing hearing if actions by the District have seriously impugned the person's reputation and have significantly impaired the person's future employment opportunities. Such employee or former employee may request a name clearing hearing by making a written request to the District Executive Director not more than thirty (30) calendar days from the date the employee or former employee learns of the District's actions. Such hearing shall be held before the Executive Director or the Executive Director's designee within thirty (30) calendar days following the person's request for a name clearing hearing. The format of the hearing shall be informal in nature and shall be public. The employee or former employee may call witnesses. No transcript of the hearing shall be required unless arranged and paid for by the employee or former employee. No decision, comment or participation by the Executive Director or disciplinary authority shall be required.~~

6.9 SEPARATION FROM EMPLOYMENT

6.9.1 Resignation

The District asks that employees give their supervisors at least two weeks written notice of the intent to leave their positions. Managers are requested to provide three weeks whenever possible. In addition, all employees leaving employment are asked to schedule an exit interview with the Human Resources Manager. Once submitted, an employee cannot retract a resignation unless permitted ~~as at~~ the discretion of the District.

6.9.2 Involuntary Termination of Employment

- A. **Unclassified and Classified Positions during the Introductory Period:** The employment of employees in unclassified positions or employees in classified positions that have not completed their introductory period can be terminated at will with or without cause or notice at any time. If an employee has a written contract that sets forth different requirements for termination, then the terms of the contract will be followed. Contracts may only be entered into by the Executive Director and require both the signature of the Executive Director and the individual.
- B. **Classified Positions (after Introductory Period):** The employment of employees in classified positions who have completed their introductory periods may be terminated only for "cause." "Cause" may relate to the employee's conduct or the District's operational needs.

6.9.3 Exit Interviews

Employees leaving District employment are encouraged to participate in an exit interview with the Human Resources Manager. This interview allows the employee to express their views on the work environment and job requirements, operations and training needs. It also provides employees with an opportunity to discuss issues concerning benefits and continuing insurance coverage. Arrangements to receive final pay may also be made.

6.9.4 Return of District Property

Employees are expected to return to their supervisors all District property including, but not limited to, keys, purchasing cards, tools, and other equipment and materials on or before the last day of employment. In the event an employee does not return District property, the District may withhold the replacement cost value of the property from the employee's final pay. Additionally, failure to return District property upon termination of employment may result in legal action against the employee.

APPENDIX A

CITY OF FORT COLLINS FMLA POLICY