

PERSONNEL MANUAL

**DEER MOUNTAIN FIRE PROTECTION
DISTRICT**

Adopted MAY 20, 2020

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ARTICLE 1. INTRODUCTION

1.1 Who We Are?

The Deer Mountain Fire Protection District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, organized under Title 32 of the Colorado Revised Statutes (the Colorado Special District Act), with the powers to provide the following services to the public: Fire and Emergency Medical Response.

1.2 Our Philosophy and Goals.

The District strives to provide first-rate, professional, and courteous service to the residents of and visitors to the District and its facilities and surrounding areas. The District is committed to fostering the advancement of its personnel consistent with this overall commitment to service to the public.

1.3 Disclaimer.

IMPORTANT

The policies contained in this Personnel Manual (“Manual”) do not represent a contract, nor should they be relied upon as binding, inflexible promises made by the District. The District reserves the right to interpret and change or rescind these policies at any time, as well as the right to determine their meaning, purpose, and effect. The District also reserves the right, in its sole discretion, to determine whether, and to what extent, these policies and procedures should be applied in any given circumstance. These policies or the statement of any employee of the District shall imply no personal contract or agreement, unless in writing, signed by the President of the District Board of Directors.

These policies apply to all **District employees and Volunteers**, except the overtime compensation policies, which do not apply to positions that are classified as “exempt” by the District pursuant to the federal Fair Labor Standards Act (“FLSA”).

1.4 Employment At-Will.

EMPLOYMENT WITH THE DISTRICT IS “AT-WILL.” ANY EMPLOYEE MAY BE TERMINATED, WITH OR WITHOUT CAUSE, STATEMENT OF REASONS, HEARING, OR APPEAL, JUST AS ANY EMPLOYEE MAY RESIGN AT ANY TIME, WITH OR WITHOUT REASON. NOTHING IN THIS MANUAL IS INTENDED TO MODIFY THE DISTRICT’S AT-WILL EMPLOYMENT POLICY.

1.5 Purpose and Scope of Policies:

These policies are intended to inform employees of the District's position on basic, employment-related subjects. The District expects employees to use common sense and good judgment and to engage in behavior that reflects positively on the District. These policies cannot define all instances of poor judgment or behavior and are not all-inclusive, but address those general topics most likely to be of interest to employees in the course of ordinary day-to-day operations of the District. The policies establish guidelines to be used as a reference source by employees and supervisors. The District expects that they will be followed.

1.6 Authority of District Board of Directors:

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

The Board will exercise its authority through the Fire Chief, as directed or designated by the Board. The board reserves the right to cancel this authority at anytime.

The Board reserves the right to adopt, amend, or rescind any policy, procedure, or benefit.

1.7 Equal Employment Opportunity:

The District is an equal employment opportunity employer. These policies are to be applied without regard to race, creed, color, sex, age, national origin, ancestry, disability, religion, sexual orientation, sexual preference, gender identity or expression, marital or military status, or political affiliation, subject to such reasonable requirements of the District as may be permitted by law.

1.8 Definitions/Categories of Employees:

1.8.1 Full-Time Employment.

Employees are considered full-time within the meaning of this Manual if they work an average of thirty (30) hours per week, or at least 130 hours per month.

1.8.2 Part-Time Employment.

Employees are considered part-time within the meaning of this Manual if they work less than an average of thirty (30) hours per week, or less than 130 hours per month.

1.8.3 Regular Employment.

Employees are considered to be employed in a “regular position” if the position is identified and funded in the annual budget and the position is expected to be for a duration longer than a temporary or seasonal employee. The use of the term Regular Employee is not intended to imply that the employee is hired pursuant to a contract of employment or to otherwise modify the at-will employment relationship of any District employee.

1.8.4 Temporary/Seasonal Employment.

Employees who are hired for positions known to be of limited duration are designated as either temporary or seasonal employees. A position is considered to be temporary if it is reasonably expected at the time the position is filled that the position will terminate within a period of months, even though the precise termination date may not be known. A seasonal employee is an employee who is hired to perform duties only during certain specified seasons of the year. Notwithstanding the expected duration of temporary or seasonal assignments, nothing herein is intended to imply that the employee is hired pursuant to a contract for a definite term or to otherwise modify the at-will employment relationship of any District employee.

ARTICLE 2. WORKING CONDITIONS

2.1 Work Week.

Each employee’s workweek consists of a seven (7) day period beginning at 12:01 a.m. on Sunday and ending at 12:00 p.m. on Saturday. The regular workweek shall be forty (40) hours for all employees not designated as exempt except that firefighters and EMT’s who work shift schedules may be scheduled to work different hours in accordance with law and as defined by the workweek established in Section 2.2 of these Policies.

2.2 Hours of Work:

Normal business hours for the District shall be from 8:00 a.m. until 6:00 p.m., Monday through Sunday, except that those employees assigned to special shifts or projects outside the normal business hours of the District shall work those hours designated for their special shifts or projects. Normal work hours for shift employees is 8:00 a.m. to 6:00 p.m. for day shifts and 6:00 p.m. to 8:00 a.m. for evening shifts. The District may require any employee to deviate from normal business hours or regular shift hours.

2.3 Break Times:

Employees who work shift work are to have a break for fifteen (15) each morning and afternoon.

Employees who are nursing will be provided with reasonable unpaid breaks to express breast milk as frequently as needed for up to two years after the birth of a child. The District will provide a place for the break, other than a bathroom, that is shielded from view and free from intrusion.

2.4 Overtime:

The District may require employees to work overtime, which is defined as hours required to be worked beyond the usual forty (40) hours in a workweek. **Overtime shall not be worked unless approved in advance by the Chief or Treasurer.**

Non-exempt employees, including temporary and seasonal employees, will be paid for overtime worked at a rate of 1.5 hours for each overtime hour worked in excess of forty (40) hours during the workweek. The District may elect to substitute compensatory time off in lieu of wages to pay for any overtime hours worked. Compensatory time off shall be accrued at 1.5 hours for each hour of overtime worked.

Exempt executive, professional, and administrative employees paid on a salary basis are not eligible for overtime compensation of any kind. The Chief may allow employees to work different hours, or may provide incentive pay or time off to exempt employees who have worked extraordinary hours in completion of unusual tasks on behalf of the District.

2.5 Attendance.

Prompt and regular attendance by all employees is important to the successful operation of the District. Employees are expected to maintain a good attendance record and to report promptly for work, ready to work, in accordance with business hours or shift schedules. If your work schedule is changed, you must notify the chief 24 hours before your shift is to commence.

2.5.1 Notice of Absence:

Employees who must be absent from work are expected to notify their supervisor or the Fire Chief, within a reasonable time to accommodate work schedules.

If an employee cannot give advance notice of the need for time off due to circumstances beyond his or her control, such as illness, the employee must call his or her supervisor or Fire Chief at least four (4) hours before his or her scheduled starting time, if possible.

2.5.2 Tardiness.

The District expects employees to work regular hours as established by this Manual. Incidences of unauthorized tardiness may be charged as leave without pay, or may otherwise serve as the basis for disciplinary action.

2.5.3 Ready to Work.

The District expects employees to be ready to work in accordance with business hours or shift schedules. Persistent occasions of an employee not being ready to work at the start of business hours or his or her scheduled shift may be charged as leave without pay, or may otherwise serve as the basis for disciplinary action.

EMT's and drivers must show up for work without any physical limitations. New physical test for all personnel will be given at the chief's discretion based on age of the individual using standard NFPA guidelines.

EMT's and drivers are expected to show up for duty in a clean, pressed uniform, shaved or beard is groomed.

2.6 Pay Policies and Procedures.

The District's bookkeeper is responsible for administering payroll and benefits. The Chief along with bookkeeper are responsible for receiving and resolving employee questions and problems concerning compensation.

If EMS staff does not put run number down on time sheet, that day will not be paid for and paid the following pay period after run number is on pay sheet.

If reason for over time is not put down on time sheet and who authorized overtime that day, will not be paid until the following pay period.

If reason for extra driver or medic is not put down on time sheet and approved by the Chief or **Treasurer** it will not be paid until the next pay period.

If medical report is not finished the day of the run, crew will not be paid till next paid period when all of the report is completed.

2.6.1 Pay Periods.

Employees are paid bi weekly, on a Friday of each month. When payday falls on a holiday, payroll will be available the following workday.

2.7 Safety.

The District values and promotes a culture of safety. The District's concern for the well being of all employees is evidenced by its commitment to a zero-injury goal and the training provided in safety practices and procedures. Still, it is the responsibility of each employee to learn and observe all applicable safety practices, policies, directives, or procedures. Safety-related questions should be directed to each employee's supervisor.

2.7.1 Safety Rules.

The District has safety rules that all employees are expected to follow. It is the responsibility of each employee to read and understand all District safety rules. Questions about the District's safety rules should be directed to the employee's supervisor.

2.7.2 Reporting Accidents/Worker's Compensation.

Any employment-related accident involving any injury or property damage whatsoever must be reported to the supervisor of each employee involved in or witnessing the accident. Such report shall be made immediately or at the earliest practicable time, but no later than seventy-two (72) hours following the accident. Employees shall cooperate in a timely manner with written reports, forms and other requests required by the supervisor, the Board or its agents, insurance companies, or other authorities.

The Colorado Worker's Compensation Act covers employees for employment-related injury or illness. Under the Act, an employee may receive benefits for missing work as a result of an employment-related injury or illness. Delay in reporting a work-related injury or illness may result in a reduction of benefits under the Act.

Employee must have a **'Return to work slip'** from the doctor, before returning to their duty's for any surgery's or injuries.

2.7.3 Maintenance/Housekeeping, Daily Duties.

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

Daily duties will include cleanliness and orderliness that are important to the operation of the District. Employees are responsible for keeping their work areas clean and orderly. This includes but not limited to bay areas, swept and moped, if weather permits, offices, and day room cleaned.

The on coming shift will start each fire apparatus on Monday, Wednesday and Fridays, to insure they are in running order.

If weather permits, each shift will ensure the bays are clean before leaving their shift.

2.8 Time sheets Of Non-Exempt Employees.

All non-exempt employees shall keep accurate timesheets, showing shifts and any overtime worked, and any leave taken. Each employee is required to legibly print their name, sign in at the beginning of shift, sign out at the end of shift and verify each with their signature. Employees may not sign in and out for each other. If employee works over regular shift hours an incident number or explanation is to be provided on the timesheet. The Chief or Chief's delegate shall submit original timesheets to the bookkeeper within two (2) calendar days after the end of the pay period to which such timesheets pertain.

When an employee responds to an incident outside of his/her shift, this employee is responsible for ensuring that their start and end time for pay are recorded along with their name and signature verifying the hours on the DMFPD Incident report which is given to the bookkeeper.

2.9 Tobacco.

All District facilities and work sites are a tobacco-free environment. As such, tobacco use is prohibited in all areas of District buildings, structures, vehicles, and work sites.

ARTICLE 3. COMPENSATION

3.1 Pay Classification.

The Fire Chief shall establish all Fire/EMS employee positions. In each case, the Fire Chief will approve a job description setting forth the qualifications for the job, a detailed list of performance responsibilities, and any required physical capabilities. The Board will determine a starting wage for each new employee. Salary and subsequent increases will be recommended by the Chief, presented to the Board and determined by the Board, in the District budget. **Increases will be based on employee performance, a written evaluation, and other factors determined by the Chief.**

ARTICLE 4. LEAVE

4.1 Leave.

The District provides paid or unpaid leave for use by employees under the specific circumstances described below. The employee's supervisor ordinarily must approve the use of paid leave in advance. Unless advance approval is obtained, an absence may be treated as unpaid leave even if the employee is absent for a reason for which paid leave could otherwise be used.

4.1.1 Vacation Leave.

The District does not award paid vacation leave.

4.1.2 Sick Leave.

The District does not award paid sick leave. Employees may request unpaid sick time off for the following purposes:

- a. When an employee is incapacitated due to illness or injury.
- b. When an employee or an immediate family member of an employee requires a health examination or medical treatment,
- c. As a supplement to Worker's Compensation benefits upon the expiration of injury leave; and

d. When an employee is required to be in attendance for the necessary medical care of a member of the employee's immediate family.

Employees who know in advance that they will be using sick leave (for example, when a health examination or medical treatment has been scheduled) are expected to notify their supervisors promptly of the time and anticipated duration of their absence.

The Chief reserves the right to require, at any time, that an employee using sick leave or returning from sick leave provide a written statement of a physician regarding the nature of the employee's illness or injury and/or the employee's fitness to return to work.

4.1.3 Military Leave.

Full-time employees who are members of the National Guard or reserve forces are entitled to military leave without loss of pay, benefits or status for no more than fifteen (15) working days each calendar year while they are engaged in training or other service under orders. Any employee who is required to continue in military service beyond the time allowed for military leave shall be afforded leave without pay for the duration of his or her service and shall be reinstated to full employment rights upon separation from military service as required by law, provided he or she reports to the District for work within ninety (90) days from such separation.

When circumstances permit, employees taking military leave shall submit a written request for leave at least thirty (30) days in advance of the time they are scheduled for active duty or training.

4.1.4 Administrative Leave.

Employees may be placed on administrative leave, with or without pay, when possible disciplinary action is under consideration, when the employee has been charged with serious criminal misconduct, or under such other circumstances as may be deemed necessary by the District. Employees placed on administrative leave will be advised of the reason for the leave and, if possible, the probable duration of the leave.

4.1.5 Maternity/Paternity Leave.

The District regards childbirth and disabling conditions arising from pregnancy in the same manner as any other physical condition or disability. Because it can reasonably be expected that pregnancy will necessitate an employee's absence from work at some point in time, employees are expected to notify their supervisors promptly when pregnancies become known in order to allow for work accommodations and scheduling.

4.2 Jury Duty, Court Time.

Any employee who is summoned for jury duty or subpoenaed in connection with his or her employment during a regularly scheduled work time will be compensated for scheduled hours. A copy of the subpoena or order requiring such duty must be submitted with a leave request in order for such compensation to be paid. As a condition of the receipt of such pay, any stipend paid to the employee for jury service or as a witness fee must be paid to the District or an equivalent amount deducted from the employee's pay.

4.3 Voting Leave.

The District encourages employees to exercise their voting rights in all municipal, state and federal elections. Under most circumstances, it is possible for employees to vote either before or after work. However, any employee whose work schedule effectively prevents voting before or after work shall be permitted up to two (2) hours of paid leave for the purpose of voting. Voting leave must be requested and approved by the employee's supervisor no later than the day prior to Election Day. The District may specify the hours during which the employee may be absent, but the hours shall be at the beginning or end of the work shift, if the employee so requests.

4.4 Inclement Weather.

The District offices and facilities will be closed due to severe inclement weather at the direction of the Chief with the approval of two Board members.

In the event of a weather closure during the regular workday, employees should complete essential duties and go home. Employees who are scheduled and available to work will be paid for the day (or the remainder of the day if the weather closure is declared during the work day), but they must be available by telephone during normal business hours. Employees who are not scheduled and available to work (i.e., employees already on paid or unpaid leave) will not be credited with additional hours of leave time or compensation due to the weather closure and will continue to use PTO or unpaid leave hours, as applicable, during the weather closure.

If the District has not declared a weather closure but an employee does not report to work, either by choice or because of individual circumstances, the employee will be required to use PTO or to take the time as unpaid leave.

ARTICLE 5. EMPLOYMENT PRACTICES

5.1 Training and Education.

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

The District may in its discretion, pay the fees and costs of education and training programs, which are specifically required by the District. In addition, the District may in its discretion, after considering the benefit of the program to the employee and the District, approve payment of all or a portion of the fees and costs of education or training programs requested by employees. The District's approval of payment for one (1) segment, portion, or course which is a component of an education or training program does not obligate the District to pay for any additional segment, portion, or course.

5.2 Vacancies.

The District considers a position vacant when there is no employee assigned to the position who has the foreseeable ability or apparent intention to perform the duties of the position within thirty (30) days' time. The District reserves the right to declare a position vacant under other circumstances, for example, the apparent abandonment of a position by an employee, and also reserves the right not to declare a position vacant, at its discretion.

Employees are encouraged to apply for vacant positions for which they are qualified. The District awards vacant positions to the applicants who are best suited to meet the needs of the District, at the Board's sole discretion. If a vacancy is awarded to a current regular employee, that employee shall be considered an introductory employee for a period of 90 days in that position and will be eligible for a 90-day performance review.

5.3 Promotions.

A promotion is considered the advancement of an employee to a position that carries more responsibility and a higher salary. All regular employees of the District are eligible to be considered for promotions for which they apply and are qualified. An employee who is promoted shall serve a ninety (90) day introductory period in his or her new position and will be evaluated by their supervisor at the end of the introductory period.

5.4 Salary Increases.

The Chief of the department will evaluate employees for **potential** salary increases on their annual employment anniversary or upon promotion.

5.5 Transfers.

An employee may be transferred through promotion, the successful application for a vacant position, or at the direction of the District. Employees may be transferred involuntarily, although the District intends to minimize such transfers.

An employee, who is temporarily transferred to a different position for thirty (30) days or less, shall incur no reduction in pay during that temporary transfer.

5.6 Nepotism.

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

- a. One would directly or indirectly exercise supervisory, appointment, or dismissal authority over the other;
- b. One would directly or indirectly have authority over disciplinary action as to the other;
- c. One would audit, verify, receive, or be entrusted with money received or handled by the other in the course of employment;
- d. One would have access to the employer's confidential information, including payroll and personnel records; or
- e. One would be employed during a time a close relative was a current member of the Board of the District.

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

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

5.7 The Supervision of Family Member's.

The District will not refuse to hire an employee's immediate family member (as defined in Section 5.6) solely because of the family relationship. However, to the extent practicable, the District will make every effort to minimize or eliminate situations where an employee will be placed in a direct supervisory and/or disciplinary role with respect to the employee's immediate family member. If an employee's immediate family member enrolls in a District program over which the employee shall have direct supervision and/or disciplinary responsibilities, the employee shall immediately notify the Chief. The District reserves the right to re-assign the employee to another equivalent position or take other appropriate action in order to remedy the situation. To the extent the District may not practically remedy the situation, the employee shall be expected to perform the function of his or her job in a professional manner, treating the immediate family member in the same manner as all other program participants, and conducting him or herself in accordance with all of the expectations for proper conduct contained in this Manual.

5.8 Employee Reviews.

The Chief generally expects each of its employees to be reviewed concerning the employee's job performance every twelve (12) months (on or around the employee's anniversary date). The review process is intended to provide employees with information concerning their employment progress and to serve as a means of improving employee performance, provide a basis for pay raises, if any, and substantiate employee retention. The review process is not meant to serve as a substitute for ongoing discussions between supervisors and employees. Each written review shall become a part of the employee's personnel record.

ARTICLE 6. EMPLOYEE CONDUCT

6.1 General Rules of Conduct.

The District expects all of its employees to act in the best interests of the District and its constituents. It is the responsibility of all employees to observe all rules, policies, operating procedures and directives of the District. The District further expects that each of its employees will use common sense and good judgment at all times and behaves with courtesy and respect toward other employees, contractors, **the Board**, vendors and members of the public. Specific rules of procedure or conduct adopted by the District or described in these policies are not meant to be all-inclusive, but rather address some common and serious potential problems.

6.2 Drugs and Alcohol.

The District strictly prohibits the use or possession on District premises of alcoholic beverages of any kind and drugs other than those prescribed by a physician or obtained from a legal over-the-counter source. For purposes of this policy, marijuana is considered a drug, regardless of whether it is used for medical or recreational purposes in accordance with Colorado law.

No employee is permitted to report for duty while impaired by or under the influence of alcohol or drugs to the slightest degree. Any employee who reports to work impaired by or under the influence of drugs (including marijuana) or alcohol shall be relieved of his or her duties immediately and without pay, and may be subject to additional disciplinary action.

Employees are expected to use prescription or legal over-the-counter drugs in an appropriate manner and dosage and are expected to know whether the appropriate use of such drugs may impair their ability to perform their jobs safely and competently. If an employee becomes aware that a prescription or legal over-the-counter drug is impairing his or her job performance, the employee should notify his or her supervisor. An employee may be required to use accrued paid time off in order to address and remedy any situation where job performance is impaired.

6.3 Drug and Alcohol Testing.

All District employees shall be subject to a supervised drug and alcohol-testing program that fulfills the requirements of Code of Federal Regulations Title 49, Part 382. Tests shall be conducted under the following circumstances:

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

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

c. Tests shall be conducted on a random basis at unannounced times throughout the year. Such random tests shall be conducted just before, during, or just after the performance of safety-sensitive functions. Supervised test will be given before the start of wild land fire season, for all wild land workers.

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

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

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

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

Any driver who refuses to submit to a drug or alcohol test required by this guideline shall not perform or continue to perform safety-sensitive duties and will be subject to discipline up to and including dismissal. An employee will be deemed to have refused to submit to testing if he or she is unavailable or fails to provide samples sufficient for testing absent any medical necessity. Verified positive tests for alcohol or drugs (including marijuana) shall subject employees to disciplinary action up to and including dismissal.

In addition, any employee may be subject to reasonable suspicion or post-accident drug testing as described in this Section.

6.4 Employment-Related Testing.

The District may require drug testing, finger printing, and/or Federal or state background checks of employees engaged in safety or security sensitive functions, including positions that involve operation of District vehicles not requiring a CDL. Tests shall be conducted in accordance with the law and in a manner that ensures accuracy and

limits access to the test results. This includes physical fitness test also for the position worked.

6.5 EEO/CROD/Anti-Harassment Policy and Procedure for Reporting.

The District is dedicated to the principles of equal employment opportunity and strives to provide a workplace where all employees have the opportunity to succeed to their fullest ability. The District prohibits all unlawful discrimination of any kind, by any person for any reason on the basis of disability, race, creed, color, sex, sexual orientation, marriage, religion, age, national origin or ancestry, genetic information or any other status protected by federal or state law. This prohibition includes unlawful harassment based on any of these factors. This policy applies to all forms of communication, including but not limited to social media.

Definition of Harassment: Unlawful harassment includes verbal or physical conduct, which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. The District expects its employees to conduct themselves in an appropriate, respectful manner at all times. This policy applies to employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

Definition of Sexual Harassment: While all forms of harassing behavior identified in this EEO/Anti-Harassment Policy are prohibited, sexual harassment requires definition. The District opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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

Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications, in any of the following forms:

- d. Written communications, such as cartoons, posters, calendars, notes, letters, e-mail; or

e. Verbal communications, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates or sexual favors; or

f. Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, brushing up against another's body, or other similar physical conduct.

Complaint Procedure. If an employee believes there has been a violation of this EEO/Anti-Harassment policy, he or she should follow the following complaint procedure. The District expects employees to make a timely complaint, in writing, to enable the District to investigate and correct any behavior that may be in violation of this policy.

g. Bringing the Complaint; Investigation.

Employees must report the incident, in writing, to their direct supervisor or any other manager or Board member with whom the employee feels comfortable. The person receiving the complaint will be responsible for ensuring that an appropriate investigation into the complaint occurs, either by the individual who receives the complaint if that person is capable of investigating the matter, the Board of Directors, the Chief, or a third party investigator hired for the purpose of conducting an investigation. Your complaint will be kept as confidential as practicable given the need for a full and complete investigation, but the District cannot guarantee complete anonymity or confidentiality of the information included in the complaint.

h. Closing the Complaint; Discipline for Violations.

If the District determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment. The District will endeavor to report the status of the investigation to the complaining employee upon closure of any investigation, but the District will not provide a detailed report to the employee, nor is the employee entitled to such reporting.

I. No Retaliation.

The District prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If an employee believes there has been a violation of this retaliation policy, please follow the complaint procedure contained in the harassment policy.

6.6 Use of District Property.

District property is to be used only for official District business, in an appropriate manner, and in accordance with all applicable rules, operating procedures, and directives.

Limited, occasional or incidental use of District property for personal non-District purposes is acceptable, so long as such use is done in a manner and for a purpose that does not negatively affect the District's primary business purposes. If District telephones, copiers, or other property is used for personal business and the District incurs any charge associated with the personal use, the employee shall promptly reimburse the District for any such incurred charges.

No employee shall remove District property or the property of any other employee from District premises or work sites without proper authorization. Employees who need to use District property outside of normal working hours or at off-site excursions or events shall be required to sign out the property or equipment and will be responsible for the replacement cost of lost, stolen or damaged and un-repairable items. Employees who are issued District property, including keys, lanyards or any other incidentals upon employment with the District, must return issued property at the end of their employment, and will be charged a reasonable fee, including a re-keying fee in the case of District keys, if the property is not returned. The District will not tolerate employee theft of District property or the property of others, or the abuse, misuse, damage, waste, or destruction of District property or the property of others.

6.7 Use of District Vehicles.

District vehicles may be used only for District purposes. Only authorized and qualified District employees may operate District vehicles. Use of certain vehicles may require a valid commercial driver's license. All vehicles shall be operated in accordance with all applicable traffic laws and vehicle operators shall be responsible for the condition and proper use of the vehicles. Emergency speed is ten **(10) miles** over posted speed limit only. If you abuse or go faster, you will be disciplined.

6.8 Conflict of Interest.

District employees shall not place their personal business interests above the best interests of the District or its constituents. Accordingly, an employee of the District shall not:

- a. Engage in a substantial financial transaction for private business purposes with another employee whom he or she supervises;
- b. Take any official action that directly and substantially confers an economic benefit on a business or other undertaking in which he or she has a substantial financial interest;
- c. Disclose or use confidential information acquired in the course of his or her official duties to substantially further his or her personal financial interests; or

d. Accept a gift of substantial value or a substantial economic benefit which might tend to improperly influence him or her in the discharge of his or her responsibilities, or which could be construed as a reward for action taken in the course of official duties.

6.9 Off-Duty Conduct.

The District reserves the right to take appropriate action in response to off-duty conduct of employees which affects job performance, impairs working relationships or has a negative impact on the District's ability to perform its functions, including but not limited to off-duty use of marijuana for recreational or medical purposes.

6.10 Computer Use.

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

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

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

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

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

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

6.11 E-Mail

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

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

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

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

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

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

E-mail sent or received by the District or the Board and employees may be considered a public record subject to public disclosure or inspection under the Colorado Open Records Act.

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

6.12 Social Media.

This policy is intended to minimize the risk of propagation of slanderous or unprofessional content that could impair the public's trust in the District or lead to legal claims. It is not intended to restrict communications protected by state or federal law.

While personal off-duty use of social media is generally not of concern to the District, employees are reminded to use common sense when using social media to express ideas related to the District, its personnel, or the employee's position with the District. The District's EEO/Anti-Harassment Policy extends to social media.

Employees are prohibited from doing any of the following on social media:

- a. Disclosing confidential information regarding the District, or persons relying upon District services (e.g., posting a photo taken in the course of official duties);
- b. **Making defamatory comments about Board members, District employees,** citizens using District services, or volunteers; and
- c. Making comments or discriminatory references about District personnel that would violate District policy if made in the workplace (e.g. comments that violate the anti-harassment policy).

Employees may not use social media during paid working time. At no time may Employees use the District's computers, servers, and other equipment for social media purposes, except for posting information on a District-sponsored social media site in accordance with District protocol for such content.

6.13 Photographs/Cameras.

The District may photograph employees or Board members and use such photographs for District purposes, including on the District website. Any photographs of District employees taken for these purposes are the property of the District. Employees and Board members are entitled to and **will be notified** to the use of photographs.

Violence, Threats, Intimidation Prohibited:

It is the District's policy to promote a safe environment for its employees. Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reports of such behavior will be taken seriously and will be dealt with appropriately.

Examples of violent, threatening or intimidating behavior include: infliction of bodily injury; harmful psychological contact, (screaming); destruction or abuse of property; intimidation, threatening, or hostile behaviors; violence-related jokes or threatening comments which are veiled, direct, conditional, written, or verbal; physical abuse; vandalism; arson; unauthorized carrying or use of weapons; and/or any other hostile, threatening, or abusive act which the District determines to be detrimental to the workplace. Individuals who commit such acts may be removed from the premises.

We need employee cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on District premises, whether or not the person is a District employee, report it immediately to a supervisor or manager. **Threats or assaults that require immediate attention by security or police should be reported to your supervisor or to police at 911.**

ARTICLE 7. EMPLOYEE RECORDS

7.1 Personnel Records.

The District retains personnel records concerning all employees. Such records ordinarily include applications, insurance forms, payroll deduction authorizations, performance appraisals, certain pay records, transfer and promotion forms, records of disciplinary actions, training records, and any certificates or credentials required for an employee's job. **All records fall under the control of the Hipaa act.**

In order to keep personnel records current, the Chief must be notified of any change in an employee's address, phone number, marital status, or military status; any birth or death in any employee's immediate family; any change in the name or telephone number of the person to be notified in case of emergency; any change in insurance beneficiary; or any other information needed to maintain accurate records. Each employee is responsible for providing the District with records concerning any licenses or certificates required for the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

7.2 Release of Information:

Personnel records are considered confidential subject to statutory requirements under Hipaa. Employees may examine their own personnel records, by contacting the Chief. Employees may authorize the release of specified personnel records by executing a written request designating the record(s) to be released and the person or entity to which they may be released.

No personal information on past or present District employees shall be provided by the District via telephone inquiries, except to confirm or deny dates of employment, position, and compensation paid. Responses to requests by mail shall be limited to confirmation of documented information provided by a third party, unless such requests are accompanied by an authorization to release the information requested signed by the employee, or are limited to records subject to disclosure under the Colorado Open

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

ARTICLE 8. DISCIPLINE

The District expects all employees to conduct themselves pursuant to the highest professional, business, and ethical standards and will not tolerate misconduct. The District, through its Board, management and supervisors, retains the right to take such disciplinary action, as it deems appropriate in any given circumstance. Whether an employee's performance, conduct, or behavior warrants disciplinary action is within the District's discretion. The District does not intend, by these guidelines, to create any expectation that any employee will be assured of any particular form of disciplinary action, such as warnings, notice, or any form of progressive discipline, prior to discharge.

8.1 Disciplinary Action.

The Chief may discipline an employee for a violation of any of the District's policies, or for any behavior by an employee that reflects poorly on the District, or evidences of poor judgment or lack of common sense. This includes but not limited to, disregard of safety of himself or herself or any other person, or the failure to complete or obey an order given to them by a higher-ranking officer or the Chief. The level of discipline to be imposed for the infraction shall be that which the District, through its Chief, deems appropriate under the circumstances. The Chief retains the right to determine in their discretion, that any of the following disciplinary actions is appropriate without using lower levels of discipline first. Employee's that wish to appeal any reprimand, may at anytime while going through the chain of command, appeal their punishment to the Board.

Notice from the Chief must be given in writing to the Board Chair, along with all documented paper work and a meeting will be called of the Board of Directors to hear the complainant. A special Executive meeting will be set to hear all sides of the story and the Board can uphold the Chief's decision or may reduce the punishment or can find the complainant, not guilty.

The Fire Chief will be at all disciplinary actions and will be a witness to what is said by the person being accused and their supervisor.

Disciplinary action may include:

- a. A verbal warning or reprimand, which may be accompanied by a written notation in the employee's personnel file.
- b. A written reprimand, signed by the employee's supervisor or Chief and acknowledged by the employee. Written reprimands will be placed in the employee's personnel file. Employees may provide written explanations or responses to reprimands for placement in their personnel file.
- c. Suspension without pay. A written statement, signed by the employee and his or her supervisor or Chief, setting forth the fact of the suspension, the reason for the suspension, and the duration of the suspension, shall accompany a suspension without pay.
- d. Demotion. A written statement placed in the demoted employee's personnel file stating that the demotion was for disciplinary purposes and setting forth the reason for the discipline must reflect all disciplinary demotions.
- e. Termination.

**ARTICLE 9.
SEPARATION FROM EMPLOYMENT**

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

9.1 Disciplinary Termination.

Employees who are terminated for disciplinary reasons shall not be eligible for re-employment.

9.2 Layoff.

The District reserves the right to lay off employees for reasons of efficiency, economy, lack of work, or for such other reason as the Board deems sufficient. Employees who are laid off may be eligible for re-employment, but shall not have preferential rights to re-employment.

9.3 Resignation.

An employee who resigns in good standing may be eligible for re-employment with the District, but shall have no preferential rights to re-employment. An employee resigns in good standing if the employee does not resign under threat of termination,

gives the District at least two weeks' notice, and completes necessary exit forms. A resignation may be withdrawn prior to its effective date, if approved by the Board prior to the termination date.

9.4 Retirement.

Employees who retire may be eligible for re-employment, but shall have no preferential rights to re-employment.

9.5 Exit Procedure.

Employees who are laid off, resign, or retire shall provide all information required for separation to the Chief and make any arrangements for continuation of benefits as allowed by state and Federal law.

ARTICLE 10

CHAIN OF COMMAND

Fire Departments across the country are 99.9 percent run under a Para Military type origination. At the top of this origination is the Chief of the department. Then you have your officers, captains, lieutenants, and then fire fighters/EMT's. This is not to say that an EMT cannot be an officer. A EMT can be an officer, if appointed by the Fire Chief.

10.1 Chief.

The Fire Chief answers to the DMFPD Board and to the Sheriff of the County, who is the Fire Marshal, by Colorado State law. The Chief of the Department will run day-to-day operations from EMS services to Fire Calls. The Fire Chief will ensure the safety of all volunteers and employees of the department, at all times.

The Fire Chief will have the authority to set schedules, for EMS personnel and assign them as needed to cover the ambulance services. The Fire Chief will have final say who can drive a fire apparatus and who is not qualified to drive that apparatus. The Fire Chief will also say who can drive the ambulance and who cannot drive the ambulance. The fire Chief will be responsible for the training of all fire personnel on fire equipment. The Fire Chief, from time to time, will ask the EMS personnel to train fire personnel in EMS situations to better help the EMS staff on a call.

The Fire Chief will have final say in day-to-day operations for the Fire Department and the EMS services.

10.2 Officers.

Officers of the department will help in assigning projects and for the day-to-day operations in the Fire Department, as assigned by the Chief. The officers of the department will handle any issues or concerns from personnel and try to remedy the issue. If the officer has no remedy to the satisfaction of the complainant, the officer will bring the issue before the Chief and the Chief will try and find a way to remedy the issue. If the Chief cannot satisfactory remedy the issue, then the Chief will notify the Board of Directors that the person, who has an issue, wants the issue heard by the board and arrange the time and place, in front of the board.

ACKNOWLEDGEMENT

On the ____ day of _____, 20 __, (print name) _____,
I received a copy of the foregoing Personnel Manual. I was given an opportunity to ask questions about the Personnel Manual, and understand that I can ask questions if I do not understand any of its contents at any time. I have read, understand, and agree to comply with the policies, rules, and conditions of my employment set forth therein.

I understand that the District may bypass discipline policies in its sole discretion. I understand that the Personnel Manual is not a contract of employment or a promise of employment for any length of time or under any particular conditions. I understand that no employee or agent of the District other than the Board has the authority to offer me employment for any length of time or under any particular conditions, and that such an offer must be in writing and signed by the President of the Board. I understand that I have no expectation of privacy when I use any of the District's telephones, pagers, computers, lockers, desks, or other equipment or property. I understand that my employment with the District is "at will," and that my employment with the District may be terminated by myself or the District at any time.

EMPLOYEE SIGNATURE

DATE

WITNESS