

BERKELEY WATER & SANITATION DISTRICT

EMPLOYEE POLICY MANUAL

Adopted by the Board of Directors

Of the Berkeley Water & Sanitation District

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1.00	GENERAL
1.01	Introductory Statement

This handbook has been prepared to provide our employees with a general understanding of our personnel policies, work rules and benefits. All employees are responsible for becoming familiar with our policies and procedures. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member of management for clarification. The handbook should not be construed as an employment contract or agreement for employment for any specified period of time. We reserve the right to make changes to these policies at any time. When changes are necessary, we will provide you with amended pages for your handbook.

1.02 Welcome

We believe that you are an integral part of our team and you will work with us to make our team successful. This handbook describes many of our policies and outlines the programs and benefits available to eligible employees. The handbook will answer many questions you may have about your employment at Berkeley Water and Sanitation District. We suggest that you become familiar with the handbook as soon as possible. We hope and believe that your experience here will be challenging, enjoyable, and rewarding.

1.10 Disclaimer

The policies and procedures contained in this handbook 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 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.

1.20 Employment "At Will"

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

1.30 Authority of Board of Directors

The District's Board of Directors reserves the right to adopt, amend, or rescind any guideline, procedure and/or benefit. Any modifications of these guidelines may be made only pursuant to formal action of the Board of Directors, reflected in the official records of the Board. No employee or agent of the Board is authorized to modify these guidelines by agreement, practice, or otherwise.

Ultimate responsibility for operation of the District is vested in the Board of Directors. The Board retains the right to operate the District consistent with its legal authority, including, but not limited to, the right to direct the work of employees; hire, promote, demote, classify, evaluate, and retain employees in positions with the District;

demote, suspend, discharge, or otherwise discipline employees; transfer, assign and schedule employees; lay off employees; determine and implement the methods, equipment, facilities, personnel, and other means by which District operations are to be conducted; take steps it deems necessary to maintain the efficiency and safety of operations; determine the budget of the District; determine the level of any activity or service provided by the District; and determine planning or staffing levels.

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

1.40 Equal Opportunity Employer

The District is an equal opportunity employer. These guidelines are to be applied without regard to any otherwise qualified person's race, creed, color, sexual orientation, sex, age, national origin, ancestry, religion, disability, or genetic information, subject to such reasonable requirements of the District as may be permitted by law.

2.00 WORKING CONDITIONS

2.10 Introductory Period

The first 90 days of employment are considered to be the introductory period. During this time, you will be evaluated by your supervisor on your job performance, personal traits and general fitness for the job.

Employees in their introductory period are not eligible for benefits, with the exception of paid holidays and sick leave as required by law. After completing the introductory period, your continued employment will be determined by your job performance and adherence to our policies and code of conduct.

Once you enter an eligible employment classification, you begin to earn PTO according to the schedule provided herein. Before you can use PTO, the employee must complete an introductory period of three (3) months. After the waiting period, you can request to use your PTO, including the PTO that accrued during the introductory period. During the introductory period, should you need to take sick leave or safe leave, the District will not deny such a request, pursuant to applicable State and Federal laws.

2.11 Criminal Background Check and Driving History

Criminal background checks and driving history disclosures are done in conjunction with pre-employment screening. Subsequent checks may also be conducted to help maintain a secure workplace environment.

2.12 Employment Status

Depending upon the type of appointment, you will be placed in one employment status.

1. Probation

New employees appointed to permanent positions in the District personnel system serve a probationary period that does not exceed three (3) months. The purpose of a probationary period is for both you and your supervisor to determine that you are able to perform the duties of the job satisfactorily.

2. Certification

After you have satisfactorily completed your probationary or trial service, you are "certified" to your job class in the District personnel system. As a certified employee, you are granted all rights and benefits specified by law.

2.20 Work Week

Each employee's work week consists of a five (5) -day period beginning at 8 a.m. Monday morning and ending at 4:30 p.m. Friday afternoon unless specified in writing by an authorized representative of the District. Normal business hours for the District shall be from 8 a.m. until 4:30 p.m., Monday through Friday. Employees shall report to work no later than 8 a.m. and shall normally work until 4:30 p.m.

2.21 Regular Work Week

The regular work week shall be forty (40) hours for all non-exempt employees, ordinarily to be worked in five (5) consecutive eight (8) -hour shifts, unless otherwise specified.

2.22 On-Call Time

Employees will be assigned on-call duty requiring that they be available for call in during a specified time period outside their normal working hours based on their job description.

2.23 Training Time

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

1. Attendance is outside of the employee's regular working hours;
2. Attendance is in fact voluntary;
3. The employee performs no productive work during attendance; and
4. Training is not directly related to the employee's job, unless the training is obtained at an independent school or college attended on the employee's own

initiative or the training program is established by the District and corresponds to courses offered by independent learning institutions.

2.30 Overtime

The District may require employees to work overtime.

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

2.31 Overtime Compensation

Non-exempt employees who actually work more than forty (40) hours in a work week shall be paid one and one-half (1 ½) times their regular rate of pay as determined by the District pay schedule for hours worked over forty (40), unless compensatory time is provided for the overtime worked.

2.32 Compensatory Time

Overtime actually worked by non-exempt employee may, at the District's discretion, be compensated in compensatory time of one and one-half (1 ½) hour for each overtime hour worked. It is understood that in agreeing to work for the District, employees agree to accept compensatory time in compensation for overtime actually worked when deemed appropriate by the District. Employees will be advised in advance whether overtime will be compensated with compensatory time or with payment at 1 ½ times the employee's regular rate.

Employees are not permitted to accumulate more than twelve (12) hours of compensatory time and in no case more than the maximum allowed by the Fair Labor Standards Act. Any employee may be directed to use accrued but unused compensatory time where they have accumulated the maximum permissible number of hours or, in the alternative, the employee may be precluded from earning additional compensatory time until hours are used. Upon termination of employment, employees shall be compensated for any unused compensatory time at their then-current rate of pay or their rate of pay at the time the compensatory time was earned, whichever is higher.

2.33 Exempt Employees

Salaried executive, managerial, and supervisory employees are normally not eligible for overtime compensation of any kind. Such employees will be given compensatory time as authorized by the Board of Directors.

2.40 Break Times

Employees may take one break period in the morning and one in the afternoon, if workloads permit. Each break period shall be limited to fifteen minutes and shall be scheduled as nearly as possible to 10:00 a.m., for the morning break; 3:00 p.m. for the afternoon break.

If an employee has opted for a one hour lunch break, break periods will not be permitted. Scheduling of the lunch period shall be as determined by the supervisor or manager.

2.41 Lunch Periods

The lunch hour period for all employees is generally one half hour due to taking two (2) fifteen (15) minute breaks. If an employee opts not to take their break periods, they may, with the approval of their supervisor, take an hour for lunch. Scheduling of the lunch period shall be as determined by the supervisor or manager.

2.42 Attendance

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

2.43 Notice of Absence

Employees who must be absent from work ordinarily are expected to notify their immediate supervisor in a reasonable time (normally not less than one half (1/2) hour before their scheduled starting time). The reason for and probable duration of the absence shall be provided by the employee. An employee's failure to provide such notice may result in disciplinary action or discharge.

2.44 Tardiness

Persistent tardiness of non-exempt employees may be charged as leaving without pay. An employee's tardiness may be the basis for disciplinary action, including termination.

2.50 Pay Guidelines and Procedures

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

2.51 Pay Periods

Employees are paid twice each month, on the 1st and 15th day of the month. When payday falls on Saturday, checks will be available the first work day following Saturday.

When payday falls on a holiday or Sunday, checks will be available the next following workday.

2.52 Deductions

Federal and state income taxes and social security contributions are automatically deducted from the employee's paychecks, as is required by law.

2.53 Garnishment

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

2.60 Safety

It is the responsibility of each employee to learn and observe all applicable safety practices, guidelines, directives, or procedures. Safety-related questions should be directed to each employee's immediate supervisor. Violation of safety practices, guidelines, directives, or procedures may result in disciplinary action up to and including discharge.

2.61 Safety Rules

The District has safety rules with which employees are expected to comply. These rules are not exclusive; employees are expected to do their jobs in a reasonable and safe manner regardless of whether specific safety rules apply. It is the responsibility of each employee to read and understand all District safety rules. Disobeying a safety rule may result in disciplinary action up to and including discharge. Employees will sign an acknowledgement sheet yearly that they have read and understand Appendix A, Berkeley Water and Sanitation Emergency/Disaster Plan of this Employee Policy Manual.

2.62 Reporting Accidents/Workers' Compensation

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

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

2.63 Maintenance/Housekeeping

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 immediate supervisor.

Cleanliness and orderliness are import to the operation of the District. Employees are responsible for keeping their work areas clean and orderly. The district reserves the right to restrict the placement of pictures or poster on walls within District premises.

2.64 American with Disabilities Act (ADA) Compliance

The District shall comply with the Americans with Disabilities Act in anti-discrimination hiring practices. Where appropriate, the District shall modify or provide a modified work environment with modification of tasks performed.

A "**reasonable accommodation**" is a change in the work environment that allows an individual with a disability to have an equal opportunity to apply for a job, perform a job's essential functions, or enjoy equal benefits and privileges of employment.

An accommodation poses an "**undue hardship**" if it results in significant difficulty or expense for the employer, taking into account the nature and cost of the accommodation, the resources available to the employer, and the operation of the employer's business. If a particular accommodation would result in an undue hardship, an employer is not required to provide it but still must consider other accommodations that do not pose an undue hardship.

Generally, the ADA requires employers to provide reasonable accommodations for known limitations of applicants and employees with disabilities unless doing so creates an undue hardship for the District.

2.65 Infectious Disease Control Policy

The District will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of the District during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

The District is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

The District may ask employees if they are experiencing influenza-like symptoms, such as fever or chills and a cough or sore throat. Similarly, employers may ask employees who report feeling ill at work, or who call in sick, questions about their symptoms to determine if they have or may have COVID-19. Currently these symptoms include, for example, fever, chills, cough, shortness of breath, or sore throat. Employers

must maintain all information about employee illness as a confidential medical record in compliance with the ADA.

The District will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, break rooms, conference rooms, door handles and railings. A committee will be designated to monitor and coordinate events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety through infection control.

All employees must cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains the most obvious—frequent hand washing with warm, soapy water; covering your mouth whenever you sneeze or cough; and discarding used tissues in wastebaskets. We will also install alcohol-based hand sanitizers throughout the workplace and in common areas.

Unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of childcare should schools close and/or speak with supervisors about the potential to work from home temporarily or on an alternative work schedule.

Many times, with the best of intentions, employees report to work even though they feel ill. We provide paid sick time and other benefits to compensate employees who are unable to work due to illness. Please review District policies on benefits and sick leave. During an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing any stated disease symptoms as defined by the CDC or state Health Department.

Currently, the Centers for Disease Control and Prevention recommends that people with an infectious illness such as the flu remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Employees who report to work ill will be sent home in accordance with these health guidelines.

Requests for Medical Information and/or Documentation

If you are out sick or show symptoms of being ill, it may become necessary to request information from you and/or your health care provider. In general, we would request medical information to confirm your need to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for you to return to work. As always, we expect and appreciate your cooperation if and when medical information is sought.

Confidentiality of Medical Information

Our policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law.

Social Distancing Guidelines for Workplace Infectious Disease Outbreaks

In the event of an infectious disease outbreak, the District may implement these social distancing guidelines to minimize the spread of the disease among the staff.

During the workday, employees are requested to:

1. Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, e-mail or instant messaging to conduct business as much as possible, even when participants are in the same building.
2. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room and sit at least one yard from each other if possible; avoid person-to-person contact such as shaking hands.
3. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.
4. Do not congregate in work rooms, pantries, copier rooms or other areas where people socialize.
5. Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).
6. Encourage members and others to request information and orders via phone and e-mail in order to minimize person-to-person contact. Have the orders, materials and information ready for fast pick-up or delivery.

Outside activities

Employees might be encouraged to the extent possible to:

1. Avoid public transportation (walk, cycle, drive a car) or go early or late to avoid rush-hour crowding on public transportation.
2. Avoid recreational or other leisure classes, meetings, activities, etc., where employees might come into contact with contagious people.

Any questions or comments regarding this policy should be directed to the District Manager for clarification.

2.66 Communicable Diseases Policy

Any decision involving employees who may have or been confirmed to have communicable diseases shall be based on current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful

weighing of the identified risks and the available alternative for responding to an employee with a communicable disease.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS), including the SARS-CoV-2 (coronavirus) and tuberculosis. The District may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

The District will not discriminate against any job applicant or employee based on the individual having a communicable disease. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have a communicable disease. The District reserves the right to exclude a person with a communicable disease from the workplace facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.

The District will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

3.0 COMPENSATION

3.10 Pay Schedule

Employees are paid according to a pay schedule adopted by the Board of Directors. Employees shall be placed on the pay schedule according to their job classification (and any other factors relevant to the specific pay schedule). Any employee temporarily assigned outside of their regular classification shall be paid at the rate for the temporary classification after six (6) weeks, until such time as they return to their former classification.

3.20 Equal Pay Act (effective January 1, 2021)

The Equal Pay Act states that:

- The employer cannot allow discrimination between employees on the basis of sex by paying an employee of one sex less than an employee of another sex.
- The employer is prohibited from asking for a prospective employee's wage history.
- The employer cannot retaliate against employees who refuse to provide wage history or seek to compare their wages to those of other employees.

- The employer can not prohibit employees from discussing or disclosing their wages.

No employer shall make any discrimination in the amount or rate of wages or salary paid or to be paid his employees in any employment in this state solely on account of the sex thereof.

The Director of the Division of Labor Standards and Statistics in the Department of Labor and Employment may not enforce wage discrimination complaints based on an employee's sex and instead authorizes the Director to create and administer a process to accept and mediate complaints of, and provide legal resources concerning, alleged violations and to promulgate rules for this purpose. An aggrieved person may bring a civil action in district court to pursue remedies specified in the Act.

The Equal Pay Act allows exceptions to the prohibition against a wage differential based on sex if the employer demonstrates that a wage differential is not based on wage rate history and is based upon one or more of the following factors, so long as the employer applies the factors reasonably and they account for the entire wage rate differential:

- A seniority system;
- A merit system;
- A system that measures earnings by quantity or quality of production;
- The geographic location where the work is performed;
- Education, training, or experience to the extent that they are reasonably related to the work in question; or
- Travel, if the travel is a regular and necessary condition of the work performed.

The Act prohibits an employer from:

- Seeking the wage rate history of a prospective employee or requiring disclosure of wage rate as a condition of employment;
- Relying on a prior wage rate to determine a wage rate;
- Discriminating or retaliating against a prospective employee for failing to disclose the employee's wage rate history;
- Discharging or retaliating against an employee for actions by an employee asserting the rights established by the act against an employer; or
- Discharging, disciplining, discriminating against, or otherwise interfering with an employee for inquiring about, disclosing, or discussing the employee's wage rate.

The Act requires an employer to announce to all employees employment advancement opportunities and job openings and the pay range for the openings. The Director is authorized to enforce actions against an employer concerning transparency in pay and employment opportunities, including fines of between \$500 and \$10,000 per violation.

Employers are also required to maintain records of job descriptions and wage rate history for each employee while employed and for two (2) years after the employment ends.

Failure to maintain these records creates a rebuttable presumption, in a lawsuit alleging wage discrimination based on sex, that the records not maintained contained information favorable to the employee's claim.

3.30 Holiday Pay

Employees who work on District-designated holidays shall, at the election of the District, be compensated with: (a) in addition to their regular pay, compensatory time at the rate of one (1) hour for each hour worked on the holiday; or (b) time and one-half ($\frac{1}{2}$) pay for each hour worked on the holiday.

3.40 Insurance Benefits

All full-time employees are eligible to receive group insurance benefits as established by the District Board of Directors. The terms and conditions of all group insurance plans offered by the District are subject to change from time to time at the discretion of the Board of Directors. In the event of part-time employees, benefits, if any, shall be as determined by the Board of Directors.

3.41 Health and Dental Insurance

The District provides health insurance coverage for full-time employees at the District's expense. Insurance for spouses and/or children shall be at the expense of the employee.

Copies of the District's insurance plan are available for review in the District's office. Effective dates of coverage depend on the date of employment and the terms of the plan. The District will inform all full-time employees as to the terms of the plan and requirements for participation and utilization.

Continuation of health insurance and/or terms of continuation are in the sole discretion of the District. Employees and their spouses may be eligible for continuation of coverage under the District's group health and dental plans upon separation from employment for reasons other than gross misconduct.

3.42 Life Insurance

The District provides Life Insurance, in the amount of annual wages, for regular full-time employees. Copies of the plan or plans are available for review in the District's Office. Effective dates of coverage depend on the date of employment and terms of the plan. The District will inform all full-time employees as to the terms of the plan and requirements for participation and utilization. Continuation of life insurance is in the sole discretion of the District.

3.43 Vision Insurance

The District provides vision insurance coverage for regularly employed, full-time employees. Copies of the plan or plans are available for review in the District's Office. Effective dates of coverage depend on the date of employment and terms of the plan. The District will inform all full-time employees as to the terms of the plan and requirements for participation and utilization. Continuation of vision insurance is in the sole discretion of the District.

3.44 COBRA

Companies with as few as two (2) employees in Colorado are eligible for COBRA. Employees who may be denied coverage due to a pre-existing condition are eligible for the Colorado Uninsurable Health Insurance Plan, a state-run program.

3.45 HIPPA

Berkeley Water and Sanitation District is not covered by the requirements of the Health Insurance Portability and Accountability Act (HIPAA). However, since we do have health care plan(s) which are subject to HIPAA regulations, we have determined that we will follow the HIPAA privacy and security provisions which apply to Protected Health Information (PHI) maintained by the organization.

Protected Health Information (PHI) PHI is individually identifiable health information including demographic data that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual.

Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

All employees who have access to PHI will receive the appropriate training relating to the HIPAA regulations. Any breach of privacy or confidentiality will be subject to disciplinary action.

The District Manager is designated as the HIPAA Compliance Officer (HCO). Any questions or concerns regarding the HIPAA regulations should be referred to the HCO.

All records governed by the HIPAA policy will be maintained for a period of six (6) years unless a state law requires a longer period of retention. After the required retention period, the records will be destroyed according to the organization's record destruction policy.

3.50 Retirement Benefits

Directors and employees of the District are covered under the Social Security System.

3.60 Tuition Reimbursement

Employees successfully completing job-related courses on instruction which are required by the District, or which are approved in advance by the District, will be reimbursed for reasonable tuition costs upon providing proof of successful completion to the District.

3.70 Incentive Awards

Where applicable, incentive awards shall be presented to District employees successfully obtaining State of Colorado, Wastewater Collection System Facility "Operator-In-Charge" Certification and other job-related certifications and licenses as follows:

Wastewater Collection System Operator in Charge at the classification equal to the Classification Designated of the District by the Colorado Department of Health: \$800.

4.00 –LEAVE TIME/HOLIDAYS

4.10 Paid Time Off

The purpose of Paid Time Off (PTO) is to provide employees with flexible paid time off from work that can be used for such needs as vacation, personal or family illness, doctor appointments, school, volunteerism, and other activities of the employee's choice. The District's goal is to reduce unscheduled absences and the need for supervisory oversight.

The PTO days you accrue, effective April 10, 2013, replace all existing vacation, sick time, and personal business days that you have been allotted under prior policies. The vacation time you accrued in the past will carry over, in excess of the PTO policy, per the District's guidelines at the time.

Under the Colorado Healthy Families and Workplaces Act (HFWA), employees have a right to accrue and use paid sick leave at a rate of one hour of paid leave for every thirty hours worked. This PTO policy is designed to comply with the HFWA. Therefore, a new employee begins accruing sick leave, couched as PTO for District purposes, at a rate of one hour of leave for every thirty hours worked, at the start of such employee's term of employment with the District.

Guidelines for PTO Use

Each full time employee will accrue PTO bi-weekly in hourly increments based on their length of service as defined below. PTO is added to the employee's PTO bank when the bi-weekly paycheck is issued. PTO taken will be subtracted from the employee's accrued time bank in one-hour increments. Anyone performing labor or services for the District, including a migratory laborer, is eligible to accrue PTO, pursuant to the requirements of the HFWA.

Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO for the entire bi-weekly pay period. PTO is not earned in pay periods during which unpaid leave, short- or long-term disability leave or workers' compensation leave are taken.

Employees may use time from their PTO bank in hourly increments. Time that is not covered by the PTO policy, and for which separate guidelines and policies exist, include paid holidays, bereavement time off, required jury duty, and military service leave.

To take PTO requires two days of notice to the District Manager unless the PTO is used for legitimate, unexpected illness or emergencies. In all instances, PTO must be approved by the employee's supervisor in advance. Berkeley appreciates as much notice as possible when you know you expect to miss work for a scheduled absence.

Paid Time Off (PTO) Exceptions

- Employees who miss more than three consecutive unscheduled days, may be required to present a doctor's release to the District Manager that permits them to return to work.
- PTO taken in excess of the PTO accrued can result in progressive disciplinary action up to and including employment termination. This time will be unpaid. The only possible exception to this policy must be granted by the board president.
- PTO accrued prior to the start of a requested and approved unpaid leave of absence must be used to cover hours missed before the start of the unpaid leave.

Specific Eligibility for Paid Time Off (PTO)

PTO is earned on the following schedule based on a forty (40) hour work week. PTO is prorated based on the number of hours worked on an employee's regular schedule but is accrued in increments not less than one hour of PTO for every thirty (30) hours worked.

Years of Service

- 1-5: 160 working hours per year, earned at a rate of 3.0769 hours for each full work week in a calendar year.
- 6-10: 240 working hours per year, earned at a rate of 4.6153 hours for each full work week in a calendar year.

- 11-15: 320 working hours per year, earned at a rate of 6.1538 hours for each full work week in a calendar year.
- 16-or more: 400 working hours per year, earned at a rate of 7.6923 hours for each full work week in a calendar year.

Each employee may carry eighty (80) hours of accrued PTO over into a new calendar year. Employees are responsible for monitoring and taking their PTO over the course of a year so that they do not lose time accrued when the current calendar year ends. If extenuating business circumstances prevented the employee from taking scheduled PTO, this PTO may be carried over and taken in the first half of the next calendar year with the approval of the Board or District Manager.

In the event two (2) or more employees request the same time off, the employee with the higher seniority shall be granted the leave, unless an emergency or extenuating circumstances require otherwise. Required work cannot be suspended or postponed due to employees' paid time off. Accordingly, other employees may be required to perform an employee's duties while they utilize PTO.

Employees are paid for the PTO they have accrued at employment's end. If an employee has used PTO time not yet accrued, and employment terminates, the PTO taken is deducted from the final paycheck. Employees who give two weeks' notice of employment termination must work the two weeks without utilizing PTO.

Employees who are rehired will receive credit for former time worked and accumulate current PTO for the combined time.

4.20 Holidays

The District recognizes the following state and national holidays as paid holidays for full-time employees, subject to the conditions described below. The District's Office will be closed in observance of these holidays.

New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Black Friday, and Christmas Days (eight (8) days total). When the holiday falls on a Saturday or a Sunday, the holiday will be observed on the weekday closest to the holiday, unless otherwise determined.

A regular full-time employee who is required to work on a recognized holiday shall be paid time and one half for working on that day. If a holiday falls during an employee's annual leave, it shall not be counted toward the employee's allotted annual leave days. Otherwise, employees must work the regular work day preceding and the regular work day following a holiday in order to receive compensation for the holiday. Holidays are granted with the consent of the Board.

4.30 Leave Time

The District provides paid or unpaid leave for use by employees under specific circumstances. Available leave and the circumstances under which it may be used are described below. The use of paid leave ordinarily must be approved in advance by each employee's supervisor. Unless advance approval is obtained, if possible, an employee may be charged for unpaid leave even if they are absent for a reason for which leave could otherwise be used. In addition, absence from work without advance approval may subject an employee to discipline, up to and including discharge.

4.31 Family and Medical Leave

The District is not subject to the provisions of the Family and Medical Leave Act because we employ less than fifty(50) people even though we are a public entity.

4.32 Family and Medical Leave Insurance (FAMLI) or Paid Family Medical Leave (PFML)

Beginning January 1, 2023, all employees and employers with ten (10) or more employees must opt in to paying PFML dues for distribution beginning January 1, 2024. Local governments and employers with less than ten (10) employees can opt out. Berkeley Water and Sanitation District's Board of Directors voted to opt out of paying the employer's portion of the PFML dues but allows their employees to opt in to taking dues out of the employee's paycheck and remitting that payment to the FAMLI Division each quarter. Employees will be paid directly by the FAMLI Division if their request for leave is approved.

Eligibility –

Employees must have worked four (4) quarters and have been paid \$2,500 during that period of time. Employees must pay dues for a period of three (3) years to participate in the program. Local governments and their employees do not have to pay FAMLI dues until January 2024.

Approval for Leave –

The FAMLI Division approves all requests for PFML. Requests must be submitted to the FAMLI Division one month in advance of the leave being taken for foreseeable leave. When the need for leave is unforeseeable, individuals have up to thirty (30) days after the leave has begun to apply for PFML.

Duration of Leave –

Twelve (12) weeks of leave per year, or sixteen (16) weeks if there is a complication with a pregnancy or with childbirth. The employee does not need to take it on a contiguous basis if it is for something other than pregnancy and child birth. Benefits are not payable until eight (8) hours of leave are accumulated.

Permitted Use –

- To care for a new child during the first year after the child's birth, adoption, or foster care placement;

- To care for a family member with a serious health condition;
- For worker's own serious health condition;
- For qualifying exigency; or
- Because the worker has a need for safe leave.

Qualifying exigency leave is leave based on a need arising out of your family member's active duty service (or notice of an impending call or order to active duty) in the armed forces. The need could include, for example, providing for the care or other needs of the military member's child or other family members, making financial or legal arrangements for the military member, attending counseling, attending military events or ceremonies, spending time with military member during a rest and recuperation leave or following return from deployment, or making arrangements following the death of the military member. Other such needs may qualify for coverage as well.

"Serious health condition" is defined as an illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

Safe leave is any leave needed because you are (or a family member is) the victim of domestic violence, stalking, or sexual assault or abuse. Safe leave may be used to protect you (or your family member) by:

- Seeking a court order;
- Obtaining medical care or mental health counseling;
- Making your home secure; or
- Seeking legal assistance.

Job Protection and Continuation of Benefits –

Workers who have been employed for at least 180 days before taking leave are entitled to be restored to their previous position – or an equivalent – with equivalent benefits, pay, and terms on returning from leave. Employees will receive any health insurance during the leave but do not accrue employment (PTO) or seniority benefits while on leave.

Employee Protection –

It is unlawful to:

- Interfere with, restrain, or deny any employee the PFML rights;
- Retaliate or otherwise discriminate against a person for exercising their PFML right, including filing a claim or complaint, or testifying or assisting in any investigation, hearing, or proceeding;
- Count PFML as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

Employees alleging a violation of their PFML rights may bring a civil action for the damages and equitable relief available for violations of the federal Family and Medical

Leave Act (FMLA). In addition, the Division of Family and Medical Leave Insurance may impose fines of up to \$500 for each violation.

Interaction With Other Laws –

Employees may choose to use sick leave or other employer-provided paid time off before using PFML benefits, but they are not required to do so. As long as it is mutually agreed upon with your employer, you may supplement your PFML benefit payments with sick leave or other paid time off in order to receive full wage replacement.

The PFML law does not diminish an employee's rights under any law that provides more leave benefits.

Payment for PFML –

Payroll is currently done through Quick Books. Any employee who wishes to opt in will have their wages reduced beginning January 1, 2024. The current amount an employee would pay is .45%. This amount is set by the FAMLI Division every year but is not to exceed .60%.

Benefit Amounts –

PFML wage replacement benefits will be paid at a rate of up to 90% of the employee's average weekly wage, depending on the employee's wage compared to the state's average weekly wage, with lower wage earners receiving a higher percentage. Benefits are calculated on a sliding scale using the individual's average weekly wage for the State of Colorado and may increase over time. Benefits are capped at \$1,100 per week. You can estimate your potential benefits by using the calculator available at famli.colorado.gov.

Applying for PFML Benefits –

Individuals or their designated representatives will apply for PFML benefits by submitting an application, along with other required documents that support the need for leave. You will submit the application directly to the FAMLI Division.

4.33 Military Leave

Berkeley Water and Sanitation District will grant a military leave of absence if you are absent from work because you are serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). You must give your District Manager advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable.

You will not be paid for military leave. However, you may use any available accrued paid time off, to help pay for the leave. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which you are otherwise eligible.

Your benefits, such as paid time off or holiday benefits, will not accrue during a military leave. When you return from leave, the benefits will start accruing again. If you are on military leave for up to thirty (30) days, you must return to work on the first regularly scheduled work period after your service ends (allowing for reasonable travel time). If you are on military leave for more than thirty (30) days, you must apply for reinstatement in accordance with USERRA and applicable state laws.

When you return from military leave (depending on the length of your military service in accordance with USERRA), you will be placed either in the position you would have attained if you had stayed continuously employed or in a comparable position. For the purpose of determining benefits that are based on length of service, you will be treated as if you had been continuously employed.

If you have questions about military leave, contact your District Manager for more information.

4.34 Bereavement Leave

Any full-time employee who suffers a death in their immediate family shall be allowed three days paid bereavement leave and request additional unpaid leave. For purposes of this Section, "immediate family" includes their spouse, children, parents, grandparents, grandchildren, siblings of the employee or the employee's spouse, a child to whom the employee is a parent or guardian, a person who was a parent or guardian of the employee when the employee was a child, or a person for whom the employee is responsible for providing or arranging care .

4.35 Injury Leave/Worker's Compensation

Employees are provided Workers' Compensation coverage from the day they begin work. Berkeley Water and Sanitation District pays the entire cost of this coverage. Employees are covered by Workers' Compensation if they are incapacitated by injury or illness arising out of their employment.

Employees must report all accidents to their supervisor immediately, regardless of how minor. If a work-related injury requires medical attention by a physician or any other medical facility that produces a bill, a claim must be made out the same day by the employee's supervisor. If the injury causes the person to be away from work beyond three (3) days, this injury must be reported to the state Workers' Compensation Division. The employee's supervisor is responsible for submitting a copy of the original claim to the state office.

Additionally, a copy of this claim must be forwarded to the District Manager, who will forward it to the insurance company. Employees are not authorized to go to a physician without first advising their supervisor or manager. Employees will not be eligible for regular compensation or paid time off in addition to any Workers' Compensation received.

The District will maintain a designated provider for medical treatment for work-related injuries and illnesses. All employees shall read and sign a copy of the district's "Employee Acknowledgement of Worker's Compensation Designated Provider Program", which shall be kept on file in the District's office. All employees shall obtain medical treatment for work-related injuries or illnesses from the designated provider. Failure to do so will result in the employee being personally responsible for the cost of medical services obtained.

Violation of this rule is grounds for dismissal.

4.36 Administrative Leave

Employees may be placed on administrative leave with pay under such 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.

4.37 Unpaid Leave

Under circumstances where an employee is not eligible for paid leave, they may be granted unpaid leave on such terms and conditions as may be permitted by the District in its discretion. Unpaid leave shall not be granted for more than one (1) month but may be renewed by the District upon its expiration.

Employees shall not accrue paid time off while on unpaid leave. Employees on unpaid leave are eligible to receive group insurance benefits upon their timely payment of appropriate premiums.

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

4.40 Jury Duty/Court Time

Compensation of employed jurors during first three days of service. All regularly employed trial or grand jurors shall be paid regular wages, but not to exceed \$50 per day unless by mutual agreement between the employee and employer, by their employers for the first three (3) days of juror service or any part thereof. Regular employment shall include part-time, temporary, and casual employment if the employment hours may be determined by a schedule, custom, or practice established during the three-month period preceding the juror's term of service.

Employees are not entitled to compensation from their employers for their participation in other unrelated areas of the legal system. For example, an employer does not have to compensate an employee for time spent: serving as a witness in a case, responding to a subpoena, or acting as a plaintiff or defendant in the courts.

4.50 Voting

Any employee whose work schedule is such that polls are not open during at least three (3) non-working hours shall be permitted paid leave for time spent voting, not to exceed two (2) hours.

5.00 EMPLOYMENT PRACTICES

5.20 Training and Education

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

5.30 Promotions

A promotion is considered the advancement of an employee to a position that carries more responsibility and a higher rate of pay. All regular employees of the District are eligible to be considered for promotions for which they apply and are qualified.

The effective date of an employee's promotion establishes a new starting date for any annual salary increases for which the employee may be eligible.

5.40 Nepotism

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

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

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

5.50 Temporary Employment

Employees who are hired for positions known to be of limited duration are considered temporary employees. A position is considered to be of limited duration if it is reasonably expected at the time the position is filled that the position will terminate in the foreseeable future, even though the precise termination date may not be known.

Temporary employees are not eligible to participate in any group insurance programs offered by the District and are not provided paid time off, parental leave, bereavement leave, or injury leave, nor will the District provide any pay differential for military service, jury duty, or worker's compensation to temporary employees. Temporary employees are paid for holidays only if worked.

5.60 Part-time Employment

Any employee who is regularly scheduled to work less than forty (40) hours per week is considered a part-time employee.

5.70 Employee Appraisals

The District expects each of its employees to be appraised concerning their job performance at least annually. The appraisal process is intended to provide employees with information concerning their employment progress and to serve as a means of improving employee performance. The appraisal process is not meant to serve as a substitute for ongoing discussion between supervisors and employees.

Supervisors are expected to appraise each employee annually. This expectation is not intended to create a right to an annual appraisal, but rather imposes a duty on supervisors. Similarly, the District's appraisal guideline is not intended to entitle employees to a specific method or stand of appraisal but is intended to impose an affirmative obligation on supervisors to appraise employees regularly and consistently.

5.71 Appraisal Standards

It is the responsibility of District management to develop appraisal standards. Written appraisal standards are to be maintained by each supervisor for the employees under their supervision. Whenever the nature of the job permits, appraisal standards should be objective indicators of job performance. All appraisal standards and other details of the District's performance appraisal process shall be communicated by supervisors to the employees under their direction.

5.72 Appraisal Process

The appraisal process shall permit oral and written responses by employee and shall require annual written appraisals for each employee that are signed by the employee and the appraiser and shall include review of each appraisal by the appraiser's supervisor.

Each written appraisal shall become a part of the appraised employee's personnel record.

6.00 LAYOFF/FURLOUGH

The District reserves the right to layoff or furlough employees for reasons of efficiency, economy, lack of work, or for such other reasons as the Board of Directors deems sufficient. Employees who are laid off are eligible to continue health and dental insurance, if any, at their own expense as authorized by federal and state law.

Laid off employees may apply for vacancies with the District and shall be afforded preference over new hires for positions for which they are qualified.

7.00 EMPLOYEE CONDUCT

7.10 General Rules of Conduct

The District expects all of its employees to act in the best interests of the District and its constituents. It is the responsibility of all employees to observe the rules, guidelines, operating procedures and directives of the District. The District further expects that each of its employees will behave with courtesy and respect toward other employees and members of the public. Specific rules of conduct adopted by the District or described in these guidelines are not meant to be all inclusive, but rather address some common and serious potential problems.

7.11 Dress and Appearance

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

7.20 Drugs and Alcohol

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

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

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

7.21 Reporting Convictions

Any employee who is convicted or pleads no contest under any criminal drug statute regarding a violation occurring on the job or in the workplace shall notify the District of the conviction or plea within five days. Failure to so notify the District may result in termination of employment.

7.22 Drug and Alcohol Testing

If an employee is involved in an incident that injures themselves or others or where property damage is caused by an employee, the employee will immediately be sent to one of the dedicated health providers for the District for a urinalysis test. If the test proves positive for drugs or alcohol, the employee shall be relieved of their duties immediately and without pay.

7.30 Harassment

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

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other inappropriate oral, written or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's job performance or creating an intimidating, hostile or offensive employment environment.

Harassment based on race, color, national origin, ethnicity, disability, religion, age or sexual orientation consists of verbal or other conduct relating to any of those characteristics which has the purpose or effect of creating an intimidating, hostile or offensive working environment' which has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or which otherwise adversely affects an individual's employment opportunities.

Any employee who believes they have been the victim of prohibited harassment or who have observed such harassment are expected to report the harassment to the District Manager. In all events, prohibited harassment should be reported to a person in a position to take corrective action against the harasser, including, if necessary, members of the District's Board of Directors.

Upon notification of prohibited harassment, the District Manager shall notify the President of the Board of Directors. The District Manager shall immediately investigate,

take action to prevent and remedy any harassment, and report their findings and course of action to the President of the Board of Directors and the complaining party. Investigations of reported harassment and the results of such investigations will be kept confidential to the extent possible, given the need for a complete and fair investigation.

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

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

7.40 Use of District Property

District property is to be used only for official District business, in an appropriate manner, and in accordance with all applicable rules, operating procedures, or directives. No employee shall remove District property or the property of any other employee from District premises or work sites without proper authorization. Any employee who steals District property or the property of any other employee, or who abuses, misuses, damages, or destroys District property shall be subject to discipline, up to and including immediate discharge.

7.50 Use of District Vehicles

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

7.50.1 Use of Seat Belts

All front and rear seat occupants of state-owned, leased, or rented vehicles and all personal vehicles operated on County business are required to wear seat belts. Failure to wear seat belts shall be considered improper use of a vehicle and shall subject employees to disciplinary action. If an accident resulting in injury to an employee occurs, the employee is not wearing a seat belt, and the failure to use the seat belt contribute to injuries received, the employee's workers' compensation benefits may be reduced as determined by the Workers' Comp carrier.

7.51 Driver's Licenses

All employees responsible for operating District vehicles shall maintain a valid Colorado driver's license. All equipment operators and maintenance personnel operating machine and driving vehicles larger than standard pickup trucks shall obtain and maintain a Class A, Commercial Driver's License. Any suspension or revocation of an employee's driving privilege must be reported immediately to District Office.

7.60 Conflict of Interest

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

1. Engage in a substantial financial transaction for private business purposes, with another employee whom they supervise;
2. Take any official action directly and substantially affecting to its economic benefit a business or other undertaking in which they have a substantial direct or indirect financial interest or business arrangement.
3. Disclose or use confidential information acquired in the course of their official duties to further substantially their personal financial interests; or
4. Accept a gift of substantial value or a substantial economic benefit which might tend improperly to influence them in the discharge of their responsibilities; or which could be construed as a reward for action taken in the course of official duties.

Any employee who knows or reasonably should know they have a potential conflict of interest shall disclose such potential conflict to their supervisor.

7.70 Off-Duty Conduct

The District reserves the right to take appropriate action including dismissal from employment, in response to off-duty conduct of employees which:

1. Relates to a bona fide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of the employee; or
2. Is necessary to avoid a conflict of interest or the appearance of such a conflict with any of the employee's responsibilities.

7.80 Whistle Blowing

No director, officer, or employee who in good faith makes a report or raises a concern about the District shall suffer harassment, retaliation, or adverse employment consequence. Anyone who retaliates against someone who has in good faith reported wrongdoing or suspected wrongdoing will be subject to disciplinary action up to and including termination of employment.

Employees shall share their questions, concerns, suggestions or complaints with their immediate supervisor. If the employee is not comfortable speaking with their supervisor or not satisfied with the supervisor's response, the employees should report the concern to the Board of Directors. The President of the Board will work with Legal Counsel to determine how violations or concerns will be addressed and communicated to the Board of Directors.

8.00 DISCIPLINE

The District expects all employees to conduct themselves pursuant to the highest professional, business, and ethical standards and will not tolerate misconduct. The District, through its Board of Directors and management, retains the right to take such disciplinary action as it deems appropriate in any given circumstances. Whether an employee's performance, conduct, or behavior warrants disciplinary action is within the District's discretion. The District does not intend by these guidelines to create any expectations 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.

8.10 Disciplinary Action

The level of discipline to be imposed for an infraction shall be that which the District, through its Board of Directors or management, deems appropriate under the circumstances. District management retains the right to determine in its discretion, that any of the following disciplinary actions is appropriate without using lower levels of discipline first.

Disciplinary action may include:

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

9.00 GRIEVANCES

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

9.10 Purpose of Grievance Procedure

The grievance procedure is intended to provide a formal process for the resolution of grievances. It is not, however, intended to be a substitute for healthy and appropriate communication between employees and supervisors, nor is it intended that the grievance

procedure be used to harass supervisors or interfere with the operations of the District. Before the grievance procedure is started, employees should attempt to resolve disputes, complaints, and concerns with their immediate supervisor by discussing the matter informally.

9.20 Grievance Procedure

The grievance procedure shall consist of the following steps:

Step 1 An employee may present a written complaint to their immediate supervisor setting forth the subject of the grievance and requesting consideration pursuant to this procedure. The employee and the supervisor shall confer on the matter and the supervisor shall respond to the complaint, orally or in writing within ten (10) working days. A supervisor shall advise the President of the Board of Directors of the grievance.

Step 2 If the grievance is not resolved at Step 1, the employee may, within ten (10) working days of the supervisor's response, request in writing that a meeting be held between the employee and the President of the Board of Directors. Such request shall also specify the nature of the grievance. The employee and the President of the Board of Directors shall meet as soon as is practicable thereafter and the President of the Board of Directors will respond in writing within ten (10) working days of that meeting, circumstances permitting.

Step 3 If the grievance is not resolved at Step 2, the employee may, within ten (10) working days after receiving the Step 2 response, request in writing that a meeting be held between the employee, the President of the Board of Directors, and the Board's Legal Counsel. They shall meet as soon as is practicable and Legal Counsel shall respond to the grievance within ten (10) working days, circumstances permitting. The decision of Legal Counsel shall be final.

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

10.00 EMPLOYEE RECORDS

10.10 Personnel Records

Personnel records are retained by the District concerning all employees. Such records ordinarily include applications, insurance forms, payroll deduction authorizations, performance appraisals, certain pay records, transfer and promotion forms, records of disciplinary action, training records, and any certificates or credentials

required for an employee's job. Other information concerning employees may be kept as personnel records, in the discretion of the District.

In order to keep personnel records current, the District Manager must be notified of any change in any employee's address, phone number, marital status, 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 an 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 their job, as well as any documents showing that education or training relevant to employment has been completed.

10.20 Release of Information

Personnel records are considered confidential subject to statutory requirements. Employees may examine their own personnel records, except for letters of reference, by contacting the District Manager. 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 information presented by a third party. Responses to requests by mail shall be limited to confirmation of documented information provided by a third party, unless such requests for information are accompanied by an authorization to release the information requested, signed by the employee.

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

11.00 SEPARATION FROM EMPLOYMENT

11.10 Disciplinary Termination

Employees who are terminated for disciplinary reasons are not eligible for rehire. Such employees shall be paid for accrued paid time off. Employees who are dismissed for disciplinary reasons may be entitled to continue coverage under the District's group health and dental insurance programs at their own expense as provided by state and federal law.

11.20 Layoff

Employees who are laid off are eligible for rehire. At the time of lay off, employees shall be paid for accrued but unused compensatory time and paid time off.

Laid off employees are eligible to continue coverage under the District's group health and dental insurance programs at their own expense as provided by state and federal law.

11.30 Resignations

An employee who resigns in good standing is eligible for re-employment with the District. An employee resigns in good standing if she or he does not resign under threat of discharge, gives the District at least two weeks' notice, and completes necessary exit forms.

Employees who resign shall be paid for all accrued but unused compensatory time and paid time off.

11.40 Retirement

Employees who retire are not eligible for rehire. Upon retirement, employees shall be paid their accrued but unused paid time off.

11.50 Exit Procedure

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

12.00 MISCELLANEOUS GUIDELINES

12.10 Political Activity

Any District employee has the right as a citizen to participate fully in the political process. No District employee, however, shall campaign for any candidate or cause on District time or using District resources. No district employee shall publicly campaign for any candidate or cause while wearing a District uniform or District insignia.

12.20 Board Membership of Employees

A board member may not be employed by the district.

Where a board member applies for employment with the district, he or she must resign from the board if employment is offered and accepted. No board member may begin employment with the district until after the effective date of their resignation.

Where an employee of the district is elected to the district board, he or she must take a leave of absence for their term of office. Failure to do so shall result in termination of employment.

12.30 Smoking

The District reserves the right to designate non-smoking areas in its facilities. All such areas shall be marked as such. Employees who smoke in designated non-smoking areas shall be subject to discipline.

12.40 Expenses

The District reimburses employees for expenses reasonably incurred in the course of District business, provided such expenses have been authorized in advance or are determined by the District, in its discretion, to have been necessarily incurred under circumstances where advance approval was not reasonable possible. Employees seeking reimbursement for expenses will ordinarily be required to document those expenses.

The District shall reimburse employees for use of their personal vehicles on District business per mile for the rate established for that year.

All requests for reimbursement for expenses shall be submitted on the District's expense form.

12.50 Outside Employment

Any employee of the District who wishes to engage in outside employment shall notify their supervisor prior to accepting such employment. The employee's supervisor will contact the President of the Board of Directors for approval of such outside employment.

No district employee shall engage in outside employment which interferes with the proper and effective performance of their duties or attendance requirements, including overtime work, or that results in a conflict of interest. Requirements of employment with the District shall have priority over any requirements of outside employment.

12.60 Health Examinations

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

1. to determine the ability of an applicant who has been offered employment to perform job-related functions required by business necessity.
2. when there is a need to determine whether an employee is able to perform the essential functions of their job;
3. as may be required to determine the necessity or feasibility of reasonable accommodations for a disability;
4. periodically, as may be necessary to comply with fitness for duty or monitoring requirements imposed by law.

Results of all physical or psychiatric examinations shall be treated as confidential records by the District and shall be maintained separately from District personnel records.

Section 12.61 Inoculations

All maintenance employees shall, at District expense, maintain current inoculations for Hepatitis and Tetanus.

12.70 Desks/Lockers/Storages/Inspections

The District reserves the right to open and enter any office, desk, locker, file cabinet, or other storage location within District premises and to inspect District vehicles and any containers brought into the workplace. Although an employee may be assigned an office, desk, vehicle, locker, file cabinet, or other storage area or device, such assignment does not create an expectation of privacy in the use of such items or areas.

12.80 Staff Use of District Computer Resources

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

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

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

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

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

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

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

12.90 Staff Use of Electronic Mail

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

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

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

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

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

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

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

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

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

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

13.00 EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the employment guidelines of the Berkeley Water and Sanitation District (the "District"). **I understand that these guidelines do not constitute a contract and impose no legal obligation of any kind on the District.**

I understand that the District reserves the right to change or rescind these guidelines at any time, as well as the right to determine their meaning, purpose, and effect. I also understand that the District reserves the right, in its sole discretion, to determine whether, and to what extent, these guidelines should be applied in any given circumstances.

I understand that my employment with the District is at-will, and may be terminated at any time, with or without cause, a statement of reasons, or a hearing, and that I may resign at any time, for any reason.

Printed Name

Signature

Date

Appendix A