

RESOLUTION NO. 2021-1-2

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE THREE LAKES
WATER AND SANITATION DISTRICT APPROVING AMENDMENTS TO
THE EMPLOYEE HANDBOOK**

WHEREAS, Three Lakes Water and Sanitation District (the "District") is a quasi-municipal corporation and political subdivision duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the District has the authorization to appoint, hire and retain employees, pursuant to § 32-1-1001(1)(i), C.R.S., and currently has several employees; and

WHEREAS, the Board of Directors of the District is authorized to have the management, control and supervision of the business affairs of the District, pursuant to § 32-1-1001(1)(h), C.R.S.; and

WHEREAS, the District's employee handbook has been updated by the District Manager and Attorney for the District to comply with the new Healthy Families and Workplaces Act, and the District Manager recommends approval of the amended employee handbook.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THREE LAKES WATER AND SANITATION DISTRICT AS FOLLOWS:

The employee handbook presented by the District Manager which has been amended to comply with the new Healthy Families and Workplaces Act, also known as the Paid Leave Law is attached as Exhibit A.

ADOPTED this 11th day of January, 2021.

**THREE LAKES WATER & SANITATION
DISTRICT**


Patricia Farmer, Chairperson

ATTEST:

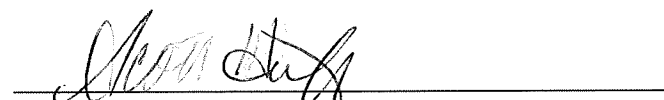

Scott Huff, Secretary/Treasurer

EXHIBIT A

THREE LAKES WATER AND SANITATION DISTRICT

Employee Handbook

Effective: June 11, 2018

Updated: ~~July 8, 2019~~ _____, 2021

Effective Date – Superseding Prior Policies and Procedures

This Handbook is effective May 2018, and supersedes all prior versions of this Handbook, and all other District policies, procedures or benefits to the extent the procedure, policy or benefit is expressly addressed in this Handbook. The adoption of this Handbook shall not, however, affect any disciplinary or other action begun or taken prior to the effective date of this Handbook. In the event of a conflict between this Handbook and any other District policy, procedure or benefit, this Handbook controls.

Definitions

- **Administrative Staff.** Employees who do not work in the District's Operations Department.
- **Anniversary Date.** The date on which an Employee commences employment with the District.
- **Applicable Law.** A Federal, State or local law, rule, ordinance, code or regulation that applies in any manner whatsoever to the District or its Directors, managers, supervisors or employees.
- **Board of Directors.** Five duly elected or appointed electors of the public who act as the governing body of the District pursuant to Colorado law, and are responsible for setting District policies.
- **District.** The legal entity known as Three Lakes Water and Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado, and as such, a unit of local government.
- **District Manager.** The individual hired by, serving at the pleasure of, and acting under the direction of the Board. The District Manager is responsible for the administration and operation of the District.
- **District Property/Premises.** All property, facilities, land, offices, buildings, structures, fixtures, installations, equipment, automobiles, trucks, snowmobiles, and all other vehicles, whether owned, leased, used or otherwise under the control of the District.
- **Employee.** Any individual employed by the District on either a temporary, part-time or full-time basis. The term "employee" does not include Directors, independent contractors, consulting professional, engineers, attorneys, accountants and other consultants or persons hired to provide professional services.
- **Family member.** (a) An employee's immediate family member; (b) a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor; or (c) a

person for whom the employee is responsible for providing or arranging health- or safety-related care.

- **FLSA.** The Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, as amended from time to time.
- **Illegal Drug or Substance.** Any substance that is illegal in the United States under any federal or Colorado law, or any substance defined as a controlled substance in Colorado Revised Statutes § 18-18-201, *et seq.*, or the Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, both as amended from time to time. Medical or recreational marijuana is a controlled substance and illegal under federal law, and is included within this definition of Illegal Drug or Substance.
- **Handbook.** This Employee Handbook of the THREE LAKES WATER AND SANITATION DISTRICT, as amended and approved by the Board.
- **Immediate Family or Immediate Family Member.** -The employee's spouse, civil union partner, child or children, father, mother, brothers, sisters, stepmother, stepfather, stepbrothers, stepsisters, or an individual who raised the employee, whether related by blood, marriage, civil union or adoption.-
- **On-Call.** An employee appointed to respond to requests by the public outside of regular working hours is considered on-call.
- **Operations Staff.** Employees who work in the District's Operations Department.
- **Superintendent.** Employee who is in charge of the District's wastewater collection system, treatment plant, and labs.
- **Supervisor.** An individual hired by and acting under the direction and supervision of the District Manager or Superintendent. Supervisors are responsible for the daily administration, management, and operation of a particular team or group of employees or activity within a department. In general, the District Manager directly supervises the Administrative Staff and the Superintendent directly supervises the Operations Staff.
- **Wastewater Operator Employee.** Employees in the Operations Division who have, or are working towards, Operator licensing in wastewater and or water.
- **Work Week.** A period of 7 consecutive 24-hour periods established by the Board for the purpose of calculating and paying overtime to non-exempt employees. The District's workweek begins at 12:01 a.m. on Monday and ends on the following Sunday at 12:00 midnight.

Employees, vendors or visitors who feel they have been subjected to workplace violence, have witnessed workplace violence, or who have knowledge regarding an individual who has engaged in workplace violence, must immediately report the incident to the District Manager. If an employee believes there is an immediate threat to the health or safety of the employee or any other individual, or to District property, the employee must immediately call 911. The District will investigate all reports of workplace violence and take such action, as it deems appropriate. Any employee who engages in workplace violence may be subjected to discipline, up to and including immediate termination. The District also may report any incident of workplace violence to the appropriate law enforcement agency.

Retaliation against an employee for making or participating in the investigation of a complaint of workplace violence is prohibited.

Exceptions

Law enforcement officials;

An individual who is authorized under Colorado law to carry a concealed weapon in a public place. Although, under current Colorado law, the District cannot prohibit an employee possessing a valid permit from carrying a concealed weapon in the public portions of the District's facilities, as an employer, the District can and does prohibit any employee from carrying or storing a concealed weapon in any non-public portion of the District's facilities. Further, all employees are expressly prohibited from carrying a concealed weapon in the performance of any District duty or activity. All employees are hereby notified that the carrying, storage or use of a concealed weapon in the performance of any District duty or activity is expressly prohibited and not within the scope of their employment/services. As such, an employee who carries, stores or uses a concealed weapon while performing a District duty or activity does so without District authority, and will be individually responsible for such actions. Any employee intending to store or carry a concealed weapon in a public portion of a District facility shall provide the District Manager with a copy of a valid state permit before taking such action.

Retaliation Prohibited--Generally

Prohibitions against retaliation, harassment or intimidation of employees are set forth in other sections of this Handbook. Additionally, it is the policy of the District that no employee shall be retaliated against, harassed or intimidated as a result of reporting, or assisting or cooperating in the investigation of, an alleged violation of any District rule, policy or procedures, or any Federal, State or local law or ordinance, including but not limited to the Fair Labor Standards Act, Family and Medical Leave Act, Title VII of the Civil Rights Act, the Americans With Disabilities Act, the Pregnancy Anti-Discrimination Act, and the Colorado Anti-Discrimination Act, the Colorado Equal Pay Act, the Healthy Families and Workplaces Act, or the Public Health Emergency Whistleblower law. Anyone who believes he/she has been wrongfully harassed, intimidated or retaliated against shall file a complaint of retaliation in accordance with the procedures set forth in the section titled Complaint Procedure. Employees who believe that there have been other

violations of such laws may also file complaints in accordance with the procedures set forth in the section titled Complaint Procedure

Performance Evaluations

Each employee's performance shall be evaluated from time to time as the employee's Supervisors deem appropriate. In addition to the feedback provided to the employee on a periodic basis by Supervisors, employees typically receive an annual written evaluation. An employee cannot appeal an evaluation. Employees may submit a written response to an evaluation, either in the space provided on the evaluation form or by another document. The written response will be attached to the evaluation and placed in the employee's personnel file. Any employee who believes his/her evaluation was based in whole or in part on illegal discrimination, harassment or retaliation should file a complaint in accordance with the Complaint Procedure.

The District strives to take the following actions after 90 days of employment: (1) review the employee's performance, including filing an evaluation in the employee's personnel file; (2) if applicable, conduct a wage or salary review; and (3) hold a question and answer session between the Supervisor and employee.

The District strives to perform an evaluation (including a wage or salary review, if applicable), and question and answer session after 180 days of employment and every anniversary of the employee's date of hire thereafter.

Personnel Records

Personnel files are maintained for each employee. Personnel files are confidential and are kept in a locked, secure place. The employee, or the employee's designee pursuant to a written authorization by the employee, may review his/her personnel files during regular business hours in the presence of the District Manager or his or her designee, at such reasonable time as the District Manager may designate. Only District personnel who need to access the personnel files to perform their duties for the District may access the District's personnel files.

No material shall be removed from the personnel files of an employee. This rule shall not prohibit the disclosure of information in an employee's personnel files required by court or administrative order or applicable law.

Employee's Responsibility to Update Personnel Information

An employee shall promptly notify the District Manager of any change in his/her name, address, telephone number, marital status, number of exemptions, or emergency notification information. The District will rely on the employee's last given address and telephone number when contacting the employee on any matter and when giving written notices.

Reference and Employment Verification Inquiries

sufficient vacation hours posted or accruing on the employee record, will be posted as "approved time off without pay." Vacation leave records shall be maintained for each employee and kept with other payroll documents in the administrative office.

Accrued vacation days may carry-over until the following year, provided all employees max out and stop accruing vacation time at 25 days (200 hours).

Holidays.

The District office will be closed in observance of, and employees will receive paid time off on, the following holidays:

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|------------------|--|
| New Year's Day | Veteran's Day |
| President's Day | Thanksgiving Day |
| Memorial Day | Day after Thanksgiving |
| Independence Day | December 24 (if this date falls on a Saturday or Sunday, it will be observed on the preceding Friday). |
| Labor Day | December 25 |

If the actual holiday falls on a Saturday, the preceding Friday will be deemed to be the designated holiday. If the actual holiday falls on a Sunday, the following Monday will be deemed to be the designated holiday, except as noted above.

If a holiday falls during the employee's vacation, the employee will not be charged with a vacation day for the holiday.

Holiday hours are between the hours of 8:00 a.m. and 4:30 p.m. Any time worked before or after this time period will be paid as on-call, in accordance with the On Call section. When an exempt employee works on a holiday, he/she may take time off with pay at a later date, equal to the amount of time worked on the holiday. To qualify for holiday pay, employees must work the business day before and the business day after the holiday, unless a planned absence was granted.

Administrative Leave

The District Manager or Superintendent may place an employee on paid or unpaid administrative leave pending an investigation, corrective or disciplinary action, or for other reasons the District Manager deems appropriate. In the case of the District Manager, the Board may place the District Manager on paid or unpaid administrative leave pending an investigation, corrective or disciplinary action, or for other reasons the Board deems appropriate.

Sick Leave

All ~~Full-time~~ employees are eligible to accrue paid sick leave in accordance with the section "Accrual" set forth below.

If an exempt employee is absent for less than a full day, and does not have sufficient accrued sick leave to cover the partial day absence, the exempt employee will still receive his/her salary for that day; however, if an exempt employee is sick and has

exhausted his/her accrued sick leave, absences of one or more full days will be deducted from the exempt employee's salary, in accordance with 29 C.F.R. § 541.602(b), as may be amended from time to time.

Accrual

Sick leave accrues at a rate of one and one-half (1½) days per month for full-time employees and at rate of 1 hour per 30 hours worked for part-time employees and temporary employees, up to a maximum accrual of twenty (20) days for any employee. After 20 days have accrued, sick leave will stop accruing, unless sick leave is taken, at which time it will accrue at the same rate up to the allowable 20-day limit. Accrued sick leave will carry over from one fiscal year to the next, provided that the total accrual may not exceed the 20-day limit at any time. [Full-time] eEmployees who provide at least two weeks' notice prior to separating from employment with the District may be compensated for up to 10 days of accrued sick leave, paid under the same terms as accrued but unused vacation leave. In the event that a public health emergency is declared, employees shall receive the amount of sick leave to which they are entitled under state law, if entitled to more than the accrued amount, per Section 8-13.3-405, C.R.S. or other state law.

Absences Requiring Use of Sick Leave

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

(a) The employee:

- (i) has a mental or physical illness, injury, or health condition that prevents the employee from working;
- (ii) needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
- (iii) needs to obtain preventive medical care;
- (iv) has been exposed to a highly contagious disease; or
- (v) attends scheduled doctor or dentist appointments;

(b) the employee needs to care for a family member who:

- (i) has a mental or physical illness, injury, or health condition;
- (ii) needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
- (iii) needs to obtain preventive medical care;

(c) the employee or the employee's family member has been the victim of domestic abuse, sexual assault, or harassment and the use of leave is to:

- (i) seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by the domestic abuse, sexual assault, or harassment;
- (ii) obtain services from a victim services organization;
- (iii) obtain mental health or other counseling;
- (iv) seek relocation due to the domestic abuse, sexual assault, or harassment; or
- (v) seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment; or

(d) due to a public health emergency, a public official has ordered closure of:

- (i) the employee's place of business; or

(ii) the school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

~~1) employee is ill, injured or otherwise physically incapacitated; 2) employee has been exposed to a highly contagious disease; 3) for the care of an illness or injury of employee's immediate family; 4) scheduled doctor or dentist appointments; or 5) as explicitly authorized in this Handbook.~~

An employee must notify his/her Supervisor as soon as possible, when sick leave is being requested, and, when possible, advise the Supervisor of the anticipated return time.

The employee must furnish the Supervisor with a doctor's note or other appropriate documentation providing that the use of paid sick leave is for an authorized purpose, ~~after~~ use of sick leave for ~~four-three~~ (43) or more consecutive work days.

Maternity Leave

Regular full-time employees who become pregnant shall be eligible for up to, but not exceeding, sixty (60) calendar days of maternity leave without pay, which shall not constitute a break in employment. All accrued vacation and sick leave shall be applied to the maternity leave, with the balance of the leave, if any, being without pay. Paid vacation and sick leave benefits shall not accrue while taking maternity leave without pay. Any person hired to fill a position vacated by an employee on maternity leave shall be deemed a temporary employee.

Inclement Weather

There are times through the winter months when the weather creates a challenge to report to work. Employees must make the best effort possible to get to work. If the office is open, Administrative Staff will be expected to report to work. The District will provide paid time off for scheduled employees if it declares a "snow day" if it cannot provide a safe and warm environment for its Administrative Staff. The Superintendent shall establish reporting requirements of its Operations Department during bad weather conditions, recognizing the importance of continued service to customers. In the case of inclement weather other than declared snow days, the District will pay non-exempt employees only for hours actually worked.

Personal Days

Regular full-time employees are permitted a total of two (2) paid personal days per year, to be taken at their discretion. Personal days cannot be carried over from year-to-year and are forfeited, and not paid out upon termination. During the first year of employment, a regular full-time employee hired between the dates of January 1 – June 30, shall receive two paid personal days; and a regular full-time employee hired on or after July 1 shall receive one (1) personal day. Personal days can be taken only in full or half-day increments.

Health Insurance