

## POUDRE LIBRARIES

### HUMAN RESOURCES POLICY MANUAL – AUGUST 2024

#### *Summary of Changes*

The majority of these changes consist of language clarification and added information for specificity, but do not reflect changes to policy administration. The sections that are highlighted below are new policies or major updates to policies that need more attention for board approval.

1. **About the human resources policy and procedure manual:** Updated district name and refreshed information. Page i
2. **6.0 Introduction, 6.1 General Information, 6.1.1.1 Equal Employment Opportunity:** Sections were updated with clarifying language. Content and application of policy have not changed. Page 1-2
3. **6.1.1.5 Harassment, 6.1.1.6 Sexual Harassment, 6.1.1.7 Retaliation, 6.1.1.8 Complaint Procedure, 6.1.1.9 Manager Reporting Obligations, 6.1.1.10 Administrative Investigations, and 6.1.1.11 Responsive Action:** Sections have been updated to expand understanding of the application of these policies and provide more specific information. The policy has not changed. Page 4-9
4. **6.1.2 Human Resources Department:** Language added for clarity. No change to policy administration. Page 9-10
5. **6.2.4 Contractual Positions:** Language added for clarity. No change to policy administration. Page 12
6. **6.3 Recruitment and Selection:** Language updated and added for clarity. No change to policy administration. Page 14
7. **6.4 Wages and Hours:** Information added for clarity, including “Travel Time” section for reference. No change to policy administration. Page 16
8. **6.7.2 Vacation Time:** Information about use of “Well Days” added for clarification. The policy has not changed. Page 28-29
9. **6.7.4 B. When Sick Leave May be Used:** Language added for clarity, and specific examples provided. No change to policy administration. Page 34-35
10. **6.7.6 Bereavement Leave:** Information added to say that leave be used for *anticipated* death of a family member, in addition to death of a family member. Page 40
11. **6.7.7 Emergency Leave for Hourly Employees:** Eligibility was updated to incorporate FAMILI leave (more information on this new policy below). Page 40-41
12. **6.7.8 Short Term Disability:** In alignment with the City of Fort Collins policy changes, District Short Term Disability leave has been extended from a 12 week maximum leave time to a 26 week maximum leave time to allow for more flexibility. Some wording in this policy has been changed for clarification, but most of the Short Term Disability benefit remains the same. See Appendix A.
13. **6.7.10 Paid Family Medical Leave:** In alignment with the City of Fort Collins policy changes, Paid Family Medical Leave (PFML) has been added to employee leave benefits.
  - PFML will run concurrently with Family Medical Leave and Short Term Disability (if applicable).

- Two week elimination period at the beginning of leave is unpaid, unless employee uses accrued sick, vacation, holiday, or compensatory time.
- PFML is paid at 100% for the 6 weeks following elimination period and 80% for the remaining 4 weeks.
- Classified and unclassified management employees are eligible for PFML.
- See Appendix C for full PFML policy.

14. **6.7.11 Family and Medical Leave Insurance (FAMLI):** Information on this State of Colorado leave insurance has been added.

- Provides paid leave for certain health, domestic violence, and military leave for Coloradoans and their families.
- All employees who have completed at least 20 workweeks or have been paid at least \$2500 in a calendar year are eligible.
- See Appendix D.

15. **6.7.12 Caregiver Leave:** In alignment with City of Fort Collins policy changes, Caregiver Leave has been added to replace previous Parental Leave policy. This type of leave will cover any employees who are not eligible for Paid Family Medical Leave or Family and Medical Leave Insurance. See Appendix E.

16. **6.7.18A Jury Duty:** Clarification provided on how jury duty leave is administered, due to frequently asked questions from employees, The policy has not changed. Page 47
17. **6.7.19 Time Donations:** clarification on who is eligible for time donations to align with the request form and recent introduction of PFML and FAMLI. Page 48-49
18. **6.8 Conduct and Work Environment:** Language changed/removed for conciseness. No change to policy administration. Page 50
19. **6.8.2 Alcohol and Controlled Substances:** Added language from our current process document to the policy document to address frequent questions from supervisors. To provide clarity on how this policy would be enforced, specific rules around alcohol and controlled substances have been added. No change to policy administration. Page 52-54
20. **6.8.10 Smoking and Tobacco Use:** Clarification provided on when smoking/tobacco use can occur (off-work time) and where (not inside District buildings or vehicles). Page 58
21. **6.9 Discipline and Corrective Action:** Language added for clarity, including more information in “Methods of Investigation” section and the addition of “Confidentiality in Investigations” section. No change to policy administration. Page 60-63
22. **6.9.11 Appeal Process:** updated to clarify the process if the Executive Director is involved in a pre-decision hearing or grievance. No change to policy administration. Page 65-66
23. **6.9.13 Issue Resolution Process:** reduced period of time for issue resolution from 6 months to 90 days. Page 68

## **IMPORTANT INFORMATION**

### **ABOUT THE HUMAN RESOURCES POLICY AND PROCEDURE MANUAL**

The purpose of this Human Resources Policy Manual is to give employees a general understanding of the employment policies and procedures of Poudre Libraries (the "District") as adopted by the Board of Trustees.

These Policies and Procedures, or any policies and appendixes linked or attached to this document, are not intended and shall not be construed to vest any employee of the District with any rights arising from any express or implied contract of employment. All employees are expected to comply with the District's Policies and Procedures, as well as any policies and appendixes linked or attached to this document, and any updates that are made from time to time by the District.

This manual replaces all previously issued editions and supersedes all previous personnel policies, procedures and practices, whether written or otherwise, and whether contained in other District policies or elsewhere

Only the Executive Director has the authority and discretion to create or change the employment policies and practices of the District. The Executive Director may authorize exceptions to these policies if they determine that such exceptions are in the best interests of the District.

If you have any questions or suggestions regarding the employment policies or procedures, please contact your manager or Library Human Resources. The personnel policies and procedures described in the Poudre Library District Policy and Procedure Manual are provided as a matter of information only, are not contractual obligations of the District, and are subject to change, suspension or cancellation, in whole or in part.

After such changes to the Poudre Library District Policy and Procedure Manual are effective, notice of the changes will be periodically sent directly to employees and will be available on the District's Staff Cache SharePoint site.

Employees are responsible for acknowledging receipt of and familiarizing themselves with the Policy and Procedure Manual.

No human resources policy manual can anticipate every circumstance or question. After reading these policies, employees who have questions should talk with their immediate supervisor or the Human Resources Director.

**POUDRE LIBRARY DISTRICT RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE DISTRICT. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT PRIOR NOTICE. NO ORAL STATEMENTS OR REPRESENTATIONS CAN CHANGE THE PROVISIONS OF THIS MANUAL.**

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## 6.0 INTRODUCTION

The Human Resources policies contained within are also found in section six (6) of the Poudre 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 are responsible for familiarizing themselves with the contents of these policies to understand the terms and conditions of employment with the Library District.

### **Nature of Your Employment Relationship**

Employment with the District is voluntarily entered into, and employees are free to resign at any time with or without notice or reason. Similarly, the District is free to conclude its employment relationship with any employee (except those in classified positions who have completed their introductory period) at will with or without cause at any time.

The employment of employees in classified positions who have completed their introductory period may be terminated by the District only for cause (as discussed in the “Separation from Employment” policy). Neither you nor the District has entered into any contract of employment for a definite period, expressed or implied. Although the policies in the District’s Personnel Policies and Procedures may be changed from time to time at the discretion of the District, the termination policy expressed in this paragraph may only be changed in a specific written contract to the contrary signed both by the employee and Executive Director. No other practice, written or oral policy or statement by anyone, including managers and any other leadership personnel, can alter this employment relationship.

### **These Library District Personnel Policies and Procedures Generally Apply to All Employees**

Most of the policies of these Library District Personnel Policies and Procedures apply to all employees, including those in classified and unclassified positions, but some policies only apply to certain categories of employees. Employment categories are defined in these Library District Policies and Procedures. Whether a particular policy applies to certain categories of positions is typically addressed at the beginning of each policy. However, if a policy does not specify that it only applies to certain categories of employees, then the policy applies to all employees of the Library District.

This document contains references and links and/or attachments to City of Fort Collins policy documents; all policies within these Personnel Policies and Procedures as well as those that are linked or attached to this document are approved by the Executive Director and govern the conduct of Library District employees.

## **6.1 GENERAL INFORMATION**

### **6.1.1 Policies on Equal Employment Opportunity, Harassment, Retaliation, and the Reporting/Investigating of Workplace Concerns**

The Library District strives to build equitable, inclusive and supportive work environments that cultivate a sense of belonging for employees of all identities to feel safe and valued. We are committed to the creation of a respectful environment where all individuals have an opportunity to make a meaningful impact on our community through their work. To that end, each of us should expect, and has a responsibility to uphold, an environment that is free of harassment, discrimination, and retaliation.

These policies ensure the protection of employees, job applicants, interns, fellows, contractors, or any other third party with whom the District does business. Conduct prohibited by these policies is unacceptable in any work-related context, whether it occurs on Library District premises, online, or in any work-related setting.

These policies define discrimination, harassment, and retaliation; explains how concerns can be reported; and describes how concerns are investigated and addressed.

#### **6.1.1.1 Equal Employment Opportunity / Protected Status**

Poudre Library District is committed to equal employment opportunity for all applicants and employees. Employment decisions will comply with all applicable laws prohibiting discrimination in employment. The District does not tolerate behavior that results in the terms and conditions of employment being adversely impacted based on an employee's protected status, or any behavior that violates this policy.

We prohibit unlawful discrimination against applicants or employees on the basis of gender (regardless of gender identity or expression), age 40 and over, race, sex, color, religion, creed, ancestry, national origin, disability, sexual orientation (including perceived sexual orientation), marital status, military status, veteran status, genetic information, pregnancy or related condition, or any other status protected by applicable state or local law.

The Library District is committed to providing a work environment that is free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

This prohibition includes unlawful harassment based on any of the aforementioned protected classes. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Any employee who believes they have been unlawfully discriminated against or harassed should promptly report the facts and the names of the individuals to the Human Resources Director. Human Resources will promptly investigate all such complaints and take appropriate action.

The Library District strictly prohibits unlawful retaliation against a person who engages in protected activities such as (but not limited to) reporting instances of harassment and discrimination.

#### **6.1.1.2 ADA and Religious Accommodation**

The 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 immediately.

#### **6.1.1.3 Pregnancy Accommodation**

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

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

The District may require that an employee provide a note from their health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.

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

#### **6.1.1.4 Workplace Accommodations for Nursing Employees**

Managers must provide the following accommodations for nursing employees:

1. provide reasonable unpaid break time or permit an employee to use paid break time, mealtime, or both, each day to allow the employee to express breast milk for a nursing child for up to 2 years after the child's birth; and

2. make reasonable efforts to provide a room or other location in close proximity to the work area, other than a bathroom, where an employee can express breast milk in privacy.

B. The term "reasonable efforts" means any effort that would not impose an undue hardship on the District's operations.

C. The term "undue hardship" means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the Library District department, the financial

resources of the District, or the nature and structure of its operation, including consideration of the special circumstances of public safety.

#### **6.1.1.5 Harassment**

The Library District is committed to providing a work environment where all individuals are treated with dignity and respect. Employees are expected to conduct themselves and always treat others in a respectful manner. The District strictly prohibits harassment in the workplace based on a protected characteristic, including sexual harassment.

In general, harassment is any act directed at an individual or group of individuals because of that individual's or group's actual or perceived protected characteristic, and that is both subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected characteristic.

Conduct or communication constitutes harassment in violation of this policy if:

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

Harassment in employment may take many different forms. Examples include, but are not limited to, the following:

- a. Verbal conduct such as epithets, slurs, negative stereotyping, derogatory comments, innuendos, veiled threats, intentional misgendering, or insensitive jokes;
- b. Offensive comments about appearance, or other personal or physical characteristics, such as comments on someone's disability or religious attire;
- c. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on District premises or circulated in the workplace;
- d. Physical conduct such as intimidating or hostile acts, verbal threats, blocking normal movement, restraint, touching or other physical interference with work directed at an individual.

#### **6.1.1.6 Sexual Harassment**

Because sexual harassment raises issues that are, to some extent, unique in comparison to other types of harassment, the Library District believes it warrants separate emphasis. Sexual harassment is strictly prohibited. Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
- b. Submission to or rejection of such conduct is used as the basis for decisions affecting such individual's employment; or

- c. Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to always conduct themselves in a respectful and business-like manner.

Inappropriate sexual conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether:

- a. Verbal, such as comments, jokes, foul or obscene language, use of stereotypes, offensive advances, whistling or leering, gossiping or conversations about any individual's sex life, or repeated unwelcome requests for non-work-related social interaction.
- b. Unwelcome physical contact, such as kissing, hugging, massaging, tickling, impeding or blocking movements, or any other form of inappropriate touching. Inappropriate touching includes touching any private area of the body, even once.
- c. Physical gestures or other non-verbal gestures, such as looking at another person's body in a scrutinizing and sexually suggestive manner.
- d. Electronic such as email, pornographic downloads, pictures or text messages.
- e. Environmental such as music, objects, pictures, pinups, calendars, cartoons, drawings, catalogs, and other print media.

If employees observe concerning behavior by a third party on Library District property, at a Library event, or interacting with our employees, they are encouraged to address the concern via the channels outlined in the *Complaint Procedure* section below. Any behavior that is inappropriate or otherwise violates this policy may result in actions such as removal from the premises or event, corrective or disciplinary action up to or including termination of employment, or termination of a business contract.

A manager does not have the authority to condition any tangible or intangible job benefit on an employee tolerating or agreeing to any conduct that may violate this policy. If an employee believes that they have been deprived of any job benefit or have been threatened with the loss of a job benefit, they should immediately report it as detailed in the *Complaint Procedure* section.

#### 6.1.1.7 Retaliation

The Library District strictly prohibits retaliation, which occurs when an adverse employment action is taken against an employee because they engaged in protected activity.

Examples of protected activity can include:

- a. Making an internal complaint regarding conduct that the employee believes in good faith to be a violation of this policy;
- b. Participation as a witness in an administrative investigation;
- c. Opposing conduct that violates the District's equal opportunity or harassment policies;
- d. Refusing to follow directives that would violate the District's harassment or equal opportunity policies;
- e. Resisting acts of a sexual nature that violate the District's sexual harassment policy;
- f. Filing a lawsuit or administrative complaint with government agencies regarding workplace conditions, or participating in an investigation conducted by an administrative agency regarding workplace conditions;

- g. Requesting a workplace accommodation for a disability or religious belief or practice;
- h. Requesting or taking protected leave or paid time off under District Personnel Policies;
- i. Refusing to follow directions from a superior that the employee believes in good faith would be a violation of this policy.

Adverse action may include, but is not limited to, demotion or reassignment to a less desirable position, reduction of hours, corrective action, termination of employment or any other action that would make a reasonable employee regret that they engaged in protected activity described above. The District prohibits retaliation by a manager or other employees retaliating against an employee because they engaged in protected activity.

If an employee reports concerning conduct, whether it is determined to be a policy violation or not, and they believe they are being treated adversely as a result, they are encouraged to report that concern as detailed in the *Complaint Procedure* section below.

Retaliation against any individual for reporting a claim of discrimination or harassment or cooperating in the investigation of such a complaint will not be tolerated.

#### **6.1.1.8 Complaint Procedure**

The Library District has an overall commitment to open communication. The District encourages any employee who believes they have witnessed or experienced a violation of these policies by a coworker, manager, agent of the District, or by anyone else while working, to promptly report the facts and the names of the individuals involved via one of the options below:

- Contact their manager, a manager in their reporting chain, or any other manager outside of their reporting chain
- Contact Library Human Resources
- Contact the Deputy or Executive Director
- If the complaint relates to actions or inactions of the Executive Director, contact an Officer of the Board of Trustees of Poudre Libraries.

Concerns can be communicated verbally or in writing. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or other potential policy violations. The District will promptly investigate all such complaints and take appropriate action.

#### **6.1.1.9 Manager Reporting Obligations**

Managers have a responsibility to create, uphold, and promote a safe, respectful, and inclusive work environment. Managers may be subject to corrective action if they engage in, ignore, or in any way condone conduct that violates this policy.

Managers must immediately report all complaints, observed incidents or suspected incidents of unequal opportunity, harassment, or retaliation in violation of this policy to the Library Human Resources Department. All such reports and complaints will be investigated as confidentially as possible, with the Human Resources Department recommending appropriate action. Managers

should report as soon as possible upon learning of a concern. Failure by a manager to forward a complaint in a timely fashion, or at all, may result in corrective action up to and including termination.

#### **6.1.1.10 Administrative Investigations**

When the Library District learns about a potential violation of District Personnel Policies, the Human Resources Department may conduct an inquiry or investigation. Where appropriate, a prompt and thorough investigation of the alleged incident will be conducted to the extent possible, and appropriate action will be taken.

To the extent possible, complaints of unequal opportunity, harassment, and/or retaliation will be treated as confidential. For complete information on administrative investigations, see [Policy ???](#).

#### **6.1.1.11 Responsive Action**

Allegations of conduct that could constitute a violation of this policy will be addressed via corrective action as determined by the appropriate manager(s) in partnership with Human Resources. Information on the District's corrective action procedures can be found in [Policy ??](#).

If the District finds that any alleged conduct does not violate this policy, it may still be found that such conduct was deemed inappropriate and corrective action may be pursued. Appropriate action may also be taken to prevent future misconduct.

### **6.1.2 Human Resources Department**

The Human Resources (HR) Department provides centralized personnel services for the Library District in the areas of compensation, benefits, recruitment and selection, employee relations, and organizational development and training. The HR Department is available to provide information to understand the District's employment policies and assistance to promote a positive work environment.

The HR Department is the best resource to obtain current information on work rules, employment policies, payroll data, personnel records, job opportunities, compensation and benefits, and benefit continuation rights upon termination of employment.

#### **Assistance to Employees:**

1. To ask questions about policies
2. To express concerns regarding working conditions or safety
3. To make complaints of unlawful discrimination, harassment, or other violations of District policy
4. To request support in navigating workplace conflict
5. To request pregnancy accommodations or accommodations under ADA
6. To request leave under any Library District leave category such as Family Medical Leave (FML) (see section ? for Employee Leave Policies)



7. To make changes to their name, marital status, number of dependents, home address, telephone number, and emergency contacts

### **Assistance to Managers and Supervisors**

1. The HR Department also serves as a resource for managers and should be contacted any time managers are considering serious disciplinary action, such as suspension, demotion, or termination of an employee. In addition, managers should contact the HR Department with questions regarding employment policies, complex employment matters, and any other employment issue not specifically answered in these Library District Personnel Policies and Procedures.
2. Managers are required to forward all requests for employment verification, employee references, and requests for personnel information of any nature to the HR Department.

### **6.1.3 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 Department. If medical treatment is required, the injured employee is required to call or visit one of the District's preferred providers (available on Staff Cache by searching "Workers Comp") unless it is an emergency and 911 is called.

Employees also are required to comply with the District's Workers' Compensation requirements, including completing forms and providing information requested by the Human Resources Department and the District's designated physician. The forms to be filed when an injury occurs are available on the District's Staff Cache site or through your manager.

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 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 Classified Positions**

- A. A classified position is an authorized, budgeted position included in the Pay Plan. Classified positions may be “exempt” or “non-exempt” depending on each employee’s duties and responsibilities.
- B. Classified positions may be full-time, in which the employee works the equivalent of a forty-hour work week, or part-time in which the employee works the equivalent of a minimum of twenty and a maximum of thirty-nine hours per work week. The Library District provides a comprehensive benefit package (through the City of Fort Collins) to full and part-time classified employees; however, the benefit package for part-time classified employees is prorated based on the position’s designated FTE. This is explained more fully in various leave policies in the City of Fort Collins Personnel Policies and Procedures and other benefit documents provided by the City.
- C. All employees in classified positions who have completed their initial period of introductory status may be terminated only for cause, as defined in the “Separation from Employment” in these Personnel Policies and Procedures.
- D. Classified positions include non-management and some management positions. Classified non-management positions may be exempt or non-exempt from applicable wage and hour laws depending on the nature of the work performed by the employee.

### **6.2.2 Types of Unclassified Positions**

Unclassified positions include unclassified management, hourly, and contractual positions.

For unclassified employees, the employment relationship is always at the mutual consent of the District and the employee. 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. Accordingly, either the employee or the District may terminate the relationship at will at any time with or without cause or notice.

### **6.2.3 Unclassified Management Positions**

An unclassified management position is an authorized, budgeted position included in the Pay Plan. Such positions may be full-time or part-time. Full-time unclassified management employees, unless otherwise provided in a written agreement, are eligible for all Library-sponsored benefits, and part-time unclassified management employees are eligible to participate in Library-sponsored benefits on a pro rata basis based upon their position’s designated FTE. This is explained more fully in various leave policies in the City of Fort Collins Personnel Policies and Procedures and other benefit documents provided by the City.

### **6.2.4 Contractual Positions**

The Library District and an employee may enter into a written employment agreement. Terms and conditions are specified in the contract and may be different than those identified in the District Personnel Policies and Procedures. Contractual positions supplement the District’s regular work force for jobs of a limited duration, projects funded by grants, budgeted internships, to evaluate a position or incumbent, or as temporary replacements for other categories of employees.

“Temporary” and “limited duration” means a position (excluding grant funded positions) anticipated to be needed for less than four years. Employees in contractual positions may work full-time or part-time and may be “exempt” or “non-exempt” depending on job duties. All contractual employees are eligible to participate in certain Library-sponsored benefits according to the specific terms of their contracts but are ineligible to participate in District-sponsored pension, retirement and deferred compensation plans.

If it is determined that the need being met by a contractual position is an ongoing organizational requirement, a request to approve changing the position to classified must be made to Human Resources. Requests must be reviewed by the Finance Manager and approved by the Executive Director. Positions converting from contractual to classified must be posted internally or externally to allow interested candidates to apply.

### **6.2.5 Unclassified Hourly Positions**

Employees in unclassified hourly positions are employees who:

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

Employees in unclassified hourly positions are not eligible for District benefits such as paid vacation, health insurance, retirement and deferred compensation plans, and the like.

Employees in hourly positions are eligible for sick time, holiday pay and personal leave as defined in the Benefits section of this policy manual as well as benefits required by law, such as Social Security and Workers’ Compensation.

Unclassified hourly positions are non-exempt as described below under “Exempt and Non-exempt employees.”

### **6.2.6 Exempt Employees**

Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and state laws that make them 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.

### **6.2.7 Non-exempt Employees**

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. Specific limitations relating to overtime compensation and compensatory time are discussed in the “Overtime Pay and Compensatory Time Off” policy in these Personnel Policies and Procedures.

### 6.2.8 Full-Time and Part-Time Employees and “FTE”

The term “full-time” employee, as used in these Personnel Policies and Procedures, means any employee regardless of category who is regularly scheduled to work 80 or more hours per biweekly pay period.

The term “part-time” employee, as used in these Personnel Policies and Procedures, means any employee regardless of category who is regularly scheduled to work less than 80 hours per biweekly pay period. District policies and forms sometimes refer to part-time employees by a particular “FTE,” which means “full-time equivalent.” For example, an employee referred to as a “0.75 FTE” is someone who is regularly scheduled to work 60 hours per biweekly pay period, which is 75 percent of a full-time/80 hour per pay period schedule; and a “0.5 FTE” is someone who is regularly scheduled to work 40 hours per pay period which is 50 percent of a full-time schedule.

The “FTE” of a classified or unclassified management employee shall be immediately reduced based on the number of actual hours worked including paid leave hours if the employee is, or is anticipated to be, on unpaid leave for a total of more than 160 hours in any calendar year. This 160-hour limit for maintaining the “FTE” when paid work hours have been reduced shall be prorated for part-time classified and unclassified management employees and shall be extended when required by the Family and Medical Leave Act or the Americans with Disabilities Act. This subsection shall not apply to an employee who has been placed on an extended leave of absence.

### 6.2.9 Introductory Status

Employees who are hired into classified positions and employees who are moving from hourly or contractual positions into classified positions begin service on introductory status for a minimum of six months from the date of hire or movement. The length of an employee’s introductory status may be extended at the discretion of the department head or Human Resources Director for a period of up to 24 months from the date of hire or movement. Introductory status does not automatically end after the passage of six months or any other length of time. Introductory 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 introductory 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 introductory period.

Employees who are not within their initial introductory 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 an introductory period for the new position.

Unclassified 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.

Employees serving in an introductory status may be eligible for a pay increase at the end of their introductory period at the discretion of their manager.

## **6.3 RECRUITMENT AND SELECTION**

### **6.3.1 Recruitment and Selection Process**

Depending on the staffing needs of the District, promotional opportunities and new or existing positions will be posted and filled externally or posted and filled internally. External postings are advertised to the public and are open for application to all eligible members of the public, including current employees. Promotional opportunities include new or existing positions in which a change in terms of compensation, benefits, classification status, duties, and/or access to further advancement are possible through the promotion.

All Library District job openings must be posted on the District's internal job posting webpage with hourly or salary compensation information included along with a general description of all benefits to be provided to the hired applicant. Each District job opening will be posted for at least three days including a weekend prior to making a hiring decision. Advertisements and recruitment information for position vacancies identify the Library District as an "equal opportunity employer." The District will endeavor to recruit and retain a diverse and qualified workforce.

From time to time it may be necessary for the District to restructure and/or re-allocate resources based on business needs, such as (but not limited to) during times of reduced operations. Positions impacted by restructure or reallocation may or may not be posted.

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

In order for an applicant to be considered, the required application materials must be received by the closing date. All information submitted by an applicant or employee is subject to verification of content and accuracy. Any false statement, misrepresentation, omission of information, or misleading information in any document may result in the rejection of an applicant, and/or disciplinary action against the employee up to and including termination of employment.

### **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. In positions where driving on District business is a requirement of the job, a motor vehicle records (MVR) check will also be conducted. 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; or
3. Have access to confidential information including payroll and personnel records

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.

In cases of marriage or the formation of a civil union or other familial relationship between two employees, if the above guidelines apply, one must transfer.

Any exceptions to the prohibition of employment of relatives must have the prior approval of the Executive Director. The Executive Director may grant such exceptions upon their finding that the potential adverse effects of the conflict can be avoided through the implementation of reasonable safeguards and it is in the best interests of the District to allow the employment of the relative.

## **6.4 WAGES AND HOURS**

### **6.4.1 Working Hours/Work Week**

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. Various factors, such as workloads, service hours, operational efficiency and staffing needs may require variations in an employee’s starting and quitting times and total hours worked each day or each week. Each supervisor will establish employees’ working schedules. Employees may be required to work overtime or hours other than those normally scheduled.

### **6.4.2 Flexible Schedules**

The Library District generally allows the use of flexible schedules where such schedules reasonably coincide with the needs of the department and the public. However, managers have the discretion to grant or deny a subordinate employee’s requests to work an alternative schedule. If such a request is granted, the flexible/alternative work schedule arrangement can be terminated, and a new schedule required at any time.

### **6.4.3 Travel Time**

Commuting to and from work each day is not considered time worked, even if the commute is the result of a call-out or call-back to the regular work site.

#### **A. One-Day, Out of Town**

When a non-exempt employee travels out of town on District business for a one-day assignment, all the time spent traveling must be recorded as time worked, except

mealtimes and any time spent in driving or as a passenger from home to the usual place of employment, a point of public conveyance, or a vehicle pooling point.

**B. Overnight, Out of Town**

When a non-exempt employee travels out of town on District business for an overnight trip assignment, all the time spent traveling, whether as a driver or passenger, during normal work hours (including Saturday and Sunday, even if Saturday and Sunday are not usual work days) must be recorded as time worked, except meal times. Time spent traveling on District business outside of normal work hours is not considered paid time unless the employee is required to perform District related work while traveling. Once the employee reaches their destination (such as a hotel), the time is no longer considered working time unless the employee is working on District business.

**C. Non-Library District Business**

If an employee on their own initiative attends an independent school, college, or independent trade school on their own time, the travel time is not hours worked. Such attendance and travel time is considered non-District business.

#### **6.4.4 Overtime Pay and Compensatory Time Off**

A. Overtime compensation may be in the form of wages or time off, known as “compensatory time.” Only non-exempt employees (as defined in the Personnel **Policy 6.2.1**, Categories of Employment) are eligible to earn overtime pay or earn or use compensatory time off. Exempt employees are ineligible to earn overtime pay or compensatory time off, but may informally flex their time in accordance with this policy, and as approved by management.

#### **6.4.5 How Overtime Pay or Compensatory Time is Earned**

A. Non-exempt employees are normally scheduled to work 40 or fewer hours in a workweek. Non-exempt employees are eligible to receive overtime compensation at one-and-one-half their regular hourly rates if:

1. The employee works in excess of 40 hours in a workweek; or
2. The employee works and uses holiday, vacation, or bereavement leave for a combined total in excess of 40 hours in a workweek. An employee will not be eligible for overtime compensation if the employee has worked no hours during the workweek. For the purposes of determining eligibility for overtime compensation, an employee may not use more than 40 hours of the specified paid leave in any workweek nor use more than 8 or 10 hours of the specified paid leave in any workday, depending upon the length of the employee’s regularly scheduled workday.
3. Overtime is not paid on sick time or flex time.

B. The following examples illustrate how overtime pay is calculated.

1. The employee actually works 45 hours in a workweek. The employee would be entitled to 5 hours of overtime pay.

2. Monday is a scheduled work day; however, the classified employee does not work as it is a holiday for which the employee receives 8 hours of holiday pay. On Tuesday through Friday of the workweek, the employee works 10 hours each day. Because the employee used 8 hours of holiday time and worked 40 hours within the same workweek, the employee is entitled to 8 hours of overtime pay. Altering this example slightly, if the employee was not scheduled to work on Monday (the holiday), the employee would not be entitled to holiday pay for Monday, and no overtime would be paid.
  3. On Monday of a workweek, the classified employee worked 10 hours. On Tuesday through Friday of the workweek, the employee uses 8 hours of accrued compensatory time each day. The employee is not entitled to any overtime pay because the use of compensatory time is not combined with hours worked to determine the employee's eligibility for overtime pay.
  4. On Monday of a workweek, the classified employee uses 8 hours of sick time. On Tuesday of the workweek, the employee works 9 hours. On Wednesday and Thursday, the employee works 8 hours each day. On Friday, the employee uses 8 hours of sick time. The employee is not entitled to any overtime pay because the use of sick time is not combined with hours worked to determine the employee's eligibility for overtime pay.
  5. The classified employee works 10 hours each day from Monday through Thursday of a workweek. The employee is then required to work 10 hours on Friday of the workweek, a District holiday. Instead of saving the holiday time for use on a future date within the calendar year, the employee chooses to get paid for the holiday time even though the employee worked it. When the time actually worked (50 hours) is combined with the paid holiday time (8 hours), the employee is entitled to 18 hours of overtime pay.
- C. In lieu of overtime pay, non-exempt employees may request to accrue compensatory time, and supervisors have the discretion to grant or deny such requests. One-and-one-half hours of compensatory time is earned for each hour of overtime worked.
- D. Non-exempt, part-time employees who work more than their scheduled hours in a workweek but not more than 40 hours in a workweek shall be paid at their regular hourly rate for those excess hours worked. Non-exempt, part-time employees shall be entitled to overtime pay or compensatory time for those hours worked in excess of 40 hours in a workweek as described above.

#### **6.4.6 All Time Must Be Accurately Reported**

- A. All non-exempt employees are required to record accurately on their official time sheets all hours worked as well as all leave time.
- B. All exempt employees are required to accurately record "exception hours" on their official time sheets. "Exception hours" are those hours coded on the official time sheet which are other than regular hours worked. Exempt employees shall not log regular hours worked on the official time sheet, but may be required by their supervisors to accurately report all hours worked, including regular hours on forms other than the official time sheet.



#### 6.4.7 Overtime Work Must Be Pre-Approved

All overtime work (i.e., work in excess of 40 hours in a workweek) by a non-exempt employee must be approved in advance by the supervisor, except in extraordinary situations where the work is essential and a supervisor could not be contacted prior to commencing overtime work.

Non-exempt employees accessing the District's digital services (email, SharePoint, StaffCache, required training, or other online work-related tools) outside of their regular work hours and/or when doing so would result in working greater than 40 hours in a workweek, are required to obtain manager approval in advance. All hours worked, including the aforementioned access of District digital services, are compensable and subject to overtime.

#### 6.4.8 No Daily Overtime

The District does not recognize or pay for "daily overtime." Employees who work more than eight hours in a day or more than their regularly scheduled hours will not be eligible for overtime compensation or compensatory time, except as set forth above. This policy covers all non-exempt employees.

#### 6.4.9 Time Reporting for Multiple Positions

##### A. Time sheets

The District provides employees who hold more than one position with the District with separate electronic time sheets (in JDE) for each position. Such employees must accurately record the hours worked in a particular position on the time sheet for that position, and only on that time sheet. For example, if an employee who holds multiple positions works three hours one week as a substitute library assistant, the employee must record those three hours of work time on their time sheet for the substitute position and may not record those same three hours on any other time sheet.

##### B. Overtime

1. Non-exempt employees who hold more than one position with the District receive overtime compensation when their total hours worked exceeds 40 hours in a workweek. Once a non-exempt employee has worked 40 hours in a workweek, the payroll system will automatically calculate overtime pay.
2. When a non-exempt employee works in multiple positions with different rates of pay, the overtime work is paid at one-and-a-half the employee's "regular hourly rate" for the workweek. The "regular hourly rate" for the week is calculated by totaling the employee's earnings in all positions for the week and dividing that sum by the total hours worked at all jobs that week.

#### 6.4.10 Limits on Amount of Compensatory Time

Non-exempt employees normally may accrue no more than 80 hours of compensatory time without the approval of the employee's department or division head. If an employee inadvertently exceeds this limit, the amount of accrued compensatory time exceeding this limit shall be cashed out to the employee as soon as reasonably possible.

#### **6.4.11 Cash-Out of Compensatory Time**

- A. Employees who want to receive payment for their accrued compensatory time may make a written request to their supervisors. The District may, in its sole discretion, approve or deny the request. Upon termination of employment, an employee must be paid for unused compensatory time calculated at their final regular rate received by such employee.
- B. The District may at any time, in its sole discretion, pay or “cash out” employees for any or all accrued compensatory time, whether the employee has requested payment or not. In addition, all accrued compensatory time is paid upon termination of employment.

#### **6.4.12 How to Request the Use of Earned Compensatory Time**

Non-exempt employees wishing to use compensatory time off must make requests to schedule the use of such time with their supervisors in the same manner as requests to use vacation or other non-emergency leave time. Supervisors have the discretion to approve or deny such requests based on scheduling needs.

#### **6.4.13 Informal Flex Time for Exempt Employees**

Exempt employees are frequently expected to work hours in excess of regular business hours, yet they are ineligible to earn overtime pay or compensatory time off. In acknowledgement of their additional work time, managers have the discretion to allow exempt employees to flex their time informally by taking time off during regular business hours. Non-exempt employees are required to record all hours actually worked and cannot informally flex any time.

#### **6.4.14 Meal and Break Periods**

Meal periods for most employees are not compensated, and those employees may not perform work during their meal periods unless specifically authorized to do so by their managers. Employees who work during meal periods must record such time as working time on their time sheets.

Although rest periods are not required, employees may take up to two 15-minute paid break periods during the day, one for each four hours of work per day. Generally, the break periods should be taken midway through the first half of the work shift and midway through the second half of the work shift, but in any event should not conflict with work in progress. Employees must schedule break periods with their managers. Unless specifically authorized by their managers, employees may not combine breaks with meal periods or use breaks as make-up time or in lieu of late arrival or early departure from work. Break time is not cumulative.

#### **6.4.15 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 Library Human Resources.

### **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; and
5. Employee contributions to the United Way.

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

If you believe an improper deduction has been made to your salary, you should immediately report this information to Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will promptly be reimbursed.

### **Non-Routine Deductions:**

In addition to the required and voluntary deductions normally taken from an employee's wages, the District may also deduct:

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 and the actual value of nominal expenses incurred by the District on behalf of the employee such as use of District phones; and
2. The amount of any overpayment in wages, salary, or use of paid leave

The District further reserves the option to make any non-routine deductions that are consistent with the Fair Labor Standards Act, 29 Code of Federal Regulations 541 and U.S. Department of Labor opinion letters.

## **6.5 EMPLOYMENT RECORDS**

### **6.5.1 Personnel Files, Employee Information, and Reference or Records Requests**

The Human Resources Department maintains personnel files for all employees. Documents that contain medical, drug testing or credit information about an employee or family member are 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.

If an employee believes that information in their file is not accurate, the employee may submit a memorandum expressing the employee's opinion and providing additional information. Managers may also add information to correct or update previous entries.

The Colorado Open 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 District as a public entity make certain employment records available to employees, an employee's supervisor and the public.

### **6.5.2 Informal Departmental Files**

In addition to files maintained by the Human Resources Department, department heads or managers may maintain informal files. However, copies of all documents relating to pay, performance, oral and written warnings, other disciplinary or corrective action, references, and background checks must be sent to the Human Resources Department. After an employee leaves employment, the entire contents of departmental files must be sent to the Human Resources Department.

Documents that contain any medical information about an employee or family member should generally be forwarded to the Human Resources Department for inclusion in the medical files. However, where departments need to maintain medical information, such as doctor's reports describing work limitations, departments must keep those documents in separate files that are locked and restricted to access only by the manager as needed.

Employees wishing to review their own personnel files may do so by making an appointment with Human Resources staff or Executive Director. Each employee and their managers may review all documents and information in the employee's personnel file. Employees and their managers may also receive copies of all or any contents of their personnel files. In addition, employees may provide written authorization for another named person or persons to inspect and receive copies of the available portions of their personnel files.

Requests from the media about personnel policies and practices, compensation and benefits, or specific employees should be forwarded to the Human Resources Director or Executive Director.

### **6.5.3 Release of Personnel File Information**

By law, certain information about employees is confidential and cannot be made available to the public, whether or not it is contained in a formal personnel file. Examples of confidential information as currently defined by law include home address and telephone number, time sheets,

and financial, medical, psychological, testing and other information maintained because of the employer-employee relationship. However, the following information is available for public inspection: employment applications, employment agreements, amounts paid, or benefits provided in connection with termination of employment, performance ratings or any compensation paid to an employee.

Any questions about whether certain information or a particular document in the personnel file is confidential should be directed to the Human Resources Director.

#### **6.5.4 References and Requests for Information about Employees**

Upon receiving a signed release form from a former or current employee, managers may, at their discretion, provide oral references or letters of reference regarding employees. Managers must forward signed releases to Human Resources prior to providing the reference, or confirm with Human Resources that an active valid release is on file. Managers are strongly encouraged to contact the Human Resources Department to discuss the content of the reference and drafts of such letters.

Any employee (including managers) who are asked for information about another employee for any purpose, including but not limited to personal delivery of legal documents, such as subpoenas, court orders or lawsuits, verifications of employment, etc., should forward all requests to the Human Resources Director.

#### **6.5.5 Media Requests**

Requests from newspapers, television stations, and other press for information about personnel policies and practices, compensation and benefits, or specific employees should be forwarded to the Human Resources Director.

#### **6.5.6 Data Disposal Policy**

During the course of employment, the District will collect certain information that is classified as “personal identifying information,” or PII, under applicable laws. Such information may include, but is not limited to:

- Your first and last name or initials;
- Username(s) and password(s);
- Social security number;
- Driver license or other identification card number;
- Medical documentation;
- Biometric data; and more.

The District may keep these records in paper and/or electronic format.

When such documentation is no longer needed, pursuant to records retention requirements and best practices, the District will either (a) destroy the records or (b) arrange for their destruction, e.g. by shredding, erasing, or otherwise modifying the personal identifying information in such a manner as to render it unreadable or indecipherable through any means.

## 6.6 Training and Benefits

### 6.6.1 Training, Conferences, and Travel

As a learning organization, the 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 their 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.

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

#### General Provisions

Managers have the discretion to permit an employee to attend District-sponsored training programs as well as other outside conferences, workshops, special training courses and seminars. Managers have the discretion to require employees to attend training programs. Pre-approval is required for all conferences, travel and training.

As stewards of public resources employees must use good financial judgement and discretion while traveling. Employees are allowed to accumulate travel rewards to personal accounts provided they are selecting low-cost options for airfares, hotel and rental cars.

#### Travel Expenses

The following expenses are not allowed and will not be reimbursed:

1. Meals or other expenses for salespeople, spouses, civil union partners, family members or other persons not affiliated with the Library District;
2. Liquor, movies, or entertainment (including in-room movies);
3. Sporting events;
4. Laundry, dry-cleaning or shoe repair;
5. Personal phone calls, including connection and long-distance fees;
6. Computer connections (unless required for Library District business); or
7. Other personal expenses not directly related to Library District business.
8. Expenses associated with obtaining or renewing personal identification documents such as Passports.

#### Meal Reimbursement for Overnight Stays

A. An employee attending an authorized conference, training, or other Library District business that requires an overnight stay may choose one of the following methods of meal reimbursement providing the method chosen is used for the entire trip/event by the employee:

1. Actual reasonable cost of meals, subject to the following:
  - a. An itemized receipt for each meal is required.
  - b. Tips are reimbursable provided they are reasonable as determined by the Finance Department and itemized on receipts.

2. For the first day of travel, the employee will not be reimbursed for breakfast regardless of the time of day the employee leaves. For the last day of travel, the employee will not be reimbursed for dinner. Per diem rate (combines breakfast, lunch, and dinner) as established by the Finance Department, subject to the following:

- a. Itemized receipts for meals are not required.
- b. Tips are included in the per diem and are not separately reimbursable.
- c. A per meal reduction to the per diem reimbursement (established by the Finance Department) will be made for meals furnished to the employee as part of the cost of a conference/training or otherwise provided at no cost to the employee.

3. For the first and last days of travel, the employee may be reimbursed for only 75% of the per diem regardless of the time the employee leaves to or returns from the trip.

4. When traveling to out-of-town areas that are unusually expensive, an employee may be eligible for an increased per diem reimbursement as published by the U.S. General Services Administration ([www.gsa.gov](http://www.gsa.gov)), if approved by the employee's manager and the Finance Department.

### Meal Reimbursement for Non-Overnight Stays

A. An employee attending an authorized conference, training, or other Library District business that does not require an overnight stay may be reimbursed only for the actual, reasonable cost of meals, subject to the following:

1. An itemized receipt for each meal is required.
2. Tips are reimbursable provided they are reasonable as determined by the Finance Department and itemized on the receipts.

B. Managers may approve light refreshments at Library District sponsored conferences or training events at District facilities for employees and non-employees. In addition, on a limited basis, Managers may approve expenses for meals associated with staff retreats/strategic planning meetings.

### Meal Reimbursement for Unusual Work Situations

A. Employees are occasionally required to work overtime, over the lunch hour, or be called out in emergency situations. For instances in which occasional, infrequent meals are provided to employees performing such work, this expense may be charged to the department budget if the situation meets all of the following criteria:

1. The employee's manager authorizes the reimbursement;
2. The provision of the meal enables the employee to work overtime, during extended hours, or beyond normal work hours;
3. Reimbursement is for actual reasonable meal expenses, including reasonable tips;
4. The amount of reimbursement, including tips, does not exceed the per meal rate established by the Finance Department; and
5. The employee submits an actual receipt for the meal with the tip itemized on the receipt.

## 6.6.2 Benefits

The District may offer certain current and retired employees the opportunity to participate in City-sponsored benefit programs, such as health insurance, dental insurance, vision insurance, disability insurance, life insurance, and retirement benefits. The eligibility to participate in each program is determined by the benefit program plan, if such a plan exists, or by the terms of the agreement between the City and the benefit provider. Retirement Plan participation is mandatory for active eligible employees.

- A. The City reserves the right, at any time and from time to time, to:
  1. Amend or modify, in whole or in part, any or all of the provisions of a benefit program, including provisions concerning who is eligible for coverage and the coverage provided;
  2. Discontinue, terminate, or add a benefit program at any time; and
  3. Change the amount or nature of the required contribution to be made by the participant or beneficiary of a benefit program.
- B. After the first 30 continuous calendar days of unpaid leave, an otherwise eligible employee will no longer accrue or use vacation time, sick time, short term disability, and injury leave time, and will no longer be eligible to participate in any City-sponsored disability insurance, accidental death and dismemberment insurance and life insurance, except in accordance with conversion rights, if any, under the terms of such plans. In addition, after the first 30 continuous calendar days of unpaid leave, the employee's coverage, if any, under the City-sponsored health insurance, vision services and dental insurance will terminate unless the employee elects to continue such coverage and pays 102% of all premiums for the elected coverage in a timely manner in accordance with the requirements of the City and the plans. The employee will be provided with a separate notice of the right to continue coverage with more specific information about premium amounts and required payments. The terms of any retirement plan or deferred compensation plan in which the employee participates will control how any unpaid portion of the leave is credited as service under the plan. For the purposes of this subsection, if the employee works 10 hours or less during a 30-day period, that period shall be considered a continuous leave of absence.

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

## 6.6.3 Privacy and Security of Protected Health Information

### A. Purpose

As a plan sponsor of employee group health plans (Plans), the City and the Library District are committed to maintaining the confidentiality and security of protected health information (PHI) pursuant to the privacy provisions of the Health Insurance Portability and Accountability Act (HIPAA). Each Plan document details the circumstances under which the Plans are authorized to share PHI with the City. The City will not use or disclose PHI other than as permitted or required by the Plan documents or as authorized by law.

### B. Definition of Protected Health Information (PHI)



PHI is defined as individually identifiable health information, whether it is in electronic, paper or oral form, that is created or received by or on behalf of any of the Plans which relates to the past, present, or future physical or mental health or condition of an individual. PHI does not include health information received by the City or the Library District for employment purposes from sources other than the Plans, such as health information received from or authorized by an employee for purposes of administering the Library District's sick time, short-term disability, family and medical leave, drug and alcohol testing, and workers' compensation policies, or to determine fitness for duty.

#### C. Privacy and Security Officer

The City has designated the City's Benefits Administrator (located in the Human Resources Department) as the Privacy and Security Officer for purposes of ensuring compliance with the confidentiality and security requirements for PHI. Employees may contact the Privacy and Security Officer for any of the following purposes:

1. To make a written complaint regarding a violation of privacy rights regarding PHI;
2. To make a written request to limit how the City or the Plans use or disclose the employee's PHI;
3. To make a written request that the Plans or the City send Plan information to the employee at a specific address or in a specific manner;
4. To make a written request to look at and copy the employee's PHI that is in the possession of the Plans or the City;
5. To make a written request that the employee's PHI be amended;
6. To make a written request for a list of disclosures of PHI that the Plans or the City have made;
7. To request a paper copy of the Notice of Privacy issued by the Plans; or
8. To ask questions or provide comments concerning the privacy practices of the Plans.

#### D. Safeguarding PHI

The City will safeguard the privacy of PHI, whether it is kept in paper or electronic format. Such safeguarding will include the use of locked file cabinets and secured networks, with only designated City employees having access. The following City employees have been designated as having access to and use of PHI for the purposes of payment under health care operations or other matters pertaining to the Plans:

1. The Chief Human Resources Executive;
2. The Wellness and Benefit work groups within the Human Resources Department; and
3. The employees who perform functions related to the City-sponsored employee group health plans, including but not limited to legal and systems personnel.

#### E. Improper Use, Disclosure, or Violation of Security

Any employee who obtains access to, uses, discloses, or violates security rules for PHI in a manner that is contrary to the requirements of this policy, the Plans, or HIPAA shall be subject to discipline, up to and including termination of employment.

#### F. Retaliation Prohibited

No employee shall retaliate against any person who complains about or reports a privacy violation.

#### 6.6.4 Retirement

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

### 6.7 EMPLOYEE LEAVE POLICIES

#### 6.7.1 Reporting Absences and Tardiness Overview

##### Reporting Absences and Tardiness Overview

A. Employees are expected to report to their place of work every day as scheduled unless on approved leave. Time off of any kind must be taken in accordance with this policy and other applicable policies set forth elsewhere in the Library District Personnel Policies and Procedures.

B. Employees who will be absent or late to work must notify their immediate manager (or the manager's designee) as soon as they learn of the need to be absent or late, and no later than 15 minutes after the start of the employee's work shift, unless otherwise directed in written department work rules. Failure to provide prompt notice of an absence or tardiness is an unapproved absence and may result in corrective action.

C. When notifying the manager of the need to be absent or late, the employee must report:

1. The reason for the absences (or tardiness); and
2. The expected date (or time) when the employee expects to return to work.

D. The Library District recognizes that under exceptional circumstances, neither the employee nor someone on their behalf may reasonably be able to call within the time required. In such a case, the employee or representative must contact the employee's manager as soon as possible after the beginning of the shift. If the manager, in their 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 manager may approve pay for the period of absence or tardiness.

#### 6.7.2 Vacation Time

##### A. Employees Eligible to Accrue and Use Vacation Time and Well Days

1. Employees in classified positions and unclassified management positions are eligible to accrue vacation time beginning with the first day of employment. Employees in unclassified contractual positions may be eligible to accrue and use vacation or Well Days time depending on the terms of their specific contracts.

Employees in unclassified hourly positions are ineligible to accrue or use vacation time, but eligible employees in hourly positions may accrue and use personal leave in accordance with the policy in these District Personnel Policies and Procedures.

2. Vacation time is accrued bi-weekly each pay period. Unless on approved leave, employees cease accruing vacation time during any period of unpaid leave which exceeds thirty (30) consecutive calendar days. This provision shall apply even if the employee has actual time worked of ten (10) hours or less during such thirty (30) day period.

3. Eligible full-time employees accrue vacation time in accordance with the schedules and examples below. Eligible part-time employees accrue vacation time on a pro rata basis based upon their position's designated FTE and may use vacation time based on their regularly scheduled hours at the time of use. However, in no event may the use of vacation time in any work week exceed the designated FTE for the position.
4. Well Days time is accrued by meeting the Well Days Incentive Program Requirements.
5. Eligible full-time employees accrue Well Days vacation time of 8 hours each trimester. Well Days are awarded three times per year after completion of each 15-week trimester requirements. Eligible part-time employees accrue Well Days vacation time on a pro rata basis based upon their position's designated FTE and may use Well Days vacation time based on their regularly scheduled hours at the time of use. However, in no event may the use of Well Days time in any work week exceed the designated FTE for the position.
6. A maximum of 40 hours of Well Days vacation time can be carried at any given time. Additional Well Days vacation time will not be accrued when the employee's balance is at 40 hours.
7. Employees hired into classified and unclassified management positions will receive up to 40 hours of vacation time upon hire prorated based on FTE. Employees in unclassified contractual positions may be eligible depending on the terms of their specific contracts. Employees in unclassified hourly positions are ineligible, but eligible employees in hourly positions may accrue and use personal leave in accordance with the policy.

## **B. Use and Scheduling**

1. Only employees who are eligible and have accrued vacation and Well Days time may use such time. Accrued vacation and Well Days time may not be used until after the bi-weekly pay period in which it was accrued. The District will not advance vacation or Well Days time or advance wages to employees in connection with use of vacation or Well Days time.
2. Prior to using vacation or Well Days time, an eligible employee must request and obtain approval from their supervisor. Although efforts will be made to accommodate employees' requests to take vacation or Well Days at a specified time, supervisors must consider the needs of the department when evaluating time off requests.
3. When approved by an employee's supervisor, an employee may use accrued vacation or Well Days time when they have been determined to be eligible for:
  - a. The District's long-term disability insurance total disability benefit and the District determines based on credible medical predictions that the employee will be able to return to their regular position and perform all essential functions of that position with or without reasonable accommodations within twelve months of the date the disability began. The employee will not be eligible to use accrued vacation or Well Days in an amount that, when combined with the long-term disability benefit or any other leaves, would provide the employee with greater than 100% of the employee's regular base pay based on the position's FTE.

In the event of an overpayment, the employee will reimburse the District either by payment of the overage amount (direct payment or payroll deduction) or a reduction of the employee's vacation accrual amount if the vacation accrual is sufficient to cover the overage.

b. Short-term disability leave as provided in the related section of these policies.

**C. Maximum Carry Over**

1. Employees in classified positions may carry over to a new Leave Benefit Year up to twice the amount of vacation time they are eligible to accrue as of the last day of the current Leave Benefit Year, up to a maximum of 30 days (240 hours).
2. Employees in unclassified management positions may carry over to a new Leave Benefit Year up to twice the amount of vacation time they are eligible to accrue as of the last day of the current Leave Benefit Year, plus an additional forty (40) hours, up to a maximum of 35 days (280 hours) of vacation time.
3. Employees in classified, unclassified management and contractual positions may carry over to a new Leave Benefit Year up to 5 days (40 hours) of Well Days vacation time.
3. All 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.
4. Employees in unclassified contractual positions who are eligible to accrue vacation time may carry over the entire amount accrued throughout the term of the contract, up to a maximum of 20 days (160 hours).

**D. Payment upon Separation from Employment**

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 vacation time.

**E. Accrual Schedule: Classified Positions and Unclassified Management Positions**

Full-time employees in classified positions and unclassified management positions, with the exceptions noted later in this policy, accrue vacation time according to the following schedule:

<b>Years of Service from Date of Hire</b>	<b>Vacation Hours Accrued Per Pay Period</b>	<b>Total Days Accrued Per Year</b>
0-3 years (0-36 months)	4.62 hours	15 days
4-5 years (37-60 months)	4.92 hours	16 days
6-7 years (61-84 months)	5.23 hours	17 days
8-9 years (85-108 months)	5.54 hours	18 days
10-12 years (109-144 months)	6.15 hours	20 days
13-14 years (145-168 months)	6.46 hours	21 days
15-16 years (169-192 months)	6.77 hours	22 days
17-18 years (193-216 months)	7.08 hours	23 days
19-20 years (217-240 months)	7.38 hours	24 days
Over 20 years (241 months+)	7.69 hours	25 days

A break in employment of 30 or more days with the District will result in a loss of years of service credit. Only employment with the District in a classified or unclassified management position will be counted in determining years of service. For example, if an employee with 10 years of service accepts a contractual position for any length of time, and then converts back to a classified position without a break in service, then the employee's vacation accrual schedule will be reinstated to that of an employee with 10 years of service.

#### **F. Additional Time for Unclassified Management Positions**

In addition to the vacation accrual schedule above, employees in unclassified management positions who work one full pay period in the new Leave Benefit Year are credited with a lump sum of forty (40) hours of vacation time at the beginning of each Leave Benefit Year. For new employees, this lump sum vacation credit is prorated based on the employee's starting date.

### **6.7.3 Personal Leave Time for Unclassified Hourly Employees**

Personal leave time is intended to provide limited paid leave time for any personal reasons, including vacations and illnesses, for eligible hourly employees who do not receive paid time off under other policies in these District Personnel Policies and Procedures.

#### **A. Eligible Employees**

Employees in hourly positions who have worked at least 520 regular hours for the District are eligible to accrue personal leave in accordance with this policy. Returning hourly employees who have previously satisfied this 520-hour requirement will not lose eligibility providing their gap in qualified employment has not exceeded 12 months (365 days). Employees in classified positions, unclassified management positions, and contractual positions are ineligible to accrue or use personal leave time.

#### **B. Accrual Schedule**

Eligible employees accrue personal leave time each bi-weekly pay period in which they work, at the rate of .019 hours of personal leave for each regular hour actually worked (up to 40 hours per week), up to a maximum of 40 hours of personal leave. Once eligible employees reach the cap of 40 hours, they cease accruing additional personal leave time. If the employees later use enough personal leave time to fall below the maximum, they will start accruing personal leave time again from that date forward until they reach the cap of 40 hours.

#### **C. Use and Scheduling**

1. Only employees who are eligible and have accrued personal leave time may use such time. Accrued personal leave time may be used after the bi-weekly pay period in which it was accrued. The District will not advance personal leave time or advance wages to employees in connection with use of personal leave time.
2. Personal leave must be scheduled and approved by the eligible employee's supervisor. Although efforts will be made to accommodate employees' requests to take personal leave at a specified time, supervisors must consider the needs of the department when evaluating personal leave requests.

## D. Payment upon Separation from Employment

All accrued but unused personal leave time is payable upon separation from employment, including the termination of hourly employment to accept employment in another category of employment with the District.

### 6.7.4 Holiday Time

#### A. Eligible Employees

1. Employees in classified positions and unclassified management positions are eligible to receive paid holiday time. Some employees in unclassified contractual positions may be eligible to receive paid holiday time, depending on the terms of their specific contracts. Hourly employees are eligible for holiday time as set forth in Section **6.7.3.H.**
2. Only eligible employees who are working or on paid leave (e.g., vacation, sick time, or short term disability) at the time the holiday occurs may receive paid holiday time. If a holiday occurs during a paid leave, the employee must record holiday time instead of the other paid leave. Employees on any unpaid leave are ineligible to receive paid holiday time. In addition, employees leaving employment may not use holiday time to extend their employment into the next calendar month.

#### B. Amount of Holiday Time

1. At the beginning of each Leave Benefit year, eligible employees are provided with approximately eleven designated holidays, the exact number being dependent on how many of the designated holidays fall within the Leave Benefit Year.
2. For eligible full-time employees, the eleven designated holidays total eighty-eight (88) hours in most Leave Benefit Years. For eligible part-time employees, holiday hours are provided on a pro rata basis based on their FTE. For example, an eligible employee who is a "0.75 FTE" is provided with 75 percent of designated holiday hours in the usual Leave Benefit Year (assuming the Leave Benefit Year contains the usual eleven designated holidays).

#### C. Designated Holidays

1. The District designates the following holidays each calendar year:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19

Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Day	December 25

The library remains open on Martin Luther King Day, Presidents' Day Juneteenth, Veterans' Day and the day after Thanksgiving holidays. In observance of these holidays, classified employees and unclassified management employees are granted five paid floating holidays that must be used in the calendar year they are granted, subject to prior supervisor approval. Unclassified hourly employees who work the minimum required hours during the workweeks in which Martin Luther King Day; President's Day; Juneteenth; Veterans' Day; and the day after Thanksgiving fall, will be paid for the respective holiday(s).

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

Holiday time is counted as hours worked in the computation of overtime. Full-time classified 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.

2. Designated holidays that fall on a Saturday are generally observed on the preceding Friday, and designated holidays that fall on a Sunday are generally observed on the following Monday. The Christmas Day holiday often falls within the first pay period of a new Leave Benefit Year, so holiday time for that day will usually be credited and appear on an employee's time records for the new Leave Benefit Year.

#### **D. Working on Designated Holidays**

Designated holiday hours are intended to be used on the designated holiday.

1. Exempt classified and unclassified management employees who work on a holiday must record actual hours worked and take the holiday time off at a later date but before the end of the Leave Benefit Year.
2. Classified non-exempt employees, who work on a holiday may:

- a. Record on their time sheets both their hours worked and the holiday hours, so they will essentially receive double pay for the day; or
  - b. Record only the hours worked and take the holiday time off at a later date but before the end of the Leave Benefit Year.
3. Hourly employees must be paid the holiday per the holiday schedule.

**E. Holidays Occurring on Scheduled Day Off**

When a designated holiday occurs on an eligible classified employee's scheduled day off, the employee shall schedule time off with holiday pay on a scheduled work day before the end of the Leave Benefit Year.

**F. Forfeiture at End of Leave Benefit Year**

All designated holiday time not used during a Leave Benefit Year will be forfeited at the end of the Leave Benefit Year in which the holiday occurred.

**G. Payment upon Separation from Employment**

Employees who actually work a designated holiday and choose to take the holiday time off at a later date prior to its forfeiture, but who terminate employment before the forfeiture date without having used the holiday time will receive pay for the holiday time upon separation from employment.

**H. Hourly Employees**

Employees in hourly positions are eligible to receive four hours of paid holiday time for any designated holiday that falls during a biweekly pay period in which the employee worked or received paid leave for 20 or more hours. If two holidays fall within the same biweekly pay period in which the employee worked or received paid leave for 20 or more hours, the employee is eligible to receive eight hours of paid holiday time.

Eligible hourly employees will be paid for the holidays and will not be able to bank them.

### 6.7.5 Sick Time

This policy is intended to provide eligible employees with time off work for brief non-occupational illnesses or injuries.

**A. Eligible Employees**

All employees are eligible to use paid sick time in accordance with this policy.

Part-time classified and unclassified management employees are granted sick time on a pro rata basis based on the position's designated FTE. For example, an eligible employee who is a "0.75 FTE" receives 75 percent of the sick time granted to an eligible full-time employee. Part-time classified and unclassified management employees may use sick time based on their regularly scheduled hours at the time of use. However, in no event may the use of sick time in any work week exceed the designated FTE for the position. Sick time hours previously granted to employees who change from full-time to part-time, or vice versa, will be adjusted in accordance with the hours they are currently regularly scheduled to work.



Some employees in unclassified contractual positions may be eligible to use paid sick time, depending upon the terms of their individual contracts.

Hourly Employees are granted sick time based an average of hours worked.

**B. When Sick Time May Be Used**

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

1. The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care.
2. The employee needs time away to tend to their physical or mental health.
3. The employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care.
  - a. "Family member" means a person who is related by blood, marriage, civil union or adoption, or a person for whom the employee is responsible for providing or arranging health or safety-related care. "Family member" also includes a relationship in which the employee puts themselves in the situation of
4. To provide care for dependent children, elderly, or disabled relatives when schools or care provider are closed for severe weather, community emergency, or disaster.
5. The employee or the employee's family member has been the victim of domestic abuse, sexual assault, or criminal harassment, and the use of leave is to:
  - a. seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by domestic abuse, sexual assault, or harassment;
  - b. obtain services from a victim services organization;
  - c. obtain mental health or other counseling;
  - d. seek relocation due to domestic abuse, sexual assault, or harassment; or
  - e. seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment;
6. A public official has ordered the closure of the school or place of care of the employee's child or of the employee's place of business due to a public health emergency, necessitating the employee's absence from work.
  - a parent by assuming and discharging the obligations of a parent to a child.
7. When the employee adopts a child or receives a foster child providing the following conditions are met:
  - a. The employee must certify in writing that they will be serving as care giver for the adopted or foster child during the leave use;
  - b. The use of this leave may not be used prior to placement of the child in the employee's care pursuant to a final decree of adoption or foster placement, nor later than three months after the date of final decree of adoption or foster placement;
  - c. If both adoptive or foster parents are eligible employees of the Library District, both parents may use leave for this purpose;
  - d. The adopted or foster child must be under eighteen years of age at the time of placement;

- e. Use of sick time for this purpose shall run concurrently with Family and Medical Leave time, if applicable.
- 8. If an employee has given birth, employees may use any remaining sick time after short-term disability leave/benefit ends for baby bonding. Baby bonding may be used continuously or intermittently. The employee will provide their manager and the human resource department with a notice of the request for leave at least 30 days before the leave's proposed date (or if the leave was not foreseeable, as soon as possible).
  - a. A parent not giving birth may immediately upon the child's birth utilize sick time because they are not eligible for short-term disability pay.
  - b. Foster and adopted parents who did not utilize short-term disability may access sick time immediately for baby bonding as currently outlined in the policy. If both parents are Library District employees, both may use their sick time bank.
  - c. Baby bonding time is available for the 12 months following the birth or placement of a foster or adopted child.
  - d. If a holiday occurs while the employee is using sick time for baby bonding, the day will be charged to holiday pay.
  - e. An employee who takes paid sick time for baby bonding that does not qualify for PFML, FMLA, FAMILI or Caregiver Leave will be offered the same level of job protection when the employee is on baby bonding leave as if the employee were on PFML, FMLA, FAMILI or Caregiver Leave.
  - f. Use of sick time for this purpose shall run concurrently with Family and Medical Leave time, if applicable.
- 9. For the purposes of bereavement or financial/legal needs after the death of a family member (please see [Policy 6.15](#), Bereavement Leave, for the applicable definition of a family member for this use of sick time).
- 10. When, due to inclement weather, power/heat/water loss, or other unexpected event, the employee must:
  - a. evacuate their residence, or
  - b. care for a family member whose school or place of care was closed.
- 11. Hourly employees may only utilize accrued sick time for shifts they were regularly scheduled to work.

**C. Amount of Sick Time**

At the beginning of each Leave Benefit Year, classified and unclassified management full-time employees shall receive 120 hours (pro-rated based on FTE) of sick time for use during that Leave Benefit Year. This amount will be pro-rated for those eligible employees commencing employment after January 1 of a calendar year. Proration 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 proration shall be calculated based on a start date of February 1 and the employee shall receive 110 hours of sick time.

Hourly employees who are not also classified or unclassified management employees (holding multiple positions) shall receive 1 hour for every 30 hours worked up to a maximum of 48 hours in the Leave Benefit Year.

Contractual employees shall receive sick time, if applicable, as stated in their individual contracts.

**D. Sick time Rollover for Hourly Employees**

Hourly employees are allowed to rollover any unused accrued sick time from the prior year up to a cap of 48 hours.

**E. Forfeiture at End of Leave Benefit Year**

For classified and unclassified management employees, sick time not used during a Leave Benefit Year will be forfeited at the end of that Leave Benefit Year.

**F. Notice of Brief Absence (3 Days or Less)**

This portion of the policy applies to absences for brief illnesses (such as the flu), injuries, and minor medical procedures where the employee reasonably expects to be absent three days or less, even if the absence ends up being longer.

1. Employees who need to use sick time for an unexpected, brief illness or injury must contact their manager or other designated person within the department within 15 minutes after the beginning of the shift each day of the absence, unless earlier notice is required by departmental work rules.

2. Employees who need to be absent for a scheduled medical appointment or short-term procedure or treatment must notify their manager or other designated person in the department as soon as the need for the absence is scheduled with the health care provider. Employees must schedule appointments outside regularly scheduled work hours when possible.

**G. Notice of Prolonged Absence (More Than 3 Days) or Intermittent Leave**

This portion of the policy applies to employees who need to be absent for illnesses or medical procedures for more than three days, or who need to use sick time intermittently.

1. Employees who need to use sick time for a prolonged, scheduled medical procedure or treatment (such as surgery, childbirth or recurring therapy) for themselves or to care for a family member must notify their manager as soon as learning of the need for such a leave, or about three months before expecting to give birth. The notice must specify the reason for the leave, the date it's expected to begin, and the expected duration. For intermittent leave, the notice must specify the reason for the leave and the scheduled dates and times for the absences.

2. Employees who unexpectedly become seriously ill or require prolonged treatment or recovery (or someone on behalf of the employee) must call the manager as soon as reasonably possible under the circumstances.

3. Managers are expected to notify the Human Resources Department any time an employee requests a prolonged sick time.

**H. Required Information for Prolonged Absences (More Than 3 Days)**

Employees are responsible for making sure that all of the requested information is provided promptly, including follow-up information and updates. Sick time may be denied or terminated, and the employee may be subject to corrective action up to and including

termination of employment, for failure to undergo a medical examination or promptly provide the types of information described in this policy.

Employees who request sick time or who have used sick time may be required by their managers or the Human Resources Department to do the following:

1. Periodically communicate with the manager or Human Resources Department regarding the anticipated date of return to duty;
2. Provide written verification of the following from the physician or other health care provider treating the employee:
  - a. Date on which the condition commenced;
  - b. Nature and extent of illness or injury, but only as is necessary to determine the employee's ability to perform job functions;
  - c. Probable duration of illness or injury;
  - d. Confirmation that the employee is unable to perform essential job functions;
  - e. Anticipated date on which the employee may return to work;
  - f. Release stating that the employee is able to return and perform their duties without endangering the health and safety of themselves or others, and describing restrictions on the employee's work activities;
  - g. In the case of intermittent absences:
    - i. The dates on which the treatment is expected to be given and the duration of treatment; and
    - ii. Confirmation that intermittent leave is medically necessary, and the expected schedule and duration of the intermittent leave.
3. Undergo a fitness for duty examination by a physician or other health care provider designated and paid for by the District; 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 themselves or others; and/or obtain a detailed description satisfactory to the District of restrictions on the employee's work activities.

Employees who request sick time based on a family member may be required by their manager or the Human Resources Department to provide information and documentation verifying the illness or injury of the family member or the family member's medical appointments.

**I. Sick Time during Vacation or Compensatory Time Off**

Sick time may not be used during a scheduled vacation or compensatory time off, except under extraordinary circumstances. A request to use sick time during a scheduled vacation or compensatory time off must be made to and may be granted or denied in the discretion of, both the employee's manager and the Human Resources Director.

**J. Holiday Pay during Sick Time**

Employees who are eligible for holiday time and who are on sick time during a designated holiday must record holiday time for that day and not sick time. An employee who is scheduled to work on a holiday and becomes sick must record holiday time only for the day.

**K. Continuation of Benefits during Sick Time**

During paid sick time under the terms of this policy, all benefits will continue as though the employee were at work.

**L. Misuse Prohibited**

Employees are prohibited from using sick time except under the circumstances described at the beginning of this policy. Employees who, in the District's judgment, misuse sick time are subject to disciplinary action and sick time benefits may cease. When there appears to be a possibility that sick time is being misused, the department head or supervisor may:

1. Make further inquiry of the employee about past or ongoing use of the leave time;
2. Require the employee to provide the type of information or submit to medical examinations as described above; and/or
3. Require the employee to provide written medical verification or be seen by the District's designated physician in order to use any further sick time.

**M. Return from Sick Time**

Employees returning from sick time may, at the discretion of the District, be required to:

1. Complete a fitness for duty examination by a physician or other health care provider designated and paid for by the District;
2. Obtain a release from that physician or health care provider confirming that the employee is able to return to work without endangering the health and safety of themselves or others; and/or
3. Obtain a description satisfactory to the District of any restrictions upon the employee's work activities.

If employees do not return to work on the date expected following sick time, or decline a comparable position, their employment may terminate.

**N. No Payment upon Separation from Employment**

Eligible employees who have available but unused sick time at the time of separation of employment shall not be paid for such unused leave. However, if a terminated employee returns to work with the District within a six-month period from the date of separation, the District will reinstate any uncompensated, accrued sick time balances for that employee.

**O. Applicability of Family and Medical Leave**

Sick time used for purposes of childbirth, serious health condition of the employee, or caring for the employee's spouse, child or parent suffering from a serious health condition will, in addition to sick time, be counted as leave under the Family and Medical Leave Act ("FMLA").

**P. Paid Sick Time During a Public Health Emergency**

On the date a state public health emergency is declared, all employees are entitled to paid public health emergency sick time in addition to the leave described in these Personnel Policies and as more fully described below.

Full-time classified and unclassified management employees will be granted 80 hours of paid public health emergency sick time in the event of a public health emergency. Part-time classified and unclassified management employees will be granted paid public health emergency sick time on a pro rata basis based on the position's designated FTE.

Hourly employees will be granted paid public health emergency sick time in the amount of time the employee is scheduled to work in a 14-day period or the amount of time the

employee actually works on average in a 14-day period in the event of a public health emergency.

Employees may only use the leave once during a declared public health emergency, and employees may use this additional leave for up to a month after the end or suspension of a public health emergency.

Employees may use public health emergency leave for any of the following purposes:

1. To self-isolate (or care for a family member who is self-isolating) due to the employee (or family member) being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
2. To seek or obtain (or care for a family member needing) medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency;
3. To seek for oneself (or care for a family member needing) preventive care concerning a communicable illness that is the cause of a public health emergency; or
4. If the employee is excluded from work or has to care for a family member who's excluded from work, by a government health official, or by an employer, due to the employee or the employee's family member having exposure to, or symptoms of, such an illness (whether or not they are actually diagnosed with the illness);
5. Being unable to work due to a health condition that may increase susceptibility or risk of such an illness; or
6. To care for a child or other family member whose school, child care provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.

### **6.7.6 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), for bereavement leave for the death of or an anticipated death of an employee's family member. Bereavement leave is available to less than full-time employees on a prorated basis. For purposes of this policy, "family member" means employee's, spouse, civil union or domestic partner, child, (both born and miscarriages), sibling, parent, grandparents, grandchild, aunt, uncle, niece, nephew, or anyone for whom the employee or the employee's partner provide day-to-day care and financial support including natural, step, in-law and foster relatives, whether or not those relatives are living in the employee's home.

In the event that an eligible employee exhausts their bereavement leave allocation, the employee may use sick time.

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

All employees are eligible for the District's Employee Assistance Program (EAP) to support them through grief.

### **6.7.7 Emergency Leave for Hourly Employees**

- A. Only hourly employees who are not enrolled in FAMILI through the state may request to take reasonable time off, up to a maximum of five working days or 40 hours, whichever is less, per emergency, with pay for the following types of emergencies:
1. A medical emergency of the employee: A medical emergency for the purpose of this policy is defined as a non-work-related injury, illness or disability which requires both medical care by a physician or other health care practitioner, and admittance to a health care facility;
  2. A medical emergency (as defined above) of an employee's family member: A family member for purposes of this policy 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.
- B. Requests for emergency leave must be made to the employee's manager as soon as the employee knows of the need for the leave, but not later than 15 minutes after the beginning of the employee's regular shift, unless earlier notice is required by departmental work rules. Requests for emergency leave may be granted or denied based on the above criteria at the discretion of the supervisor.

### **6.7.8 Parental Leave (from the current manual)**

### **6.7.8 Short Term Disability Leave**

This policy is intended to provide eligible employees with income replacement associated with time off for certain short-term disabilities arising from non-occupational illnesses or injuries. The District contracts with the City of Fort Collins for short-term disability. See Appendix A for details.

### **6.7.9 Family Medical Leave and Family Care**

The District contracts with the City of Fort Collins for the administration of the federal Family and Medical Leave Act ("FMLA") and the Family Care Act Leave. The District adheres to the "Family and Medical Leave" Policy and the "Family Care Act Leave" Policy of the City of Fort Collins. See Appendix B for details.

### **6.7.10 Paid Family Medical Leave (PFML)**

The District contracts with the City of Fort Collins for the administration of Paid Family Medical Leave (PFML). Please see Appendix C for details.

### **6.7.11 Family and Medical Leave Insurance (FAMILI)**

The District contracts with the City of Fort Collins for the administration of Family and Medical Leave Insurance available through the State of Colorado. Please see Appendix D for details.

### **6.7.12 Caregiver Leave**

The District contracts with the City of Fort Collins for the administration of Caregiver Leave. Please see Appendix E for details.

## **Leave Benefit Year Defined**

The term “Leave Benefit Year” means that period which aligns to the established payroll calendar each year, as published by the City’s Payroll Department. The “Leave Benefit Year” begins with the first pay period of the payroll schedule and ends with the last pay period of the payroll schedule. Please reference the Pay and Holiday Calendar found on Staff Cache.

### **6.7.13 Unpaid Medical Leave (Not FMLA Eligible or Extended beyond FMLA)**

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

- The employee is not eligible for FMLA leave, or
- The employee 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 District.
- The employee notifies the immediate supervisor as soon as possible of the need for medical leave.
- All available sick time 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 District.)
- The immediate supervisor and Human Resources staff approve the leave before the leave is taken.

Medical leave, and any extension of such leave, generally will be limited to no longer than 12 weeks.

Employees returning from medical leave are expected to provide their supervisor with a medical provider’s statement attesting to the employee’s fitness for work; at its option, the District may require an examination by a District-appointed medical provider.

Employees who fail to return at the expiration of their authorized leave may be terminated. If the employee’s failure to return is due to pregnancy, childbirth, or the physical recovery from childbirth and/or a disability under the Americans with Disabilities Act or other similar laws, additional accommodations may be provided. Employees must supply sufficient information from their medical provider specifying the basis for the additional leave and when they can return to work with or without reasonable accommodation. Accommodations must not cause undue hardship to the District. Potential accommodations will be determined in an interactive process between the employee and the District.

Employees who are on approved medical leave may be reinstated to a position of like status and pay if such position is available and they are qualified. However, there is no job guarantee.

Vacation and sick time will not accrue during a medical leave of absence. Holidays, bereavement pay, or employer’s jury duty pay will not be granted during the unpaid leave.



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

#### **6.7.14 Administrative Leave**

All 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, and after consultation with the Human Resources Director or the Executive Director, 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 their responsibility to appropriately use public resources, funds, materials, and confidential information, and to otherwise act in the best interests of the Library District. Examples of violations of the public trust include the theft of Library District funds or property, the unauthorized use of Library District funds or property for the employee's personal gain, or the providing of false information knowing that it is false at the time it is being provided.
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.

#### **Paid and Unpaid Administrative Leave**

Administrative leave shall be with pay except under the following circumstances in which case administrative leave may be without pay:

1. The employee has been formally charged or indicted for a felony or misdemeanor and:
  - a. The employee occupies a position of public trust and public visibility, or
  - b. The felony or misdemeanor relates to the performance of the employee's official duties.

2. There are reasonable grounds to believe that the employee has committed an uncharged crime of theft, a sex offense, or an offense that involves minors.

Before a classified employee who has completed the introductory period may be placed on unpaid administrative leave, the employee must be provided with a pre-decision hearing pursuant to the related section of these policies for the purpose of providing the employee with the opportunity to be heard and present information concerning whether or not there are reasonable grounds to support the placement on unpaid administrative leave.

During paid administrative leave, employees will continue to receive their regular, straight-time wages and benefits based on their position's designated FTE. Employees who are eligible for holiday time and who are on paid administrative leave during a designated holiday will receive holiday pay for that day in lieu of pay for administrative leave.

The placement of an hourly employee on administrative leave shall always be without pay.

#### **Employee Required to Remain Available**

Employees on paid or unpaid administrative leave must remain available so that they can be contacted by telephone or personally during their regular working hours, and so that they can return to work within one day if requested to do so. This means that an employee on administrative leave may not consider the leave time as vacation or personal time. The employee must provide the manager with telephone numbers where they can be reached during regular working hours and must promptly return calls from the manager or Human Resources Department. In addition, the employee must obtain the prior permission of the manager and use accrued vacation time, compensatory time or other leave time in order to be out of contact with their manager for longer than a single workday.

#### **6.7.15 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; enlisted in any branch of the United States Armed Forces; or are a member of the National Guard of any state in the United States. Employees granted a military leave of absence are reinstated and paid in accordance with the laws governing veterans' re-employment rights.

#### **A. Pay During Leave**

Employees are provided with paid leave for a maximum of 15 working days (120 hours for full-time employees, prorated for part-time employees) per calendar year<sup>1</sup> for active duty or active duty training with the National Guard or any branch of the U.S. Armed Forces. If the intermittent schedule of a part-time hourly employee makes it difficult to determine the number of hours the employee would have worked during the leave period for proration purposes, the number of hours the

employee actually worked during the 21 calendar days immediately preceding the leave shall be used to calculate the maximum length of the paid military leave.

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 leave, if applicable, and/or take leave without pay. An employee may not use any other type of paid leave during military leave, including, but not limited to sick time or injury leave.

**B. Continuation of Health Insurance**

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 their own expense and will be provided with detailed notice of the right to continue coverage under COBRA.

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.

**C. Seniority and Pension Plans**

Employees who are members of the General Employees Retirement Plan will continue to accrue service credits during military leave, and such leave will not constitute a break in service, so long as the employee complies with requirements for reinstatement after completing active duty or active or inactive duty training.

Employees who are participants in any 401(a) defined contribution or City defined benefit retirement plan will continue to accrue years of service for vesting purposes during periods of military leave, and such leave will not constitute a break in service, so long as the employee complies with requirements for reinstatement after completing active duty or active or inactive duty training. During military leave, the employee's accounts will remain active and subject to fund transfers, changes in beneficiaries and other changes.

**D. Life and Disability Insurance**

After the first 30 continuous calendar days of unpaid leave for active military service, coverage under the life and disability insurance plans sponsored by the District through the City will terminate. This policy is consistent with the provisions of the Extended Leave of Absence policy. These plans may contain limitations on coverage for death and disabilities which occur during a declared or undeclared war. For more information about the policy provisions, please contact the Human Resources Department for a copy of the summary plan descriptions or policies.

**E. Reinstatement**

When all of the following conditions for reinstatement are met, employees will be reinstated to the same position they had at the time the military leave commenced or to a position of like seniority, status and pay.

1. The cumulative period of military service was no longer than five years unless a longer period is required by federal or state law.
2. The individual employee must return to work or apply orally or in writing for reinstatement in a timely manner, as defined by federal and state law. While these laws contain exceptions, which could extend the time an employee has to return to work, they generally define timely manner as follows:
  - a. Military service time of less than 31 days: reporting for work the next regularly scheduled work day following safe travel time plus 8 hours.
  - b. Military service time of more than 30 days, but less than 181 days: submitting an application for reinstatement within 14 days after release from military service.
  - c. Military service time of more than 180 days: submitting an application for reinstatement within 90 days after release from military service.
3. The employee must provide documentation from the National Guard or U.S. Armed Forces that they honorably completed military service or active or inactive duty training, such as discharge papers.
4. An employee has the same right to reinstatement as if they had been continuously employed during the leave period. For example, the employee is not eligible for reinstatement if the job for which they were hired was for a specific time period which expired or project which was completed during the absence or if the position has been abolished. The District's circumstances must not have changed so as to make it impossible or unreasonable for the employee to be reinstated.
5. The employee is qualified to perform the duties of the pre-service position. If the employee is no longer qualified because of a disability, they will be re-employed in another existing job that they are capable of performing.

#### **6.7.16 Domestic Violence Leave**

- A. Employees 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 they are using it to:
  1. Seek a civil restraining order to prevent domestic abuse;
  2. Obtain medical care or mental health counseling or both for them self or for their children to address physical or psychological injuries resulting from the domestic violence;
  3. Make their 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.
- B. Except in cases of imminent danger to the health or safety of the employee, an employee must provide their 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.

- C. 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 time before using domestic violence leave.
- D. The District shall maintain the confidentiality of all information related to the employee's use of domestic violence leave.

### **6.7.17 Voting Time**

- A. 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.
- B. 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 their shift, the supervisor may specify which hours may be used.

### **6.7.18 Jury Duty and Witness Appearance Leave**

#### **A. 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 or compensatory time.

Employees in hourly positions will be paid their regular wages up to fifty (50) 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 District unless the employee chooses to use accrued paid leave time, such as personal leave or compensatory time.

Employees should provide their supervisor with notice of any jury summons or subpoena within a reasonable amount of time after receipt and before their appearance is required.

Employees seeking compensation for jury duty leave should provide a juror service certificate from the court to their supervisor and send a copy to City Payroll as soon as practical. The City will compensate the employee in accordance with this policy within 30 days of receiving the service certificate.

#### **B. 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 District any witness

pay received by the employee, excluding mileage reimbursement. 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 time off. 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 District unless the employee chooses to use accrued paid time off.

### **C. Notice Required**

Employees who are called to serve on a jury or subpoenaed or otherwise required by law to appear as a witness must notify their managers immediately to arrange for the absence. Employees serving on jury duty or appearing as a witness must periodically inform their managers of the anticipated length of duty. When employees have completed jury duty, managers may require a report from the court confirming the dates of attendance for jury duty.

### **D. Return to Work During Off-Duty Times**

Employees are required to return to work each day if they are not selected or if dismissed early. For example, an employee who testifies in a deposition that is completed prior to the end of the employee’s regular workday must report to work after the deposition concludes. Similarly, an employee who is not selected as a juror or is excused before the end of the work shift must return to work for the remainder of the workday unless it would substantially interfere with the effective performance of juror service.

## **6.7.19 Time Donations**

The time donation policy provides Library District employees the opportunity to make voluntary, confidential donations of accrued vacation or personal leave time to other District employees who (i) have less than 80 hours remaining of available paid time off including, but not limited to, sick, 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 or unclassified management employee who is in the elimination period of Short-Term Disability (STD).
3. To a classified, or unclassified management employee who is caring for a family member with a serious health condition as outlined in City of Fort Collins policy 6.9, Or who has returned to work from a STD or PFML event, but who still needs temporary intermittent

treatment related to the same STD or PFML event. Time donations in this case may continue up to a maximum of six months.

4. To a non benefit eligible employee who is not eligible for FAMI and who has worked at least 520 hours, and is requesting leave to care for their own serious health condition, to care for a family member with a serious health condition as defined in [policy 6.9](#), to care for a new child during the first year, when an employee or their family member needs to take safe leave because they are a victim of domestic violence, stalking, or sexual assault or abuse, and when an employee needs to take qualifying exigency leave because an employee's family member is on or being called to active-duty military service. Time donations in this case are limited to a total of 80 hours (pro-rated on FTE) in any 12-month period. An illness, injury, or other medical condition is considered temporary only when the employee's health care provider predicts that the employee will be able to return to their regular position and perform all essential functions of that position.
5. To an employee on FMLA or PFML.

#### **A. Time Donation Requirements**

District employees may donate only accrued but unused vacation time. There is no limit as to the number of hours that may be donated by an employee. Each hour donated will be added as an hour to the Time Donation Bank. Donations will be 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 time, the recipient continues to receive the same benefits as if using their own applicable leave time. Employees receiving or eligible to receive workers compensation payments are not eligible to receive time donations.

#### **B. Use of Donated Time is Income of Recipient**

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.

#### **C. How to Request Time Donations**

Requests for time donations must be made in writing by (or on behalf of) the eligible employee by 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.

#### **D. How to Make Time Donations**

Employees wishing to donate accrued but unused vacation or compensatory time must submit the Time Donation Giving Form to the Payroll Department with approval from the Executive Director or designee. The District will not disclose to the recipient the name of donor employees, except as required by law.

## 6.8 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.

### 6.8.1 Conduct and Performance

- A. 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 of employment.
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 departmental or Library District rules, regulations, policies or procedures;
  4. Harassment of, or discrimination against any individual based on any protected class (see Harassment policy);
  5. Unlawful discrimination or discrimination that violates District policy against any individual based on race, religion, national origin, age, sex, sexual orientation or disability;
  6. Falsification, unauthorized use or destruction of Library District records, reports, or other data or information belonging to the District;
  7. Abusive or threatening treatment of any person, including but not limited to physical or verbal confrontation (see policies on Threats and Violence Prohibited and Anti-Violence);
  8. Insubordination or refusal to comply with directives or assignments;
  9. Except to the limited extent alcohol possession and use is permitted as described in this policy, using, consuming, possessing, having in the body, or distributing alcohol or controlled substances during working time or while operating a District vehicle or operating a personal vehicle while on District business;
  10. Incompetence, inattention to duties or wastefulness while on the job;
  11. Failure to meet performance expectations of job or not performing duties or functions assigned;
  12. Acceptance of gifts or gratuities from persons doing business with the District that exceed prescribed limits;
  13. Repeated tardiness, absenteeism, and/or abuse of leave;
  14. Engaging in personal business while on the job or engaging in outside employment which interferes with District job performance;
  15. Failure to properly use safety equipment and/or failure to follow established safety procedures and guidelines;
  16. Job abandonment. (unreported absences of three days or more);
  17. Unauthorized use of District vehicles, equipment or property for personal use;
  18. Destruction, loss or abuse of Library District property.
  19. Possessing or maintaining sexually explicit materials on District property or in a District vehicle without a valid, work-related purpose. Sexually explicit materials shall mean any pictures, drawings, electronic reproductions, or other visual reproductions depicting the genitals, depicting sexual acts, or depicting an image which could reasonably be construed as conveying a sexually erotic theme;
  20. Any other behavior that violates a District value or is otherwise unduly disruptive to the orderly work environment, efficient and effective operation of the District, or working relationships within the District or the public trust.



- B. Any questions about performance expectations should be directed to each employee’s manager. Questions about employment policies or misconduct that could lead to discipline or termination of employment should be directed to the Human Resources Department.
- C. Managers, and the Human Resources Director shall confidentially report the following types of alleged employee or vendor misconduct through their chain of command to the Executive Director as soon as reasonably practical after they become aware of the alleged misconduct:
  - 1. Sexual harassment;
  - 2. Drug/alcohol use that is contrary to District policy;
  - 3. Commission of a felony, misdemeanor (other than traffic violations) or other crime of moral turpitude, including theft; or
  - 4. Misuse or theft of District money, property, resources or confidential information.
- D. Managers shall consult with the Human Resources Director, and Police Services, and seek guidance from their chain of command in considering whether or not suspected criminal conduct by an employee or vendor should be formally reported to Police for investigation. The consultation and guidance should be obtained as soon as reasonably practical after learning of the suspected criminal conduct. In emergency situations, managers should directly contact Police.

Representatives from Police, the Executive Director, HR Director, and legal counsel shall consult regarding any prosecution issues as they arise.

## 6.8.2 Alcohol and Controlled Substances

Alert and rational behavior is required for the safe and adequate performance of job duties. To promote a safe and efficient work environment, the Library District prohibits using, consuming, possessing, having in the body, and distributing alcohol, marijuana, and controlled substances (except personal use of prescribed medications) by District employees while wearing a Library logo or while working for the Library District at any location, or while operating District vehicles. 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.

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

### A. On-call or Standby Employees

Employees who are likely to be called in to work in the event of a District emergency or called to return to work to conduct official District business must not report to work:

- 1. Within four hours following alcohol consumption or
- 2. When the employee’s abilities are otherwise impaired due to use of prescribed or unprescribed controlled substances or
- 3. When the employee’s abilities are impaired for any other reason.

When an employee is notified of an immediate need to return to work or placement on standby status, and they are impaired as described above, they must immediately notify their manager.

1. The return to work or placement on standby status may be delayed or canceled if the manager determines that the employee is impaired or otherwise unfit to report to work.
2. Employees shall not consume alcohol while on call, when notified of an immediate call to return to work, or when an employee is placed on standby status.

**B. Reasonable Suspicion Testing for Alcohol and Controlled Substances**

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

**C. Manager's Responsibility when Alcohol or Substance Abuse is Suspected**

Employees covered by this policy will be required to submit to tests for controlled substances and/or alcohol when one or more managers has reasonable suspicion based on specific, contemporaneous, articulable observations that the actions, appearance, behavior, speech or body odors of the employee on duty shows symptoms of the use or presence in the employee's body of a controlled substance or alcohol. The manager who personally observed the employee's actions, appearance, behavior, speech or body odors must document the basis for the referral.

1. When a manager reasonably suspects that an employee may have alcohol and/or a controlled substance in their system during working time, the manager should immediately and as confidentially as possible remove the employee from any potentially dangerous situation (such as prohibit the employee from driving or operating machinery).

2. The manager should then immediately consult with the next level of supervision or the Human Resources Department in order to reach a conclusion as to whether or not sufficient identifiable facts exist which would lead a reasonable person to suspect that the employee had alcohol and/or a controlled substance in their system during working hours. If, from the facts known to the managers at the time, the conclusion is reached that the employee is suspected of having alcohol and/or a controlled substance in their system during working hours, the manager shall make arrangements for the immediate testing of the employee. If reasonably possible, the manager shall consult with the Human Resources Department prior to requiring an employee to submit to an alcohol or controlled substance test and, in any event, shall notify the Human Resources Department as soon as reasonably possible after a test is imposed.

**D. Consequences for Refusal to Submit to Test**

Any employee who refuses to take an alcohol or controlled substances test required by the District may be subject to disciplinary action. In addition, any employee who tests positive for alcohol or for a controlled substance (except for the employee's prescribed medication) in any amount may be subject to disciplinary action, up to and including termination of employment. Because of the accuracy limits inherent in current alcohol testing techniques, a

positive test for an alcohol concentration of less than .02 will not, by itself, constitute grounds for discipline. The following behavior constitutes a refusal:

1. Failure to provide a urine specimen or breath sample;
2. An inability to provide a sufficient urine specimen or breath sample without a valid medical explanation;
3. Tampering with or attempting to adulterate the specimen or collection procedure;
4. Verbal declaration, obstructive behavior, refusal to sign the Alcohol Testing Form;
5. Physical absence resulting in the inability to conduct the test;
6. Substituting a specimen;
7. Not reporting to the collection site in the time allotted;
8. Leaving the collection site prior to test completion;
9. Failure to permit an observed or monitored collection when required;
10. Failure to take a second test when required;
11. Failure to undergo a medical examination when required;
12. Failure to cooperate with any part of the testing process;
13. Having a verified adulterated or substituted test result;
14. For an observed collection, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
15. Possess or wear a prosthetic or other device that could be used to interfere with the collection process; or
16. Admit to the collector or MRO that the specimen has been adulterated or substituted.

#### E. Prescribed Medication

The Library District recognizes that employees will sometimes need to take over-the-counter drugs and medications as prescribed by their physicians. It is not a violation of this policy for employees to possess and use medication. However, if the use of such medication appears to affect the employee's ability to perform their job safely or effectively, then the District may, in its discretion, require the employee to take appropriate action, which may include but is not limited to doing one or more of the following:

1. Obtain further information from their physician. For example, information about how long the medication must be taken and verification that the employee can perform their job without jeopardizing the health or safety of themselves and others while taking the medication;
2. Be examined by a physician or other health care provider designated by the District in order to determine the employee's ability to perform job functions;
3. Take a leave of absence while taking the medication and the employee may use available sick time, vacation time, and compensatory time off in accordance with District leave policies;

### 6.8.3 Anti-Violence

The District will not tolerate violence or bullying. Employees must not engage in intimidation, threats or hostile behaviors, physical or verbal abuse, vandalism, arson, sabotage, use of weapons, or any other act, which in management's opinion is inappropriate to the workplace. 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.

### **Threats and Violence Prohibited**

The Library District is committed to providing a work environment that is free of violence against persons and property, and threats of violence. In furtherance of that goal, the District maintains a strict policy prohibiting violent acts and threats to commit such acts. This includes, but is not limited to, physical abuse, threats to inflict violence on a person or property, direct or veiled threats, threatening remarks, threatening behaviors, vandalism, arson, sabotage, and the use of weapons. Employees may carry personal defense spray commercially manufactured, sold at retail and purchased for personal defense use to and from work sites in or on their personal effects. Employees must store such personal defense spray in or on their personal effects while at work sites unless the spray is in use for personal defense purposes.

Any employee who observes or hears of violent or threatening behavior associated with the workplace or a Library employee should promptly report the incident to the manager or, alternatively, to the Human Resources Department. Managers who receive complaints regarding threats or violence in violation of this policy, or who observe or suspect such threats or violence, should immediately report the incident(s) to the Human Resources Department.

Employees should call 911 or directly contact law enforcement if they believe there is an imminent threat to the safety or health of any employee or property. Any employee who contacts law enforcement must also inform the manager about the incident and the fact that law enforcement was called as soon as possible under the circumstances.

The Human Resources Department will promptly investigate all reports and complaints of threats or violence as confidentially as possible and recommend appropriate action. The District may, at its discretion, initiate the involvement of law enforcement personnel when appropriate. The District prohibits retaliation in any manner against anyone making a complaint in good faith of threats or violence in violation of this policy.

Any questions concerning this policy should be directed to the Human Resources Department.

### **6.8.4 Dress and Appearance**

In the interest of presenting a work-appropriate image to our community, 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 who are non-exempt will not be compensated for the time away from work. In addition, employees whose dress or appearance is inappropriate may be subject to corrective action.

Individual departments may establish their own specific dress standards consistent with this policy or to meet their specific needs.

### 6.8.5 Attendance and Punctuality

All employees are expected to arrive to work on time. 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.

### 6.8.6 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. Announcements or advertisements must not contain any unlawful, discriminatory, harassing, untruthful, misleading, or offensive content.

### 6.8.7 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 their duties.

District employees may:

1. Accept gratuities in the form of perishable, nonpermanent or promotional items that are insignificant in value, possibly including meals, lodging, travel expenses or tickets to sporting, recreational, and educational or cultural events.
2. Purchase goods or services at a price that has been discounted for District employees when:
  - a. Such discount has also been offered to a significant range of other recipients besides District employees, and the employee is not actively engaged in negotiations or enforcement action with the offeror; or
  - b. Such discount has been approved by District management as having a substantial benefit to the District, and the District is a co-sponsor of the discount.

When an employee is given a gift by the District, it is the responsibility of the manager authorizing the gift to report the gift and its monetary value to the Finance Department so that a determination can be made as to whether or not the District considers the gift to be taxable to the employee and therefore reportable to the IRS by the City of Fort Collins Payroll Department.

### 6.8.8 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 to their managers immediately following notice of charges. In addition, the employee must provide a copy of the citation or charging document to their manager within 7 calendar days of the date of the charged offense.
  - 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, or 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 the employee's ability to do so safely is impaired.
  - 2. Speed contest: 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.
  
- C. Criminal conduct by employees may result in corrective 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.

### **6.8.9 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. Accessing and/or using library customers’ information for personal reasons is prohibited.

Any copying, reproducing, or distributing of confidential information in any manner must be authorized by management. Confidential information remains the property of the employer and must be returned to the Library District upon separation or at any time upon demand.

### **6.8.10 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.

Employees may only smoke or use tobacco products during break time, lunch time or other non-working time. Employees may not smoke or use tobacco in District buildings or in District vehicles.

### **6.8.11 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. 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.

#### **A. 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 6.8.6. Management may monitor e-mail from time to time. Employees should be aware that emails might be public records and subject to public disclosure.

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 expressed 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.

#### **B. 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.

#### **C. 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.



### 6.8.12 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, hourly, contractual, exempt and non-exempt classified, and unclassified management staff members will be compensated at their normal rate of pay for time they were scheduled to work. Managers will instruct staff as to the appropriate way to record closure time.

### 6.8.13 Involuntary Relief from Duty During an Outbreak of Communicable Disease

- A. A supervisor shall have the discretion to involuntarily relieve a subordinate employee from duty and direct them to leave the work site if:
  - 1. The supervisor reasonably believes that the employee may be contagious due to an illness despite the employee's apparent current ability to perform the functions of their job; and
  - 2. A fitness for duty examination from a medical provider is not reasonably available because of the provider's unwillingness or inability to provide an exam or a public health authority has recommended that persons not seek diagnosis or care at a health care facility because of lack of capacity or risk of contagion; and
  - 3. The length of relief from duty imposed by the supervisor does not exceed the time recommended by a health care provider who has examined the employee regarding the contagious condition, whichever is less.
- B. In the event of a pandemic or other public health crisis, the District may implement different protocols for determining the length of involuntary relief from duty and the circumstances under which involuntary relief from duty is imposed.
- C. In the event of imposition of involuntary relief from duty based on this policy, an employee with available sick/personal leave will be placed on sick/personal leave. An employee who does not have available sick/personal leave may, at their discretion, use any other applicable paid leave pursuant to the provisions of the leave policy and in the absence of such leave will not be paid.
- D. Because of the exigency of the situation, classified employees who have completed their introductory period shall not be eligible for a pre-decision hearing, and shall have the opportunity to grieve the involuntary relief from duty decision pursuant to the provisions of Sections 6.9.4 and 6.9.5 of these policies. All other employees may use the issue resolution process set forth at Section 6.9.13 of these policies.

## 6.9 DISCIPLINE AND CORRECTIVE ACTION

Employees are expected to meet the reasonable expectations of their supervisors and perform satisfactorily. Employees who perform unsatisfactorily, violate a policy, or act inappropriately in the supervisor's judgment may be subject to corrective action.

### 6.9.1 Employees in Classified Positions on Introductory 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.

### **6.9.2 Employees in Classified Positions Who Have Completed the Introductory Period**

- A. Classified employees who have completed their initial period of introductory 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 and/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.
- C. In accordance with the Fair Labor Standards Act, exempt employees may be subject to disciplinary suspension without pay for serious infractions of District policies, or for violations of state or federal laws. Exempt employees may be suspended without pay for one or more full days for disciplinary reasons.

### **6.9.3 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:
  - a. A suspension;
  - b. A demotion;
  - c. An involuntary transfer to a position in a lower pay grade;
  - d. An involuntary temporary reduction in hours
  - e. An involuntary reduction in FTE of greater than 25%; or
  - f. A termination of employment.
- B. Written Notice: A memorandum by a supervisor to the employee should generally contain the following types of information:

- a. Description of the performance problem, misconduct or reason for recommended action;
  - b. Related background information, such as previous disciplinary action;
  - c. Type of discipline or action being recommended;
  - d. Date, time and location of a pre-decision hearing for the employee's response to the memo;
  - e. Notice that the employee may waive the hearing;
  - f. Notice that the employee may have an attorney or representative at the hearing;
  - g. 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 employee may have an attorney or other representative present to provide support or advice. The representative may not participate directly in the hearing. The hearing typically will be recorded and facilitated by the Human Resources Director. Other District representatives, such as supervisors and attorneys, may attend the hearing.
- D. Decision Following the Hearing: A decision whether to impose discipline or action, and if so, what type, will be made after the hearing within a time period determined by the Executive Director or designee. 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 file a grievance or appeal the decision in accordance with the policies and process described herein.

#### **6.9.4 Administrative Investigations**

Administrative investigations may be conducted to inquire into and gather information regarding situations in which violations of laws, District policies and/or practices, or other inappropriate conduct may have occurred. In order to make a determination about what has occurred and who was involved, such an investigation may be conducted at the discretion of the Human Resources Director or the Executive Director.

##### **A. Methods of Investigation**

The persons assigned to conduct administrative investigations may use any lawful method to determine whether any person has engaged in inappropriate conduct or violated a policy and/or practice, or law. Investigative methods may include personal interviews, review of documents and other items, arrest or conviction records, tests and examinations and any other means as appropriate. The District may contract with a third party to conduct investigations as needed.

The steps that are taken during the investigation are not fixed in advance, but instead will vary depending upon the nature of the allegations. Investigations will be conducted in an impartial, fair, timely, and thorough manner.

If a violation of policy or other concerning conduct is found because of an investigation, timely and appropriate corrective action will be taken as warranted under the circumstances.

##### **B. Cooperation is Mandatory**

Whether or not they are the subject of the investigation, employees are required to cooperate with any lawful investigation, including the reasonable search of property located on District premises, work sites or facilities. District offices, desks, lockers, file cabinets, bookshelves, computers, electronic mail, voicemail, documents, books, equipment, and the contents of those things, at all times remain District property. Employees should not have any expectation of privacy in any such things or their contents. If District property is at an employee's home or location other than a District work site, the employee must return the property to the Library District when directed to do so.

The District, in its discretion, may interview any employee that has information about the subject of the investigation and may advise the employee that refusal to cooperate in the interview will lead to corrective action, up to and including termination of employment. If an employee is required to cooperate in the interview as a condition of their continued employment, no statements made by that employee in the interview can be used against that employee in any ongoing or subsequent criminal investigation or prosecution.

### **C. Representation During Interviews**

An employee may be accompanied by an attorney or other representative during an interview if the attorney or representative is available at the time scheduled by the District for the interview. The involvement of the attorney or other representative is limited to advising the employee.

### **D. Confidentiality in Investigations**

All complaints of harassment or other violations of this policy will be treated seriously and with discretion. While the District will endeavor to maintain confidentiality throughout the investigation to the extent practical and appropriate under the circumstances, we also reserve the right to disclose that an investigation is underway. To conduct a full and fair investigation, the District may need to disclose the identity of an individual raising a concern, the identity of a witness, or reveal information that is provided by such person.

When a complainant or a witness has expressed concern about disclosing their identity, the investigator will maintain confidentiality to the extent possible under the circumstances. Examples of situations where disclosure may be necessary include where there is the possibility of harm to other individuals and where a full and fair investigation cannot be carried out without disclosure.

Individuals with concerns about confidentiality are encouraged to raise these concerns with the investigator.

The District will inform an individual who has filed a complaint about whether a policy was violated. However, the District will not disclose the nature of any corrective action taken, or that may be taken. Corrective action is a confidential personnel matter between the District and the individual subject to the corrective action. Corrective action can take many forms, and individuals who raise concerns should not assume that corrective measures have not been implemented simply because the District does not publicize the measure.

### **6.9.5 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. The use of this grievance and appeal process will serve as the “name clearing” hearing function for the protection of any liberty interests that may be impacted as a result of the events specifically listed below.

### **6.9.6 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 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.

### **6.9.7 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; and
5. Termination of employment.

### **6.9.8 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.

### **6.9.9 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.

#### **6.9.10 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 Director. The first day of the 15-day time limit will be the day after the employee receives notice of the action to be imposed.
- 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 Director. The Deputy Director or designee may, at their discretion, meet with the employee to discuss the complaint either before or at the time the written findings are provided to the employee. During such meeting, the employee who filed the grievance may, at their own expense, have one representative of their choice attend such meeting with the employee to advise the employee. The representative's role shall be restricted to that of advisor and not a participant during any step of grievance process. The District may be represented by legal counsel at such meeting if the employee's representative is legal counsel to the employee.
- C. Additionally, the Deputy Director or designee may conduct any administrative investigation if they deem appropriate prior to making the written findings. The Human Resources Director may aid in any investigation. The decision of the Deputy Director or designee shall be final.

#### **6.9.11 Appeal Process**

For purposes of calculating the time limits included below, the day after the employee receives the notice of the action to be imposed, or the findings, will count as the first day of the time window to appeal.

- 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 Director. However, if the Executive Director was involved in the pre-decision hearing and decision, the employee must proceed to paragraph C below.
- B. Within 15 calendar days after receipt of the written complaint, the Executive Director, or their designee, shall present written findings to the employee with a copy to the Human Resources Director. The Executive Director or designee may, at their discretion, meet with the employee to discuss the complaint either before or at the time the written findings are provided to the employee.
- C. If the employee wishes to appeal the Executive Director's decision, the employee must do so within 7 calendar days after receiving the findings. The employee must describe in writing the reasons for appealing and submit the reasons together with a copy of the

original complaint, and a copy of the findings to the Human Resources Director.

- D. The Human Resources Director, or their 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.
- E. 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 these 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 6.9.2. of this manual.
- F. 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. They 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.
- G. The findings and recommendations of the hearing officer shall be reviewed by the Executive Director, or their designee, who shall make the final decision. The hearing officer's evidentiary findings of fact shall not be set aside by the Executive Director unless they are contrary to the weight of the evidence in the record of the hearing
- H. The ultimate conclusions of fact shall be the exclusive prerogative of the Executive Director. The hearing officer's recommended ultimate conclusions of fact may be accepted, rejected, modified or supplemented by the Executive Director as long as the ultimate conclusions of fact, as determined by the Executive Director, are supported by substantial evidence in the record.
- I. The Executive Director may remand a matter to the hearing officer for additional evidentiary findings of fact and/or recommended ultimate conclusions of fact. The ultimate determination of cause and the level of action to be imposed will always constitute ultimate conclusions of fact to be determined by the Executive Director. The decision of the Executive Director shall be final.
- J. 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.

#### **6.9.12 Time Limits**

- A. The Human Resources Director, or their designee, may, at their discretion, waive or extend any time limit for good reason upon request by any party to the grievance or appeal or at their own initiative. If the Human Resources Director 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.

#### **6.9.13 Issues Resolution Process**

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

Existing employees in any category of employment may use the issue resolution process, except contractual employees whose employment is being terminated.

Classification issues will not be handled under 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, except for contractual employees whose employment is being terminated. Employees who are eligible to use the grievance and appeal process may only use the issue resolution process for matters which are not subject to grievance or appeal.

#### **6.9.14 Issue Resolution Process**

- A. Employees wishing to raise or seek resolution of concerns about issues subject to this policy 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.
- 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 Director.
- C. The Human Resources Director 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 Director 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 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 verbally 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 90 days 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. This timeframe does not apply to complaints of discrimination, harassment, or retaliation, which can be escalated at any time.

### **6.9.15 Name Clearing Hearing**

- A. A name clearing hearing provides a forum at which an employee or former employee, in response to actions by the District which seriously impugn the person's reputation and impair the person's future employment opportunities, can clear their record, name or reputation among the public at large.
- B. Such a hearing is intended to protect the person's constitutionally protected liberty interest in having a good name, record or reputation. The name clearing hearing provides the employee or former employee an opportunity to rebut charges or allegations against them for the benefit of the employee's reputation. The name clearing hearing shall not serve to provide a right to continued employment, even if the charges are disproved, or to convince the disciplinary authority or the Executive Director that a mistake was made in terminating the employee or in otherwise making a record of employee misconduct.
- C. The grievance and appeal process shall fulfill the name clearing hearing function for all employees who are eligible for such process.
- D. All employees and former employees who have not been 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 Executive Director not more than ninety (90) 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 former employee. No decision, comment or participation by the Executive Director or disciplinary authority shall be required.

## 6.10 SEPARATION FROM EMPLOYMENT

### 6.10.1 Resignation

The District asks that all employees give their supervisors at least two weeks written notice of the intent to leave their positions. Employees are unable to extend their last day worked, which includes retirement date, with accrued time off balances (i.e., vacation, sick, or compensatory time). Managers are requested to provide three weeks whenever possible. Once submitted, an employee cannot retract a resignation unless permitted at the discretion of the District prior to the effective date. Employees who resign classified positions will not be eligible for rehire to any District position for a minimum of six months.

### 6.10.2 Involuntary Termination of Employment

#### A. Unclassified, Contractual and Classified Positions during the Introductory Period

The employment of employees in unclassified and contractual 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.

### 6.10.3 Return of District Property

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

## APPENDIX A

### 6.17 Short-Term Disability Leave

This policy is intended to provide eligible employees with income replacement associated with time off for certain short-term disabilities arising from non-occupational illnesses or injuries.

#### 6.17.1 Eligible Employees

Employees in classified and unclassified management positions are eligible to use short-term disability leave in accordance with this policy. All other employment categories are ineligible for this leave.

#### 6.17.2 Circumstances When Short-Term Disability Leave May Be Used

- A. An eligible employee may take available short-term disability leave when they are disabled and unable to perform their job due to a non-occupational personal illness, injury, or other medical condition. PFML may run concurrently with short-term disability if applicable.
- B. For purposes of this policy, the term “disabled” means that the employee is unable to perform one or more of the essential functions of their job with the Library District.  
An eligible employee shall not be permitted to use short-term disability leave if the employee is on an unpaid leave of absence for 30 continuous calendar days. For the purposes of this paragraph, if an employee works 10 hours or less during a 30-day period, that period shall be considered a continuous leave of absence.

#### 6.17.3 Amount and Commencement of Short-Term Disability Leave

An employee may be eligible for short-term disability leave for up to 26 weeks per incident, so long as the employee is under the care of a qualified healthcare provider and disabled as determined by the City’s short-term disability administrator or meets another criteria as defined under PFML in City [Policy 6.9 - Protected Leaves](#). The first consecutive 14 calendar days of leave shall be an elimination period and shall be unpaid unless the employee is permitted to use available sick time, vacation time, accrued but unused holiday time, and/or compensatory time. The next 6 weeks of short-term disability leave will be paid by the District at 100% of the employee’s regular pay based on the position’s designated FTE, excluding commissions, bonuses, overtime pay or any other extra compensation. Weeks 9-12 will be paid at 80% of the employee’s salary. Weeks 13-26 will be paid at 66.67% of the employee’s salary. An employee may choose to use any available vacation time, accrued but unused holiday time, or compensatory time to increase the short-term disability leave from to 100% of the position’s designated FTE.

14 Day Elimination Period (2 weeks)	The next 6 weeks of STD paid at 100%	Weeks 9-12 of STD paid at 80%	Weeks 13-26 of STD paid at 66.67%
Not paid by STD benefit, employee may use Sick time or request other paid time off.	District pays employee 100% of salary, no supplement needed.	District pays 80% of salary; employee may use sick time, request use of other paid leaves to supplement the remaining 20% of salary or take unpaid.	District pays 66.67% of salary; employee may use sick time, request use of other paid time off to supplement the remaining 33.33% of salary or take unpaid.

- A. The elimination period of 14 calendar days is the period of time an employee must be continuously disabled before disability benefits are payable.
- B. If an employee returns to work following the use of paid short-term disability leave and subsequently becomes qualified for available short-term disability leave again within two consecutive calendar weeks of returning to work due to the same or related causes, the employee will not be required to complete a new elimination period.

#### 6.17.4 Notice of Intent to Use Short-Term Disability Leave

- A. Employees who need to use short-term disability leave for a prolonged, scheduled medical procedure or treatment (such as surgery or childbirth) must notify their manager as soon as learning of the need for such a leave, or about three months before expecting to give birth. The notice must specify the reason for the leave, the date it is expected to begin, and the expected duration.
- B. Employees who unexpectedly become seriously ill or require prolonged treatment or recovery (or someone on behalf of the employee) must call the manager as soon as reasonably possible under the circumstances.

#### 6.17.5 Required Information

- A. Employees are responsible for making sure that all the requested information is provided promptly, including follow-up information and updates. Short-term disability leave may be denied or terminated, and the employee may be subject to disciplinary action up to and including termination of employment, for failure to undergo a medical examination or promptly provide the types of information described in this policy.
- B. Employees who request short-term disability leave or who have used short-term disability leave may be required to do the following:
  1. Periodically communicate with the manager or the City's short-term disability administrator regarding the anticipated date of return to duty;
  2. Provide written verification to the City's disability administrator of the following from the physician or other health care provider who is providing treatment:
    - a. Date on which the condition commenced;

- b. The nature and extent of illness or injury, but only as is necessary to determine the employee's ability to perform the job functions;
  - c. Probable duration of illness or injury;
  - d. Confirmation that the employee is unable to perform essential job functions and a description of the essential job functions that the employee is able to perform along with any work restrictions;
  - e. Anticipated date on which the employee may return to work
3. Undergo a fitness for duty examination by a physician or other health care provider designated and paid for by the District; 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 themselves or others; and/or obtain a detailed description satisfactory to the District of restrictions on the employee's work activities;
  4. Provide all information necessary to the City's disability administrator in order to make an eligibility determination.

#### 6.17.6 Misuse Prohibited

Employees are prohibited from using short-term disability leave except under the circumstances described in this policy. Employees who, in the City's or District's judgment, misuse short-term disability leave are subject to corrective action and short-term disability leave benefits may cease. When there appears to be a possibility that short-term disability leave is being misused, the manager may:

1. Make further inquiry of the employee about past or ongoing use of the leave time;
2. Require the employee to provide the type of information or submit to medical examinations as described above; and/or
3. Require the employee to provide written medical verification or be seen by the District's designated physician in order to use any further short-term disability leave.

#### 6.17.7 Denial or Termination of Short-Term Disability Leave

Short-term disability leave shall be denied or terminated on the earliest of:

1. Expiration or exhaustion of the leave;
2. Recovery from disability;
3. Termination of employment;
4. Modification or termination of this policy;
5. Failure of the employee to provide medical records and information deemed necessary by the City to administer this policy;
6. Failure of the employee to follow the provisions of this policy or to reasonably cooperate with the City in administering this policy;
7. Failure of the employee to meet the eligibility requirements of this policy; or
8. The employee is approved to receive long-term disability benefits.

#### 6.17.8 Limitations and Exclusions

- A. An employee shall not be eligible to use short-term disability leave during any of the following periods:
  1. Any period the employee is not under the regular and continuing care of a physician providing appropriate treatment by means of examination and testing in accordance with the disabling condition;

2. Any period the employee fails to submit to any medical examination requested by the City or the City's short-term disability administrator;
  3. Any period of disability due to mental illness, unless the employee is under the continuing care of a licensed mental health care provider; or
  4. Any period of disability due to drug and alcohol illness, unless the employee is actively supervised by a physician or rehabilitation counselor and is receiving continuing treatment from a rehabilitation center or a designated institution approved by the City.
- B. An employee shall not be eligible to use short-term disability leave if the employee's disability is due to any of the following:
1. War, declared or undeclared, or any act of war;
  2. Active participation in a riot, rebellion or insurrection;
  3. Committing or attempting to commit an assault, felony or other illegal act;
  4. Injury or sickness for which the employee is entitled to benefits under any Workers' Compensation, Occupational Disease, or similar law;
  5. Injury or sickness sustained while doing any act or thing pertaining to any occupation for wage or profit; or
  6. Sickness or injury due to cosmetic or reconstructive surgery, except for such surgery necessary to correct a deformity caused by sickness or accidental injury.

#### 6.17.9 Holiday Pay During Short-Term Disability Leave

Employees who are eligible for holiday time and who are on short-term disability leave during a designated holiday must record holiday time for that day and not short-term disability leave.

#### 6.17.10 Reimbursement/Other Income

- A. If the Library District pays short-term disability income benefits or any other paid leave benefits for sickness or accidental injury caused in whole or part by the act or omission of another, an employee who receives such benefits must:
1. Reimburse the District for the benefits paid if the employee recovers damages for lost income by settlement, court order, judgment or otherwise.
  2. Provide the District with a lien and order directing reimbursement for benefits. The lien and order may be filed, at the District's discretion with:
    - a. The person whose act caused the sickness or accidental injury and
    - b. Such person's agent; and
    - c. The court; and
    - d. The employee's attorney.
  3. Cooperate with the District, including execution, completion, and filing of any document deemed by the District necessary to protect its reimbursement rights.
- B. The Library District's reimbursement rights under this provision will be valid only if the sick or injured employee is fully compensated for their bodily injury.
- C. Any proceeds will be proportionately reduced, as required by law, for the attorney fees and expenses the employee incurs to recover lost earnings from the third party.
- D. The Library District will have the right to intervene in any suit or other proceedings to protect its reimbursement rights. Any settlement proceeds received by the sick or injured employee's attorney will be held in trust for the District's benefit. The

District's rights herein are binding upon and enforceable against the employee's legal representatives, heirs, next of kin, and successors in interest.

#### 6.17.11 Subrogation

- A. If the Library District pays short-term disability income benefits for sickness or accidental injury caused in whole or part by the act or omission of another, the District will have a right of subrogation against the employee or any third party should the sick or injured employee receive any damages or payments.
- B. Sick or injured employees must do nothing to prejudice the District's subrogation rights and must cooperate with the District to protect such rights. This includes:
  - 1. Providing information; and
  - 2. Signing an agreement documenting the District's subrogation rights; and
  - 3. Taking other action requested by the District, including execution, completion, and filing of any document deemed by the District necessary to protect its rights.
- C. The District's subrogation rights under this provision will be valid only if the sick or injured employee is fully compensated for their bodily injury.
- D. At the District's option, action may be taken to preserve its subrogation rights. This includes:
  - 1. The right to bring any legal action in the employee's name as allowed by law; and
  - 2. Seeking reimbursement out of any amount from any source recovered by the sick or injured employee.
- E. Any proceeds will be proportionately reduced, as required by law, for the attorney fees and expenses the employee incurs to recover from the third party.
- F. Any settlement proceeds received by the sick or injured employee or their attorney will be held in trust for the District's benefit. The District will have the right to intervene in any suit or proceeding to protect its subrogation rights. The District's rights herein are binding upon and enforceable against the sick or injured employee's legal representatives, heirs, next of kin, and successors in interest.

#### 6.17.12 Continuation of Benefits During Short-Term Disability Leave

During short-term disability leave under the terms of this policy, all benefits will continue as though the employee were at work.

#### 6.17.13 Return From Short-Term Disability Leave

- A. Employees returning from short-term disability leave may, at the discretion of the District, be required to:
  - 1. Obtain a release from their physician or health care provider confirming that the employee is able to return to work without endangering the health and safety of themselves or others;
  - 2. Obtain a description satisfactory to the District of any restrictions upon the employee's work activities; and/or
  - 3. Complete a fitness for duty examination by a physician or other health care provider designated and paid for by the District.
- B. If employees do not return to work on the date expected following short-term disability leave, or decline a comparable position, their employment may terminate.

#### 6.17.14 Applicability of Family and Medical Leave

Short-term disability leave used for purposes of childbirth or serious health condition of the employee will potentially run concurrently with applicable PFML and FMLA. For additional information, see City of Fort Collins [Policy 6.9 - Protected Leaves](#).

#### 6.17.15 No Payment Upon Separation From Employment

Eligible employees who have available but unused short-term disability leave at the time of separation of employment shall not be paid for such unused leave.

#### 6.17.16 Administration of Policy

- A. The City may, in its discretion, use a third-party administrator to administer all or any part of this policy.
- B. A request for a review of a decision made by a third-party administrator shall initially be made in writing to the third-party administrator within 30 calendar days of the provision of notice of the decision to the employee. A copy of the request for review should also be forwarded to the City's Benefits Administrator. Thereafter, the employee may appeal in writing the final decision of the third-party administrator to the City's Benefits Administrator within 30 calendar days of the provision of notice of the third-party administrator's final decision. The decision of the Benefits Administrator shall be final.



## APPENDIX B

### 6.9.2 Family and Medical Leave Act (FMLA)

#### 6.9.2.1 Eligible Employees

All Library District employees, regardless of category of employment, are eligible for unpaid leave under the federal Family and Medical Leave Act (“FMLA”) when they have worked for the District:

1. At least 12 months (need not be consecutive); and
2. 1250 hours or more during the 12 months immediately preceding the start of the Family Medical Leave (FML).

If applicable, PFML will run concurrently with FML.

#### 6.9.2.2 When FML May Be Used

- A. Eligible employees are provided with up to 12 weeks of unpaid leave in a 12-month period for the purpose of:
1. Caring for the employee’s child within the first 12 months after birth, adoption or foster placement;
  2. Providing necessary care for the employee’s spouse, domestic partner, child or parent with a serious health condition;
  3. Employee has a serious health condition which makes them unable to perform the functions of their position; and/or
  4. Incapacity due to pregnancy, prenatal medical care, or childbirth.

#### 6.9.2.3 Amount of FML For Part-Time Employees

Eligible part-time employees are provided 12 weeks of FML, but the number of hours is pro-rated based upon FTE. For example, 12 weeks of leave for a full-time employee is typically 480 hours, while 12 weeks of leave for a part-time employee who is a “0.75 FTE” is approximately 360 hours.

#### 6.9.2.4 Period When FML May Be Taken

FML is limited to 12 weeks in a 12-month period. The City elects to use the “rolling back” method as its 12-month period. This means that FML usage for any employee eligible for such leave is measured back in time 12 months from the date an employee requests FML. An employee’s available FML time is the balance of the 12 weeks not used during the immediately preceding 12 months.

#### 6.9.2.5 Integration of FML With Other Paid Time Off

- A. FML is unpaid leave. However, if the employee has other eligible paid time off available, they may request the use of paid time and must receive approval from their manager for its use. Any approved paid time off will run concurrently with approved FML.

- B. Employees who are eligible for holiday time and who are on FML during a designated holiday (if included in their regularly scheduled work week) must record holiday time for that day.

#### 6.9.2.6 Requested or Required Use of FML Time

- A. Employees must provide 30 days advance notice of the need to take FML when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the District's normal call-in procedures for reporting absences and tardiness. Employees must provide sufficient information for the City's FMLA Administrator to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which FML was previously taken or certified. Manager must notify the Human Resources Department of a subordinate employee's absence from work that may qualify as FML. The District may retroactively designate time away from work as FML if the employee fails to provide requested certification of eligibility or if the District determines that the past time away from work qualified for FML.
- B. Once the District becomes aware of an employee's need for leave, the employee will be instructed to call the City's FMLA administrator to determine whether they are eligible for FML. If the employee is eligible, the City's FMLA Administrator will notify the employee of any additional information required as well as the employee's rights and responsibilities. If the employee is not eligible for FML, they will be provided with the reason for the ineligibility.
- C. The City's FMLA Administrator will inform an employee if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City's FMLA Administrator determines that the leave is not FMLA-protected, the employee will be so notified.
- D. The FMLA makes it unlawful for an employer to:
  - 1. Interfere with, restrain, or deny the exercise of any right provided under the FMLA; and
  - 2. Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.
- E. An employee should report any violation of this policy or the FMLA to Library Human Resources. Additionally, an employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for a violation of the FMLA. The FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

### 6.9.2.7 Certification Required For FML

- A. The employee must provide the City's FMLA Administrator with written certification issued by the health care provider within 15 calendar days from the date of the FML request/notification. This certification generally requires the following:
  - 1. Contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice/specialty;
  - 2. The date on which the condition commenced;
  - 3. The nature and/or appropriate medical facts about the condition;
  - 4. Whether the employee's need for leave is continuous or intermittent;
  - 5. (For serious health conditions of the employee) Confirmation that the employee is unable to perform the essential functions of their job, and the likely duration of this inability;
  - 6. (For care of family members) Confirmation that the family member requires care by the employee and an estimate of the frequency and duration of the leave required to care for the family member; or
  - 7. (For birth or placement of a child) Confirmation of the birth or placement of the child.
- B. If the employee fails to return the certification in a timely manner, the District can deny FMLA protections for the leave following the expiration of the 15-calendar day time period until a complete and sufficient certification is received.
- C. The District may, in its discretion, require a second opinion from a health care provider of its own choosing and at its own expense.
- D. Continued absence after denial of leave may result in corrective action in accordance with these Personnel Policies and Procedures.

### 6.9.2.8 Intermittent or Reduced Schedule FML

Under certain circumstances, the employee is entitled to take FML on an intermittent or reduced schedule basis.

- A. Leave for Child Care after Birth or Placement of a Child:  
Employees are not entitled to intermittent or reduced schedule FML for the birth and care of a newborn child or for the placement of an adopted or foster care child unless the District agrees to the arrangement. Employees may submit a proposed schedule for the leave in writing to the employee's manager. The District, in its discretion, may grant or deny a request for intermittent leave for the purpose of caring for a child after birth or placement.
- B. Unforeseeable Leave for Serious Health Condition of Employee, Spouse, Domestic Partner, Child or Parent:  
Employees are entitled to take leave on an intermittent or reduced schedule basis when medically necessary. The employee must provide a certification which includes the following:
  - 1. For Care of Covered Family Members: Confirmation that intermittent or reduced schedule leave is necessary for the care of the one who has the serious health condition or will assist in their recovery, and the expected duration and schedule of the leave, including a schedule of treatment dates where possible;

2. For Employee's Own Serious Health Condition: Confirmation that intermittent or reduced schedule leave is medically necessary, and an estimate of the frequency and duration of the intermittent leave, including a schedule of treatment dates where possible.
- C. Planned Medical Treatment for the Employee, Spouse, Domestic Partner, Child or Parent: Employees are entitled to take leave on an intermittent or reduced schedule basis when medically necessary. Employees must make reasonable efforts to schedule the treatment so as not to unduly disrupt the operations of the department. The employee must provide a certification which includes the following:
1. Confirmation that intermittent or reduced schedule leave is medically necessary;
  2. An estimate of the dates and duration of such treatment and periods of recovery.
- D. Transfer to an Alternative Position:  
If an employee needs intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the employee's manager and Human Resources Department may, at their discretion, require the employee to transfer temporarily to a different position that better accommodates recurring periods of leave. During such a transfer, the employee would continue to receive the same rate of pay and benefits as in their previous position; however, the position does not have to have equivalent duties. When the employee no longer needs intermittent or reduced schedule leave, the employee must be restored to the same or equivalent job as the job that the employee left when the leave started.

#### 6.9.2.9 Benefits Continuation During FML

- A. During any paid leave time covered by the FMLA, the District will continue to pay its portion of the premiums for District-sponsored insurance, and to make its contributions to the District-sponsored retirement and deferred compensation plans, as if the employee were actively at work.
- B. During any unpaid leave time covered by the FMLA, the District will continue to maintain all medical, vision, life, dental and long-term disability insurance in which the employee participated at the time the leave began. If the employee was responsible for paying any premiums (such as through payroll deductions) at the time the leave began, the employee must continue to make those premium payments within 30 days of the premium due date in order to continue coverage during the leave. If the employee does not make the premium payments on time, or through deferred payroll deductions scheduled with the Human Resources Department, their coverage will cease until they return to work.
- C. After 30 continuous calendar days of unpaid leave, the employee will be placed in "unpaid leave" status and will no longer accrue or be eligible to use any paid leave, including holiday time, vacation time, or sick time. During unpaid leave, the terms of any retirement plan or deferred compensation plan in which the employee participates will control how the leave is credited under the plan.
- D. Upon return from unpaid leave covered by the FMLA, the employee will have the same benefits as if they had continued to work the entire leave period. Any leave covered by the FMLA will not be counted as a break in service for purposes of vesting, determining eligible credited service or determining eligibility to participate in benefit programs.

#### 6.9.2.10 Return From FML

- A. While on FML, an employee may be required to provide periodic reports on their status and intent to return to work.
- B. Employees returning from FML for their own serious health conditions must obtain the following:
  - 1. If the employee is returning to work (a) prior to the expiration of the health care provider's estimate of duration for the condition as set forth in the FML medical certification, or (b) with any work restrictions, or (c) when the District has reason to believe that there are work restrictions, 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 themselves or others; and,
  - 2. A detailed description satisfactory to the District of restrictions, if any, on the employee's work activities.
- C. Once an employee has returned from FMLA leave, the District may, when it is consistent with business necessity, require the employee to complete a job-related fitness for duty examination by a physician or other health care provider designated and paid for by the District.
- D. Employees returning from FMLA leave will be reinstated to the same or equivalent position to the extent required by law.
- E. In the event that an employee is granted FML and the reason for the approved leave is no longer applicable, the employee must notify their manager so that the employee can be returned to work earlier than the originally designated return-from-leave date.

#### 6.9.2.11 Failure to Return From FML

- A. If an employee does not return to work on the date expected back from FML, their employment with the District may terminate.
- B. If an employee does not return to work at the end of the FML for reasons other than the continuation of a serious health condition or other circumstances beyond the employee's control, the District may collect from the employee the amount of any medical, vision and dental insurance premiums paid by the District on behalf of the employee and dependents during the leave.

#### 6.9.2.12 Definitions Under the FMLA

- A. The FMLA defines "health care provider" to include:
  - 1. A licensed Doctor of Medicine or osteopathy; or
  - 2. A licensed podiatrist, dentist, clinical psychologist, optometrist, physician assistant, nurse practitioner, nurse midwife, clinical social worker, or Christian Scientist practitioner as defined by federal regulations; or
  - 3. A licensed chiropractor under limited circumstances defined by federal regulations; or
  - 4. Any health care provider from whom the employer or employer's group health plan's benefits manager will accept a medical certification to substantiate a claim for benefits.

- B. The FMLA defines “serious health condition” as an illness, injury, impairment or physical or mental condition which involves:
1. Inpatient (overnight) care in a hospital, hospice or residential medical facility; or
  2. Continuing treatment by a health care provider and:
    - a. A period of incapacity (absence from work, school or other daily activities) of more than three consecutive calendar days that also involves:
      - i. Treatment two or more times by a health care provider, or
      - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
    - b. Any period of incapacity due to pregnancy or for prenatal care;
    - c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
    - d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
    - e. Any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer.
- C. For more information about leave covered by the FMLA, definitions of terms used in the law or this policy, and the current federal regulations regarding FMLA, please contact the City Human Resources Department at [HRbenefits@fcgov.com](mailto:HRbenefits@fcgov.com).

## APPENDIX C

### 6.9.1 Paid Family and Medical Leave (PFML)

#### 6.9.1.1 Eligible Employees

All leave benefit eligible employees in classified and unclassified management positions, are eligible for leave under Paid Family Medical Leave “PFML” when they have worked for the District:

1. At least 12 months (need not be consecutive); and
2. 1250 hours or more during the 12 months immediately preceding the start of the request for PFML.

If applicable, PFML will run concurrently with FMLA and Short-term Disability (STD).

#### 6.9.1.2 When PFML May Be Used

Eligible employees are provided with up to 12 weeks of paid leave in a 12-month period for the following purposes:

1. To receive care or treatment for their own serious health condition;
2. To care for a family member with a serious health condition. For PFML, the definition of family is the same as defined under the FMLA, which includes;
  - a. Domestic partner; parent, spouse, and children.
3. To care for a new child during the first year;
4. When an employee or their family member needs to take safe leave because they are a victim of domestic violence, stalking, or sexual assault or abuse; and
5. When an employee needs to take qualifying exigency leave because an employee's family member is on or being called to active-duty military service (see City [policy 6.12, Military Leave](#) for more information).

#### 6.9.1.3 Amount of PFML For Part-Time Employees

Eligible part-time employees are provided 12 weeks of PFML leave, but the number of hours is pro-rated based upon FTE. For example, 12 weeks of leave for a full-time employee is typically 480 hours, while 12 weeks of leave for a part-time employee who is “0.75 FTE” is approximately 360 hours.

The first consecutive 14 calendar days of PFML shall be an elimination period and shall be unpaid unless the employee is permitted to use available sick time, vacation time, accrued but unused holiday time, and/or compensatory time.

The next 6 weeks of short-term disability leave will be paid by the District at 100% of the employee’s regular pay based on the position’s designated FTE, excluding commissions, bonuses, overtime pay or any other extra compensation.

Weeks 9-12 will be paid at 80% of the employee’s salary. Weeks 9-12 will be paid at 80% of the employee’s salary. An employee may choose to use any available vacation time, accrued but unused holiday time, or compensatory time to increase the PFML from 80% to 100% of the position’s designated FTE.

14 Day Elimination Period (2 weeks)	The next 6 weeks of PFML paid at 100%	Weeks 9-12 of PFML paid at 80%
Not paid by PFML benefit, employee may use Sick time or request other paid time off.	District pays employee 100% of salary, no supplement needed.	District pays 80% of salary; employee may use sick time, request use of other paid leaves to supplement the remaining 20% of salary or take unpaid.

#### 6.9.1.4 Period When PFML May Be Taken

PFML leave is limited to 12 weeks in a 12-month period. The City elects to use the “rolling” method for its 12-month period. This means that PFML usage for any employee eligible for such leave is measured back in time 12 months from the date an employee requests leave. An employee’s available PFML leave time is the balance of the 12 weeks not used during the immediately preceding 12 months.

#### 6.9.1.5 Integration of PFML With Other Paid Time Off

- A. PFML time is a combination of paid and unpaid leave. The first two weeks of PFML are the elimination period and are not paid. The employee may use sick, vacation, comp, or no pay for this period. Any approved paid time will run concurrently with approved PFML.
- B. Employees who are eligible for holiday time and who are on PFML during a designated holiday (if included in their regularly scheduled work week) must record holiday time for that day.
- C. Employees who have given birth are eligible for both Short-Term Disability (STD) and PFML.
  - a. The 14-day elimination period for PFML and STD are served concurrently, and the next 4-6 weeks of leave are paid by STD (4 weeks for a natural birth and 6 weeks for a C-section birth).
  - b. The remaining 4-6 weeks of the 12-week leave period are paid by PFML.

#### 6.9.1.6 Requested or Required Use of PFML Time

- A. Employees must provide 30 days advance notice of the need to take PFML when the need is foreseeable. When 30 days’ notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the District’s normal call-in



procedures for reporting absences and tardiness. Employees must provide sufficient information for the City's PFML Administrator to determine if the leave may qualify for PFML protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which PFML was previously taken or certified. Managers must notify the Human Resources Department of their employee's absence from work that may qualify as PFML. The District may retroactively designate time away from work as PFML if the employee fails to provide the requested certification of eligibility or if the District determines that the past time away from work qualified for PFML.

- B. Once the District becomes aware of an employee's need for leave, the employee will be instructed to call the City's PFML administrator to determine whether they are eligible for PFML. If the employee is eligible, the City's PFML Administrator will notify the employee of any additional information required as well as the employee's rights and responsibilities. If the employee is not eligible for PFML, they will be provided with the reason for the ineligibility.
- C. This leave is protected, making it a policy violation to:
  - 1. Interfere with, restrain, or deny the exercise of any right provided under the PFML; and
  - 2. Discharge or discriminate against any person for opposing any practice that violates this policy or for involvement in any proceeding under or relating to the PFML.

An employee should report any violation of this policy or the PFML to Library Human Resources. The PFML does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

#### 6.9.1.7 Certification Required For PFML

- A. The employee must provide the City's PFML Administrator with written certification issued by the health care provider within 15 calendar days from the date of the PFML request or notification. This certification generally requires the following:
  - 1. Contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice/specialty;
  - 2. The date on which the condition commenced;
  - 3. The nature and/or appropriate medical facts about the condition;
  - 4. Whether the employee's need for leave is continuous or intermittent;
  - 5. (For serious health conditions of the employee) Confirmation that the employee is unable to perform the essential functions of their job, and the likely duration of this inability;
  - 6. (For care of family members) Confirmation that the family member requires care by the employee and an estimate of the frequency and duration of the leave required to care for the family member; or

7. (For birth or placement of a child) Confirmation of the birth or placement of the child.
- B. If the employee fails to return the certification in a timely manner, the District can deny PFML protections for the leave following the expiration of the 15-calendar day period until a complete and sufficient certification is received.
- C. The District may, in its discretion, require a second opinion from a health care provider of its own choosing and at its own expense.
- D. Continued absence after denial of leave may result in disciplinary action in accordance with these Personnel Policies and Procedures.

#### 6.9.1.8 Intermittent or Reduced Schedule PFML Leave

Under certain circumstances, employees may be entitled to take PFML on an intermittent or reduced schedule basis:

- A. Leave for Childcare after Birth or Placement of a Child:
  1. Employees are not entitled to intermittent or reduced schedule PFML for the birth and care of a newborn child or for the placement of an adopted or foster care child unless the District agrees to the arrangement.
- B. Unforeseeable Leave for Serious Health Condition of Employee, Domestic Partner, Spouse, Child, or Parent:
  1. Employees are entitled to take leave on an intermittent or reduced schedule basis when medically necessary. The employee must provide a certification which includes the following:
    - a. For Care of Covered Family Members: Confirmation that intermittent or reduced schedule leave is necessary for the care of the one who has the serious health condition or will assist in their recovery, and the expected duration and schedule of the leave, including a schedule of treatment dates where possible;
    - b. For Employee's Own Serious Health Condition: Confirmation that intermittent or reduced schedule leave is medically necessary, and an estimate of the frequency and duration of the intermittent leave, including a schedule of treatment dates where possible.
- C. Planned Medical Treatment for the Employee, Domestic Partner, Spouse, Child or Parent:
  1. Employees are entitled to take leave on an intermittent or reduced schedule basis when medically necessary. Employees must make reasonable efforts to schedule the treatment so as not to unduly disrupt the operations of the department. The employee must provide a certification which includes the following:
    - a. Confirmation that intermittent or reduced schedule leave is medically necessary;
    - b. An estimate of the dates and duration of such treatment and periods of recovery.
- D. Transfer to an Alternative Position:
  1. If an employee needs intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the employee's manager and Human Resources may, at their discretion, require the employee to transfer temporarily to a different position that better accommodates recurring periods of leave. During such a transfer, the employee would continue to receive the same rate of pay and benefits as in their

previous position; however, the position does not have to have equivalent duties. When the employee no longer needs intermittent or reduced schedule leave, the employee must be restored to the same or equivalent job as the job that the employee left when the leave started.

#### 6.9.1.9 Benefits Continuation During PFML

During any paid leave time covered by the PFML, the District will continue to pay its portion of the premiums for District-sponsored insurance, and to make its contributions to the District-sponsored retirement and deferred compensation plans, as if the employee were actively at work.

#### 6.9.1.10 Return From PFML

- A. While on PFML, an employee may be required to provide periodic reports on their status and intent to return to work.
- B. Employees returning from PFML for their own serious health condition must obtain the following:
  - 1. If the employee is returning to work from their own health condition (a) prior to the expiration of the health care provider's estimate of duration for the condition as set forth in the FML medical certification, or (b) with any work restrictions, or (c) when the District has reason to believe that there are work restrictions, 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 themselves or others; and,
  - 2. A detailed description satisfactory to the District of restrictions, if any, on the employee's work activities.
- C. Once an employee has returned from PFML, the District may, when it is consistent with business necessity, require the employee to complete a job-related fitness for duty examination by a physician or other health care provider designated and paid for by the District.
- D. Employees returning from PFML will be reinstated to the same or equivalent position to the extent required by law.
- E. In the event that an employee is granted PFML and the reason for the approved leave is no longer applicable, the employee must notify their manager so that the employee can be returned to work earlier than the originally designated return-from-leave date.
- F.

#### 6.9.1.11 Failure to Return From PFML

- A. If an employee does not return to work on the date expected back from PFML, their employment with the District may terminate.
- B. If an employee does not return to work at the end of the PFML for reasons other than the continuation of a serious health condition or other circumstances beyond the employee's control, the District may collect from the employee the amount of any medical, vision and dental insurance premiums paid by the District on behalf of the employee and dependents during leave.

### 6.9.1.12 Definitions Under the PFML

- A. The PFML defines “health care provider” to include:
  - 1. A licensed Doctor of Medicine or osteopathy; or
  - 2. A licensed podiatrist, dentist, clinical psychologist, optometrist, physician assistant, nurse practitioner, nurse midwife, clinical social worker, or Christian Scientist practitioner as defined by federal regulations; or
  - 3. A licensed chiropractor under limited circumstances defined by federal regulations; or
  - 4. Any health care provider from whom the employer or employer’s group health plan’s benefits manager will accept a medical certification to substantiate a claim for benefits.
- B. The PFML defines “serious health condition” as an illness, injury, impairment or physical or mental condition which involves:
  - 1. Inpatient (overnight) care in a hospital, hospice or residential medical facility; or
  - 2. Continuing treatment by a health care provider, and
    - a. A period of incapacity (absence from work, school or other daily activities) of more than three consecutive calendar days that also involves:
      - i. Treatment two or more times by a health care provider, or
      - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
    - b. Any period of incapacity due to pregnancy or for prenatal care;
    - c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
    - d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
    - e. Any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer.
- C. For more information about leave covered by the PFML, definitions of terms used in the law or this policy, or the current federal regulations regarding PFML, please contact the City Human Resources Benefits Department.

## APPENDIX D

### 6.9.3 Paid Family and Medical Leave Insurance (FAMLI) Leave

- A. The Paid Family and Medical Leave Insurance Program (FAMLI) is a State of Colorado program that provides paid leave for certain health, domestic violence, and military leave for Coloradoans and their families.
- B. All employees who have at least 20 workweeks in the current calendar year or wages of \$2,500 or more during any calendar quarter in the preceding calendar year may qualify. Classified and Unclassified Management employees may be waiving access to District sponsored paid leave benefits by enrolling in FAMLI. Please contact Library Human Resources for more information.
- C. Most eligible employees who enroll will receive up to twelve weeks of leave. Those who experience pregnancy or childbirth complications may receive an additional four weeks.
- D. Leave can be intermittent or taken consecutively.
- E. Classified and Unclassified Management employees refer to PFML and/or Short-term Disability for coverage information.
- F. If the need for leave is foreseeable, the employee must give their manager and Library Human Resources at least 30 days prior notice. If not foreseeable, employee must give their manager and Human Resources notice as soon as practicable.
- G. When planning medical treatment, employee must consult with their manager and make a reasonable effort to schedule the treatment in a way that does not unduly disrupt the District's operations, subject to approval of health care provider.
- H. Employees must enroll in this program. Employees can enroll at any time during the year, please contact [HRbenefits@fcgov.com](mailto:HRbenefits@fcgov.com) for enrollment assistance.

## APPENDIX E

### 6.20 Caregiver Leave

In the event an employee is not eligible for Paid Family Medical Leave (PFML), short-term disability (STD), or enrolled in FAMILI through the State, the Library District will provide up to 120 hours of paid caregiver leave. Medical certification or other documentation may be required to substantiate the approval of caregiver leave. Available hours will be prorated for employees who do not work full-time.

#### 6.20.1 When Caregiver Leave May Be Used

Eligible employees must meet one of the following criteria to use Caregiver Leave:

- A. To care for their own serious medical condition
- B. To care for a family member with a serious medical condition defined in City Policy Section 6.9
- C. When an employee or their family member needs to take safe leave because they are a victim of domestic violence, stalking, or sexual assault or abuse
- D. When the employee needs to take qualifying exigency leave because an employee's family member is on or being called to active-duty military service
- E. To care for a dependent following the birth, adoption, or placement of a child with the employee
  1. Approved paid caregiver leave may be taken at any time during the one year immediately following the birth, adoption, or placement of a child with the employee. Employees are not eligible to use caregiver leave if the employee adopts a new spouse/committed partner's child.
  2. Employees may use Caregiver Leave for the loss of an infant during pregnancy, in addition to Bereavement Leave. In the event that additional time may be necessary, employees can contact Library Human Resources..
  3. A "child" is a young person below the age of 18 years old. The purpose of paid caregiver leave in this instance is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child.

#### 6.20.2 Amount of Caregiver Leave

- A. Eligible employees will receive a maximum of 120 hours of paid leave per rolling calendar year. Available hours will be prorated for employees who do not work full-time.
- B. A multiple birth, adoption, or placement (e.g., the birth of twins or adoption of siblings) does not increase the three-week total amount of paid Caregiver Leave granted for that event.
- C. Any unused caregiver leave will be forfeited at the end of the one-year timeframe.
- D. Unused caregiver leave will not be paid out upon separation from employment.

#### 6.20.3 Requests For Paid Caregiver Leave

Employees should provide their manager and the Human Resources Department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave

was not foreseeable, as soon as possible). In addition, the employee must complete the necessary Human Resources forms and provide all required information to substantiate the request.

#### **6.20.4 Coordination with Other Leave/Pay**

- A. Caregiver leave is not eligible for overtime pay.
- B. Employees continue to accrue vacation time while using paid caregiver leave.
- C. Employees eligible for holiday time and on paid caregiver leave during a designated holiday must record holiday time for that day and not use paid caregiver leave.
- D. Employees who take paid caregiver leave that do not qualify for FMLA will be afforded the same level of job protection under FMLA for the period of time that the employee is on paid caregiver leave as if the employee was on FMLA-qualifying leave.
- E. This policy shall be interpreted to be consistent with the requirements of section 24-34-402.7, Colorado Revised Statutes. The terms and phrases used in this policy shall be defined as set forth in that statute.
- F. Caregiver Leave runs concurrently with FML and PFML. In the event that an employee becomes eligible for FML and PFML while actively on Caregiver Leave, the remaining paid balance of Caregiver Leave will be applied towards PFML and be counted towards the FMLA/PFML 12 weeks.

