

Resolution No. CRFPD 2021-02-01

**RESOLUTION
BOARD OF DIRECTORS
COLORADO RIVER FIRE PROTECTION DISTRICT**

**A RESOLUTION APPROVING A SECOND AMENDMENT TO THE JANUARY 1, 2017
PERSONNEL MANUAL**

WHEREAS, the Colorado River Fire Protection District ("**Fire District**") is a political subdivision of the State of Colorado, organized under Colorado law to provide fire and emergency services;

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(h), the Fire District Board of Directors ("**Board**") has the power to manage, control, and supervise all of the Fire District's business and affairs;

WHEREAS, in accordance with such powers, the Fire District has adopted a January 1, 2017 Personnel Manual ("**Personnel Manual**");

WHEREAS, the Fire District has determined amendments to the Personnel Manual are necessary as outlined below; and

WHEREAS, Board has considered the proposed amendments and is satisfied that they accurately state the Board's rules, policies, and procedures for the Fire District with respect to the subject matter(s) thereof.

NOW THEREFORE, be it resolved by the Fire District Board that the following amendments be made to the Personnel Manual:

A. The following subsections 13.5 and 26.5 are added to Section 1(A), **Definitions**.

13.5 **Family Member**. An employee's immediate family member including any person related by blood, marriage, civil union, or adoption; a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee with the employee was a minor; or a person for whom the employee is responsible for providing or arranging health- or safety-related care.

26.5 **Public Health Emergency**. An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infections agent for which an emergency is declared by a federal, state, or local public health agency; a disaster emergency is declared by the governor; or a highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.

B. Section 2(A), **Equal Employment/Service Opportunity**, is deleted in its entirety and replaced with the following language:

The Fire Department provides equal employment and service opportunities to all applicants and members without regard to race (including characteristics associated with race such as hair type, hair texture, and protective hairstyles), color, religion, creed, national origin, ancestry, gender, sex,

pregnancy, marital status, military status, age, disability, sexual preference or orientation, transgender status, genetic information, or membership or other status in any other group protected by applicable law. This policy applies to all terms and conditions of employment/service, including but not limited to hiring/appointment, transfer, promotion, demotion, termination, benefits, lay-off, compensation and training.

Every effort shall be made to ensure that all employment/volunteerism decisions, programs and personnel actions are administered in conformity with the principle of equal employment/service opportunity. You are responsible for supporting these objectives and implementing this policy. You must assist in promoting a workplace environment free of illegal harassment or discrimination. No member shall be coerced, intimidated, harassed or retaliated against for reporting a violation of these policies.

C. Section 2(B), **Harassment and Discrimination Prohibited – Generally**, is deleted in its entirety and replaced with the following language:

The Fire Department prohibits any form of harassment or discrimination of a member based on race (including characteristics associated with race such as hair type, hair texture, and protective hairstyles), color, religion, creed, national origin, ancestry, gender, sex, pregnancy, marital status, military status, age, disability, sexual preference or orientation, transgender status, genetic information, or membership or status in any other group protected by applicable law. You are prohibited from engaging in unlawful harassment or discrimination while on-duty or engaged in any Fire Department-related activity, including Fire Department-related activities occurring off the Fire Department Premises. You also are prohibited from illegally harassing or discriminating against any other member or person while on duty, or while in any manner representing the Fire Department in any capacity. Illegal harassment or discrimination that interferes with a member's ability to perform his/her duties is prohibited.

D. Section 4(V), **Public Health Emergency Whistleblower Policy**, is added as follows:

Public Health Emergency Whistleblower Policy

1. General Policy

The District intends to help provide a safe and healthy work environment for its members and encourages members to bring any concerns to the District's attention. The District will not discriminate, take adverse action, or retaliate against members for engaging in any of the following activities:

- Raising (in good faith) any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety, related to a public health emergency;
- Opposing any practice, the member reasonably believes is unlawful; or
- Making a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing as to any matter the member reasonably believes to be unlawful.

Members are *not* protected for communications (A) that are knowingly false or are made with reckless disregard for the truth or falsity of the information, or (B) that share individual health information that is otherwise prohibited from disclosure by state or federal law.

2. Members’ Rights to Use Their Own Personal Protective Equipment (“PPE”)

Members are allowed to voluntarily wear their own PPE, such as a mask, faceguard, or gloves, if the PPE:

- a. provides more protection than equipment provided at the workplace;
- b. is recommended by a government health agency (federal, state, or local); and
- c. does not render the member incapable of fulfilling their duties.

3. Procedure for Filing an Internal Complaint

A member who is subjected to, or observes any discrimination, adverse action, or retaliation related to a public health emergency or interference with the voluntary use of PPE which the member considers to be unlawful, should report such conduct in accordance with Section 2(E) of the Manual.

E. Section 6(B)(5), **Paid Time Off (PTO)**, is deleted in its entirety and replaced with the following language:

Paid Time Off (PTO)

The Fire Department provides leave to full-time employees in the form of paid time off. Eligible employees accrue the following amount of PTO to be used as general for vacations, illnesses and paid holidays.

a. Accrual Schedule

Starting immediately upon commencement of employment, full-time employees who work 40-hour work weeks accrue PTO as follows:

<u>Years of Service</u>	<u>Accrual Per Paycheck</u>	<u>Hours Per Year</u>	<u>Maximum Accrual</u>
0-5	10.77	280	420
6-10	11.70	304	456
11-15	12.62	328	492
16 +	13.54	352	528

Starting immediately upon commencement of employment, full-time shift employees who work 48-hour shifts accrue PTO as follows:

<u>Years of Service</u>	<u>Accrual Per Paycheck</u>	<u>Hours Per Year</u>	<u>Maximum Accrual</u>
0-5	11.08	288	432
6-10	12.47	324	486
11-15	13.85	360	540
16 +	15.24	396	594

Full-time employees who convert from a 40-hour work week to a 48-hour shift schedule will have their accrued PTO increased by a factor of 1.4. Full-time employees who convert from a 48-hour shift schedule to a 40-hour work week will have their accrued PTO decreased by a factor of 1.4.

b. Additional Provisions.

i. PTO is accrued (earned) by pay period based on the above schedule. -PTO is pro-rated for the calendar year in which you are hired (for example, if you are hired on July 1, you can only accrue (earn) 24 hours (1 shift) of PTO through December 31 of that year). While PTO is accrued (earned) on a calendar year basis, transitions from one amount of accrual rate to another are made in the pay period following your anniversary date.

ii. PTO may not be taken before it is accrued (earned); provided, however, in an emergency, the Fire Chief may authorize you to take PTO before it is accrued. If you are advanced PTO, it will be deducted from the PTO you subsequently accrue as soon as it is earned. The advanced PTO shall constitute a loan that you must repay if you cease to work for the Fire Department before you have accrued sufficient PTO to "repay" the PTO that was advanced. In such a circumstance, the dollar value of the PTO advanced shall be deducted from your final paycheck. If the final paycheck is not sufficient to cover the advanced PTO, you must immediately repay any amount still owing.

iii. You must have your supervisor's prior approval before taking any PTO that is not used for sick leave purposes (as outlined in Section 6(B)(13)(a) below). You must notify your supervisor of the need for PTO for sick leave purposes as soon as practicable when the need for PTO for sick leave purposes is foreseeable (i.e. a scheduled medical appointment).

iv. If you use PTO for sick leave purposes for four or more consecutive days, the Fire Department may require reasonable documentation establishing that the PTO was used for a permissible sick leave purpose.

v. Employees may carry over PTO from one year to the next; unless the Board grants prior authorization, an employee shall not be permitted to accrue more than the maximum accrual amount.

vi. You will be paid for all accrued but unused PTO at your then-applicable regular hourly rate of pay upon termination of employment for any reason.

c. Supplemental PTO During a Public Health Emergency

On the date a public health emergency is declared, each employee's PTO will be automatically supplemented as necessary to ensure that each employee has up to 80 hours of PTO available. Full-time employees [who regularly work 40 or more hours a week] will receive up to 80 hours of supplemental PTO. [Full-time employees who work less than 40 hours a week will receive up to the greater of the average number of hours the employee works over 2 weeks or the amount of

time the employee is scheduled to work over a 2-week period.] An employee's accrued and unused PTO counts toward the 2 weeks of supplemental PTO.

Employees may use supplemental PTO from the date a public health emergency is declared until 4 weeks after the official termination or suspension of the public health emergency for the following purposes:

- i. Needing to self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of the public health emergency;
- ii. Seeking a diagnosis, treatment, or care (including preventative care) of a communicable illness that is the cause of the public health emergency;
- iii. Being excluded from work by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, a communicable illness that is the cause of the public health emergency (whether or not they are actually diagnosed with the illness);
- iv. Being unable to work due to a health condition that may increase susceptibility or risk of a communicable illness that is the cause of the public health emergency; or
- v. Caring for a child or other family member in category i, ii, or iii, or whose school, child care provider, or other care provider is unavailable, closed, or providing remote instruction due to the public health emergency.

Supplemental PTO is not paid out upon termination of employment.

F. Section 6(B)(13), **Paid Sick Leave**, is added as follows:

Part-time, temporary, and seasonal employees accrue paid sick leave at a rate of 1 hour of sick leave for every 30 hours worked, up to 48 hours of sick leave. Accrual begins immediately upon commencement of employment. Eligible employees may carry over up to 48 hours of accrued sick leave to the following calendar year. Employees may only use 48 hours of paid sick leave annually. All accrued but unused sick leave is forfeited upon termination of employment for any reason.

All eligible employees must notify their direct supervisor of the need for sick leave as soon as practicable when the need for sick leave is foreseeable (i.e. a scheduled medical appointment). For sick leave of four or more consecutive days, the Fire Department may require reasonable documentation establishing that the sick leave is used for a permissible sick leave purpose.

a. Sick Leave Purposes

Sick leave may be used for any of the following purposes:

- i. A mental or physical illness, injury, or health condition prevents an employee from working;
- ii. A family member an employee needs to care for has a mental or physical illness, injury, or health condition;
- iii. An employee or a family member an employee needs to care for needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition;

- iv. An employee or a family member an employee needs to care for needs to obtain preventative medical care;
- v. An employee or an employee's family member has been the victim of domestic abuse, sexual assault, or harassment and the employee must be absent from work to seek medical attention, obtain services from a victim services organization, obtain mental health or other counseling, seek relocation, or seek legal services; or
- vi. A public official has ordered the closure of an employee's place of business or the school or place of care an employee's child due to a public health emergency.

b. Supplemental Sick Leave During a Public Health Emergency

On the date a public health emergency is declared, each eligible employee's sick leave will be automatically supplemented as necessary to ensure that each employee has up to 2 weeks of sick leave available. Temporary or seasonal employees who regularly work 40 or more hours a week will receive up to 80 hours of sick leave. Employees who work less than 40 hours a week will receive up to the greater of the average number of hours the employee works over 2 weeks or the amount of time the employee is scheduled to work over a 2-week period. An employee's accrued and unused sick leave counts toward the 2 weeks of supplemental public health emergency leave.

Employees may use supplemental public health emergency leave from the date a public health emergency is declared until 4 weeks after the official termination or suspension of the public health emergency for the purposes outlined in Section 6(B)(5)(c) above.

Supplemental public health emergency leave is not paid out upon termination of employment.


G. This Second Amendment shall supersede all prior provisions of the Personnel Manual related to the subject matter discussed herein and replace any prior policies or procedures dealing with the same subject matter;

H. All other provisions of the Personnel Manual remain in effect as written and are unaffected by this Second Amendment.

Adopted this 9th day of February 2021, by the Board of Directors of the Colorado River Fire Protection District.



 Director



 Director



 Director



 Director



 Director