

AGENDA

Denver Board of Water Commissioners

Denver Water Board Room, 1600 W 12th Avenue, Denver, CO 80204 and

Video Conference: <http://zoom.us/join>, Meeting ID: 882 3417 6376 - Passcode: 600590 or

Dial in (669) 900-6833 - Meeting ID: 882 3417 6376 - Passcode: 600590

Members of the public are welcome to attend either in person or by video conference

Wednesday, December 13, 2023 9:00 a.m.

I. INTRODUCTORY BUSINESS

A. Call to Order and Determination of Quorum

B. Public Comment and Communications

At this point in the agenda, the Board may allow members of the public to address the Board on any item of interest within the jurisdiction of the Board, and not on the agenda for action. Speakers wishing to address a specific Action Item will be invited to address the Board when the item is being considered. Three minutes are allowed for each person unless the President determines otherwise.

1. Distributor Communications
2. Citizen Advisory Committee Communications

C. Ceremonies, Awards, and Introductions

II. ACTION ITEMS

A. Consent Items

Items listed below are considered routine and may be enacted by one motion and vote. If any Board member desires discussion beyond explanatory questions, or corrections to the Minutes, the President may order that item to be considered in a separate motion and vote.

1. Settlement Agreement of Case No. 19-cv-01307 – Contract 505604
2. Recommended Revisions to Personnel Policies

B. Individual Approval Items

- | | | |
|---|-----------|------------|
| 1. Purchase and Sale Agreement with Arapahoe County – Contract 505875 | Tom Roode | 15 minutes |
|---|-----------|------------|

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III. POLICY MATTERS

- | | | |
|----------------------|----------------|------------|
| A. NTP Update | Pete McCormick | 15 minutes |
|----------------------|----------------|------------|

IV. EXECUTIVE UPDATE

- A. CEO Update**
- B. CFO Update**
- C. Operations Update**

V. BRIEFING PAPERS & REPORTS

- A. Briefing Paper**
- B. Report**

VI. ADJOURNMENT

VII. TRUSTEE MATTERS

VIII. EXECUTIVE SESSION

The Board may adjourn the regular meeting and reconvene in executive session on topics authorized by D.R.M.C Sec. 2-34.

- A. Confidential Report**

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: December 13, 2023

Board Item: II-A-1

Settlement Agreement of Case No. 19-cv-01307 Contract 505604

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve Contract 505604 to settle case no. 19-cv-01307. The parties mediated on October 31, 2023 and have mutually agreed upon settlement terms as memorialized in Contract 505604.

Budget and Schedule:

The total amount of this contract is \$500,000. Funds for this contract will come from the 2023 budget for Insurance and Legal Claims, which will require a variance of \$451,000 because this settlement was not anticipated in the 2023 budget.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise goals are not applicable for this item.

Recommendation:

Staff recommends that the Board approve Contract 505604 for a total contract amount not to exceed \$500,000.

Approvals

Alan Salazar, CEO/Manager

Julie Anderson, Chief of Staff

Jessica R. Brody, General Counsel

Angela C. Bricmont, Chief Finance Officer

Brian D. Good, Chief Administrative Officer

Richard B. Marsicek, Chief Water Resource Strategy Officer

Robert J. Mahoney, Chief Engineering Officer

Thomas J. Roode, Chief Operations Officer

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: December 13, 2023

Board Item: II-A-2

Recommended Revisions to Personnel Policies

Action by Consent

Individual Action

Purpose and Background:

Denver Water staff has completed an annual review of the Personnel Policies, and the purpose of this Board item is to seek approval of changes to policies to ensure they comport with current law, align with best practice, and effectively support the business needs of the organization.

Recommended policy changes are presented in the attached memorandum with an explanation for each change. Substantive changes are:

- Creation of COFAM leave and associated expansion of job protection to align with the benefits provided through the Colorado Family and Medical Leave Insurance program.
- Refinements to policies that govern employee evaluations to emphasize that satisfactory performance is required on an ongoing basis and that unsatisfactory performance can be addressed at any time using the Corrective Action process.

Budget and Schedule:

There is no direct budgetary impact.

Recommendation:

Staff recommends the Board adopt the attached revisions to the Personnel Policies effective January 1, 2024.

Approvals

Alan Salazar, CEO/Manager

Julie Anderson, Chief of Staff

Jessica R. Brody, General Counsel

Angela C. Bricmont, Chief Finance Officer

Brian D. Good, Chief Administrative Officer

Richard B. Marsicek, Chief Water Resource Strategy Officer

Robert J. Mahoney, Chief Engineering Officer

Thomas J. Roode, Chief Operations Officer

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To: Board of Water Commissioners
Cc: Executive Team
From: Julie Anderson, Chief of Staff
Kim Forbes, Director of Human Resources
Date: December 1, 2023
Subject: Personnel Policies – Recommended Revisions for Board Review

Denver Water staff completed the annual review of Personnel Policies to ensure they comport with current law, align with best practice, and effectively support the business needs of the organization. This memo highlights the proposed changes for the Board’s information and feedback. Staff will present a final version for approval on December 13, 2023.

CHAPTER 6 – DRUG AND ALCOHOL POLICY

Purpose for Recommended Changes: Adding oral fluids testing to provide additional flexibility in testing that aligns with emerging technology, best practices and enhances an individual’s privacy.

6-3-(1) Consent to Drug and Alcohol Testing. As a condition of employment, Denver Water may require employees to submit to breath alcohol, [oral fluids](#) and urine drug testing as described below.

CHAPTER 7 – EMPLOYEE BENEFITS

Purpose for Recommended Changes: Policy revisions and additions required to provide benefit enhancements like those provided by Colorado’s Family and Medical Leave Insurance program.

7-6. FAMILY AND MEDICAL LEAVE.

7-6-(1) Family and Medical Leave.

- (a) **General Provisions.** Family and Medical Leave provides job protection for qualifying employees and is unpaid. An eligible employee is entitled to a total of 12 work weeks of unpaid family and medical leave for the reasons listed below, during any rolling 12-month period. To be eligible, an employee must have been employed by Denver Water for at least 426 months, ~~and provided at least 1,000 hours of service during the 12-month period immediately prior to commencement of the leave.~~ A “rolling” 12-month period is measured backward from the date an employee uses FMLA leave.
- (i) An employee will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions upon returning from a family and medical leave.
 - (ii) Employees who are on an approved family and medical leave may not work for another employer unless approved under Denver Water’s policy on Outside Employment, § 2-12-(6).
 - (iii) Any leave designated as family and medical leave will be deducted from the allotted 12 weeks in the rolling 12-month family and medical leave period, ~~unless leave is for an injury or illness covered by worker’s compensation.~~
- (b) **Reasons for Family and Medical Leave.** An employee may be eligible for family and medical leave if the employee’s absence from work is due to one of the following reasons:
- (i) Birth of an employee's child and care of such child within 12 months after birth.
 - (ii) Placement of a child with the employee for adoption or foster care within 12 months after placement.
 - (iii) Care for an employee's family member with a serious health condition. Individuals specified in the definition of “family member” in the FMLA are covered by this section.

- (iv) The employee's own serious health condition if it results in the employee being unable to perform job functions.
- (c) **Serious Health Condition Defined.** A "serious health condition" is:
- (i) An illness, injury, impairment, or physical or mental condition that involves overnight inpatient care in a medical treatment facility and any resulting period of incapacity.
 - (ii) Any period of incapacity longer than three consecutive workdays, due to a health condition that requires continuing care or supervision by a health provider. Continuing care means at least two visits to a health care provider within 30 days of the start of the period of incapacity; or
 - (iii) Any period of incapacity due to pregnancy, prenatal care, or a chronic serious health condition. ~~Denver Water will approve family and medical leave based on health care provider information and applicable law.~~
- (d) **Notification Requirements.** An employee who intends to be absent, or is absent, for more than three consecutive workdays for a serious health condition as determined by the third-party administrator, must request family and medical leave. If the leave is foreseeable, the employee must provide 30 days advance notice to their supervisor and the third-party administrator. If leave is not foreseeable, the employee must provide notice as soon as practicable.
- (e) **Use of Accrued Leave.** Before using leave without pay, employees on family and medical leave, except those on a leave for a worker's compensation injury or illness or those receiving short-term disability benefits, must reduce [Personal Leave and](#) accrued PTO to [a total of 4080](#) hours. Employees receiving short-term or long-term disability benefits from a third-party administrator may elect to use accrued PTO or personal leave to supplement their short-term or long-term disability income. Use of accrued leave does not extend the approved family and medical leave period.
- (f) **Family Leave for Birth, Adoption or Foster Care Placement When Both Parents Work at Denver Water.** Employees who are married or domestic, or civil union partners may each take up to 12 weeks of family and medical leave for the birth, adoption, or foster care placement of a child.

(g) **Continuation of Employee Benefits.** During an approved family and medical leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of coverage. If an employee fails to return to work after unpaid family and medical leave, the employee must reimburse Denver Water for its share of the cost of coverage, unless the employee's failure to return to work is caused by the continuation, recurrence, or onset of a serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner, or parent, by the employee's retirement, or by circumstances beyond the employee's control.

(h) **Return to Work After Family and Medical Leave.** Before returning to work after a family and medical leave for their own serious health condition, an employee who returns to work with work restrictions must provide Human Resources and third-party administrator with a completed and signed ~~Denver Water~~ Fitness for Duty Form. An employee with work restrictions who fails to provide the required form will not be allowed to return to work until the form is provided. A Chief may deny reinstatement to an employee who fails to return to work when no longer eligible for family and medical leave.

(i) **Reduced Leave Schedule or Intermittent Family and Medical Leave.**

~~(i) **Serious Health Condition.** An employee eligible for family and medical leave for a serious health condition may be eligible for a reduced leave schedule or intermittent leave.~~

~~(ii) **Birth, Adoption or Foster Care Placement.** Subject to prior written approval by the employee's Chief, a full-time regular employee may work a reduced leave schedule [or use intermittent leave](#). ~~after the birth of the employee's child or placement of a child with the employee for adoption or foster care. Approval of a reduced leave schedule for this purpose is subject to the following limitations:~~~~

- ~~• A reduced leave schedule is a reduction of an employee's usual number of working hours per workweek or hours per workday, for a defined period not to exceed 26 weeks, during the first 12 months after birth or placement of a child for adoption or foster care.~~
- Approval of a reduced leave schedule is not guaranteed but subject to operational needs, the employee's attendance record, the employee's accrued leave balances, and other job-related criteria; ~~and~~
- ~~• The third-party administrator may request proof of birth or~~

~~placement of a child for adoption or foster care.~~

7-6-(2) Military Family Leave.

- (a) **General Provisions.** Employees who are employed by Denver Water for at least 126 months ~~and provide at least 1,000 hours of service during the 12-month period immediately prior to commencement of the leave~~ are eligible for unpaid military leave. An eligible employee is entitled to either 12 or 26 weeks of 12 military family leave, for the reasons listed below.
- (b) **Reasons for Military Family Leave.** An employee may be eligible for military family leave if an employee's absence from work is due to one of the following reasons:
 - (i) The employee's absence is due to a qualifying exigency as defined by applicable federal law, or
 - (ii) To care for the serious injury or illness of the employee's spouse, son, daughter, parent or next of kin who is a covered service member as defined by applicable federal law.
- (c) **Use of Accrued Leave.** Employees on military family leave must reduce accrued PTO and Personal Leave to a total of 4080 hours before using leave without pay. Use of accrued leave does not extend the military family leave period allowed.
- (d) **Military Family Leave for Married Employees.** Spouses who are both employed by Denver Water and who are eligible for military family leave to care for the serious injury or illness of a covered service member are limited to a combined total of 26 work weeks of leave during the single 12-month period.
- (e) **Continuation of Employee Benefits.** During an approved military family leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of health care coverage. If an employee fails to return to work after unpaid military family leave, the employee must reimburse Denver Water for its share of the cost of coverage, unless the employee's failure to return to work is caused by the continuation, recurrence, or onset of a serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner's child, or parent, by the employee's retirement, or by circumstances beyond the employee's control.
- (f) **Return to Work After Military Family Leave.** Employees are reinstated to the same or equivalent position with equivalent pay, benefits and other

employment terms and conditions upon returning from military family leave.

- (g) **Reduced Leave Schedule or Intermittent Military Family Leave.** An employee eligible for military family leave for the serious injury or illness of a covered service member relative can request a reduced work schedule or intermittent leave applied against the leave available during the 12-month period.
- (i) The employee will receive health benefits but will be paid only for hours worked.
 - (ii) Exempt and Non-Exempt employees on a reduced leave schedule or taking intermittent leave must use accrued PTO or personal leave to make up the difference between full compensation and reduced pay not to exceed the employee's regular compensation.
 - (iii) Denver Water may temporarily transfer an employee working a reduced work schedule or taking regularly scheduled intermittent leave to an available, alternative position with the same hourly rate of pay and benefits.

7-16. COFAM LEAVE.

7-16-(1) COFAM Leave.

- (a) General Provisions. COFAM is paid leave. An eligible employee is allowed up to 12 work weeks (additional 4 weeks if pregnancy complications) of paid leave for the reasons listed below, during any rolling 12-month period. To be eligible, an employee must have provided at least 80 hours of service to Denver Water and exhausted all but 80 total hours of paid leave (Personal and/or PTO). Employees are required to apply for short-term disability if eligible and the reason for leave is a qualifying event. Employees who are approved for short-term disability benefits are not eligible for COFAM leave.
- (i) An employee will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions upon returning from a COFAM leave.
 - (ii) Employees who are on an approved COFAM leave may not work for another employer unless approved under Denver Water's policy on Outside Employment, § 2-12-(6).
 - (iii) Any leave designated as COFAM leave will be deducted from the allotted 12 weeks in the rolling 12-month COFAM leave period

unless leave is for an injury or illness covered by worker's compensation.

(iv) COFAM leave runs concurrent with FMLA.

(b) Wage Replacement

(i) Wage replacement is at a rate of 70% of an employee's base weekly earnings up to a maximum of \$1500 per week.

(c) Reasons for COFAM Leave. An employee may be eligible for COFAM leave if the employee's absence from work is due to one of the following reasons:

(i) Care for a new child, including adopted and fostered children.

(ii) Care of themselves if they have a serious health condition.

(iii) Care for a family member's serious health condition. Individuals specified in the definition of "family member" in the FMLA are covered by this section.

(iv) To make arrangements for a family member's military deployment

(v) Address the immediate safety needs and impact of domestic violence and/or sexual assault.

(d) Serious Health Condition Defined. A "serious health condition" is:

(i) An illness, injury, impairment, or physical or mental condition that involves overnight inpatient care in a medical treatment facility and any resulting period of incapacity.

(ii) Any period of incapacity longer than three consecutive workdays, due to a health condition that requires continuing care or supervision by a health provider. Continuing care means at least two visits to a health care provider within 30 days of the start of the period of incapacity; or

(iii) Any period of incapacity due to pregnancy, prenatal care, or a chronic serious health condition. Denver Water will approve family and medical leave based on health care provider information and applicable law.

(e) Notification Requirements. An employee who intends to be absent, or is absent, for more than three consecutive workdays for a qualifying reason as determined by the third-party administrator, must request family and medical

leave, if eligible. If the leave is foreseeable, the employee must provide 30 days advance notice to their supervisor and the third-party administrator. If leave is not foreseeable, the employee must provide notice as soon as practicable.

- (f) Use of Accrued Leave.** Before using COFAM leave, an employee must reduce Personal Leave and accrued PTO leave to a total of 80 hours.
- (g) Family Leave for Birth, Adoption or Foster Care Placement When Both Parents Work at Denver Water.** Employees who are married may each take up to 12 weeks of COFAM leave for the birth, adoption, or foster care placement of a child.
- (h) Continuation of Employee Benefits.** During an approved COFAM leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of coverage. If an employee fails to return to work after COFAM leave, the employee must reimburse Denver Water for its share of the cost of benefit coverage, unless the employee's failure to return to work is caused by the continuation, recurrence, or onset of a serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner, or parent, by the employee's retirement, or by circumstances beyond the employee's control.
- (i) Return to Work After COFAM Leave.** Before returning to work after a COFAM leave for their own serious health condition, an employee who returns to work with work restrictions must provide Human Resources and third-party administrator with a completed and signed Fitness for Duty Form. An employee with work restrictions who fails to provide the required form will not be allowed to return to work until the form is provided. A Chief may deny reinstatement to an employee who fails to return to work when no longer eligible for COFAM leave.
- (j) Reduced Leave Schedule or Intermittent COFAM Leave.** Subject to prior written approval by the employee's Chief, an employee who is eligible for COFAM leave may work a reduced leave schedule or use intermittent leave. Approval of a reduced leave schedule is not guaranteed but subject to operational needs, the employee's attendance record, the employee's accrued leave balances, and other job-related criteria.

CHAPTER 10 – EMPLOYEE EVALUATIONS

Purpose for Recommended Changes: Changes to eliminate the unnecessary reference to interim formal evaluations and to emphasize that satisfactory performance is required on an ongoing basis. Remove reference to specific corrective actions and instead provide flexibility to administer corrective action appropriate to address the performance deficiency.

~~10-1-(2) Interim Formal Evaluation Permitted. A supervisor may formally evaluate an employee at any time during a review period.~~

10-2-(2) Performance Rated as “Room for Improvement.” An employee whose overall rating on the annual performance evaluation rating is “room for improvement” is not eligible for a pay increase. The supervisor of the employee must issue a Performance Development Plan (PDP) to provide an opportunity for the employee to address identified performance deficiencies.

10-3-(2) Concluding the Performance Development Plan. At the conclusion of the PDP period, the employee shall be evaluated again. If the employee fails to meet the performance expectations outlined in the PDP or if deficiencies recur after the conclusion of the PDP, the employee may be subject to Corrective Action. ~~To successfully complete a PDP, the employee must achieve an overall performance rating of “thriving” or higher.~~

~~(a) — During the two-year period following successful completion of a PDP, the employee must maintain a “thriving” or higher overall rating, or the employee will be subject to immediate demotion or termination based on unsatisfactory performance of job duties.~~

~~(b) — An employee whose overall performance during a PDP is rated “room for improvement” will be subject to immediate demotion or termination based on unsatisfactory performance of job duties.~~

CHAPTER 12 – EMPLOYEE PAY

Purpose for Recommended Changes: In response to an internal audit conducted in 2013, Denver Water has provided additional pay to compensate employees whose personal activity is restricted outside of normal work hours. This “On-Site” pay has been included in housing agreements but was inadvertently not added to the Personnel Policies. Recommendation is to add a specific provision.

12-7. ON-CALL, ~~AND~~ CALL-BACK PAY, AND ON-SITE PAY

12-7-(3) On-Site Pay. Employees may be eligible for additional pay when designated as “on-site.”

(a) Eligibility Criteria. Employees are eligible for on-site pay if all the following apply:

- i. Employee is required to live in Denver Water provided housing.
- ii. Employee is not free to engage in personal activity outside of working hours due to the response time required for the facility and geographic location, and
- iii. Employee is the only qualified operator for the facility.

(b) Rate of On-Site Pay. An Employee considered to be “on-site” will be paid one hour of the applicable minimum wage for each hour they are required to be on-site outside of their normal work schedule. The employee must be able to respond to work outside normal business hours and if called out to work shall receive their normal hourly rate for hours worked and not receive on-site pay for those hours.



Personnel Policies

of the
BOARD OF WATER COMMISSIONERS
CITY AND COUNTY OF DENVER

Last modified January 1, 2024³

INTRODUCTION

The Board of Water Commissioners has adopted Denver Water's Personnel Policies pursuant to the Board's authority under the Charter of the City and County of Denver. Only the Board has authority to adopt Personnel Policies affecting its employees. All employees must comply with the Personnel Policies. However, an employee's rights and Denver Water's obligations under the Personnel Policies may vary depending on the employee's status as a discretionary, regular, introductory employee or temporary worker. The Personnel Policies are subject to change and do not constitute an employment contract between the Board and its employees.

Board approved 11/25/09

The Personnel Policies are under continual examination and subject to revision at any time. Neither the Board nor any of its employees have authority to guarantee the continuation of any personnel policy, procedure or practice, and employees may not rely on the continuation of any policy. Employees are responsible for consulting the most current policies. A personnel matter is governed by the applicable Personnel Policies in effect at the time of its occurrence.

Board approved 5/16/00

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CHAPTER 1 – DEFINITIONS

1-1 DEFINITION OF TERMS.

- (a) **Active Employment:** The employment status of an introductory, regular, or discretionary employee currently receiving compensation for work performed for Denver Water, absent while on approved paid or unpaid leave or suspended with or without pay.
- (b) **Applicant:** A person, including a temporary worker, who has applied for a position and is not currently an introductory, regular, or discretionary employee.

Board approved 11/25/09
- (c) **Bid:** An application for a classified position by a regular or discretionary employee.
- (d) **Bidder:** A regular or discretionary employee who applies for a classified position.
- (e) **Board:** The City and County of Denver, acting by and through its Board of Water Commissioners.
- (f) **Candidate:** A person determined through competitive examination to be eligible for a classified position.
- (g) **Career Progression:** Advancement of an employee in specific classified positions from one level in a class series to the next level based on individual training and career development.
- (h) **CEO/Manager:** The person designated by the Board as CEO/Manager of Denver Water or person designated by the CEO/Manager to act on their behalf.
- (i) **Chief:** The head of a division, the Chief of Staff, the General Counsel, and the Chief Internal Auditor.

Board approved 06/22/16
- (j) **Class:** A group of classified positions engaged in the same kind of occupational work.
- (k) **Classification Plan:** A systematic inventory and grouping of all job classes and positions in the classified service.

- (l) **Classified Employee:** An employee holding a position in the classified service.
- (m) **Classified Service:** The aggregate of all classified positions at Denver Water, comprising the civil service system for regular employees established by the Board pursuant to the Charter of the City and County of Denver.
Board approved 08/23/17
- (n) **Class Description:** A written description of the characteristic duties, responsibilities, and qualifications of a classified position(s) within a job family.
- (o) **Competitive Selection Process:** The process used to evaluate the qualifications of applicants and bidders for a position, which may include assessment by a structured interview, written or other job-related assessments.
- (p) **Deferred Holiday:** Holiday leave taken in lieu of pay when an employee is scheduled to work on a holiday or when a holiday falls on a scheduled day off.
- (q) **Demotion:** Reassignment of an employee to a job in a lower pay grade the midpoint of which is 5% or more lower than the midpoint of the employee's current pay grade.
- (r) **Denver Water:** The property and personnel under the control of the Board.
- (s) **Director:** For purposes of corrective action under these policies, a Director is the head of a section who reports directly to a Chief.
Board approved 06/22/16
- (t) **Disability Review Process:** Procedures for determining if and how an employee with work restrictions arising from disabilities can be accommodated.
- (u) **Discretionary Employee:** An employee hired for an at-will position outside the classified service, who serves solely at the pleasure of the Board in accordance with the Charter of the City and County of Denver. The Board identifies discretionary positions which, generally, are senior level or policy making positions that report directly to the CEO/Manager or to a Chief, or positions held by lower-level employees whose actions could have broad organizational impact or put Denver Water at significant risk.
Board approved 01/09/19

- (v) **Domestic Partner:** An adult of the same gender as an employee, whose personal relationship with the employee meets the criteria established in these Personnel Policies.
- (w) **Eligible List:** A list composed of the names of candidates determined to be eligible for a position.
- (x) **Employee:** A person employed by the Board as an introductory, regular, or discretionary employee.

Board approved 11/25/09
- (y) **Employee Health Services:** Denver Water health clinic, its staff, and any doctor or other medical staff hired by Denver Water to provide medical services.
- (z) **Employee Protection Leave:** Unpaid leave available under certain circumstances to an employee affected by domestic violence, stalking, sexual assault, or other crime involving an act of domestic violence.
- (aa) **Enterprise Policies:** Policies and procedures established by the CEO/Manager.

Reference changed from "Executive Guidelines" 4/10/15
- (bb) **Equal Employment Opportunity:** Ensuring that all persons are treated fairly and without regard to race, national origin, gender, sexual orientation, religion, disability, age, military, or marital status, with respect to all conditions of employment, including but not limited to hiring, promotion, compensation, benefits, and corrective action.
- (cc) **Exempt Employee:** An employee who is not eligible for overtime pay.
- (dd) **Family and Medical Leave:** An approved leave of absence related to the serious health condition of an employee or certain family members of the employee, or to the birth or adoption of a child by an employee.
- (ee) **Fitness for Duty:** An employee's ability to physically and mentally perform the essential functions of their position.
- (ff) **Health Care Provider:** A person who is operating within the scope of their license; and is (1) licensed to practice medicine and prescribe or administer drugs or perform surgery; or (2) any other duly licensed medical practitioner as defined by state law.
- (hh) **Hiring Manager:** The supervisor authorized to select a certified candidate for a position.

- (hh) **Illicit Use of Drugs:** An employee's on-the-job or off-the-job unauthorized use or misuse of a controlled substance as defined by law, or misuse of prescription drugs, over-the-counter drugs or other substances known to affect a person's ability to perform job duties safely and/or efficiently.
- (ii) **Impaired by Alcohol:** For a CDL or Safety Sensitive employee, Impaired by Alcohol means having a blood alcohol concentration of 0.04 or more grams of alcohol per 210 liters of breath, per 100 milliliters of urine or per 100 milliliters of blood. For all other employees, Impaired by Alcohol means having a blood alcohol of 0.05 or more grams of alcohol per 210 liters of breath, per 100 milliliters of urine or per 100 milliliters of blood.
- (jj) **Inactive Employment:** The employment status of a regular or discretionary employee receiving long term disability benefits, or during the LTD qualifying period if the employee is not eligible for family and medical leave.
- Board approved 6/13/07
- (kk) **Introductory Employee:** A newly hired or rehired classified employee who is in the introductory period.
- (ll) **Introductory Period:** A period of at least six months immediately following the hiring or rehiring of an employee to a classified position during which the employee does not have regular status.
- (mm) **Job Abandonment:** The failure of an employee to report to work for five consecutive working days without authorization, or the failure to return to work at the expiration of an approved leave.
- (nn) **Job Evaluation:** The evaluation of job duties to assign a position to the appropriate class and pay grade.
- Board approved 02/24/16
- (oo) **Light Duty:** Temporary duties assigned to an employee who has filed a worker's compensation claim and is unable to perform the duties of their current position.
- (pp) **Limited-Term Employee:** An introductory or regular employee hired to work either full or part-time for a limited term on a specific project.
- Board approved 12/6/17
- (qq) **Military:** All branches of the Armed Forces of the United States, including the United States Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marines, and Public Health Service.

(rr) Non-Classified Employee: An introductory employee or temporary worker who is not entitled to the rights and privileges of a regular employee.

Board approved 11/25/09

(ss) Non-Exempt Employee: An employee who is eligible for overtime pay pursuant to law.

(tt) On-Call: The time during which an off-duty employee must be available and fit to report for work on short notice.

(uu) Paid Time Off or PTO: Leave time accrued by an employee, which the employee can use as needed to take paid time off from work.

Board approved 7/13/16 effective 1/1/17

(vv) Part-Time Employee: An employee regularly scheduled to work from 20 to 39 hours per week.

(ww) Pay Plan: A schedule of pay grades and a list of job classes for positions in the classified service.

(xx) Payroll Calendar Year: The payroll calendar year runs from the first day after the final pay period in a calendar year to the last day of the final pay period in the following calendar year.

Board approved 7/13/16 effective 1/1/17

(yy) Personnel Policies: Policies adopted by the Board that govern the rights, privileges, and obligations of all Board employees.

(zz) Position Description: The official document summarizing the essential duties and responsibilities assigned to a position.

(aaa) Promotion: An employee's movement by competitive process from a job in which the differential between the midpoint of the current position's pay grade and the midpoint of the higher position's pay grade is 5% or greater.

Board approved 06/22/16

(bbb) Reduction in Force: The involuntary termination of an employee due to lack of work, lack of funds, abolition of the employee's position, or elimination of a Denver Water function.

(ccc) Regular Employee: A full or part-time employee who satisfactorily completes an introductory period and is approved by the CEO/Manager to receive the rights and privileges of a classified employee.

Board approved 06/22/16

- (ddd) Rehire:** Appointing a former regular employee to a position in the same job class from which the employee separated, within one year of separation.
- (eee) Resignation:** The voluntary termination of employment.
- (fff) Retirement:** The voluntary termination of employment by an employee who retires under Denver Water's Retirement Plan.
- (ggg) Safety Hours:** Hours a Non-Exempt employee is not scheduled to work during a regular shift because the employee has worked 16 hours in a 24-hour period.
- (hhh) Safety Sensitive Employee:** An employee whose position requires the performance of duties where the employee's direct action/inaction may lead to immediate harm to self, team or the public and/or will have significant risk to the mission of Denver Water.
- (iii) Structured Interview Panel:** The competitive process used to assess the qualifications of candidates for a position, conducted by a panel of three or more members.
- (jii) Supervisor:** A person who directs the activities of one or more immediate subordinates and is responsible for the preparation and signing of performance evaluations. For purposes of these *Personnel Policies*, a supervisor may be a Chief, Director, Manager, or other supervisor.
- (kkk) Suspension:** An absence from work with or without pay mandated by a supervisor in the employee's chain of command.
- (III) Temporary Worker:** A person hired directly by Denver Water on a temporary basis who is not part of the classified service.
- Board approved 3/14/12
- (mmm) Termination:** The act of ending the employment relationship between Denver Water and an employee.
- (nnn) Transfer:** The reassignment of a regular employee without a competitive process to a position in a comparable pay grade.
- (ooo) Veteran's Preference:** A preference on competitive examinations given to certain qualified veterans or spouses of veterans in accordance with Article XII, Section 15 of the Colorado Constitution.

CHAPTER 2 - GENERAL EMPLOYMENT POLICIES

2-1. BOARD AUTHORITY OVER PERSONNEL MATTERS.

2-1-(1) Adoption of Personnel Policies. The Board is authorized by the Charter of the City and County to adopt policies governing its employees. These policies are subject to and construed in accordance with applicable federal, state, and local laws, including the Charter, and may be superseded without notice by any conflicting and controlling law. These policies generally apply to all employees, but rights and obligations under the policies vary depending on an employee's status as an introductory, regular, discretionary employee or temporary worker.

- (a) **Amendment of Personnel Policies.** At any time, the Board may amend or revoke the policies, benefits or working conditions affecting its employees and described in the Personnel Policies. Unless otherwise specified, amendments and revocations are effective as of the date adopted and apply to all employees regardless of date of employment.
- (b) **Delegation of Authority to Make Non-substantive Changes to Personnel Policies.** The Director of Human Resources may make non-substantive changes to improve the style and clarity of Board-adopted policies so long as the changes preserve the policies' intent, effect, and meaning. Non-substantive changes may include the adoption of a uniform system of punctuation, capitalization, and wording; correction of obvious errors and inconsistencies; elimination of obsolete and redundant wording; correction of inaccurate references to job titles, laws or other policy sections; elimination of duplications in policy and policy repealed directly or by implication; clarification of existing policy, modernization of terminology, and other non-substantive changes as the Director of Human Resources considers proper.

Board approved 9/10/14
- (c) **Emergency-Related Delegation of Authority to CEO/Manager to Make Exceptions to the Personnel Policies to Address the COVID-19 Emergency.** The CEO/Manager may grant exceptions to Board-adopted policies for the purposes of responding to emergency situations or under unusual circumstances where compliance with the policies could adversely impact Denver Water operations or the health and safety of employees or the public. Exceptions to the policies will be made on a case- by- case basis. Each exception to the policies granted by the CEO/Manager under this section shall be issued in writing and shall identify the applicable emergency or unusual circumstances and the need for the exception. Exceptions shall be reported to the Board in a timely manner. This delegation of authority shall expire on June 25, 2020.

2-1-(2) No Employment Contract Created. These policies do not create an employment contract between Denver Water and any employee or vest any employee with any contractual rights or entitlements. No written or oral promises or assurances regarding employment that are contrary to or inconsistent with these policies are binding on the Board or Denver Water. If there is a conflict between these policies and any internal policy, procedure, guideline, or other directive provided to employees, these policies are controlling and superseding.

2-1-(3) Voluntary Waiver of Rights. An employee may voluntarily and knowingly waive, in writing, any or all rights provided within these Policies, except when prohibited by state or federal law.

Board approved 2/10/22

2-1-(4) Delegation of Authority to Directors. A Director who reports directly to the CEO/Manager has authority to act as a Chief when the Personnel Policies require approval or action by a Chief.

2-2. RESPONSIBILITIES OF THE DIRECTOR OF HUMAN RESOURCES.

2-2-(1) General Duties. Subject to the direction of the CEO/Manager, the Director of Human Resources directs and supervises all Human Resources activities, including recommending changes to the Personnel Policies; advising and assisting supervisors in policy implementation and interpretation; recruiting and screening applicants and hiring employees; maintaining the classification and pay plans; recommending and administering employee benefits; managing the wellness program; implementing an employee performance evaluation program, ensuring that promotion and career progression are being used fairly and consistently; conducting exit interviews with terminating employees to obtain feedback regarding employee benefits and other employment issues and insure repayment of debts and return of Denver Water property; and other appropriate Human Resources activities.

Board approved 6/10/09

2-2-(2) Employee Performance Evaluation Program. The Director of Human Resources in cooperation with appropriate supervisors develops, implements, and maintains a comprehensive performance evaluation program for all employees. The objective of the program is to provide supervisors and employees with an opportunity to discuss job performance as it relates to specific job standards, identify development opportunities, encourage, and recognize strengths, and to discuss positive, purposeful approaches for meeting goals.

2-2-(3) Employee Records.

- (a) **Employment Information.** Human Resources maintains employment related information regarding each employee, including personal identifying information and information regarding hiring, pay, benefits, performance, corrective action, training and development, problem resolution and other appropriate information.
- (b) **Medical Information.** Human Resources and Employee Health Services may retain medical information including personal health information about an employee or a family member for reasons related to the employee's work or benefits. Medical information is confidential to the extent required by law.
- (c) **Access to Employment and Medical Information.** Employee employment and medical information is the property of Denver Water. Access to this information is restricted by law, including but not limited to HIPAA and the Colorado Open Records Act. Generally, only officials and representatives of Denver Water with a legitimate reason may review an employee's employment or medical information. With reasonable advance notice, an employee may review their own employment or medical information in the presence of Employee Health Services representative and receive copies of such information upon written request.

2-2-(4) Employment Reference Requests. Human Resources will respond to all requests for employment references for current or former employees by confirming the dates of employment, positions held and salary or wage information. Human Resources will not release other employment data without written authorization from the employee. Supervisors are to refer all requests for references to Human Resources.

2-3 WORK SCHEDULE AND LOCATION.

2-3-(1) Work Week and Work Schedules. Denver Water's normal work week is 40 hours and extends from 12:01 a.m. Sunday to 12:00 a.m. the following Saturday. Subject to Human Resources approval, supervisors may vary work weeks and work schedules and locations based on staffing and operational needs.

2-3-(2) Part-Time Schedule. Part-time work week schedules vary from 20 to 39 hours per week.

2-3-(3) Limits on Continuous Hours of Work. To protect employee health and welfare and promote safety on the job, an employee normally must not work more than 16 hours in any 24-hour period. Except under an emergency declared by the federal, state, county, or local government, or by Denver Water, an employee who works 16 hours in a 24-hour period, is not allowed to return to work until at least eight hours have elapsed.

Board approved 02/24/16

2-3-(4) Breaks. Subject to supervisory approval, employees may take two 15-minute paid breaks and one 30-minute unpaid meal break per workday.

2-3-(5) Employee Community Engagement. Denver Water encourages employees to volunteer to participate in Denver Water sponsored employee associations or activities, and other community or educational activities that may not be specifically related to an employee's job requirements but are related to Denver Water's Strategic Plan and Mission.

- (a) **Denver Water Internal Initiatives and Activities.** With supervisory approval, an employee may participate in Denver Water sponsored internal initiatives and activities during paid work time.
- (b) **Community Engagement Activity Approved by Denver Water.** Public Affairs may determine that a community engagement activity relates to the Strategic Plan and Mission and may endorse employee participation in the activity during paid work time. With supervisory approval, an employee may use up to eight hours of paid work time annually to participate in such projects.
- (c) **Other Volunteer Activities.** Denver Water encourages all employees to participate in community engagement activities. With supervisory approval, a Non-Exempt Employee may request a work schedule adjustment of up to four hours per month to volunteer in a school or other community service program that is not sponsored by Denver Water. An employee who receives a volunteer work schedule adjustment must make up work hours missed during the same work week. Supervisory approval is subject to operational and staffing demands. A schedule adjustment must not result in overtime work for the employee or any other employee.

2-4. PAY AND SERVICE RECORD.

2-4-(1) Normal Pay Periods and Dates. Each bi-weekly pay period begins at midnight Sunday and ends 14 days later at midnight Saturday.

2-4-(2) Mandatory Direct Deposit. Direct deposit of pay is mandatory for employees effective January 1, 2006.

Deleted by Board 7/25/18

2-4-(3) Payroll Deductions. Certain deductions required by law are automatically withheld from employee checks and paid by Denver Water. Deductions may also be made pursuant to agreement with the employee.

2-4-(4) Service Record. An employee's service record begins at the first date of continuous employment and will be considered unbroken unless one of the following

occurs: (a) the employee resigns or abandons their job; (b) the employee is discharged for cause; or (c) the employee is subject to a reduction in force and is not recalled to work within 12 months, or fails to report back to work within 15 calendar days after being recalled to work.

2-4-(5) Time and Attendance Records. Time and attendance records are legal documents, and must accurately reflect an employees' schedule, hours worked, PTO and other types of leaves taken. Hourly employees are responsible for submitting accurate time and attendance records to their supervisors for approval. Exempt employees must record any leave taken during the pay period. Supervisors are responsible for ensuring that employees have accurately recorded time worked, PTO and leaves taken. Misrepresentation by an employee of hours worked or leaves taken, or approval by a supervisor of a record known to be false or inaccurate, is cause for corrective action.

Board approved 7/13/16 effective 1/1/17

2-5. CONDUCT AT WORK.

2-5-(1) Attendance. Employees must be reliable, punctual, and productive during working hours. Employees who cannot avoid being late to work or absent must provide notice to their supervisors as soon as possible. A Chief may adopt guidelines that provide notice to employees regarding poor attendance, unscheduled absences, and excessive tardiness so long as the guidelines are consistent with these policies.

Board approved 7/13/16 effective 1/1/17

2-5-(2) Personal Habits. Employees must maintain personal cleanliness and wear attire commensurate with the type of work performed, as determined by the employees' supervisor.

2-5-(3) Smoking. Denver Water prohibits smoking anywhere on its property not specifically designated as a smoking area, including Denver Water vehicles.

2-5-(4) Personnel Data Changes. Employees must promptly update Denver Water's human resources information system with any personal data affecting benefits or pay, including, but not limited to a change in marital status, mailing address, telephone number, the number and names of dependents, individuals to contact in the event of an emergency, beneficiary data, and required educational accomplishments.

2-5-(5) Labor Union Affiliation. ~~Employees are free to join or to refrain from joining any labor union.~~ Employees have the right to discuss or express views on workplace issues and employee rights and representation; speak with members of the public employer's governing body about conditions of employment and form or join, or refrain from participating in, an employee organization. No employee shall coerce, restrain, or intimidate any other employee in the exercise of any employee's right to join or to refrain

from joining any union or other labor organization. Any attempt to so coerce, restrain or intimidate another employee is grounds for corrective action.

2-5-(6) Dating Relationships Between Employees. An employee whose personal relationship with another employee results in a work-related problem is subject to corrective action. Denver Water strongly discourages supervisors from developing dating relationships with subordinates. In the supervisor/subordinate context, even consensual relationships have the potential to create work-related problems, including the appearance of impropriety, conflicts of interest, interference with employees' productivity and charges of sexual harassment.

2-5-(7) Denver Water Property. Employees are responsible for all Denver Water property, materials or written information issued to them or in their possession or control. All property, including the employee's identification card and Denver Water issued keys and credit cards, must be returned on or before the last day worked. Denver Water may withhold from the employee's final paycheck the cost of items not returned or payments outstanding.

Board approved 6/10/09

2-5-(8) Use of Denver Water Property. Denver Water prohibits hunting, trapping, angling, or other similar sporting activity on Denver Water property that is not open to the public.

Board approved 1/1/21

2-6. DENVER WATER PROVIDED HOUSING.

2-6-(1) Denver Water Provided Housing. The Chief Operations Maintenance Officer may require certain employees to reside in Denver Water provided housing as a condition of employment. This housing, which is located at or near certain Denver Water facilities, is provided to the employee at no cost and for the sole benefit of Denver Water to ensure an on-site presence or to provide on-site workers.

- (a) License Agreement.** Employees required to live in Denver Water provided housing are required to execute a license agreement which sets forth the legal relationship between Denver Water and the employees, and their respective rights and obligations. The license agreement incorporates the terms of a Housing Policy approved by the Chief Operations Maintenance Officer.
- (b) Privacy in Denver Water Housing.** Employees who reside in Denver Water housing have a reasonable expectation of privacy in their assigned housing subject to the provisions of the Housing Policy.

2-6-(2) Housing Allowance. The Chief Operations Maintenance Officer may provide certain employees a monetary housing allowance to ensure they reside in proximity to a certain facility. Human Resources will determine the methodology for calculating the amount of a housing allowance.

2-6-(3) Reasonable Care of Housing. Employees shall be subject to corrective action and possible eviction from Denver Water housing for failure to provide reasonable care for the property or for engaging in illegal activities.

2-7. SAFETY PROGRAM.

2-7-(1) Safety Program.

Denver Water operates a proactive safety program. Each employee is expected to take advantage of the classes and training programs provided by the Safety Program. Safety meetings are conducted in each Division to promote and improve the safety record of Denver Water. Written safety programs are maintained by the Safety and Loss Control Section and are available on the Denver Water Intranet site. These safety programs should be read and understood by all employees. Employees are required to observe the Board's safety regulations and know what to do in case of fire, accident, or other emergency.

Non-substantive change 7/5/16

2-7-(2) Health and Safety Requirements. Employees in certain job classes must comply with policies adopted by Denver Water to meet local, state, or federal health and safety requirements. These policies may require employees to wear special clothing, maintain certain levels of grooming, submit to drug and alcohol testing, and possess certification in the use of special health and safety equipment. For employees in affected job classifications, compliance with such policies is a condition of continued employment, and failure to comply is cause for corrective action. Employees who fail to notify a supervisor that other employees are working in an unsafe manner may be held responsible for a safety violation.

2-7-(3) On-the-Job Accidents. An employee involved in an on-the-job accident must report the accident to their supervisor as soon as possible. All incidents involving personal injury or property damage must be reported in accordance with Denver Water incident reporting requirements, which are posted on the Denver Water intranet site. Employees failing to file the required reports are subject to corrective action. Under Colorado Law, failure to promptly file a report involving personal injury can result in loss of Workers' Compensation benefits.

Non-substantive change 7/5/16

2-8. EMPLOYEE PRIVACY.

2-8-(1) No Expectation of Privacy. Employees have no expectation of privacy in Denver Water property unless otherwise provided by law. Such property includes, but is not limited to, the contents of Denver Water offices, desks, furniture, lockers, vehicles, and data recorded on Denver Water computers, telephones, and other electronic equipment.

2-8-(2) Electronic Communication. Employee electronic mail communications and electronically stored data are the property of Denver Water and may be public records under federal and state open records laws, subject to public inspection unless an exception provided by law applies. A Chief may authorize the monitoring of an employee's email or internet usage, with or without notice, for business reasons, and when a supervisor believes an employee may be misusing or abusing email or internet privileges.

2-9. VIOLENCE IN THE WORKPLACE.

2-9-(1) Threats and Violent Behavior Not Tolerated. Denver Water will not tolerate acts of violence or threats of violent behavior in the workplace. A "threat" includes any verbal or physical act that creates an intimidating working environment. "Violent Behavior" includes any act or threat of physical, psychological, or sexual aggression toward another or destruction or abuse of property.

2-9-(2) Response to Workplace Violence. An employee with knowledge of threats or violent behavior in the workplace should notify the ~~Safety Manager~~ [Director of Emergency Management and Safety Services or delegee](#) and a supervisor in the employee's chain of command. The Safety Manager will notify the Director of Human Resources, the Office of General Counsel, and the Chief of the Division where the employee accused of threats or violent behavior works. If the matter is an emergency, the employee should call 911.

2-9-(3) Investigation of Workplace Violence. ~~After informing~~ [the accused employee's Chief, the Director of Emergency Management and Safety Services or delegee](#) will investigate any alleged threat or violent behavior as soon as possible. ~~Based on the results of the investigation, the employee's Chief will~~ ~~and~~ determine if corrective action or other action is appropriate. Corrective action may include termination.

2-9-(4) Restraining Orders. An employee who obtains a restraining order listing Denver Water property as a protected area must provide the Chief Administrative Services Officer with copies of the petition and declarations used to obtain the order and any temporary or permanent protective orders granted.

2-10. WHISTLEBLOWER PROTECTION.

2-10-(1) Good Faith Disclosure. No employee shall be subject to corrective action in retaliation for disclosure of information concerning an activity, policy, or practice of Denver Water, including any of its officers or employees, which the employee believes to be in violation of applicable law or policy, where the employee made the disclosure in good faith and with reasonable cause to believe in the truthfulness of the information disclosed.

Board approved 3/10/10

2-10-(2) Notification and Investigation Procedures.

- (a) Employees should report suspected illegal, inappropriate, or unethical activities by contacting the Ethics Hotline administered by an independent outside agency. Reports can be made by telephone, online or by mail, and can be made anonymously.
- (b) Reports made to the Ethics Hotline are received by Denver Water's Chief Internal Auditor, who will determine if the report merits an investigation by the Chief Internal Auditor or should be referred to another division for resolution.

Board approved 3/10/10

2-10-(3) Unprotected Disclosure. Whistleblower protection shall not apply if the employee made the disclosure:

- (a) in bad faith;
- (b) without reasonable regard for, or unreasonable inquiry into, its truth or falsity or;
- (c) in violation of a prohibition against disclosure recognized by law, the Personnel Policies or Enterprise Policies.

Board approved 3/10/10

2-11. WORK-RELATED PROBLEM RESOLUTION.

2-11-(1) Work-Related Problems. Employees should bring work-related concerns to the attention of management. Work-related concerns for the purposes of this Section do not include complaints related to performance evaluations or appeals of corrective action.

2-11-(2) Problem Resolution Procedure. Employees with work-related concerns and suggestions for solutions should first bring the information to the attention of their immediate supervisor for resolution. Then, either the employee or the supervisor may consult with Human Resources for assistance in resolving the problem.

- (a) If the employee and the immediate supervisor cannot achieve a resolution satisfactory to the employee or if the employee's concern is with the immediate supervisor, the employee may raise the concern and possible resolution with the next higher supervisor in the employee's chain of command.

- (b) If the employee brings the issue to their Chief, and resolution is not satisfactory to the employee, the Chief will provide the employee and Human Resources with a written response, which is final with no right of appeal.
- (c) If the issue of concern to the employee involves actions taken by the Director of Human Resources, the Chief of Staff will issue the final written response.

2-12. EMPLOYEE CODE OF ETHICS.

2-12-(1) Duty to Act in the Public Interest. Public employment is a public trust. Denver Water employees, as public servants, are to fulfill their official duties faithfully and honestly and to subordinate any private interest that conflicts with the official interest. In carrying out their official duties, employees should avoid not only actual impropriety but also the appearance of impropriety. Employees must avoid actions that depart from the faithful and impartial discharge of their public duties. In any situation in which a conflict of interest or potential violation of this Code of Ethics might arise, the employee should consult with the General Counsel. The General Counsel may grant a waiver from these rules for de minimis or inconsequential matters

Board approved 1/1/21

2-12-(2) Conflict of Interest. No employee shall have any interest in a matter that creates a substantial conflict of interest with respect to the employee’s duties. A conflict is substantial when it is reasonably probable that it might tend to affect the judgment or actions of the employee in the performance of official duties.

- (a) No employee shall take direct official action on any matter in which the employee or an immediate family member has any substantial employment, contractual or financial interest. For purposes of this section, “direct official action” means action taken as part of an employee’s official duties that directly affects or influences the disposition, decision, or implementation with respect to the matter. For purposes of this section, “immediate family member” means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, and domestic or civil union partner.

Board approved 9/11/13

- (b) If any such conflict of interest is present, the employee must disclose the interest to their immediate supervisor before any action is taken and is disqualified from any participation in the transaction.

Board approved 9/27/17

2-12-(3) Confidential Information. Employees shall not disclose or use confidential information acquired in the course of their employment for Denver Water for any purpose not authorized in advance in writing by Denver Water. Confidential information includes but is not limited to information that is privileged, proprietary, contains trade

secrets or could compromise the security of Denver Water facilities or the safety of Denver Water employees and customers. This prohibition applies to former as well as current employees.

Board approved 9/27/17

2-12-(4) Gifts. An employee shall not solicit, accept, or receive from an outside party any gift, service or other thing of substantial value that would tend improperly to influence a reasonable person in the employee's position to depart from the faithful and impartial discharge of the employee's official duties. The following are not prohibited by this section, so long as there is no connection, express or implied, between the gift and any official action of any employee:

- (a) Unsolicited nonpecuniary gifts valued at or less than the current adjusted gift ban limit set by the Independent Ethics Commission established under the Colorado Constitution, such as pens, calendars, mugs, flowers, articles of clothing, or other similar items.¹
- (b) Nonpecuniary awards publicly presented in recognition of public service.
- (c) Gifts on special and infrequent occasions, such as weddings, funerals, or illnesses, if the gift is appropriate to the occasion.
- (d) Payment or reimbursement for actual and necessary expenses for attendance at a convention or meeting at which the employee is scheduled to participate in a formal role.
- (e) Admission to a conference, social function, or meeting if the employee is attending in an official, representative capacity as a Denver Water employee, and goods or services similarly available to all attendees at a conference, social function, or meeting, including prizes awarded from random drawings.
- (f) Unsolicited items of perishable or nonpermanent value, including tickets to events and meals, so long as the gift is reasonable under the circumstances.
- (g) Goods or services similarly available to all Denver Water employees, including prizes awarded from random drawings.

Board approved 1/1/21

2-12-(5) Compensation. No employee shall receive any compensation, directly or indirectly, from Denver Water, other than the compensation authorized by these *Personnel Policies* for performance of ordinary duties.

¹ The IEC gift ban limit until first quarter of 2023 is \$65.00.

2-12-(6) Outside Employment. No employee shall hold any employment outside Denver Water that conflicts with their Denver Water employment or is inconsistent with the employee's stated reasons for an approved leave of absence from work.

[Outside Employment Notification Form](#)

- (a) All employees shall report any existing or proposed outside employment or other outside business activity to their Chief or designee, so that conflicts of interest and interference with performance of Denver Water duties can be avoided. An employee who intends to work outside Denver Water during an approved leave of absence also must notify Human Resources.
- (b) An employee who receives their Chief's permission may engage in the approved outside employment, but Denver Water employment shall remain the employee's priority.
- (c) If a Chief determines the outside employment creates a conflict of interest, interferes with performance of the employee's duties for Denver Water, or is inconsistent with the employees' stated reasons for an approved leave of absence, the employee must modify the conditions of the outside employment or terminate either the outside employment or employment at Denver Water.
- (d) Attorneys employed in Denver Water's Office of General Counsel may not engage in the private practice of law for compensation, but may, when authorized by the General Counsel, teach, provide pro bono services, and handle matters for family members or friends.

2-12-(7) Prior and Subsequent Employment.

- (a) New employees shall not take any direct official action with respect to their former employers for a period of six months from the date of termination of the prior employment.
- (b) For a period of six months after termination of employment with Denver Water, no former employee shall be involved in a manner inconsistent with Denver Water's interests on behalf of a subsequent employer if the matter is one in which the former employee took direct official action while employed by Denver Water.

Board approved 9/27/17

2-13. EMPLOYEE INVENTIONS.

2-13-(1) Employee Inventions. Employees must promptly inform their respective Division Chief of the full details of all inventions, discoveries, improvements, and

innovations, whether patentable, copyrightable, or otherwise protectible, that are conceived, completed, or reduced to practice and which:

- (a) Relate to Denver Water's operations or business; or
- (b) Result from any work the employee performs using Denver Water's equipment, facilities, materials, trade secrets or personnel; or
- (c) Result from, or are suggested by, work the employee performs for Denver Water.

Denver Water may pursue its legal rights to any such inventions, discoveries, improvements, and innovation, including the pursuit of "shop right" to use them free of charge. An employee who has questions about the ownership of an idea, invention, or other creation should consult with their Division Chief.

Board approved 1/1/21

2-13-(2) Eligibility for Award. A regular Denver Water employee who develops an idea, invention or other creation that is related to the employee's Denver Water duties and responsibilities or arises from knowledge and information the employee gained while employed by Denver Water, may be eligible for an award.

Board approved 1/1/21

2-14. LIMITATION ON THE EMPLOYMENT OF RELATIVES.

2-14-(1) Policy Statement. It is Denver Water's policy to avoid conflicts of interest, appearances of impropriety, and workplace disruption resulting from the employment of family members. Therefore, a relative may not supervise another relative; work in the same working unit as a relative; audit, verify, receive, or be entrusted with moneys received or handled by a relative; or have unauditably access to change a relative's confidential information, including payroll and personnel records.

Board approved 1/22/14

2-14-(2) Applicability. This section applies to all employment decisions including hiring, promotion, transfer, demotion, redeployment, change in job status or other modification of an employee's job classification, and to all categories of employment including introductory, regular, and discretionary, and to temporary workers.

Board approved 1/22/14

2-14-(3) Definitions. For purposes of this section, the following definitions apply:

- (a) "Relative" includes persons with the following relationship to an employee, whether by blood or marriage, including legal step relationships, and relatives created by a civil union or domestic partnership:
 - (i) Spouse, including a husband or wife in a traditional marriage, or partners to a civil union or domestic partnership;

- (ii) Parent or child;
- (iii) Sibling;
- (iv) Grandparent or grandchild;
- (v) Aunt, uncle, niece or nephew;
- (vi) Father-in-law or mother-in-law;
- (vii) Brother-in-law or sister-in-law;
- (viii) Son-in-law or daughter-in-law, or
- (ix) Other relationship not listed above where an employment decision would result in a conflict of interest or in the appearance of impropriety.

Non-substantive change 9/7/17

- (b) “Supervise” or “Supervision” means to occupy a position in which one employee is able to affect the terms and conditions of another employee’s employment, including but not limited to involvement in decisions about work assignments, performance evaluations, compensation, or corrective action.
- (c) “Working Unit” is an operational group within Denver Water in which an employee and a relative have a direct line of supervision.

Board approved 1/22/14

2-14-(4) Limitation on Applicants and Bidders. Human Resources may reject an application or bid for employment if the selection of the applicant or bidder would result in a violation of this section.

2-14-(5) Limitation on Current Employees.

Board approved 1/22/14

- (a) No employee may bid, promote, transfer, demote or redeploy into a position if it would result in a violation of this section.
- (b) Employees must disclose to Human Resources the names of all relatives employed by Denver Water in any capacity, including as an introductory, regular or discretionary employee, or a temporary worker.

Board approved 1/22/14

2-14-(6) Limitation on Employees Who Marry or Become Domestic or Civil Union Partners. If marriage, domestic partnership, or civil union of two employees results in a

violation of this section, the employees' supervisor(s) will make a reasonable effort to transfer one of the employees to a comparable position to avoid a violation; however, if there is no comparable vacant position, or if the employee refuses reassignment, the employee may be terminated.

Board approved 1/22/14

2-14-(7) Limitation on Temporary Service. Denver Water will not hire relatives of employees to fill temporary positions without a competitive process to select the temporary worker. The current employee cannot participate in the selection process, directly or indirectly, and the hiring cannot conflict with any of the limitations on the hiring of relatives set forth in this section. A Chief cannot hire their relative for a temporary position in their division.

Board approved 1/22/14

2-15. INFORMATION SYSTEMS SECURITY.

2-15-(1) Information Systems Security Policy. To ensure the confidentiality, integrity and availability of Denver Water information systems, Denver Water employees are subject to corrective action for breaches of information systems security. Information systems refers to the interactions of people and processes with information technology assets such as electronically stored information (ESI), documents, data, databases, software and applications, desktop computers, mobile computing devices, servers, phones, radios, network equipment and all computing, communications and data storage devices used by employees in performing their job duties.

2-15-(2) Information Systems Security Breaches. Breaches of information systems security may occur intentionally or unintentionally. Employees are to use their best efforts to avoid unintentional breaches. The following nonexclusive list represents types of breaches.

- (a) Misuse, abuse, or inappropriate use of information systems.
- (b) Providing unauthorized access to Denver Water information systems to persons without a legitimate Denver Water business use, including the sharing of passwords.
- (c) Unauthorized modification or destruction of confidential information as defined in the Employee Code of Ethics.
- (d) Unprotected disclosure as defined in the Whistleblower Protection Policy.
- (e) Downloading unauthorized software on a Denver Water information system. Authorized software includes software and applications authorized for use by Denver Water employees by IT in conjunction with software users based on legitimate business purposes, assigned job

duties and consistent with Denver Water Enterprise Policies and Information Technology standards and procedures.

- (f)** Other failures to comply with Denver Water Enterprise Policies related to information systems and records and document management.

Board approved 1/11/12

CHAPTER 3 – FAIR EMPLOYMENT PRACTICES

3-1. NONDISCRIMINATION POLICY.

3-1-(1) Policy Statement. Denver Water is an equal opportunity employer which encourages and welcomes diversity of backgrounds in its work force. Denver Water prohibits denial of equal employment opportunity, discriminatory conduct or harassment, and retaliation as defined in this Chapter, and the making of any employment or business-related decisions based on race, national origin, gender, sexual orientation, gender identity, gender expression, religion, disability, age, pregnancy, genetic information, military status, marital or parental status, or domestic partner, or civil union status. Any employee who engages in discriminatory conduct or denial of equal employment opportunity is subject to corrective action.

Board approved 1/1/21 and 2/10/22

3-1-(2) Definitions of Prohibited Conduct. The following are definitions of specific conduct that violates this Chapter. Such prohibited conduct constitutes “disruptive behavior” and other possible violations requiring corrective action under these policies.

Board approved 6/13/07

- (a) **“Denial of Equal Employment Opportunity”** encompasses any employment related decision that adversely affects a condition of employment, including but not limited to hiring, promotion, compensation, benefits, and corrective action. A difference in the value of the benefits provided to employees may differ depending on marital, domestic partnership, civil union, parental or tax status and does not constitute denial of equal employment opportunity.

Board approved 9/11/13

- (b) **“Discriminatory Conduct”** is conduct prohibited under this Chapter, and includes the use of vulgar, threatening, insulting or abusive language or conduct directed toward another person or group of persons because of race, gender, gender identity, national origin, religion, disability, age, sexual orientation, genetic information, or military, domestic partnership, civil union, [marital](#) or parental status.

Board approved 9/11/13

- (c) **“Harassment”** refers to discriminatory conduct directed toward another person or group of persons that has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or offensive working environment.

- (d) **“Sexual Harassment”** refers to discriminatory conduct based on an individual’s gender or gender identity that has the purpose or effect of unreasonably interfering with the individual’s work performance or creates

an intimidating, hostile, or offensive working environment. “Sexual Harassment” also includes subjecting an individual to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is either explicitly or implicitly a term or condition of an individual’s employment, or when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

- (e) **“Retaliation”** refers to an employment related decision that adversely affects a condition of employment based on an individual’s assertion of their rights under this Chapter or other antidiscrimination laws.

Board approved 1/1/21

3-1-(3) Definitions of Terms. The following definitions are based on applicable law. If a definition conflicts with applicable law, applicable law will govern.

- (a) **“Age”** refers to an individual’s biological age. Individuals 40 years of age or older may not be discriminated against because of their age.
- (b) **“Disability”** refers to an individual’s physical or mental impairment that substantially limits one or more major life activities. Individuals having a disability, a record of disability, or regarded as disabled, are protected under this Chapter. “Disability” *does not* include current illegal use of drugs or impairment on-the-job by alcohol. Individuals with a disability are entitled to reasonable accommodation that does not result in undue hardship to Denver Water.

Board approved 6/13/07

- (c) **“Gender” or “Sex”** refers to an individual’s male or female gender.
- (d) **“Gender Expression”** refers to the way in which an individual expresses their gender identity, typically through their appearance, dress, and behavior.

Board approved 2/10/22

- (e) **“Gender Identity”** refers to an individual’s self-identification of their gender.

Board approved 1/1/21

- (f) **“Marital” or “Domestic Partner” “Parental” or “Civil Union” Status** refers to the classification of an individual as single, separated, married, in a domestic partnership, in a civil union partnership, divorced, widowed, or as a parent or non-parent.

Board approved 9/11/13

- (g) **“Military Status”** refers to an individual’s service in the military.

(h) **“National Origin”** refers to the place of origin of an individual or the individual’s ancestors; or the physical, cultural, or linguistic characteristics of a national origin group. National origin groups include, but are not limited to, Hispanics (i.e., all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin), Pacific Islander, Asian, Eastern, Middle Eastern, or Southern European origin.

(i) **“Race” and “Color”** includes, but is not limited to, persons who are African American/ Black, Caucasian/White, Asian, Native Hawaiian/Other Pacific Islander, Hispanic, Latino, and Native American/Alaska Native.

Board approved 1/1/21

(j) **“Religion” or “Religious Affiliation”** refers to an individual’s traditional religious views or moral or ethical beliefs as to what is right and wrong, which beliefs are sincerely held with the strength of traditional religious views. Individuals whose religious practices require work-related accommodations are entitled to reasonable accommodation that does not result in undue hardship to Denver Water.

(k) **“Sexual Orientation”** refers to an individual’s status as a heterosexual, homosexual or bisexual.

(l) **“Genetic Information”** Includes information about an employee’s family medical history, or an employee’s or family member’s request for or receipt of genetic services.

Board approved 7/14/10

3-2. COMPLAINTS OF DISCRIMINATION, HARASSMENT AND RETALIATION.

3-2-(1) Prompt Filing Required. An employee alleging discrimination, harassment, retaliation, failure to reasonably accommodate, or other treatment in violation of Denver Water’s Nondiscrimination Policy should file a complaint with the Director of Human Resources promptly, but no later than 180 days after the alleged violation occurred. The complaint must include specific facts underlying the complaint, the names of all potential witnesses, documentation, and any other information the employee believes should be considered in an investigation of the complaint.

3-2-(2) Internal Complaint Procedure. Complaints filed under this section will be subject to the following procedures:

(a) The Director of Human Resources will determine if the complaint includes an allegation of discriminatory conduct, denial of equal employment opportunity, harassment, retaliation, or other violation of Denver Water’s Nondiscrimination Policy. If not, the person who filed the complaint will be referred to the “Work-Related Problem Resolution Procedure.”

- (b) If the complaint alleges a violation of the Nondiscrimination Policy, Human Resources will provide notice of the complaint to the accused person(s) and their Chief(s).
- (c) At any point in the complaint review process, the Director of Human Resources may attempt to resolve the complaint through formal or informal mediation or other intervention with the employees directly involved.
- (d) If the complaint is not resolved through mediation or other intervention, Human Resources will initiate an investigation. After consulting with the Office of General Counsel and the appropriate Chief(s), Human Resources will make a written determination whether the complaint was filed in good faith and whether any employee has violated the provisions of this Chapter.

Board approved 6/13/07

- (e) If the Director of Human Resources determines that an employee has violated the provisions of this Chapter, the Director of Human Resources will recommend that the appropriate Chief(s) initiate corrective action for disruptive conduct or other violations of these policies.

Board approved 6/13/07

- (f) A determination by the Director of Human Resources under this section is final and is not subject to appeal. If the Director of Human Resources determines the employee filed the complaint in bad faith or without reasonable regard for the truth or accuracy of their factual allegations, the employee's Chief may initiate corrective action.

Board approved 6/13/07

3-2-(3) Delegation of Complaint Procedure Responsibilities. Under the following circumstances, the responsibilities to act on a complaint filed under this Section may be delegated:

- (a) If a complaint alleges improper actions by the Director of Human Resources, the CEO/Manager will designate a Chief to perform the responsibilities under this section of the Director of Human Resources, and the CEO/Manager shall perform the responsibilities of the Chief.
- (b) If a complaint alleges improper actions by the aggrieved employee's Chief, the CEO/Manager will perform the responsibilities of the Chief under this section.

- (c) If a complaint involves the CEO/Manager, the Board will be notified of the complaint and may take whatever action it deems appropriate for resolution.

3-2-(4) Legal Filing Obligations. Filing an internal complaint under this section does not modify an employee’s rights or obligations regarding the filing of a charge with an outside agency, such as the Colorado Civil Rights Division or the Equal Employment Opportunity Commission. Denver Water assumes no responsibility for advising employees about their legal rights or obligations regarding the filing of such a charge.

3-3. NONDISCRIMINATORY RECRUITMENT, SELECTION AND PROMOTION.

3-3-(1) Recruitment. To provide equal employment opportunity and to ensure a diverse workforce, Denver Water may utilize various recruitment strategies, including but not limited to the following:

- (a) Recruitment of traditionally underrepresented job applicants in local high schools and colleges.
- (b) Recruitment of members of **minorityBIPOC** and women’s organizations.
- (c) Wide publication of employment opportunities in the metropolitan area media.
- (d) Emphasis by Denver Water that it is “an equal opportunity employer.”

3-3-(2) Selection and Promotion. To provide equal employment opportunity and ensure a diverse workforce, Denver Water will consider the following selection and promotion practices among others:

- (a) Use of the open competitive bid process.
- (b) Use of job-related assessments that are race and gender neutral.
- (c) Appointment of structured interview panel members with diverse backgrounds whenever possible.

Board approved 2/10/22

3-3-(3) Affirmative Action. If permitted by law, Denver Water, through its Director of Human Resources Officer may implement affirmative action plans for women, minorities, veterans, or any other traditionally underrepresented group.

3-4. COMPLIANCE WITH FAIR EMPLOYMENT PRACTICES.

3-4-(1) Corrective Action for Noncompliance. Failure to comply with the provisions of this Chapter, or failure to report any noncompliance to the Director of Human Resources, or failure to cooperate in an investigation of a complaint under this Chapter may be cause for corrective action.

3-4-(2) Retaliation Prohibited. All employees are prohibited from retaliating in any manner against any employee or applicant for alleging in good faith that they have been the victim of discrimination, harassment, retaliation, failure to reasonably accommodate or other treatment in violation of this Chapter. Employees who retaliate are subject to corrective action.

3-5. REASONABLE ACCOMMODATION AND THE DISABILITY REVIEW PROCESS.

3-5-(1) Reasonable Accommodation. Denver Water encourages employees, bidders, and job applicants to seek reasonable accommodation if they need assistance to perform the essential functions of their positions or assistance to participate in the application or competitive assessment process related to a disability. Denver Water will provide reasonable accommodation for employees and applicants with disabilities unless accommodation would result in undue hardship to Denver Water.

Board approved 2/10/22

- (a) Assistance to perform essential functions: A reasonable accommodation may include, but may not be limited to: (i) assistance in the application and testing process; (ii) modification of the workstation, equipment, or method of performing job duties so that the person seeking accommodation can perform essential job functions; (iii) approval for a leave of absence with job protection, or (iv) transfer or demotion to a vacant available position for which the employee is qualified. Denver Water will not create a new position for the sole purpose of accommodation.
- (b) Assistance to participate in the application or competitive assessment process: Internal job applicants (bidders) and external job applicants who require accommodation during the application or competitive assessment process may request accommodation from Human Resources. Human Resources will review each request and provide reasonable accommodation when available.

Board approved 2/10/22

3-5-(2) Disability Review Process. Denver Water uses an interactive process to consider an employee's request for accommodation to assist in performing the essential functions of their job. The process involves the employee, the employee's supervisor(s), the third-party administrator and Human Resources. Supervisors must direct employees with restrictions to Human Resources and the third-party administrator. An employee with restrictions may not return to work until the Disability Review Process is

concluded. The Director may place the employee on Administrative Leave while the request is considered.

Board approved 2/10/22

3-5-(3) Disability Review Process Requirements. An employee seeking reasonable accommodation must meet the following conditions. For safety reasons, a supervisor may require an employee to use PTO or personal leave, if available, or leave without pay until the employee meets the conditions:

- (a) Disclose to the supervisor, third party administrator and Human Resources that a physical or mental impairment prevents the person from performing essential job functions.
- (b) Submit to a fitness for duty or other medical evaluation by health provider(s) verifying the employee's restrictions or inability to perform essential job functions. Health-related information will be kept confidential to the extent required by law.
- (c) Incur any and all expenses related to obtaining the fitness for duty or other medical information unless covered by workers' compensation.
- (d) Authorize the release of all pertinent medical information to the third-party administrator and other Denver Water personnel with a need to know.

Board approved 7/13/16 effective 1/1/17 and 2/10/22

3-5-(4) Reasonable Accommodation Readily Available. If the Director of Human Resources and the employee's supervisor, with Chief approval, determine a reasonable accommodation is readily available, the Director of Human Resources will provide the accommodation.

3-5-(5) Accommodation Not Readily Available. In cases in which the Director of Human Resources and the employee's supervisor, with Chief approval, determine reasonable accommodation is not readily available, the Director of Human Resources will hold a Disability Review Conference with the employee seeking accommodation, the supervisor(s) of the relevant position and any other person the Director of Human Resources deems appropriate.

3-5-(6) Notice of Disability Review Conference. Before holding a Disability Review Conference, the Director of Human Resources must provide the person seeking accommodation with a written Notice of Disability Review Conference containing the following information:

- (a) The date, time, and place of the Conference.
- (b) An attachment describing the essential functions of the relevant position.

- (c) A statement that the purpose of the conference is to discuss and evaluate possible reasonable accommodations to enable the person seeking accommodation to perform essential job functions and that the person seeking accommodation may suggest possible accommodations.
- (d) A statement that if the disability review process concludes no reasonable accommodation is available, the job status of the person seeking accommodation may be changed by demotion, termination or withdrawal of job offer.
- (e) A statement that the employee may bring a family member or friend to the Disability Review Conference, but not legal counsel. This is an interactive process and not an adversarial proceeding.

3-5-(7) Disability Review Decision. If the Director of Human Resources determines a person seeking an accommodation cannot reasonably be accommodated, or that Denver Water is not obligated to provide an accommodation, the Director of Human Resources must issue a written decision detailing the essential job functions the person is unable to perform, the accommodations considered during the conference, the reason(s) the person cannot be accommodated or why Denver Water is not legally obligated to provide an accommodation, and any resulting change in job status.

- (a) If the decision results in withdrawal of an applicant's or bidder's conditional job offer, the decision is final with no right of appeal.
- (b) If the decision results in a demotion or other accommodation, the decision is final with no right of appeal.
- (c) If the decision results in an employee's termination, the following statement must be included:

This decision is final with no right to appeal. However, as a Denver Water employee whose employment status has been terminated because of disability, for a period of one year after termination, you may bid on any vacant Denver Water position as an internal bidder. You must make arrangements with Human Resources to receive notice of internal job postings. If selected for a position, you may be required to provide a medical release to return to work and submit to a fitness for duty evaluation.

Board approved 2/10/22

3-6 FITNESS FOR DUTY.

3-6-(1)) To return to full duty an employee who has been working with an accommodation or has been on extended leave as an accommodation must provide a

completed and signed Denver Water Fitness for Duty Form verifying the employee's ability to perform job functions without restrictions.

Board approved 2/10/22

3-6-(2) If a supervisor has reason to believe an employee may pose a health or safety risk to themselves or others because of physical or mental limitations, the supervisor will notify the Director of Human Resources

- (a) The Director of Human Resources will initiate a meeting with the employee's supervisor, Director, the Office of General Counsel and others as appropriate to determine if there is a reasonable basis for believing the employee poses a health and safety risk to themselves or others and for requiring the employee to undergo a fitness for duty examination.
- (b) If a reasonable temporary accommodation is not available while decisions are made regarding the employee's fitness for duty, the Director of Human Resources or the employee's Chief may place the employee on paid Administrative Leave.
- (c) If it is determined the employee may pose a health or safety risk to the employee or others, the Director of Human Resources may require the employee to submit to fitness for duty evaluation by a health provider of Denver Water's choice at Denver Water's expense.
- (d) If, based on the fitness for duty evaluation and other relevant factors, the Director of Human Resources believes the employee poses a health or safety risk to themselves or others, the Director of Human Resources shall encourage the employee to seek a reasonable accommodation. If, under these circumstances, the employee does not seek accommodation, the Director of Human Resources may initiate corrective action which may result in termination, demotion, or an involuntary leave of absence without pay for a limited period. At any time after corrective action is initiated under this section, the employee may seek accommodation under the disability review process.

Board approved 1/1/21 and 2/10/22

3-7. RETURN TO WORK AFTER DISABILITY.

3-7-(1) Return to Work after Disability. An employee whose employment is not terminated through the Disability Review Process and who is able to return to work with or without reasonable accommodation, may return to work in the position they held before becoming disabled if that position has not been abolished or filled. If the employee's position has been filled or abolished, the employee may request through the Disability Review Process assignment to a vacant position for which ~~he or she is~~they

| [are](#) qualified. Chiefs are responsible for determining if the disabled employee's job will remain vacant or should be filled depending on business need.

Board approved 9/14/16 and 2/10/22

CHAPTER 4 – CLASSIFIED EMPLOYEES

4-1. CLASSIFICATION PLAN.

4-1-(1) Classification Plan. The Classification Plan describes job classes at Denver Water and the educational, experience and other requirements for each. The Classification Plan promotes equal pay for equal work as nearly as practicable and provides for equity among different job classes. Human Resources reviews the Classification Plan as needed to ensure job classes are current and accurate.

4-1-(2) Changes to the Classification Plan. Class descriptions are not intended to list every specific function of a position(s). Requirements of various positions will evolve over time, and class descriptions may be modified by Human Resources as needed. Chiefs and Directors should inform the Director of Human Resources of changes in their Divisions or Sections that may affect the classification of a position.

4-2. RECRUITMENT, APPLICATIONS AND BIDS.

4-2-(1) Methods of Filling Vacancies. Denver Water fills introductory and regular classified positions by selection among qualified candidates, transfer, demotion, or as a reasonable accommodation of a disability. Chiefs, in consultation with Human Resources, determine how a position is to be filled.

Board approved 08/23/17

- (a) Competition for a classified position may be open to applicants and bidders or limited to bidders.
- (b) All applicants and bidders are required to submit information regarding work experience, minimum age, military status, degrees, licenses, certificates, transcripts, diplomas, and other information required to determine eligibility for the position.

4-2-(2) Limited-Term Employees. Subject to approval by the CEO/Manager and the Director of Human Resources, Human Resources may recruit for and hire limited-term employees to work on a specific Denver Water project. Limited-term employees can make up no more than 3% of all budgeted positions including all discretionary, introductory, and regular employees, or no more than 25 limited-term employees, whichever is greater.

- (a) To justify the hiring of a limited-term regular employee for a project, the project must meet the following criteria:
 - The project must require the hiring of additional employees to perform project-based duties that cannot be performed effectively at existing staffing levels.

- The project must be expected to take 24 calendar months or more to complete and have a projected end date commensurate with the scope of the project.
 - The project must have a budget that includes the cost associated with one or more positions to be filled using limited-term regular employees.
- (b) Limited-term employees have the same rights and privileges and are subject to the same requirements under the *Personnel Policies* as introductory and regular employees except that limited-term employment will end when the limited-term employee's role on a project is complete or the Division Chief responsible for the project determines there no longer is a need for the position. A limited-term employee's estimated term of employment may be shortened or extended depending on project needs.
- (c) Limited-term employees are subject to corrective action, including termination, in the same manner as other introductory and regular employees.

Board approved 12/6/17

4-2-(2) Rejection of Applications and Bids. Human Resources may reject applications and bids under the following circumstances and when otherwise warranted:

- (a) The applicant or bidder is not qualified for the position or is unable to perform the essential functions of the position with or without reasonable accommodation.
- (b) The applicant or bidder did not satisfactorily complete required application or bid forms; falsified, misrepresented, or failed to disclose material information during the application or bid process; or failed to cooperate or behave appropriately during the application or bid process.
- (c) The applicant is under the age of 18.
- (d) The applicant or the bidder has an employment record containing performance or disciplinary problems.
- (e) The applicant is retired from Denver Water.
- (f) The hiring of the applicant or bidder would violate Denver Water's limitation on hiring and promotion of relatives.

Board approved 3/26/14

4-2-(3) Rejection of Lesser Qualified Applicants and Bidders. When numerous applicants or bidders apply for a position, Human Resources may reduce the number of qualified candidates by rejecting the lesser qualified applicants and bidders. Remaining candidates must be the most qualified based on job-related criteria.

4-3. ELIGIBLE LIST.

4-3-(1) Eligible List. A list of the names of candidates determined to be eligible for a position after a competitive selection process. An eligible list is to be used only to fill positions that have the same basic job duties and educational and experience requirements as the original job posting.

4-3-(2) Duration of Eligible Lists. An eligible list is valid for nine months from the date established or until no individuals on the list are available or willing to accept the position, whichever is earlier. If an existing candidate list has fewer than five candidates, the hiring manager may request recruitment of more candidates. If such a request is made, the newer candidates will be added to the existing eligible list. There is no requirement that candidates be hired from an eligible list in any order.

4-3-(3) Continuous Recruitment. Human Resources may continuously recruit candidates for positions with frequent vacancies. The names of newer candidates will be added to the candidates listed on a continuous candidate list. No candidate may remain on a continuous list for longer than nine months.

4-3-(4) Removal of Names from an Eligible List. Human Resources may remove names from an eligible list or continuous candidate list for the reasons including, but not limited to those, listed below:

- (a) The candidate requests to be removed or rejects an offer of employment by Denver Water.
- (b) The candidate fails to respond to a notice from Human Resources Division, or Denver Water is unable to locate the candidate by email or by phone.
- (c) The candidate has engaged in inappropriate conduct during the hiring process.

Board approved 11/9/16

4-4. COMPETITIVE SELECTION PROCESSES.

4-4-(1) Competitive Assessment Processes. Eligibility of applicants and bidders is determined by a competitive process which may include scored or unscored structured interview or other job-related assessments of such job-related criteria as education, experience, aptitude, knowledge, skill and driving record. Human Resources and hiring manager(s) are responsible for establishing uniform assessment and evaluation criteria for all candidates for a particular position.

4-4-(2) Structured Interview Panel. A scored or unscored competitive assessment by subject matter experts selected by Human Resources and the hiring manager(s).

- (a) Structured Interview Panel members may include either employees or non- employees. Human Resources will make a reasonable effort to select panel members who reflect the race and gender diversity of the candidates. If a candidate objects to the participation of an interview panel member, the Director of Human Resources will make the final determination as to the merit of the objection.

4-4-(3) Review and Appeal of Results of Competitive Assessments. Within five business days after Human Resources provides notice of the results of a competitive assessment, an unsuccessful applicant or bidder may arrange to inspect their own documentation related to the assessment. If the applicant or bidder believes the assessment was incorrectly rated, ~~he or she~~they may submit specific comments in writing to the Director of Human Resources within ten calendar days of the assessment date. Assessment papers and scores are not public records, and without a candidate's written consent or other legal basis, may ordinarily be reviewed only by the Office of General Counsel, Human Resources, hiring manager and Chiefs.

4-5. OFFERS OF EMPLOYMENT AND APPOINTMENT.

4-5-(1) Conditional Job Offer. Human Resources will conditionally offer the position to the selected candidate.

4-5-(2) Withdrawal of Conditional Job Offer. The Director of Human Resources may withdraw a conditional job offer if the candidate who was offered employment:

- (a) Fails the post-offer physical examination, job-related strength tests or drug and alcohol screening;
- (b) Fails to cooperate in the completion of post-offer requirements;
- (c) Falsifies or misrepresents information, or fails to disclose material information, during any Denver Water application or screening process;
- (d) Has unacceptable employment references, background information, or a criminal record that disqualifies the candidate for the position offered;
- (e) Is unable to perform the essential functions of the position with or without reasonable accommodation, or
- (f) Engages in inappropriate conduct during the hiring process.

Board approved 3/26/14

4-5-(3). Appointment. All appointments of employees to classified positions are conditioned on CEO/Manager approval.

4-6. VETERAN'S PREFERENCE IN COMPETITIVE SELECTION PROCESSES

4-6-(1) Policy Statement. Denver Water complies with the veteran's preference provided by Article XII, Section 15 of the Colorado Constitution. Human Resources will provide job applicants information regarding the availability of veteran's preference when applicable.

4-7. REHIRING OF FORMER EMPLOYEES.

4-7-(1) Request for Rehire. Within one year of leaving Denver Water employment, a former regular employee who voluntarily resigned or was separated due to a reduction in force, may request to be rehired to a position in their formerly held job class.

4-7-(2) Rehire After Disability Termination. A Denver Water employee whose employment status has been terminated because of disability may, for a period of one year after termination, bid on any vacant Denver Water position as an internal bidder. The former employee must make arrangements with Human Resources to receive notice of internal job postings. If selected for a position, the employee may be required to provide a medical release to return to work and submit to a fitness for duty evaluation.

Board approved 09/14/16

4-7-(3) Rehiring Process. Rehiring is not guaranteed, but subject to job availability, supervisor discretion, the former employee's ability to perform the work, skills and competency, prior performance evaluations, history of corrective action, safety and attendance records, and other job-related criteria. A person who requests reinstatement under this section will be considered eligible for a position in the formerly held job class without competitive assessment subject to the following provisions:

- (a) If no candidate list exists or is in the process of being created for such a position, the hiring manager may direct Human Resources to make a conditional job offer to the former employee.
- (b) If a candidate list exists or recruitment for the former employee's position has been posted or advertised, the name of the former employee will be added to the list.

4-7-(4) Rehire Post-Offer Requirements. Former employees may not be rehired without passing a physical examination, drug and alcohol screening and other post-offer requirements.

4-7-(5) Pay of Rehired Employees. The pay of a former regular employee who is rehired will be within the current pay range for the job class to which the employee is appointed.

Board approved 2/10/22

3/26/14: Board adopted revisions to Sections 4-2-(1) and 4-5-(2).

CHAPTER 5 –NON-CLASSIFIED EMPLOYEES

5-1. INTRODUCTORY EMPLOYEES.

5-1-(1) Introductory Period. Newly hired or rehired employees must serve a mandatory introductory period of at least six months. Introductory employees are at-will, not part of the classified service, and may be terminated at any time for any lawful reason. The purpose of the introductory period is to provide supervisors the opportunity to evaluate an employee's capabilities, behavior and work habits before the employee attains regular status in the classified system. The duration of the introductory period will not be reduced based on prior non- classified employment.

5-1-(2) Benefits During Introductory Period. Introductory employees are eligible for medical, dental, ~~and~~ vision, [critical illness and accident insurance](#) benefits and other benefits required by law, such as workers' compensation insurance.

5-1-(3) Extension of Introductory Period. A supervisor may extend an introductory period for a maximum of a 90 days if additional time is needed to evaluate the employee's performance, or if the employee receives less than a "thriving" rating on an Annual Performance Evaluation required in section 5-1-(6).

Board approved 1/1/21 and 2/10/22

5-1-(4) Approved Leave During Introductory Period. When an introductory employee takes an approved leave of absence for a calendar month or longer, not including military leave, the introductory period will be extended to ensure that the employee 's introductory period on-the-job is a minimum of six months.

5-1-(5) Evaluations Required Before Regular Status. Supervisors must complete the introductory-to-regular status evaluation before the end of the employee's 6-month introductory period. The supervisor may approve regular status, terminate the employee, or request an extension of the introductory period. If the introductory period is extended, the supervisor must complete an additional introductory-to-regular status evaluation.

Board approved 1/1/21 and 2/10/22

5-1-(6) Annual Performance Evaluations Required to Receive Pro-Rated Percentage Increase. Employees hired before October 1 must receive a formal performance evaluation to be eligible to receive a pro-rated merit increase. Employees hired after October 1, are not eligible for a merit increase until the following merit cycle.

Board approved 1/1/21

5-1-(7) Bidding During the Introductory Period. Introductory employees may bid on Denver Water positions. An introductory employee who successfully bids on a new position must serve an introductory period in the new position of at least six months.

Board approved 10/10/12

5-1-(8) Termination of Introductory Employees. If an introductory employee is to be terminated, the Chief will provide a written notice of termination explaining the reasons for the termination. The terminated employee may respond in writing to the Director of Human Resources, but there is no right to appeal the termination.

5-2. TEMPORARY WORKERS.

Board approved 11/25/09

5-2-(1) Temporary Workers Defined. A temporary worker is a Denver Water employee hired outside the classified system on an at-will basis, who serves solely at the pleasure of the Board. Temporary workers include workers ~~A temporary worker may be~~ hired to provide seasonal or other temporary services, interns, and apprentices hired through Denver Water's formal Intern and Apprenticeship programs. Interns and Temporary workers hired to provide season or other temporary services may be employed for a period of up to six months. Apprentices may be employed beyond six months. Temporary workers expected to work a period of more than six months to a maximum of two calendar years may be hired as Leased Workers through a staffing agency.

Board approved 1/1/21

5-2-(2) Duration of Employment. The duration of employment of temporary workers depends on the nature of the temporary work.

(a) Interns and temporary workers hired to provide seasonal or other temporary services may be employed for a period of up to six months. Temporary workers expected to work a period of more than six months to a maximum of twenty-four months may be hired as Leased Workers through a staffing agency.

(b) Apprentices appointed through Denver Water's formal apprenticeship program may be employed for a maximum of thirty-six months.

5-2-(32) Leased Workers. Workers hired through a staffing agency. Leased workers are not employees of Denver Water.

Board approved 11/13/13

5-2-(43) Obtaining Services from Retirees. Former Denver Water employees who have retired under the Denver Water Employees' Retirement Plan are not eligible to be hired as temporary workers. If a Chief can establish that the retiree possesses specific knowledge or skills that cannot be easily found elsewhere in the labor pool, retirees may be hired through a staffing agency or pursuant to an agreement if the services to be provided by the retiree meet the criteria established by the Internal Revenue Service for an independent contractor.

Board approved 6/12/13

5-2-(54) Recruitment and Selection of Temporary Workers. Temporary workers must be hired using a competitive process in which more than one candidate is considered.

If a competitive process is not used, the hiring supervisor must provide a written justification to Human Resources. Human Resources is responsible for determining the method of recruiting and hiring temporary workers.

Board approved 11/25/09

5-2-(65) Post-Offer Requirements. A person offered a temporary position must complete a Denver Water application and undergo such post-offer screenings as Denver Water may require, which may include drug and alcohol screening. Denver Water may withdraw a job offer for any lawful reason.

5-2-(76) Compensation for Temporary Workers.

Board approved 11/25/09

- (a) Temporary workers will be paid in the pay range assigned to the Denver Water class description that best describes the duties the temporary worker is expected to perform.
- (b) Temporary workers are not eligible for pay increases during the term of their service unless a pay increase, not to exceed 5%, is recommended by a Chief and approved by Human Resources.
- (c) Temporary workers are not eligible for any benefits or paid leave, unless specifically required by law, except holiday pay as provided in these policies.

Board approved 1/1/21

- (d) Temporary workers are not eligible to compete for classified positions as bidders, but they may compete as applicants.

Board approved 11/25/09

5-2-(87) Termination of Temporary Employment.

- (a) Temporary workers may be terminated at any time for any lawful reason.
- (b) If a temporary worker is terminated before the expected term of service ends, the Chief will provide a written explanation of the reasons for the termination. The terminated worker may respond in writing to the Chief's explanation, but there is no right to appeal the termination.

Board approved 11/25/09

5-3. DISCRETIONARY EMPLOYEES.

5-3-(1) General Provisions. The Charter of the City and County of Denver authorizes the Board to establish a classification of employment for persons who are not part of the classified system, and who service solely at the pleasure of the Board. Discretionary

employees are at-will employees who may be hired without competitive assessment for discretionary positions. Discretionary positions, generally, are senior-level policymaking positions that report directly to the CEO/Manager or to a Chief, or positions held by lower-level employees whose actions could have broad organizational impact or put Denver Water at significant risk.

Board approved 01/09/19

5-3-(2) Pre-Employment Requirements. Before the appointment of an external candidate to a discretionary position, the candidate must complete a Denver Water employment application and pass a post-offer physical, drug and alcohol screening and background checks.

5-3-(3) Benefits for Discretionary Employees. Discretionary employees receive the same benefits as regular employees, and such additional benefits as approved by the Board.

5-3-(4) Rights of Discretionary Employees.

- (a) Employees first appointed to discretionary positions are employees at will and may be terminated by the CEO/Manager for any lawful reason, with or without cause. They may object in writing to the termination, but there is no right of appeal.
- (b) Regular employees who accept appointment to discretionary positions on or after February 10, 2022 are employees at will and may be terminated by the CEO/Manager for any lawful reason, with or without cause. They may object in writing to the termination, but there is no right of appeal.
- (c) Regular employees whose positions are reclassified by the Board as discretionary, as well as regular employees who accepted appointment to discretionary positions prior to February 10, 2022 are subject to corrective action, up to and including termination, as specified in Chapter 11. In addition, these discretionary employees may be removed by the CEO/Manager from their discretionary positions without cause. When removed without cause, these employees retain the right to return to their former classified position or, if no longer available, to a comparable position at a pay grade and pay rate no lower than the position held prior to appointment to the discretionary position. The employee must meet the education, experience, and bona fide special requirements of the classified position.

Board approved 2/10/22

CHAPTER 6 – DRUG AND ALCOHOL POLICIES

Board approved 06/10/15

6-1. DRUG AND ALCOHOL POLICIES AND DEFINITIONS.

6-1-(1) Policy Statement. Denver Water prohibits the “Illicit Use of Drugs,” “Impairment by Alcohol,” “Use of Alcohol” and “Use of Marijuana” as defined in this policy. An employee who violates this policy is subject to corrective action up to and including termination.

6-1-(2) Definitions. For purposes of these policies, the following definitions will apply.

- (a) **“CDL Employee”** is an employee whose position description requires a commercial driver’s license.

- (b) **“Marijuana”** includes marijuana authorized for possession and use in the state of Colorado, including by a holder of a valid Medical Marijuana Registry Identification Card or other authorization to lawfully possess marijuana.

- (c) **“Refusal to Test”** means the refusal of an employee to provide a breath or urine sample as required under these policies (observed or non-observed) is considered a refusal to test, and, for CDL drivers, all refusals to test are considered a positive test by FMCSA 49 CFR Part 382.

- (e) **“Use of Alcohol”** means an employee tested under this policy has an alcohol concentration of more than 0.02 grams of alcohol per 210 liters of breath or per 100 milliliters of blood but is not “Impaired by Alcohol.” “Use of Alcohol” also means the consumption of alcohol or the possession of alcohol in open or unsealed containers on Denver Water property (excluding Denver Water provided housing), in Denver Water vehicles, or in an employee’s personal vehicle if being used for Denver Water business purposes.

There is one exception to the Use of Alcohol policy. An employee may consume alcohol that is provided during a Denver Water sanctioned private, or special event held at a Denver Water facility, outside of their normal working hours, while not on duty and not on call, and so long as the employee is not impaired by or under the influence of alcohol. Private, special functions or events are defined in Denver Water’s Enterprise Policies. Employees are prohibited from bringing and consuming their own alcohol to such events. Should an employee choose to consume alcohol at a Denver Water sanctioned private or special event, they assume all responsibility for the consequences of their conduct and are prohibited from operating a Denver Water vehicle or equipment and from

using their personal vehicle for Denver Water business during or after such consumption of alcohol.

Board approved 2/10/22

- (f) **“Use of Marijuana”** means an employee tested for drugs under this policy tests positive for marijuana, and the consumption or possession of marijuana on Denver Water property, in Denver Water vehicles, or in an employee’s personal vehicle if being used for Denver Water business purposes.

Board approved 3/26/14

6-2. CORRECTIVE ACTION FOR VIOLATIONS OF DRUG AND ALCOHOL POLICY.

6-2-(1) Corrective Action. Employees are subject to corrective action for any violation of Denver Water’s drug and alcohol policies. Corrective action may be based on the results of drug and alcohol tests conducted by Denver Water or by any federal, state, or local officials having independent authority to test the employee for drug and alcohol use.

6-2-(2) Termination Mandatory. An employee will be terminated if any one of the following conditions is met:

- (a) A drug or alcohol test required by this policy determines the employee engaged in the Illicit Use of Drugs or Use of Marijuana or was Impaired by Alcohol, and the employee holds a position that requires a driver’s license or is identified as Safety Sensitive.
- (b) A drug or alcohol test required by this policy determines the employee engaged in the Illicit Use of Drugs or Use of Marijuana or was Impaired by Alcohol” while operating a Denver Water vehicle or equipment or the employee’s personal vehicle on Denver Water business.
- (c) When referred for drug and alcohol testing, the employee refuses to submit to the required urine or breath specimen.
- (d) The employee refuses to authorize the release of drug or alcohol testing results performed by a non-Denver Water health care provider after an accident for which the employee may be at-fault, or
- (e) The employee tampers with or attempts to tamper with a urine or breath specimen collected for testing.

Board approved 3/26/14

6-3. DRUG AND ALCOHOL TESTING.

6-3-(1) Consent to Drug and Alcohol Testing. As a condition of employment, Denver Water may require employees to submit to breath alcohol, [oral fluids](#) and urine drug testing as described below.

6-3-(2) Confidentiality of Test Results. Employee drug and alcohol test results will be kept confidential to the extent required by law. Employee Health Services is the custodian of records related to drug and alcohol tests.

6-3-(3) Random Drug and Alcohol Testing. CDL and Safety Sensitive employees, as determined by class or position requirements, are subject to random drug and alcohol testing. When called for random testing, employees are to report immediately for testing to the Employee Health Clinic. Supervisors will be responsible for regular review of job class or position requirements and must notify the Director of Human Resources should the duties substantially change requiring a reassessment of the Safety Sensitive designation.

Board approved 6/10/15

6-3-(4) Periodic Drug and Alcohol Testing. CDL employees are subject to biennial drug and alcohol testing in conjunction with the biennial medical examinations required for a commercial driver's license.

Board approved 6/10/15

6-3-(5) Reasonable Suspicion Testing. Any Denver Water employee must submit to immediate drug and alcohol testing if reasonable suspicion exists to believe that the employee may be using drugs or alcohol in violation of this policy. Reasonable suspicion may be based on visual or other evidence that an employee is under the influence of or using or possessing drugs or alcohol at the workplace. Indications of drug or alcohol use include but are not limited to slurred speech; lack of balance; excessive aggressiveness, docility, or drowsiness; the detection or smell of drugs or alcohol; an employee's unusual demeanor, appearance, or conduct; irrational, threatening or violent behavior. Reasonable suspicion testing requires prior approval by any supervisor or designee who has received training in accordance with the federal Department of Transportation in the identification of the circumstances and indicators that may create reasonable suspicion that an employee is using or is under the influence of alcohol or illicit drugs as defined by this policy.

Board approved 4/25/18

- (a) Timing and Location of Drug and Alcohol Testing.** Drug and alcohol tests required under this Section should be performed *as soon as possible* after the determination that reasonable suspicion testing is appropriate.
 - (i)** If alcohol testing is not performed within two hours of a reasonable suspicion determination, the reason for the delay must be documented by the persons involved in the determination. The documentation will be kept by Employee Health Services. Contribution to the delay by a Denver Water employee is cause for corrective action.

- (ii) Drug and alcohol testing of employees will be performed by Employee Health Services, or another testing facility approved by Employee Health Services.
- (iii) If testing is delayed more than eight hours after the determination of reasonable suspicion, drug testing, but not alcohol testing, will be performed.

6-3-(6) Post-Accident and Post-Incident Testing. Any Denver Water employee may be subject to immediate drug and alcohol testing after an on-the-job accident or incident involving a Denver Water motor vehicle, equipment, property or personnel or involving the employee's personal vehicle while on Denver Water business.

- (a) Unless unable to do so because of a serious injury, an employee involved in an on-the-job accident or incident must immediately report it to a supervisor or to a Denver Water dispatcher who will notify the employee's supervisor and the Safety Manager.
- (b) The Safety Manager or designee determines whether an employee must submit to post-accident or post-incident drug and alcohol testing. Post-accident and post-incident testing are permissible under the following circumstances:
 - (i) There is a reasonable suspicion that the employee is under the influence of drugs or alcohol;
 - (ii) The employee receives a citation (or there is other reasonable indication of the employee's fault) and there is bodily injury or fatality;
 - (iii) The employee receives a citation, and one or more vehicles incur disabling damage requiring the vehicle to be towed from the scene
- (c) An employee subject to drug and alcohol testing after an accident or incident will be escorted to Employee Health Services or other approved testing facility for immediate testing and may not use alcohol until the

Board approved 1/1/21

alcohol test is performed, or until eight hours after the accident or incident, whichever is first.

- (d) If seriously injured because of an accident or incident and unable to provide a sufficient breath or urine sample, the employee must authorize the release of medical records to determine if alcohol or drugs were detected. An employee who fails to immediately report any accident or an incident resulting in a serious injury, or who refuses to release medical records of drug and alcohol tests under these circumstances will be subject to corrective action up to and including termination.

6-3-(7) Post-Accident Testing for CDL Drivers. A Denver Water employee who is required to have a CDL will be tested for drug and alcohol post-accident according to these Personnel Policies and according to federal Department of Transportation regulations when an accident results in any of the following, regardless of whether the driver receives a citation:

- (a) Human fatality.
- (b) Bodily injury with immediate medical treatment on scene or away from the scene; or
- (c) Disabling damage to any motor vehicle requiring towing.

Such post-accident drug testing must be completed within 32 hours after the accident and alcohol testing must be completed within two hours after the accident. If the test must be delayed, the reason for the delay must be documented by the persons involved in the determination. The documentation will be kept by Employee Health Services. Contribution to the delay by a Denver Water employee is cause for corrective action. If testing is delayed more than eight hours after the accident, drug testing, but not alcohol testing will be performed.

Board approved 1/1/21

6-3-(8) Return to Work After Drug and Alcohol Testing. An employee's return to work after being required to submit to drug and alcohol testing is dependent on such factors as the employee's job description, the results of testing, and the reason for the testing.

- (a) **Return to Work After Reasonable Suspicion or Post-Accident Drug and Alcohol Testing.** An employee referred for drug and alcohol testing based on reasonable suspicion, or an accident may not return to work until released to return to work by Employee Health Services. Time off work under this section will be paid.
- (b) **Return to Work After Random or Biennial Alcohol Testing.** An employee referred for random or biennial alcohol testing may return to

work immediately after alcohol test results are obtained except under the following circumstances:

- (i) Any employee Impaired by Alcohol will be suspended with pay pending corrective action,
- (ii) CDL and Safety Sensitive employees and any employee whose position requires driving whose alcohol test results indicate the Use of Alcohol, will be required to use PTO or personal leave until a breath alcohol test indicates an alcohol concentration below 0.02 grams of alcohol per 210 liters of breath or per 100 milliliters of blood.
- (iii) Or, when substantial safety concerns are at stake.

Board approved 7/13/16 effective 1/1/17

- (c) **Return to Work Pending Results of Random or Biennial Drug Testing.** An employee may return to work pending Denver Water's receipt of drug test results.

Board approved 6/10/15

CHAPTER 7 - EMPLOYEE BENEFITS

7-1. BENEFIT MAINTENANCE.

7-1-(1) Denver Water provides benefits to employees in accordance with general practices as determined by the Director of Human Resources and approved by the Board.

7-1-(2) Benefits maintained by the Board include the Employees' Retirement Plan of the Board of Water Commissioners, Denver Water Supplemental Retirement Savings Plan, Denver Water 457 Deferred Compensation Plan, medical and dental benefits plans, long and short-term disability benefits plans, life insurance, a flexible spending account program, mileage allowance, payment for meals and lodging, and a credit union.

Clarified 04/10/15

7-1-(3) Human Resources will provide benefits information to employees regarding employee eligibility for and coverage provided by Board provided benefit plans and programs.

7-2. BENEFITS FOR DOMESTIC PARTNERS.

7-2-(1) Eligibility Requirements. Denver Water provides certain benefits to domestic partners of employees if the employee and their domestic partner was approved for benefits prior to 11/9/16.

7-2-(2) Termination of Domestic Partnership. An employee who is receiving domestic partner benefits must notify Human Resources immediately if the domestic partnership is terminated.

A domestic partnership is terminated when one or both partners file a certificate of termination of committed partnership with the clerk of the City and County of Denver; gives written notice to the other partner that ~~he or she is~~ they are terminating the partnership; dies; marries, enters a domestic partnership or civil union with another person, or no longer shares a common residence with the other partner.

Board approved 11/9/16

7-3. PAID TIME OFF.

7-3-(1) Accrual of PTO. Introductory and regular employees accrue PTO leave commencing with the beginning of continuous employment. Except for the PTO Cash Conversion described in this section and the payment of accrued leave at the time of termination, PTO is to be used to take time off work and cannot be converted to

additional pay. Employees accrue PTO each pay period in which the employee has worked or used paid leave, pursuant to the schedules below. The PTO accrual rate is based on months of Denver Water service except as described in paragraph (d) below.

- (a) **Full-Time Employees.** PTO accrues at the following rates for full-time employees:

Months of Denver Water Service (plus credit per paragraph (d) below)	Annual Full-time PTO Accrual Rate
0 – 48 Months	104 hours per year
49 – 108 Months	144 hours per year
More than 108 Months	184 hours per year

- (b) **Part-Time Employees.** PTO accrues at the following rates for employees who are scheduled to work 20 hours or more per week:

Months of Denver Water Service (plus credit per paragraph (d) below)	Scheduled Work Hours Per Week	Annual Part-Time PTO Accrual Rate
0 – 48 Months	20-29	52 hours per year
	30-39	78 hours per year
49 – 108 Months	20-29	72 hours per year
	30-39	108 hours per year
More than 108 Months	20-29	92 hours per year
	30-39	138 hours per year

- (c) **PTO Accrual Rates for Rehired Denver Water Employees.** Former Denver Water employees who are rehired receive credit for months of past Denver Water service.
- (d) **PTO Accrual Credit for Relevant Job Experience at Time of Hire.** The PTO accrual rate for introductory employees will be adjusted based on the newly hired employee’s months of relevant job experience as determined by Human Resources [based on information provided](#) at the time of hire.

7-3-(2) Payment of Accrued PTO Upon Termination. Upon termination of employment, a lump sum payment for accrued PTO will be made to the employee. If the employee has died, the payment will be made to the employee’s estate. Employees may not use accrued PTO to postpone a termination or retirement date. Any employee or supervisor contributing to misuse of PTO is subject to corrective action.

7-3-(3) Maximum PTO Accruals. Employees are strongly urged to use available PTO. PTO may be accumulated up to a maximum of 480 hours for full-time employees, 360 hours for employees who work 30-39 hours per work week, and 240 hours for employees who work 20-29 hours per work week. An employee who accumulates the

maximum number of PTO hours will cease to accrue additional hours including PTO hours converted to cash under § 7-3-(5), until the PTO balance is reduced.

7-3-(4) Approval of PTO Required. An employee must obtain supervisory approval prior to using PTO for scheduled and predictable absences, except as needed for employee protection leave. A supervisor may limit or adjust PTO schedules to meet operational needs.

7-3-(5) PTO Cash Conversion. In any given year (“Election Year”), regular and discretionary full-time employees may elect to convert into a cash payment 40 or 80 hours of the PTO hours that they would otherwise accrue in the following year (“Cash Out Year”). Part-time employees may elect to convert 40 hours.

- (a) Eligibility for PTO Cash Conversion. To be eligible for PTO cash out, a full-time employee must have a minimum of 160 hours of accrued PTO at the time of the cash out election. A part-time employee must have a minimum of 80 hours of accrued PTO at the time of the cash out election.

Board approved 8/14/19

- (b) An employee’s decision to convert future PTO accruals into cash must be made in writing during the Election Year. The decision to convert is irrevocable and cannot be reversed. The PTO Restricted hours will be paid in the employee’s last paycheck of the Cash Out Year. Except in the case of death of the employee, the PTO restricted will be forfeited if the employee terminates, voluntarily or involuntarily, during the Cash Out Year.

- (c) PTO hours not converted to cash during the Election Year will be accrued as usual during the Cash Out year. PTO hours not converted will be considered accrued leave for purposes of payment upon termination under 7-3-(2) and of calculating maximum PTO accrual under 7-3-(3).

Board approved 7/13/16 effective 1/1/17

Board approved 9/26/18

7-4. HOLIDAYS.

7-4-(1) The holidays observed by Denver Water are:

New Year's Day January 1
Martin Luther King, Jr. Day 3rd Monday in January
President’s Day 3rd Monday in February
Cesar Chavez Day Last Monday in March
Memorial Day Last Monday in May
Juneteenth June 19
Independence Day July 4
Labor Day First Monday in September

Veteran's Day November 11
Thanksgiving Day Fourth Thursday in November
Christmas Day December 25

7-4-(2) If a holiday falls on Sunday, it will be observed on the following Monday. If a holiday falls on Saturday, it will be observed on the preceding Friday. If a holiday falls on any other day of the week, it will be observed on that day.

7-4-(3) Introductory, regular, and part-time employees who are scheduled to work 20 hours or more per week are entitled to holiday leave on the following basis:

Scheduled Hours Per Week	Holiday Leave Rate
20 – 29	4 hours
30 – 39	6 hours
40 or More	8 hours

To be eligible for holiday leave, holiday pay or a deferred holiday, a nonexempt employee must either have worked or used paid leave the scheduled workdays before and after the holiday. An exempt employee will receive holiday leave unless ~~he or she~~ they were as on unpaid leave during the whole work week in which the holiday falls. Nonexempt employees who are regularly scheduled to work more than 8 hours a day, including shift workers and employees working an alternative work schedule, receive the same pro-rated holiday leave stated above, and, with supervisor approval, may either use PTO or personal leave to make up unpaid work hours on a holiday or work additional hours on another day during the same work week to make up hours.

Board approved 4/25/18

7-4-(4) Working on a Holiday.

(a) Definitions:

- (i) “Holiday Pay”** means pay earned by a Non-Exempt employee who must work on a holiday or whose regular day off is a holiday. Holiday pay is not counted as "hours worked" for the calculation of regular overtime.
- (ii) “Deferred Holiday Leave”** means leave received by a Non-Exempt employee who must work on a holiday or whose scheduled day off is a holiday, and who does not elect to receive holiday pay. Deferred holiday leave is not to exceed eight hours even when the employee is regularly scheduled to work more than eight hours in a day, including shift workers and employees on an alternative work schedule, is to be used in the same payroll calendar year earned and will not be rolled over into a following year, and is not counted as "hours worked" for the calculation of

regular overtime. Deferred holiday leave is used to take time off work and once elected, cannot be converted to additional pay.

- (b) **Scheduled Work on a Holiday.** Non-Exempt employees scheduled to work on a holiday are paid at the regular rate of pay and, in addition, may elect to receive holiday pay or deferred holiday leave.
- (c) **Unscheduled Work on a Holiday.** Non-Exempt employees not scheduled to work on a holiday but called in to work are paid at one and one-half times the regular rate of pay and, in addition, may elect to receive holiday pay or deferred holiday leave.
- (d) **Holiday Falls on a Regularly Scheduled Day Off.** Non-Exempt employees whose regularly scheduled day off falls on a holiday may elect to receive holiday pay or deferred holiday leave.

Board approved 7/13/16 effective 1/1/17

7-4-(5) Holiday Leave for Temporary Employees. Holiday leave is granted to a temporary worker who works the normally scheduled number of hours on the workday before and after a holiday, and who was employed a minimum of 20 calendar days prior to the holiday.

7-4-(6) Holiday on Non-Scheduled Workday. To receive holiday leave when a holiday falls on a non-scheduled workday, employees shall take one scheduled day or, if part-time, a partial day off during the same week in which a holiday falls. At the discretion of the supervisor, a part-time Non-Exempt employee may work additional hours during a week in which a holiday occurs. Part-time exempt employees are not paid for more than the regularly scheduled number of hours per week.

Board approved 4/25/18

7-5. PAID PERSONAL LEAVE.

7-5-(1) Introductory, regular, and discretionary employees receive the following paid personal leave hours on the first day of each payroll calendar year:

Scheduled Work Hours Per Week	Personal Leave Hours
20 – 29	36 hours
30 – 39	54 hours
40 or more	72 hours

New hires will receive pro-rated paid personal leave starting with month of hire at a rate of six hours per month for full-time employees; four and a half hours per month for

employees who work 30-39 hours per week, and three hours per month for employees who work 20-29 hours per week. Personal leave is used to take time off work and cannot be converted to additional pay. Exempt and Non-Exempt employees may use personal leave in any increment; however, exempt employees are not required to use personal leave for partial day absences unless required by Human Resources for FMLA purposes.

Non-substantive change 1/23/19

7-5-(2) Approval of Personal Leave Required. An employee must obtain supervisory approval prior to using personal leave for scheduled and predictable absences, except as needed for employee protection leave. A supervisor may limit or adjust personal leave schedules to meet operational needs.

7-5-(3) No Rollover of Personal Leave. Paid personal leave must be used before the end of each payroll calendar year in which it was received. Any unused personal leave is forfeited at the end of the payroll calendar year and is not rolled over into the next year.

Non-substantive change 1/23/19

7-5-(4) Personal Leave at Termination and Retirement. Unused personal leave is forfeited and not paid out upon separation of employment.

Board approved 7/13/16 effective 1/1/17

7-6. FAMILY AND MEDICAL LEAVE.

7-6-(1) Family and Medical Leave.

(a) **General Provisions.** [Family and Medical Leave provides job protection for qualifying employees and is unpaid.](#) An eligible employee is entitled to a total of 12 work weeks of unpaid family and medical leave for the reasons listed below, during any rolling 12-month period. To be eligible, an employee must have been employed by Denver Water for at least ~~126~~ months, ~~and provided at least 1,000 hours of service during the 12-month period immediately prior to commencement of the leave.~~ A “rolling” — 12-month period is measured backward from the date an employee uses FMLA leave.

- (i) An employee will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions upon returning from a family and medical leave.
- (ii) Employees who are on an approved family and medical leave may not work for another employer unless approved under Denver Water’s policy on Outside Employment, § 2-12-(6).
- (iii) Any leave designated as family and medical leave will be deducted from the allotted 12 weeks in the rolling 12-month family and

medical leave period. ~~unless leave is for an injury or illness covered by worker's compensation.~~

- (b) **Reasons for Family and Medical Leave.** An employee may be eligible for family and medical leave if the employee's absence from work is due to one of the following reasons:
- (i) Birth of an employee's child and care of such child within 12 months after birth.
 - (ii) Placement of a child with the employee for adoption or foster care within 12 months after placement.
 - (iii) Care for an employee's family member with a serious health condition. Individuals specified in the definition of "family member" in the FMLA are covered by this section.
 - (iv) The employee's own serious health condition if it results in the employee being unable to perform job functions.
- (c) **Serious Health Condition Defined.** A "serious health condition" is:
- (i) An illness, injury, impairment, or physical or mental condition that involves overnight inpatient care in a medical treatment facility and any resulting period of incapacity;
 - (ii) Any period of incapacity longer than three consecutive workdays, due to a health condition that requires continuing care or supervision by a health provider. Continuing care means at least two visits to a health care provider within 30 days of the start of the period of incapacity; or
 - (iii) Any period of incapacity due to pregnancy, prenatal care, or a chronic serious health condition. ~~Denver Water will approve family and medical leave based on health care provider information and applicable law.~~
- (d) **Notification Requirements.** An employee who intends to be absent, or is absent, for more than three consecutive workdays for a serious health condition as determined by the third-party administrator, must request family and medical leave. If the leave is foreseeable, the employee must provide 30 days advance notice to their supervisor and the third-party administrator. If leave is not foreseeable, the employee must provide

notice as soon as practicable.

Board approved 6-10-09

(e) **Use of Accrued Leave.** Before using leave without pay, employees on family and medical leave, except those on a leave for a worker's compensation injury or illness or those receiving short-term disability benefits, must reduce [Personal Leave and](#) accrued PTO to [a total of 480](#) hours. Employees receiving short-term or long-term disability benefits from a third-party administrator may elect to use accrued PTO or personal leave to supplement their short-term or long-term disability income. Use of accrued leave does not extend the approved family and medical leave period.

(f) **Family Leave for Birth, Adoption or Foster Care Placement When Both Parents Work at Denver Water.** Employees who are married or domestic, or civil union partners may each take up to 12 weeks of family and medical leave for the birth, adoption, or foster care placement of a child.

Board approved 2/11/15

(g) **Continuation of Employee Benefits.** During an approved family and medical leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of coverage. If an employee fails to return to work after unpaid family and medical leave, the employee must reimburse Denver Water for its share of the cost of coverage, unless the employee's failure to return to work is caused by the continuation, recurrence, or onset of a serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner, or parent, by the employee's retirement, or by circumstances beyond the employee's control.

Board approved 9/11/13

(h) **Return to Work After Family and Medical Leave.** Before returning to work after a family and medical leave for their own serious health condition, an employee who returns to work with work restrictions must provide Human Resources and third-party administrator with a completed and signed ~~Denver Water~~ Fitness for Duty Form. An employee with work restrictions who fails to provide the required form will not be allowed to return to work until the form is provided. A Chief may deny reinstatement to an employee who fails to return to work when no longer eligible for family and medical leave.

Board approved 6/10/09

(i) **Reduced Leave Schedule or Intermittent Family and Medical Leave.**

~~(i) **Serious Health Condition.** An employee eligible for family and medical leave for a serious health condition may be eligible for a reduced leave schedule or intermittent leave.~~

Board approved 10/13/10

~~(ii) **Birth, Adoption or Foster Care Placement.**~~ Subject to prior written approval by the employee's Chief, a full-time regular employee may work a reduced leave schedule after the birth of the employee's child or placement of a child with the employee for adoption or foster care. Approval of a reduced leave schedule or use intermittent leave. for this purpose is subject to the following limitations:

- ~~• **A reduced leave schedule is a reduction of an employee's usual number of working hours per workweek or hours per workday, for a defined period not to exceed 26 weeks, during the first 12 months after birth or placement of a child for adoption or foster care.**~~
- Approval of a reduced leave schedule is not guaranteed but subject to operational needs, the employee's attendance record, the employee's accrued leave balances, and other job-related criteria. ~~and~~
- ~~• **The third party administrator may request proof of birth or placement of a child for adoption or foster care.**~~

7-6-(2) Military Family Leave.

(a) **General Provisions.** Employees who are employed by Denver Water for at least 126 months ~~and provide at least 1,000 hours of service during the 12-month period immediately prior to commencement of the leave~~ are eligible for unpaid military leave. An eligible employee is entitled to either 12 or 26 weeks of military family leave, for the reasons listed below.

(b) **Reasons for Military Family Leave.** An employee may be eligible for military family leave if an employee's absence from work is due to one of the following reasons:

- (i) The employee's absence is due to a qualifying exigency as defined by applicable federal law, or
- (ii) To care for the serious injury or illness of the employee's spouse, son, daughter, parent or next of kin who is a covered service member as defined by applicable federal law.

- (c) **Use of Accrued Leave.** Employees on military family leave must reduce [Personal Leave and](#) accrued PTO to [a total of 4080](#) hours before using leave without pay. Use of accrued leave does not extend the military family leave period allowed.
- (d) **Military Family Leave for Married Employees.** Spouses who are both employed by Denver Water and who are eligible for military family leave to care for the serious injury or illness of a covered service member are limited to a combined total of 26 work weeks of leave during the single 12-month period.
- (e) **Continuation of Employee Benefits.** During an approved military family leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of health care coverage. If an employee fails to return to work after unpaid military family leave, the employee must reimburse Denver Water for its share of the cost of coverage, unless the employee's failure to return to work is caused by the continuation, recurrence, or onset of a serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner's child, or parent, by the employee's retirement, or by circumstances beyond the employee's control.

Board approved 9/11/13

- (f) **Return to Work After Military Family Leave.** Employees are reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions upon returning from military family leave.
- (g) **Reduced Leave Schedule or Intermittent Military Family Leave.** An employee eligible for military family leave for the serious injury or illness of a covered service member relative can request a reduced work schedule or intermittent leave applied against the leave available during the 12-month period.
 - (i) The employee will receive health benefits but will be paid only for hours worked.
 - (ii) Exempt and Non-Exempt employees on a reduced leave schedule or taking intermittent leave must use accrued PTO or personal leave to make up the difference between full compensation and reduced pay not to exceed the employee's regular compensation.

Board approved 7/13/16 effective 1/1/17

- (iii) Denver Water may temporarily transfer an employee working a reduced work schedule or taking regularly scheduled intermittent leave to an available, alternative position with the same hourly rate of pay and benefits.

Board approved 6/10/09

7-7. LEAVE WITHOUT PAY.

7-7-(1) Under extraordinary circumstances or as a request for accommodation, a Chief may grant an employee leave of absence without pay. Approval of a leave request depends on anticipated operational requirements, staffing considerations, and a record indicating the employee to be an effective and valued employee. Before a leave without pay is taken, the employee must exhaust all accrued PTO and paid personal leave.

7-7-(2) All leave without pay must be for a specified period. An employee who fails to return to work at the end of the approved leave period, or to secure approval for extension of the leave, will be considered to have voluntarily resigned.

7-7-(3) A leave without pay of more than 10 consecutive workdays may affect an employee's benefits. Employees do not accrue PTO during unpaid time off and must make arrangements with Human Resources for the payments required during the leave period to continue medical and other benefits.

Board approved 7/13/16 effective 1/1/17

7-8. ADMINISTRATIVE LEAVE.

7-8-(1) Purposes of Administrative Leave.

- (a) **Extensive Hours Worked.** Exempt positions at Denver Water may require the performance of work beyond traditional work hours to meet organizational objectives. Although exempt status carries with it the expectation to work extra hours without extra compensation or compensatory time, administrative leave may be approved for an exempt employee who has worked extensive hours beyond a normal work schedule.
- (b) **Extraordinary Contributions.** A supervisor may approve administrative leave to recognize exempt and Non-Exempt employees for making extraordinary contributions. Extraordinary contributions are efforts outside an employee's normal job duties that contribute to Denver Water's organizational objectives or strategic plan.
- (c) **Other Purposes.** Administrative leave granted for any other purposes requires the prior approval of the Director of Human Resources.

7-8-(2) Approval Process and Limitations on Use of Administrative Leave.

- (a)** The CEO/Manager or the appropriate Chief is responsible for approving administrative leave for employees under their supervision, and for maintaining consistency and fairness in the granting of Administrative Leave.
- (b)** Administrative leave does not count toward overtime for nonexempt employees.
- (c)** Employees must take administrative leave within twelve months of being granted.

Board approved 8/27/14

7-9. INJURY LEAVE AND WORKERS' COMPENSATION

7-9-(1) Denver Water provides a comprehensive worker's compensation insurance program which covers accidental injury, illness, or death arising out of and during employment. The Colorado Worker's Compensation Act provides a three-day waiting period before payment under the program. During this three-day period, an employee is granted injury leave at regular pay. An employee with a work-related illness or injury may qualify for family and medical leave as defined in these policies.

7-9-(2) While off work and receiving worker's compensation income, an employee may elect to use accrued PTO or personal leave to supplement the weekly workers' compensation income. An employee with a work-related injury or illness who qualifies for family and medical leave is exempt from the requirement in these policies to reduce PTO to 40 hours.

Board approved 8/14/19

7-9-(3) Except in life threatening situations, an employee injured on the job must go to Denver Water's Employee Health Services or an area treatment facility approved by Employee Health Services to be eligible for worker's compensation income. After initial treatment, an employee will be referred to Denver Water's authorized worker's compensation physician.

7-9-(4) Light Duty. Denver Water provides a light duty program to facilitate an employee's rehabilitation and return to work following a work-related injury or illness. If an employee is released by a physician to return to a light duty position, but not to the employee's previous or equivalent duties, the employee must accept the modified duty assignment to remain eligible for income under the Colorado Workers' Compensation Act. When an employee's income ceases because the employee has declined a light duty assignment, the employee must use accrued PTO.

Board approved 7/13/16 effective 1/1/17

7-9-(5) Light duty is temporary and designed to last only until the employee reaches Maximum Medical Improvement (MMI) under the Colorado Worker's Compensation Act, or until the employee can return to work at the employee's regular job. However, modified duty normally will last no longer than one year. The Chief may extend modified duty in consultation with Human Resources. An employee participating in the light duty program must abide by the terms and conditions of the program.

7-9-(6) If an employee is unable to return to the employee's regular position after a modified duty assignment has ended, the employee may seek a reasonable accommodation through the Disability Review Process.

7-10. BEREAVEMENT LEAVE

7-10-(1) Bereavement leave is for an employee's personal needs and use is subject to the approval of the employee's supervisor. Full-time employees are eligible for up to thirty-two (32) hours of paid leave for the death of a family member or other person. Employees are responsible for requesting the amount of leave needed. Documentation may be required when deemed necessary by the supervisor.

Board approved 2/10/22

An employee with the supervisor's approval may use available PTO and personal leave for additional time off. Part-time employees also receive bereavement leave on the following basis:

Board approved 7/13/16 effective 1/1/17

Scheduled hours per week	Bereavement Hours
20-29	16
30-39	24

7-11. JURY AND WITNESS DUTY LEAVE.

7-11-(1) Any introductory or regular employee who is subpoenaed to appear as a non-party witness or summoned to jury service will be granted leave with pay to perform such duties. Denver Water temporary employees are given leave with pay for up to three days for jury duty. Each employee requesting jury or witness duty leave must provide their supervisor with a Juror Service Certificate or other documentation establishing the dates of juror or witness service.

Board approved 3/14/12

7-11-(2) If an employee is summoned to testify as a witness of Denver Water because of a job-related event or on behalf of Denver Water, the employee will receive regular pay during witness duty and is not eligible to receive other payment.

7-12. MILITARY LEAVE.

7-12-(1) Paid Military Leave. An employee who is a member of the National Guard or any other component of a state or federal military force, will be granted a paid military leave not to exceed a total of 15 ~~calendar~~working days in any one calendar year for military related training or active service ordered or authorized by the proper authorities.

~~(a) Military leave of 15 working days or fewer will not be paid leave if the employee's military pay is greater than the employee's regular straight time pay from Denver Water. If the employee's military pay is less than the employee's regular straight time pay from Denver Water, Denver Water will pay the employee the difference between military pay and regular straight time pay.~~

(ab) An employee on a military leave of 15 working days or fewer will continue to receive all Denver Water benefits for which the employee is enrolled at the time of leave, including accrual of PTO.

Board approved 7/13/16, effective 1/1/17

(bc) An employee taking paid military leave must submit military leave orders and pay vouchers to the Payroll Section within 30 days of returning from leave.

7-12-(2) Extended Military Leave Without Pay. An employee who is required by the proper authority to performs more than 15 working days of military service in any calendar year is entitled to use accrued PTO or Personal Leave or may take leave without pay for the additional required service.

7-12-(3) Benefits During a Military Leave Without Pay. During an unpaid military leave, an employee may elect to continue participation in any benefit programs in which the employee was enrolled at the commencement of leave by paying the employee's and Denver Water's share of premiums for those benefit programs. During such leave, the employee will accrue retirement service credits.

7-12-(4) Return from Military Leave Without Pay. An employee returning from unpaid military leave is entitled to reemployment if they comply with the provisions set forth in the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Sections 4301-4335. Reemployment means that the employee will be returned to a position in the same or higher class at the same or higher pay grade occupied before the term of unpaid military leave.

(a) If an employee is unable to work after discharge from military service due to physical or mental conditions resulting from military service, military leave without pay is extended for a period not to exceed two years after discharge. An employee seeking to return to work under these circumstances must report to Denver Water within the two-year period.

- (b) An employee who returns to work after an unpaid military leave with restrictions due to physical or mental conditions may seek a reasonable accommodation under the Disability Review Process.

Board approved 7/13/11

7-13. EDUCATIONAL REIMBURSEMENT PROGRAM

7-13-(1) Denver Water offers educational reimbursement for tuition costs and fees for approved courses to regular employees who continue their education or vocational training. To be eligible for reimbursement the class must be related to the employee's current Denver Water position or will help the employee qualify for a Denver Water position with additional responsibilities.

- (a) **Eligibility for Reimbursement.** Prior to enrollment in a class, an employee must complete an application form and receive Human Resources' approval. Any changes to an employee's work schedule to accommodate a class or classes are subject to the supervisor's approval. To be eligible for educational reimbursement an employee must attain regular status no later than the final day of the class and must satisfactorily complete the course.
- (b) **Reimbursement.** The maximum reimbursement by Denver Water to a full-time employee is equal to the IRS tax exemption for tuition reimbursement² in any one calendar year. Employees receiving education reimbursement from other sources may not be eligible to receive full benefits. Regular part-time employees are eligible for a percentage of the maximum tuition reimbursement amount based on the employee's regular part-time schedule.

Scheduled Hours Per Week	Maximum Tuition Refund
20 – 29	\$50%
30 – 39	75%

Board approved 1/1/21

7-14. EXPENSES INCURRED IN PERFORMANCE OF DUTIES.

7-14-(1) Ordinary Expenses.

- (a) If approved by the employee's supervisor, expenses incurred by an employee in carrying out day-to-day job duties or in attending a

² Amount in 2020 is \$5250.00

conference or training will be reimbursed to the employee in accordance with Enterprise Policies, as modified from time to time.

- (b) An employee's signature on an expense report is certification that all expenses claimed arose during performance of the employee's duties within the scope of employment and are authorized by the employee's supervisor. The supervisor's signature on an employee's expense report is supervisory authorization of the expenses on the report and their reimbursement.
- (c) A request for reimbursement of expenses already reimbursed or falsification of an expense report is cause for corrective action, up to and including termination.

7-14-(2). Legal Expenses.

- (a) Denver Water generally will provide legal services for employees in legal proceedings resulting from the performance of employment duties. Unless the employee's act or omission was willful and wanton, Denver Water will provide legal representation and pay any judgment or settlement for claims brought against an employee arising from an act or omission of the employee occurring during the performance of the employee's duties and within the scope of employment.
- (b) Any employee subject to a legal proceeding under the conditions described in this section must notify the General Counsel immediately. The General Counsel will determine whether this Section applies to a particular claim. If so, the General Counsel will recommend to the Board that Denver Water provide legal representation and indemnification to the employee. If not, the General Counsel will so inform the employee.
- (c) The expense incurred by an employee in opposing or appealing corrective action against the employee is not covered by this Section. Except in rare circumstances, expenses arising in connection with traffic tickets or fines are not covered.

7-15. EMPLOYEE PROTECTION LEAVE.

7-15-(1) Employee Protection Leave. An employee who has been the victim of domestic violence, stalking, sexual assault, or any other crime involving an act of domestic violence, as Colorado law defines these terms, may be eligible for up to three days of leave for any one of the following reasons:

- (a) to seek a civil restraining order;

- (b) to obtain medical care or mental health counseling;
- (c) to make their home secure from attack by a perpetrator or to seek new housing;
- (d) to seek legal assistance or participate in related legal proceedings;
- (e) or to protect a child who has been the victim of domestic violence, stalking, or sexual assault.

7-15-(2) Eligibility. To be eligible for employee protection leave, an employee must have worked for Denver Water for at least 12 months and provided at least 1,000 hours of service during the 12-month period immediately prior to leave.

7-15-(3) Use of Accrued Leave. An employee must use any available PTO or paid personal leave during an employee protection leave. If no accrued PTO or personal leave is available, the leave will be unpaid.

Board approved 7/13/16 effective 1/1/17

7-15-(4) Notification Requirements. An employee requesting foreseeable employee protection leave must provide five working days advance notice to the Director of Human Resources. If employee protection leave is not foreseeable, the employee should provide notice as soon as practical. Human Resources will notify the supervisor if the leave is authorized.

7-15-(5) Denver Water may request the employee to provide verification of the purpose of the employee protection leave to the Director of Human Resources. All information regarding an employee's request for employee protection leave and verification will be kept confidential to the extent required by law.

7-16. COFAM LEAVE.

7-16-(1) COFAM Leave.

(a) General Provisions. COFAM is paid leave. An eligible employee is allowed up to 12 work weeks (additional 4 weeks if pregnancy complications) of paid leave for the reasons listed below, during any rolling 12-month period. To be eligible, an employee must have provided at least 80 hours of service to Denver Water and exhausted all but 80 total hours of paid leave (Personal and/or PTO). Employees are required to apply for short-term disability if eligible and the reason for leave is a qualifying event. Employees who are approved for short-term disability benefits are not eligible for COFAM leave.

(i) An employee will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions upon returning from a COFAM leave.

(ii) Employees who are on an approved COFAM leave may not work for another employer unless approved under Denver Water’s policy on Outside Employment, § 2-12-(6).

(iii) Any leave designated as COFAM leave will be deducted from the allotted 12 weeks in the rolling 12-month COFAM leave period unless leave is for an injury or illness covered by worker’s compensation.

(iv) COFAM leave runs concurrent with FMLA.

(b) Wage Replacement

(i) Wage replacement is at a rate of 70% of an employee’s base weekly earnings up to a maximum of \$1500 per week.

(c) Reasons for COFAM Leave. An employee may be eligible for COFAM leave if the employee’s absence from work is due to one of the following reasons:

(i) Care for a new child, including adopted and fostered children.

(ii) Care of themselves if they have a serious health condition.

(iii) Care for a family member’s serious health condition. Individuals specified in the definition of “family member” in the FMLA are covered by this section.

(iv) To make arrangements for a family member’s military deployment

(v) Address the immediate safety needs and impact of domestic violence and/or sexual assault.

(d) Serious Health Condition Defined. A “serious health condition” is:

(i) An illness, injury, impairment, or physical or mental condition that involves overnight inpatient care in a medical treatment facility and any resulting period of incapacity.

(ii) Any period of incapacity longer than three consecutive workdays, due to a health condition that requires continuing care or supervision by a health provider. Continuing care means at least two visits to a health care provider within 30 days of the start of the period of incapacity; or

- (iii) Any period of incapacity due to pregnancy, prenatal care, or a chronic serious health condition. Denver Water will approve family and medical leave based on health care provider information and applicable law.
- (e) **Notification Requirements.** An employee who intends to be absent, or is absent, for more than three consecutive workdays for a qualifying reason as determined by the third-party administrator, must request family and medical leave, if eligible. If the leave is foreseeable, the employee must provide 30 days advance notice to their supervisor and the third-party administrator. If leave is not foreseeable, the employee must provide notice as soon as practicable.
- (f) **Use of Accrued Leave.** Before using COFAM leave, an employee must reduce Personal Leave and accrued PTO leave to a total of 80 hours.
- (g) **Family Leave for Birth, Adoption or Foster Care Placement When Both Parents Work at Denver Water.** Employees who are married may each take up to 12 weeks of COFAM leave for the birth, adoption, or foster care placement of a child.
- (h) **Continuation of Employee Benefits.** During an approved COFAM leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of coverage. If an employee fails to return to work after COFAM leave, the employee must reimburse Denver Water for its share of the cost of benefit coverage, unless the employee's failure to return to work is caused by the continuation, recurrence, or onset of a serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner, or parent, by the employee's retirement, or by circumstances beyond the employee's control.
- (i) **Return to Work After COFAM Leave.** Before returning to work after a COFAM leave for their own serious health condition, an employee who returns to work with work restrictions must provide Human Resources and third-party administrator with a completed and signed Fitness for Duty Form. An employee with work restrictions who fails to provide the required form will not be allowed to return to work until the form is provided. A Chief may deny reinstatement to an employee who fails to return to work when no longer eligible for COFAM leave.
- (j) **Reduced Leave Schedule or Intermittent COFAM Leave.** Subject to prior written approval by the employee's Chief, an employee who is eligible for COFAM leave may work a reduced leave schedule or use intermittent leave. Approval of a reduced leave schedule is not guaranteed but subject to operational needs, the employee's attendance record, the employee's accrued leave balances, and other job-related criteria.

CHAPTER 8 – CAREER PROGRESSIONS, TRANSFERS, JOB EVALUATIONS, RESIGNATIONS, REDUCTIONS IN FORCE

8-1. CAREER PROGRESSION.

8-1-(1) Career Progression. Career progression provides upward mobility for regular employees in specific positions who, through normal training and career development, are expected to take on a broader workload and assume greater responsibility. Career progression is not based on tenure. Career progression is not used to fill a vacancy or if, because of a person being promoted by career progression, a vacancy would be created.

Board approved 08/23/17 and 2/10/22

8-1-(2) Career Progression Eligibility. An employee becomes eligible for career progression because of their own individual development and progress. Career progression requires written certification from the hiring manager or Chief that the candidate meets the minimum experience and educational requirements, and that work is available for the higher-level position in the class series.

Board approved 1/1/21 and 2/10/22

8-1-(3) Career Progression Requirements. The Director of Human Resources shall conduct whatever inquiry is necessary to determine whether justification exists to support career progression. Career progression is governed by the following policies and principles:

- (a) Promotion through career progression requires an overall performance evaluation rating of “thriving” or higher for the present position, and the immediate supervisor's written statement that the employee has demonstrated the ability to perform at least at the “thriving” level upon promotion to the higher position.
- (b) To be qualified to advance by career progression, an individual must meet the minimum requirements and any bona fide special requirements of the of the higher position.
- (c) Serving in a position eligible for career progression in no way guarantees that career progression will occur. Career progression is subject to budgeting restrictions and will be awarded only if there is work available at the higher level.
- (d) The Director of Human Resources shall periodically determine which job classifications shall be subject to career progression. The Director may determine that a specific position will not be subject to career progression even though it is within a career progression job classification.

Board approved 1/1/21 and 2/10/22

8-2. TRANSFERS.

8-2-(1) Transfers. A transfer is the reassignment of a regular employee without a competitive process to a vacant position in a comparable pay grade. Transfers are a management prerogative to improve service or accomplish a specific purpose for the benefit of Denver Water and are not used to circumvent the normal competitive process. An employee must accept a management-initiated transfer so long as the requirements for transfer in this section are satisfied.

Board approved 1/9/08

8-2-(2) Transfers Within a Division. A Chief may transfer an employee to a different position within their division with a comparable pay grade, if the employee meets the qualifications of the new position. Before such a transfer occurs, the Director of Human Resources must confirm that the positions have the same basic qualifications or that the employee meets the qualifications for the new position.

Board approved 1/9/08

8-2-(3) Transfers Between Divisions. An employee may be transferred to a position in the same or similar pay grade in a different Division, if the employee meets the qualifications of the new position. An interdivision transfer requires the approval of both Chief(s). Before such a transfer occurs, the Director of Human Resources must confirm that the employee meets the qualifications for the new position.

Board approved 1/9/08

8-2-(4) Temporary Transfer. An employee may be transferred temporarily for a predetermined period with the understanding that the employee is to return to their former position. The duration of the temporary transfer shall be determined by the Chief(s) and approved by the Director of Human Resources.

Board approved 1/9/08

8-3. JOB EVALUATION FOR NEW OR CHANGED POSITION.

8-3-(1) Evaluation of New Position. When the CEO/Manager authorizes a new position, the Director of Human Resources shall perform a job evaluation to determine where it should fall within the Classification Plan.

8-3-(2) Justification for Job Evaluation. Whenever the duties or responsibilities of an existing position change substantially, the Chief will initiate a request to Human Resources for a job evaluation to determine if the position should be assigned differently in the Classification Plan. The employee's supervisor shall provide information on the duties and responsibilities of the position to support the job evaluation. The Director of Human Resources also may initiate a job evaluation of a position, or a group of positions, and may adjust them upward or downward within the Classification Plan when warranted. In conducting a job evaluation, Human Resources

shall perform a comprehensive review including but not limited to input from Chief(s), supervisor(s), and affected employee(s).

8-3-(3) Job Evaluation Decision. Prior to final approval or disapproval of a pay increase after a job evaluation, the Director of Human Resources will review the results with the employee's Chief. A determination by the Director of Human Resources concerning the classification of the position under review is final and is not subject to appeal.

Board approved 02/24/16

Previous Section 8-4 eliminated 8/27/14

Previous Section 8-5 eliminated 9/10/14

Previous Section 8-3-(4) eliminated 02/24/16

8-4. RESIGNATION.

8-4-(1) Advance Notice of Resignation. Except in the case of a Disability Resignation, to resign in good standing, an employee must provide at least 14 calendar days prior notice of resignation to their immediate supervisor. The CEO/Manager, a Chief or Section Manager may exempt an employee from this notice requirement under exceptional circumstances. Failure to provide the required notice may result in a denial of reemployment.

Board approved 2/10/22

8-4-(2) Withdrawal of Resignation. An employee may request to withdraw their resignation only if the employee submits a written request to the Chief within seventy-two (72) hours after the employee first gave notice and prior to their last scheduled day of work. The Chief may approve or deny the request.

Board approved 2/10/22

8-4-(3) Job Abandonment. An employee who without authorization fails to report to work for five consecutive working days, or who fails to return at the expiration of an approved leave, is considered to have voluntarily resigned. When this occurs, the Director of Human Resources shall write a letter to the former employee advising that the employee's resignation is accepted, and the position shall be immediately declared vacant. If within 15 calendar days of the date of the Director of Human Resources' letter, which shall be sent by regular mail to the former employee's last known address or by electronic mail, the former employee shows good cause, in writing, for the absence, and is ready and available to return to work, the appropriate Chief may direct that the voluntary resignation be withdrawn. A Notice of Corrective Action shall be issued to the employee and the Chief will determine the appropriate corrective action, if any.

8-5. REDUCTION IN FORCE.

8-5-(1) Necessity for Reduction in Force. The Board has a public responsibility to its customers and its employees to maintain proper staffing levels. Changes in operations

or economics over time may require reductions in force. The Board determines the need for reductions in force considering alternatives such as voluntary attrition.

8-5-(2) Retention of Regular Non-Exempt Employees. Reductions in force shall be determined among regular employees who are supervised by a single Director. If a job classification subject to reduction in force contains more than one incumbent supervised by a single Director, the Director, and the appropriate Chief, in consultation with Human Resources, shall weigh the following factors to determine which Non-Exempt employees within that job classification to retain:

- (a) Seniority in the job classification within the affected section.
- (b) Performance evaluations over the previous five years.
- (c) Discipline, safety, and attendance records; and
- (d) Special skills or competencies.

Board approved 08/23/17

8-5-(3) Retention of Regular Exempt Employees. Reductions in force shall be determined among employees supervised by a single Chief. If a job classification subject to reduction in force contains more than one incumbent supervised by a single Director, the Director, and the appropriate Chief, in consultation with Human Resources, shall weigh the following factors to determine which exempt employees within that job classification to retain:

- (a) Performance evaluations over the previous five years.
- (b) Discipline, safety, and attendance records.
- (c) Special skills or competency; and
- (d) Special contributions or accomplishments.

8-5-(4) Notice. An employee subject to a reduction in force shall receive 30 days' advance notice. If 30 days' notice is not feasible, the employee shall receive pay at their normal rate through the thirtieth day after the employee receives the notice. If possible, Denver Water shall present the notice in person.

8-5-(5) Severance Benefits. Denver Water may provide severance benefits to employees subject to a reduction in force. The written notice of a reduction in force shall include a description of any severance benefits either required by law or approved by the Board.

8-5-(6) Reemployment. Employees who terminate because of a reduction in force may be eligible for placement on a reemployment list.

- (a) Reemployment is not guaranteed but will be based on the employee's ability to perform the available work; performance evaluations for the last five years of employment with Denver Water; discipline, safety, and attendance record; and skills and competencies. If these factors are equivalent among two or more employees, the earlier placement on the reemployment list will control.
- (b) The determination of benefits for a reemployed employee includes the length of service prior to termination because of a reduction in force.
- (c) A regular employee reemployed after a reduction in force is not required to serve an introductory period but must meet pre-employment requirements including a post-offer physical, drug and alcohol screening and background checks.

8-6 REDEPLOYMENT POLICY.

8-6(1) Redeployment Policy Objectives. It is Denver Water's policy that no employee will be required to separate from Denver Water as a direct result of efficiency initiatives. However, the job duties of various employees may require modification to accomplish identified efficiencies. If modification is not possible, the employee may be redeployed. Redeployment means a reassignment of a regular employee to a vacant position or to a new position fulfilling an unmet need of Denver Water, without affecting the employee's salary, pay grade or status. The goal of redeployment is to produce positive results for the affected employee, the receiving workgroup, and Denver Water as a whole.

Board approved 08/23/17

8-6(2) Redeployment Process. The Director of Human Resources, the Chief of the reassigned employee's division, and the Chief of the receiving division, if different, are responsible for identifying employees potentially affected by an efficiency initiative, analyzing their qualifications; matching affected employees with identified potential opportunities; defining and implementing any needed transition plan; and working with affected employees and supervisors to ensure a successful redeployment.

- (a) All Denver Water managers are responsible for identifying unmet needs appropriate for assignment to redeployed positions, including duties performed by temporary employees, staffing agency employees, or independent contractors.
- (b) The Director of Human Resources is authorized to waive formal educational and experience requirements of a vacant position upon a determination by the responsible directors that the redeployed employee is likely to be successful in the new position.

- (c) The responsible Chiefs, in consultation with the receiving supervisor, determine whether a transition plan, which may include training, is necessary to ensure a successful redeployment. Denver Water will provide the employee with any necessary training or other elements of the transition plan.

Board approved 9/12/12

8-6-(3) Transfers. Human Resources transfers the employee to the appropriate position for redeployment.

Board approved 9/12/12

8-6-(4) Follow-up. Within six months of a redeployment, Human Resources and the receiving Chief will follow-up to ensure that the redeployment has been successful. If the fit between the employee and the new position has not been successful, Human Resources and the responsible Chiefs will either modify the transition plan or undertake a new redeployment, following the process described in 8-8-(2) above.

Board approved 9/12/12

CHAPTER 9 – LICENSES AND CERTIFICATIONS

9-1. REQUIRED LICENSES AND CERTIFICATIONS.

9-1-(1) Responsibility to Maintain Required License and Certifications. It is the employee's responsibility to maintain all required licenses and certifications, including driver's licenses. Denver Water has no responsibility to inform employees of the status of their licenses. Failure to maintain required licenses or certifications is grounds for corrective action up to and including termination.

Board approved 6/11/08

9-1-(2) Required Driver's License. Possession of a valid driver's license or commercial driver's license is a condition of continued employment in Denver Water positions with job descriptions requiring such licenses. Probationary licenses and instruction permits for Colorado Class R driver's licenses do not satisfy the conditions of employment. The following Colorado driver's licenses satisfy conditions of employment:

Board approved 6/11/08

- (a) A Colorado Driver's License (Class R) or Colorado Commercial Driver's License (Class A, B, or C as required by class or position.)

Board approved 6/11/08

- (b) Temporary Adult License (a temporary adult license, normally valid for up to one year which permits the holder to operate a motor vehicle while the Colorado Department of Revenue is verifying the holder's right to receive a driver's license.)

Board approved 6/11/08

- (c) Temporary Permit (such as that issued with a notice of revocation of driving privileges, with the possibility of extension until the hearing date. the individual requests a hearing.)

Board approved 7/8/09

- (d) CDL Instruction Permit (only authorized for positions requiring the employee to obtain a commercial driver's license within a specific period).

Board approved 6/11/08

9-1-(3) Notification to Supervisor Regarding Change in Driver's License. An employee, whose position requires a driver's license, must immediately inform the employee's supervisor whenever a change in type or form of license occurs, e.g., under the following conditions:

- (a) If the employee does not have the license required by this Section and the class or position description;
- (b) If the required license is suspended, revoked, cancelled, denied, or otherwise rendered unusable; or

- (c) If the employee is issued a temporary permit or probationary license.

In any of these instances the employee will immediately produce to the employee's supervisor copies of all documents received from any court or licensing or law enforcement authority regarding such license, including a temporary permit or probationary license. An employee who fails to comply with this section, who misrepresents the status of the employee's driver's license or drives on the job without a valid license is subject to corrective action up to and including termination.

Board approved 6/11/08

9-1-(4) Loss of Required Driver's License. If for any reason an employee fails to acquire the license required by this Section and the class or position description or such license is cancelled, denied, suspended, revoked, or otherwise rendered unusable for Denver Water employment, the employee may be suspended without pay until the employee acquires such license. If the license required by this Section and the class or position description is cancelled, denied, suspended, revoked, or otherwise rendered unusable for more than three months, the employee may be subject to corrective action, up to and including termination.

Board approved 1/1/21

9-1-(5) Medical Testing and Certification of Commercial Drivers.

- (a) A CDL employee must have the required Medical Examination Report and Medical Examiner's Certificate described in 49 CFR § 391 of the Federal Motor Carrier Safety Regulations, completed and signed by Denver Water's physician or a Denver Water medical professional listed on the Department of Transportation's National Registry of Certified Medical Examiners, who will act as Medical Examiner. Denver Water's physician will consider medical information provided by the CDL employee when making determinations necessary to complete the Medical Examination Report and Medical Examiner's Certificate. A CDL employee who cannot obtain a Medical Examiner's Certificate from Denver Water's physician shall not drive Denver Water commercial vehicles. Such employee may seek a reasonable accommodation.

CHAPTER 10 - EMPLOYEE EVALUATIONS

10-1. EMPLOYEE PERFORMANCE EVALUATIONS.

10-1-(1) Formal Evaluation Process. An employee's supervisor will annually evaluate the employee's performance based on performance standards and goals set by supervisors and discussed with the employee. Overall performance and performance in specific categories will be rated as "extraordinary," "thriving," or "room for improvement."

- (a) The reviewing supervisor should get input from other supervisors under whom the employee has worked for three months or more during the review period.
- (b) Before the rating supervisor presents the evaluation to the employee, a higher-level supervisor must review and approve the content. The Chief determines the supervisory level that conducts the review.
- (c) Supervisors must complete annual performance evaluations by the due date.
- (d) Failure of supervisors to timely submit performance evaluations to Human Resources is cause for corrective action.

Board approved 12/10/08 and 2/10/22

~~10-1-(2) Interim Formal Evaluation Permitted. A supervisor may formally evaluate an employee at any time during a review period.~~

Board approved 12/10/08 and 2/10/22

10-1-(23) Informal Discussions and Evaluations Encouraged. Supervisors should conduct informal discussions with employees about performance strengths and challenges at least quarterly. The conversation may be documented in ADP. Supervisors ~~and~~ should advise an employee in a timely manner of unsatisfactory performance in any area.

Board approved 12/10/08

10-1-(34) Recording Prohibited. Recordings of Mmeetings between employees and supervisors to discuss performance are prohibited unless both parties consent. ~~may not be recorded.~~

Board approved 2/11/15

10-2. EFFECT OF PERFORMANCE EVALUATION ON PAY INCREASES.

10-2-(1) Performance Required for Pay Increase. To be eligible for a pay increase, an employee must achieve an overall performance rating of "thriving" or higher. To approve

a pay increase, Human Resources requires a completed [annual](#) performance evaluation form for the relevant rating period.

Board approved 08/23/17 and 2/10/22

10-2-(2) Performance Rated as “Room for Improvement.” An employee whose overall [rating on the annual](#) performance [evaluation](#) rating is “room for improvement” is not eligible for a pay increase. The supervisor of the employee must issue a Performance Development Plan (PDP) to provide an opportunity for the employee to address identified performance deficiencies.

Board approved 08/23/17 and 2/10/22

10-2-(3) Objection to [Annual](#) Performance Rating. A regular employee who receives an evaluation with an overall performance rating of “room for improvement” may submit limited written objections to the rating supervisor. The objections must be based on the rating supervisor’s failure to consider (a) that the employee met a pre-established goal, (b) the employee made a special or specific contribution during the rating period, (c) input from a supervisor under whom the employee worked during the rating period, or (d) another objective and verifiable reason. The employee must submit the objections to the rating supervisor within three working days of receiving the evaluation. Within five working days of receiving the employee’s objections, the rating supervisor and the division Chief or designee (or CEO’s designee if the rating supervisor is the Chief) will meet with the employee to discuss the objections. The completed objection form must indicate if the objection warrants modification of the overall performance rating and provide a reason for the decision. That decision is final and is not subject to appeal.

Board approved 1/1/21 and 2/10/22

10-3. PERFORMANCE DEVELOPMENT PLANS.

10-3-(1) Performance Development Plan. A Performance Development Plan (PDP) may be issued at any time if significant performance deficiencies exist. If the need exists to issue a PDP, the rating supervisor(s) and a representative from Human Resources will develop a draft that describes the employee’s expected performance and behavior during the PDP, and the rating measures to be used to assess the employee’s performance during the PDP. The supervisor can modify the plan based on comments, questions, and suggestions from the employee. The PDP will be final upon Chief approval. The PDP period must provide reasonable time for the employee to demonstrate improvement but shall be no longer than 90 calendar days. The employee may not bid on any open positions during the PDP period. A copy of the PDP is stored in the employee’s official personnel file.

Board approved 9/12/12 and 2/10/22

10-3-(2) Concluding the Performance Development Plan. At the conclusion of the PDP period, the employee shall be evaluated again. [If the employee fails to meet the performance expectations outlined in the PDP or if deficiencies recur after the conclusion of the PDP, the employee may be subject to correct action.](#) ~~To successfully complete a PDP, the employee must achieve an overall performance rating of “thriving” or higher.~~

- ~~(a) — During the two-year period following successful completion of a PDP, the employee must maintain a “thriving” or higher overall rating, or the employee will be subject to immediate demotion or termination based on unsatisfactory performance of job duties.~~

- ~~(b) — An employee whose overall performance during a PDP is rated “room for improvement” will be subject to immediate demotion or termination based on unsatisfactory performance of job duties.~~

Board approved 12/10/08 and 2/10/22

CHAPTER 11 - CORRECTIVE ACTIONS

11-1. CORRECTIVE ACTION.

11-1-(1) When a regular employee exhibits the conduct prohibited by these policies or any other conduct that has a negative impact on the employee, the workplace or Denver Water's operations, the employee is subject to corrective action.

Board approved 08/23/17

11-1-(2) Corrective actions range from verbal counseling to termination. Supervisors may repeat any corrective action step or bypass all corrective action steps and terminate an employee depending on the seriousness of the conduct and the circumstances. A supervisor must provide an employee a Notice of Corrective Action before imposing any corrective action involving loss of pay. Under certain circumstances, including but not limited to when an employee is accused of stealing or misusing Denver Water property or funds for personal benefit, Denver Water may proceed with the corrective action process after an employee voluntarily terminates employment while corrective action is pending.

- (a) No Notice of Corrective Action Required.** The following corrective actions and other corrective actions not involving loss of pay may be imposed without providing the employee prior notice and an opportunity to respond in a conference and may not be appealed:
- (i) Counseling Session.** The counseling session is an opportunity for a supervisor to meet with an employee to discuss inappropriate conduct or areas in which an employee's performance is not meeting expectations and to offer suggestions for improvement. The supervisor will make a written record of a counseling session but will not place it in an employee's personnel file unless the supervisor subsequently issues a written warning. If the supervisor issues a written warning, the supervisor should forward the counseling memorandum to Human Resources for filing in the employee's personnel file.
 - (ii) Written Warning.** A written warning documents inappropriate employee conduct or performance problems. A supervisor will present a written warning to an employee during a counseling session and will send a copy of the written warning to Human Resources for filing in the employee's personnel file.
 - (iii) Suspension with pay.**
 - (iv) Transfer.**

- (v) Requirement to attend training.
- (b) **Notice of Corrective Action Required.** Prior to imposing corrective actions which involve loss of pay or reduction of current or future accruals of PTO, a supervisor must provide an employee a Notice of Corrective Action. Such corrective actions include, but are not limited to, the following:
 - (i) Suspension without pay.
 - (ii) Reduction of current or future accruals of PTO.
 - (iii) Demotion.
 - (iv) Termination.
 - (v) Restitution, made by withholding money from an employee's last paycheck, reducing the lump sum payment for accrued PTO upon termination, or seeking restitution through the legal process.

Board approved 7/13/16 effective 1/1/17

11-1-(3) Section or Division Conference Required. When a supervisor recommends a suspension without pay or reduction of current or future accruals of PTO of three days or less, the Director will hold a Section Conference. When a supervisor recommends a suspension without pay or reduction of current or future accruals of PTO of more than three days, demotion, termination or restitution, the Chief or designee shall hold a Division Conference. An employee suspended without pay may not use PTO or personal leave to make up for lost pay.

Board approved 7/13/16 effective 1/1/17

11-1-(4) A Human Resources representative is available for consultation regarding any step in the corrective action process. Supervisors should consult the Director of Human Resources and the Office of General Counsel prior to recommending termination or demotion.

11-2. CAUSES FOR CORRECTIVE ACTION.

11-2-(1) The following list provides examples of conduct that may warrant corrective action but is not all-inclusive.

- (a) Unsatisfactory performance of job duties or failure to obtain or renew required licenses or certifications.

- (b)** Poor attendance, including the repeated use of unscheduled leave; excessive tardiness, or failure to return to work at the end of an authorized leave of absence.

Board approved 7/13/16 effective 1/1/17

- (c)** Failure to make a reasonable effort to work overtime when requested to do so.

- (d)** Insubordination, including a refusal or failure to perform assigned work, disregarding a supervisor's instructions and abusive, disrespectful, or demeaning behavior toward a supervisor.

Board approved 11/13/13

- (e)** Violation of safe working practices or safety rules or regulations, and failure to promptly report accidents or personal injuries to supervisors.

- (f)** Conduct which does or could result in a material impairment of the efficiency of the employee's work or the work of other employees.

- (g)** Conviction of a felony or misdemeanor that would impair the employee's effectiveness as an employee.

- (h)** Unauthorized use, misuse, theft, or other dishonesty involving Denver Water property or the property of a Denver Water employee or customer.

- (i)** Falsifying information, by omission or otherwise, including Denver Water records, reports, personnel records and employment applications and bids.

- (j)** Any violation of Denver Water's policy regarding the use of alcohol or drugs.

- (k)** Failure of a supervisor to take appropriate steps to correct an employee's performance or behavior when necessary, or failure to fully engage in the employee performance evaluation process, to complete evaluations in a timely manner, or to implement pay-for-performance fairly and consistently.

Board approved 1/11/12.

- (l)** Violation of the Charter of the City and County of Denver as it relates to qualifications for employment with the Board.

- (m)** Failure to attend or to answer questions truthfully at one of the following: a Section, Division or Change in Job Status Conference; a hearing before a

Hearing Officer regarding corrective action or change in job status **or** any investigation authorized by these policies.

Board approved 4/14/10

- (n)** Unauthorized purchasing of surplus Board equipment or purchasing or leasing real property belonging to the Board, either directly or through another person, without written approval from the Board.
- (o)** Engaging in any employment or other activity on or off the job which presents a conflict of interest with the employee's Denver Water employment, or which detracts from the satisfactory performance of an employee's duties, or which violates Denver Water Code of Ethics.
- (p)** Fighting on-the-job, including assault or battery on any person, including an employee, customer, non-customer, or vendor.
- (q)** Possession or use of illegal drugs, medical marijuana, or licensed or unlicensed deadly weapons while on the job, or on Denver Water property, in a Denver Water vehicle or in a vehicle while on Denver Water business.
Board approved 4/14/10
- (r)** Conviction related to the illicit use of drugs on or off the job including possession, distribution, or purchase of drugs.
- (s)** Failure to authorize release of the employee's driving record; failure to maintain a license or certification required by the Personnel Policies or a job classification; or driving on Denver Water business without a valid driver's license.
- (t)** Any violation of Denver Water's policies regarding workplace violence, or failure by a supervisor or an employee to report threats or violent behavior by an employee.
- (u)** Sleeping, loafing, or misusing work or break time.
- (v)** Disruptive behavior which includes vulgar, threatening, insulting or abusive language or conduct that disturbs, offends or is likely to disturb or offend another person. Disruptive conduct includes conduct prohibited under Denver Water's non-discrimination policy.
Board approved 6/13/07
- (w)** Misuse or abuse of computer privileges.
- (x)** Violation of provisions of the Personnel Policies, Enterprise Policies, or other Denver Water policy.

- (y) Misuse of an employee’s personally identifiable health information as defined in Denver Water’s Notice of Privacy Practices.
- (z) Gaining or attempting to gain unauthorized access to or tampering with confidential information regarding Denver Water employees. Such information includes, but is not limited to, employee’s personal identifying information, social security number, protected health information, or other confidential information, whether stored electronically, or in any other format.
- (aa) Violation of Denver Water’s policy regarding “Limitations on the Employment of Relatives,” including a failure to disclose information which could or does result in a violation of that policy.
Board approved 1/22/14
- (bb) Intentional or willful unauthorized destruction, damage, alteration, or transfer of custody or ownership of any Denver Water records in violation of Denver Water’s established record retention schedules, or failure to comply with a legal hold.
Board approved 11/9/16
- (cc) Posing a health or safety risk to the employee or others based on a fitness for duty evaluation and other relevant factors.
Board approved 1/1/21

11-3. GENERAL PROCEDURAL MATTERS.

11-3-(1) Representation. An employee may not be represented by another person at a Section, Division Conference.

11-3-(2) Recording. Denver Water prohibits the recording of Section and Division Conferences.

Board approved 09/14/16

11-3-(3) Date of Decision. Section or Division Conference decision letters must include the “Date of Decision.” The day after the Date of Decision shall be the first day counted in determining the time for filing an appeal.

11-3-(4) Effect of Failure to Appeal. The failure to exercise a right of appeal in a timely manner within the period specified in these Personnel Policies terminates the right of appeal.

11-3-(5) Methods of Providing Notice. Service on an employee of any notice, decision, or other document is sufficient and complete if made by regular mail addressed to the employee's last known address, hand delivery to the employee's last known address, by electronic delivery, or by hand delivery to the employee.

Non-substantive change 06/20/18

11-3-(6) Reimbursement of Lost Pay and Benefits. Denver Water will reimburse an employee for any back pay or benefits lost during a suspension without pay which is later found to be without cause.

11-3-(7) Suspension with Pay. Before a Section or Division Conference, and before a decision is issued, a Chief may suspend an employee with pay if warranted by safety or other management concerns. A suspension with pay will be no longer than necessary and normally will not exceed two weeks.

Board approved 09/14/16

11-3-(8) Non-Classified Employees. Corrective action is not applicable to at-will employees including introductory, discretionary employees, and temporary workers.

Board approved 08/23/17

11-4. NOTICE OF CORRECTIVE ACTION.

11-4-(1) Before a supervisor may impose a corrective action involving loss of pay or PTO, the supervisor must provide the employee with a written Notice of Corrective Action and an opportunity to respond in a Section or Division Conference.

Board approved 7/13/16 effective 1/1/17

11-4-(2) The Notice of Corrective Action shall contain the following information:

- (a) The date, time, and place of the Section or Division Conference.
- (b) A statement of the reasons for the recommended corrective action, and reference to specific sections of the *Personnel Policies* which the employee is charged with violating, to the extent the relevant sections are known at the time the Notice is prepared.
- (c) A brief statement of the facts supporting the reason for corrective action.
- (d) A statement indicating the Conference will go forward as scheduled regardless of whether the employee chooses to be present unless the employee requests and is granted a new Conference date from the Director or Chief within a reasonable time prior to the time set for the Conference.
- (e) The recommended corrective action and, if applicable, indication of immediate suspension with pay pending a Section or Division Conference.

11-5. SECTION CONFERENCE.

11-5-(1) A Section Conference with the Director is required if the recommended corrective action is a suspension without pay or reduction of current or future accruals of

PTO of three days or less. To promote consistency of corrective action, the Director shall consult with the Chief regarding the appropriateness of the corrective action recommended. The maximum corrective action that may be imposed by a director is a three-day suspension without pay or three-day reduction of current or future accruals of PTO.

Board approved 7/13/16 effective 1/1/17

11-5-(2) A Section Conference shall be held as soon as practical, generally within five days of mailing or delivery of the Notice of Corrective Action. At any point during the process, a Director may determine that a Section Conference is inappropriate, rescind the Notice of Corrective Action and refer the matter to the Chief for a Division Conference.

11-5-(3) The Director shall conduct the Section Conference in a manner that allows the employee full opportunity to respond to the allegations set forth in the Notice of Corrective Action.

11-5-(4) After considering the employee's response to the reasons stated in the Notice of Corrective Action for the recommended corrective action and conducting any further investigation as necessary, the Director, in a written decision, will determine the appropriate corrective action. The Director will provide the written decision to the employee and send a copy to the Director of Human Resources for filing in the employee's personnel file. If the corrective action imposed involves a loss of pay, the decision must contain the following statement:

If you wish to appeal this decision, you must advise the Director of Human Resources, in writing, of your desire to do so within 15 calendar days of the date of decision shown above. If you fail to do so, you lose your right of appeal. The appeal must contain a statement of the reasons for appealing the decision and the supporting facts. If you appeal, your Chief or designee will hold a Division Conference. As a result of your appeal, the Chief may increase or decrease the corrective action imposed by your director.

Board approved 4/11/12

11-6. DIVISION CONFERENCE.

11-6-(1) Under the following circumstances, or whenever otherwise appropriate, a Chief or designee must hold a Division Conference:

- (a)** A suspension without pay or reduction of current or future accruals of PTO of more than three days is recommended.

Board approved 7/13/16 effective 1/1/17

- (b) Termination, demotion, or restitution is recommended.
- (c) A Chief or Director requests a Division Conference.
- (d) An employee appeals the decision made at a Section Conference.
- (e) A violation of Denver Water's policy regarding alcohol or drugs is alleged.
- (f) Corrective action is recommended for a director.

Board approved 5/14/08

11-6-(2) Except as limited by these *Personnel Policies*, the Chief, or designee, shall have the widest possible discretion in determining the appropriate corrective action.

11-6-(3) Division Conferences will occur as soon as practical, generally within five days of mailing or delivery of the Notice of Corrective Action to the employee or the receipt by the Chief of the employee's appeal of the decision of a Section Conference. The Chief or designee shall conduct the Conference in a manner that allows the employee a full opportunity to respond to the allegations set forth in the Notice of Corrective Action. The Chief or designee may request that a representative from Human Resources attend the Division Conference.

- (a) The Chief or designee will provide the employee with a written decision that sets forth the reasons for the corrective action. A copy of the decision will be filed in the employee's personnel file. If the corrective action imposed results in a loss of pay or loss of accrued PTO, the decision shall contain the following statement:

Board approved 7/13/16 effective 1/1/17

If you wish to appeal this decision, you must advise the Director of Human Resources, in writing, of your desire to do so within 15 calendar days of the date of decision shown above. If you fail to do so, you lose your right of appeal and the Chief's decision is final. The appeal must contain a statement of the reasons for appealing the decision and the supporting facts.

Board approved 4/11/12

11-6-(4) Appeal Procedures. An employee may appeal the decision by advising the Director of Human Resources, in writing, within 15 calendar days of the decision date. The appeal must contain a statement of the reasons for appealing the decision and the supporting facts. Appeals are heard by a Hearing Officer pursuant to procedures described in the *Personnel Policies*.

11-7. APPEALS TO THE HEARING OFFICER.

11-7-(1) General.

- (a) **Appointment.** The Board may retain one or more Hearing Officers. The Hearing Officers shall serve at the pleasure of the Board and be responsible directly to the Board.
- (b) **Powers and Duties.** The Hearing Officer shall hear appeals of corrective action.
- (c) **Conduct of the Hearing.** The Hearing Officer shall conduct the appeal hearing and apply the procedures set forth in these *Personnel Policies*. The Hearing Officer shall consider the evidence, determine relevant facts, and render a written decision containing findings of fact and conclusions. The Hearing Officer's conclusion is limited in scope to a determination of whether the corrective action was or was not for cause. The Hearing Officer shall not modify the terms and conditions of the corrective action or change in job status.

Board approved 9/14/16

11-7-(2) Appeal Hearing. The Hearing Officer will preside at the hearing, maintaining order and decorum. The Hearing Officer will conduct the hearing as informally as possible and in an orderly and efficient manner. No pre-hearing discovery is allowed, but the parties may introduce evidence beyond that presented at the Division Conference.

Board approved 9/14/16

- (a) The Hearing Officer will provide written notification to counsel for Denver Water and the employee (or employee's representative) of the date, time, and place of the hearing. Corrective action or change in job status will be upheld, without a hearing, should the employee fail to attend the hearing at the designated time, unless a continuance has been granted.

Board approved 9/9/09

- (b) During the hearing, the parties may be represented, provide evidence and testimony, and may cross examine each other's witnesses. Witnesses will testify under oath or affirmation.

Board approved 9/9/09

- (c) Two weeks before the hearing date, counsel for Denver Water and the employee (or the employee's representative) will exchange exhibits to be offered at the hearing and lists of witnesses to be questioned at the hearing. Both parties will provide such items to the Hearing Officer.

Board approved 9/9/09

- (d) The Hearing Officer will receive and consider any evidence, including testimony of witnesses and documentary evidence or other exhibits, without strict adherence to rules of evidence which govern judicial or administrative proceedings. The Hearing Officer will endeavor to consider only relevant and trustworthy evidence and will reject any evidence that the Hearing Officer determines is irrelevant or untrustworthy.
- (e) The Hearing Officer will rule on all objections and may question witnesses when necessary to gather all the facts.
- (f) The hearing will be recorded by a court reporter or by other appropriate method. The Hearing Officer will assure that the record of all proceedings is clear and complete.

Board approved 9/9/09

- (g) The parties will voluntarily exchange documents and secure the appearances of their own witnesses. At the hearing, Denver Water will make available witnesses who are employees of Denver Water. If an employee listed as a witness is unavailable to testify, the Hearing Officer may postpone the hearing if the testimony is relevant and material. At its own expense each party will make available its witnesses who are not employed by Denver Water.

If necessary, either party may ask the Hearing Officer to issue a subpoena compelling the attendance of a non- Denver Water employee witness and/or the production of materials relevant to the hearing, but not in Denver Water's control. The Hearing Officer may exercise discretion to determine whether a subpoena is necessary. A process server shall deliver the subpoena to the appropriate person or entity. If a person fails to obey the subpoena, the Hearing Officer may request enforcement assistance from Denver District Court. If a subpoena is issued, it must be reasonable in scope and must be served on the person who is called to testify, or to the custodian of documents, at least five working days prior to the date of requested appearance.

Board approved 9/9/09

- (h) Employee witnesses must make themselves available to testify at a hearing unless an employee has previously arranged to take approved leave at the time the hearing is scheduled, the employee is too sick to attend work on the day of the hearing, or the employee cannot attend the hearing because of an emergency.

Board approved 9/9/09

- (i) The Hearing Officer will issue a written decision and will transmit the decision to the CEO/Manager, the employee or employee's representative,

and counsel for Denver Water. The Hearing Officer's decision will contain the following statement:

If this decision provides for corrective action other than termination from employment, it constitutes the final decision of the Board of Water Commissioners and is not subject to appeal. If this decision provides for termination, you may submit a written notice of appeal to the CEO/Manager within 10 days of the date of this decision. The CEO/Manager may uphold, reject, or modify the decision.

Board approved 9/14/16

11-8. ADMINISTRATIVE REVIEW.

11-8-(1) Finality of Decision of Hearing Officer.

- (a) Decisions Regarding Corrective Action Less Severe Than Termination.** A decision of the Hearing Officer regarding corrective action less severe than termination shall be final for purposes of judicial review and is not subject to further internal appeal.
- (b) Decisions Regarding Termination of Employment.** A decision of the Hearing Officer regarding an employee's termination is subject to appeal to the CEO/Manager under this section. If not timely appealed, the Hearing Officer's decision will be final for purposes of judicial review. If timely appealed to the CEO/Manager, the CEO/Manager's decision will be final for purposes of judicial review.

Board approved 4/9/08

11-8-(2) CEO/Manager's Review Procedure.

- (a)** Denver Water or the employee may appeal the Hearing Officer's decision to the CEO/Manager only when that decision concerns an employee's termination. In such cases, the CEO/Manager may uphold, reject, or modify the findings of fact and conclusions of the Hearing Officer. The party wishing to appeal must submit a notice of appeal to the CEO/Manager within 10 calendar days of the date of the date of the Hearing Officers decision. If the employee does not submit the appeal timely, the CEO/Manager will deny the appeal.
- (b)** In order for the CEO/Manager to agree to hear the appeal, the notice of appeal must demonstrate one of the following grounds:

Board approved 4/9/08

- (i) The decision of the Hearing Officer involves an erroneous interpretation of these Personnel Policies, other Denver Water policies or applicable law; or
- (ii) The decision of the Hearing Officer may set a precedent and involves policy considerations that may have effect beyond the case at hand.
- (iii) If the CEO/Manager determines the notice of appeal does not establish any of the required grounds for appeal, the CEO/Manager shall reject the appeal and inform the parties that the decision of the Hearing Officer is the final decision of the Board for purposes of judicial review.

Board approved 4/9/08

- (c) The CEO/Manager will notify the parties if the appeal is accepted. Within 15 calendar days of the notification, Denver Water counsel will provide the CEO/Manager and the opposing party with the record of the hearing including a transcription of testimony heard by the Hearing Officer. The opposing party has 10 calendar days to object or add to the record. The CEO/Manager will notify both parties when the CEO/Manager determines the record is complete. Within 20 calendar days after the date of notification, the appealing party must submit to the CEO/Manager and the responding party a concise written statement of the reasons the CEO/Manager should overturn the decision of the Hearing Officer. The responding party must submit a concise statement in response within 20 calendar days of receipt of the initial statement. No further statements are allowed without approval of the CEO/Manager.

Board approved 4/9/08

- (d) The CEO/Manager will render a written decision upholding, rejecting, or modifying the Hearing Officer's findings and conclusions and shall take steps, if necessary, to implement such decision. The CEO/Manager will transmit the decision to the employee, the Chief, the Director of Human Resources, and counsel for Denver Water. The decision will contain the following statement:

You have now exhausted all steps in the administrative review process. This is the final decision and order of the Board of Water Commissioners.

Board approved 4/9/08

CHAPTER 12 – EMPLOYEE PAY

Chapter 12 Employee Pay

Board approved 1/11/12

12-1. EMPLOYEE PAY POLICY.

12-1-(1) Policy Statement. To insure an effective, efficient, and strategically driven organization, Denver Water provides competitive and equitable compensation through a Pay Plan designed to attract, retain, and reward high performing employees. The Pay Plan also allows the Board to respond to changing economic and employment conditions when adopting an annual payroll budget.

12-1-(2). Pay Plan. The Pay Plan is a Board-adopted schedule of pay grades each consisting of a pay range with minimum, midpoint, and maximum pay rates. The Pay Plan includes a list of class descriptions by occupational groups and the pay grade to which each class is assigned.

- (a) **Pay Range Adjustment.** Human Resources evaluates pay grades and recommends adjustments to pay ranges based on job market survey data of pay for similar work. If an employee's rate of pay is less than the minimum in the adjusted pay range, the employee's pay will be placed at the minimum. If the employee's rate of pay exceeds the maximum in the adjusted pay range, the employee's pay will not be reduced.

Board approved 1/1/21

12-2. PAY INCREASE, MERIT PAYMENT, AND REDUCTION IN PAY.

12-2-(1) Merit Pay Increase. An employee may be eligible for a merit pay increase depending on that employee's position in a pay grade, overall performance rating, the distribution of ratings, and the annual payroll budget. Pay increases for new hires may be prorated.

- (a) **Payroll Budget.** The annual payroll budget is based on such information as an evaluation of economic and employment conditions, market surveys of pay for benchmark jobs, availability of needed skills, and projected salary, merit and incentive budgets for surveyed organizations and must be approved by the Board.

Board approved 1/1/21

- (b) Relevant Base Pay and Compa-Ratio. Merit pay increases are awarded in recognition of the employee's performance during the annual performance review period (calendar year). As a result, merit pay increases are based on the employee's base pay and position in pay range as of December 31 of that calendar year.

12-2-(2) Lump Sum Merit Payment.

- (a) **Employees at the Top of Pay Range.** An employee whose pay is at the top or above a pay range will not be eligible for a merit pay increase to base salary. Instead, the employee may be eligible for a one-time lump sum merit payment, if the employee receives a rating of “~~fully meets performance standards~~ thriving”, “~~consistently exceeds performance standards~~” or “~~outstanding~~ extraordinary.”

Board approved 1/1/21

- (b) **Employees Near the Top of Pay Range.** If an employee’s pay is near the top of the pay range and that employee earns a merit pay increase that would cause the base salary to exceed the top of the pay range, the employee may receive the portion of the salary exceeding the pay range as a lump sum merit payment.

- (c) **Merit Payments will not Increase an Employee’s Base Pay.** Merit payments are payment “for services rendered to the Employer” under the definition of “compensation” in the Employees’ Retirement Plan of the Board of Water Commissioners.

Board approved 5/9/12

12-2-(3) Pay Increase After Successful Bid and Career Progression.

- (a) **Pay Increase After Successful Bid to a Higher Pay Grade.** An employee who is promoted may receive a pay increase based on criteria including education, experience, specialized knowledge, internal equity, and external market factors, as determined by Human Resources and the employee’s Chief. A pay increase greater than 10% and that places an employee above a compa-ratio of 1.10 in the new pay range, must be approved by the CEO/Manager.
- (b) **Pay Increase After Successful Bid on Position in the Same Pay Grade.** An employee who successfully bids on a position in the same pay range as their current position may receive a pay increase based on criteria including education, experience, specialized knowledge, internal equity, and external market factors, as determined by Human Resources and the Chief of the division into which the employee successfully bid. A pay increase greater than 10% and that places an employee above a compa-ratio of 1.10 in the new pay range must be approved by the CEO Manager.
- (c) **Pay Increase After Career Progression.** An employee who receives a career progression will receive a pay increase based on such factors as the higher-level position’s increased scope of decision-making or accountability responsibilities, or additional education, training, or certification requirements, as determined by Human Resources and the

employee's Chief. A pay increase greater than 10% and that places an employee above a compa-ratio of 1.10 in the new pay range must be approved by the CEO/Manager.

Board approved 1/1/21

12-2-(4) Pay After Demotion.

- (a) **Demotion after Corrective Action.** The pay of an employee demoted because of corrective action is set by the Chief and must be reduced at least 5%.
- (b) **Demotion after a Promotion.** The pay of an employee demoted after a promotion for failure to obtain a required license, certification, or degree during a required period after a promotion, is reduced to the rate the employee would have been paid had the promotion not occurred.
- (c) **Demotion at the Request of Employee.** The pay of an employee demoted at the employee's request is set considering the employee's education, experience, specialized knowledge, internal equity, and external market factors as determined by Human Resources and the Chief. Pay cannot fall below the minimum or exceed the maximum of the lower pay grade.

Board approved 2/10/22

- (d) **Successful Bid into a Lower Pay Grade.** The pay of an employee who has successfully bid into a lower pay grade will be determined based on criteria including the new pay grade, education, experience, specialized knowledge, internal equity, and external market factors, as determined by Human Resources and the Chief of the division into which the employee successfully bid and may result in either a decrease or no change in pay.

Board approved 5/9/18

12-2-(5) Pay After Transfer. A transfer from one position to another in the same or comparable pay grade will not affect an employee's rate of pay at the time of transfer. If appropriate, the supervisor of the position into which the employee transfers may request a pay rate adjustment.

Board approved 11/9/16

12-3. MISCELLANEOUS PAY PROVISIONS.

12-3-(1) Entrance Rate of Pay for Introductory Employees. When approving the starting pay of an introductory employee, Human Resources will work with the hiring manager to place the employee in the pay range based on education, experience specialized knowledge, internal equity, and external market factors. Any recommended placement of an employee above the midpoint of a pay range must be approved by the CEO/Manager.

12-3-(2) Pay After Job Evaluation. The pay of an employee whose position is assigned to a higher pay grade through a job evaluation may be increased based on criteria including number of grades increased, education, experience, specialized knowledge, internal equity, and external market factors, as determined by Human Resources and the Chief. A pay increase greater than 10% and that places an employee above a compa-ratio of 1.10 in the new pay range is subject to CEO/Manager approval. If an employee is assigned to a lower pay grade and the rate of pay exceeds the maximum of the pay range, the employee's pay is not reduced.

Board approved 1/1/21

12-3-(3) Pay Rate Adjustments. Human Resources may occasionally adjust an employee's pay when market changes or internal equity issues result in documented recruitment and retention. All pay adjustments must be within the approved budget and require Chief approval. An adjustment greater than 10% and that places an employee above a compa-ratio of 1.10 is subject to CEO/Manager approval.

Board approved 1/1/21

12-4. PAY FOR WORKING OUT-OF-CLASS.

12-4-(1) Working Out-of-class. Exempt and nonexempt employees assigned to perform duties generally performed by employees in a higher job class, may earn additional pay for working out-of-class. Higher level duties are typically assigned to a position when another higher-level position is vacant, an employee in a higher-level position is on an authorized leave of absence, or when a new project is assigned to the work unit. Out-of-class assignments and pay must be authorized by the Director of Human Resources upon written request by the employee's Chief.

- (a) **Exempt Employees.** Exempt employees are eligible to receive out-of-class pay when, on a temporary basis, most of the duties assigned to their position are generally performed by an employee in a higher job class. The assignment must last at least 30 calendar days, and the employee must generally meet the minimum qualifications of the higher-grade job class. An exempt employee receives Out-of-class pay only if the employee who works out-of-class for more than 30 calendar days.
- (b) **Nonexempt Employees.** Nonexempt employees are eligible to receive out-of-class pay when, on a temporary basis, the majority of the duties assigned to their position are generally performed by non-exempt employees in a higher job class. The assignment must last at least 14 calendar days. If a nonexempt employee is assigned to perform the duties of a lower grade job class, the employee's pay will not be reduced for working out-of-class. Out-of-class pay will not be paid to a nonexempt employee who works out-of-class for less than 14 calendar days.

Board approved 1/1/21

12-4-(2) Out of Class Pay. Out of Class Pay is an additional 5% or the minimum in the higher pay grade, whichever is higher, and is paid from the first day of the pay period after the effective date of out-of-class pay is authorized until the end of the authorized period. If the end-date of the authorized period is unknown, the employee will be paid out of class pay until the date that Human Resources is advised that the employee is no longer working out of class. After out of class pay authorization ends, the employee will be paid as if ~~he or she~~ they had not been assigned to work out-of-class.

12-4-(3) Employee Request for Out-of-Class Pay. An employee who believes ~~he or she~~ they are entitled to out-of-class pay may submit a written request to the Chief demonstrating that the employee has been performing the duties of a higher-grade position and is expected to perform those duties for at least 30 calendar days if an exempt employee, and at least 14 calendar days if a nonexempt employee. If the employee's request for out-of-class pay is approved by the Chief and authorized by the Director of Human Resources, the employee's pay is adjusted the first pay period after the request is authorized. Working out-of-class shall not be used in lieu of a pending job evaluation.

Board approved 02/24/16

12-5. PAY ADJUSTMENTS INCIDENT TO PAY PLAN REVISION

12-5-(1) When the pay plan is revised, employee pay rates shall be set as follows:

- (a) When a job class is assigned to a higher pay grade, the pay of each employee in that class shall remain the same if it is within the new pay grade, unless the employee's compa-ratio in the new pay grade falls below .90. In that case, the employee's pay will be adjusted to the rate equivalent to a .90 compa-ratio in the new pay range.
- (b) When a class is assigned to a lower pay grade, the pay of each employee in that class shall remain the same.
- (c) When the pay grades are revised upward, the pay of each employee in that pay grade shall remain the same in the revised pay grade, unless the employee's compa-ratio in the new pay grade falls below .90. In that case, the employee's pay will be adjusted to the rate equivalent to a .90 compa-ratio in the new pay range.
- (d) When the pay grades are revised downward, the pay of each employee in that pay grade shall remain the same in the revised pay grade

Board approved 2/13/13

Board approved 2/13/13

12-6. OVERTIME PAY

12-6-(1) Fair Labor Standards Act. All Denver Water positions are classified as exempt or nonexempt from the overtime pay requirements of the Fair Labor Standards Act.

12-6-(2) No Overtime Pay for Exempt Employees. Exempt employees are compensated on a salary basis and do not receive additional compensation for overtime work, either in cash or additional PTO or personal leave. The normal work week for exempt employees is 40 hours, however, exempt employees are expected to dedicate whatever time is required to manage their job responsibilities which may exceed 40 hours. Exempt employees are not required to use accrued PTO or personal leave for partial day absences unless required to by Human Resources for FMLA purposes.

12-6-(3) Regular Overtime Pay. Regular overtime pay is one and one-half times the nonexempt employee's hourly pay rate for time worked in excess of forty hours during a work week. Regular overtime is based on exact time.

(a) **Counts as Time Worked.** Military leave, deferred holiday leave, holiday leave, scheduled PTO, scheduled personal leave, injury leave, jury/witness leave, and paid travel time count as time worked for the purpose of calculating regular overtime.

Board approved 1/1/21

(b) **Does Not Count as Time Worked.** All other absences from work, including but not limited to unscheduled PTO, unscheduled personal leave, administrative leave, bereavement leave, time off work related to corrective action, and no-pay are not counted as time worked for the purpose of calculating overtime. An employee who works on a holiday is paid for actual hours worked and may additionally elect to receive eight hours of holiday pay or eight hours of deferred holiday leave.

Board approved 1/1/21

12-6-(4) Supervisor Responsibilities for Overtime. Supervisors are responsible for determining if overtime expenditures are necessary, approving all overtime, certifying overtime hours on employees' timesheets, and assigning overtime fairly and in a fiscal interest of Denver Water. Any employee or supervisor contributing to misuse, abuse or falsification of records related to overtime will be subject to corrective action.

12-7. ~~ON-CALL, AND CALL-BACK PAY,~~ AND ON-SITE PAY

12-7-(1) Employees Eligible for On-Call Pay for Nonexempt Employees. "On-call" pay is provided for employees in non-exempt positions who are assigned to be "on-call" during off duty time. Chiefs will determine the level of "on-call" support required in their respective Division.

- (a) **Availability to Work.** An employee “on-call” must immediately answer a Denver Water call to the employee’s pager, cell phone or home phone. With certain exceptions for employees required to live in Denver Water provided housing, the employee must arrive on the job site within one hour of receiving notification unless the employee’s supervisor determines the employee cannot comply because of circumstances beyond the employee’s control.
- (b) **Fitness for Duty.** Employees “on-call” may pursue their own activities, but must remain fit for duty outside normally scheduled working hours, be available to report to work on short notice and fit to perform work functions when called in. Employees who are “on-call” may be called to report to work at any time, and are therefore subject to these Personnel Policies, including drug and alcohol policies, to the same extent as when on-the-job.

Board approved 11/9/16

12-7-(2) On-Call Pay. With certain exceptions for employees required to live in Denver Water provided housing, employees who are "on-call" are paid one hour of their regular hourly rate for every eight hours of being on-call. On-call pay is not paid while on duty (i.e., while being paid to work).

- (a) **Minimum of Two Hours for Call-Back.** Employees who are called back for unscheduled work outside their scheduled shift will be paid for a minimum of two hours at the employee’s regular base pay rate. For the purposes of a call-back, commuting time is time worked.
- (b) **Extended Shift.** The two-hour minimum call-back does not apply to employees who are called in early for their scheduled shift or held over from an earlier shift.

Board approved 8/14/19

12-7-(3) On-Site Pay. Employees may be eligible for additional pay when designated as “on-site.”

- (a) **Eligibility Criteria.** Employees are eligible for on-site pay if all the following apply:
 - i. Employee is required to live in Denver Water provided housing,
 - ii. Employee is not free to engage in personal activity outside of working hours due to the response time required for the facility and geographic location, and
 - iii. Employee is the only qualified operator for the facility.
- (b) **Rate of On-Site Pay.** An Employee considered to be “on-site” will be paid one hour of the applicable minimum wage for each hour they are required to be on-site outside of their normal work schedule. The employee must be able to

respond to work outside normal business hours and if called out to work shall receive their normal hourly rate for hours worked and not receive on-site pay for those hours.

12-8. SHIFT PAY DIFFERENTIALS

12-8-(1) Pay Differentials. Non-exempt employees are eligible for additional hourly pay under the following circumstances:

- (a) Shift Differential.** Shift differential pay is paid to nonexempt employees who work any hours during a swing or graveyard shift period.
 - (i) Swing Shift Differential.** Swing shift differential pay is paid to employees who work any hours between 6:00 p.m. and 11:00 p.m.
 - (ii) Graveyard Shift Differential.** Graveyard shift differential pay is paid to employees who work any hours between 11:00 p.m. and 6:00 a.m.

Board approved 5/13/15; effective 7/17/15

- (b) Rate of Shift Differential Pay.** Shift differential pay rates are determined by the annual wage and salary survey.

PERSONNEL POLICIES

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Personnel Policies

of the

**BOARD OF WATER COMMISSIONERS
CITY AND COUNTY OF DENVER**

Last modified January 1, 2024

INTRODUCTION

The Board of Water Commissioners has adopted Denver Water's Personnel Policies pursuant to the Board's authority under the Charter of the City and County of Denver. Only the Board has authority to adopt Personnel Policies affecting its employees. All employees must comply with the Personnel Policies. However, an employee's rights and Denver Water's obligations under the Personnel Policies may vary depending on the employee's status as a discretionary, regular, introductory employee or temporary worker. The Personnel Policies are subject to change and do not constitute an employment contract between the Board and its employees.

Board approved 11/25/09

The Personnel Policies are under continual examination and subject to revision at any time. Neither the Board nor any of its employees have authority to guarantee the continuation of any personnel policy, procedure or practice, and employees may not rely on the continuation of any policy. Employees are responsible for consulting the most current policies. A personnel matter is governed by the applicable Personnel Policies in effect at the time of its occurrence.

Board approved 5/16/00

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CHAPTER 1 – DEFINITIONS

1-1 DEFINITION OF TERMS.

- (a) **Active Employment:** The employment status of an introductory, regular, or discretionary employee currently receiving compensation for work performed for Denver Water, absent while on approved paid or unpaid leave or suspended with or without pay.
- (b) **Applicant:** A person, including a temporary worker, who has applied for a position and is not currently an introductory, regular, or discretionary employee.

Board approved 11/25/09
- (c) **Bid:** An application for a classified position by a regular or discretionary employee.
- (d) **Bidder:** A regular or discretionary employee who applies for a classified position.
- (e) **Board:** The City and County of Denver, acting by and through its Board of Water Commissioners.
- (f) **Candidate:** A person determined through competitive examination to be eligible for a classified position.
- (g) **Career Progression:** Advancement of an employee in specific classified positions from one level in a class series to the next level based on individual training and career development.
- (h) **CEO/Manager:** The person designated by the Board as CEO/Manager of Denver Water or person designated by the CEO/Manager to act on their behalf.
- (i) **Chief:** The head of a division, the Chief of Staff, the General Counsel, and the Chief Internal Auditor.

Board approved 06/22/16
- (j) **Class:** A group of classified positions engaged in the same kind of occupational work.
- (k) **Classification Plan:** A systematic inventory and grouping of all job classes and positions in the classified service.

- (l) **Classified Employee:** An employee holding a position in the classified service.
- (m) **Classified Service:** The aggregate of all classified positions at Denver Water, comprising the civil service system for regular employees established by the Board pursuant to the Charter of the City and County of Denver.
Board approved 08/23/17
- (n) **Class Description:** A written description of the characteristic duties, responsibilities, and qualifications of a classified position(s) within a job family.
- (o) **Competitive Selection Process:** The process used to evaluate the qualifications of applicants and bidders for a position, which may include assessment by a structured interview, written or other job-related assessments.
- (p) **Deferred Holiday:** Holiday leave taken in lieu of pay when an employee is scheduled to work on a holiday or when a holiday falls on a scheduled day off.
- (q) **Demotion:** Reassignment of an employee to a job in a lower pay grade the midpoint of which is 5% or more lower than the midpoint of the employee's current pay grade.
- (r) **Denver Water:** The property and personnel under the control of the Board.
- (s) **Director:** For purposes of corrective action under these policies, a Director is the head of a section who reports directly to a Chief.
Board approved 06/22/16
- (t) **Disability Review Process:** Procedures for determining if and how an employee with work restrictions arising from disabilities can be accommodated.
- (u) **Discretionary Employee:** An employee hired for an at-will position outside the classified service, who serves solely at the pleasure of the Board in accordance with the Charter of the City and County of Denver. The Board identifies discretionary positions which, generally, are senior level or policy making positions that report directly to the CEO/Manager or to a Chief, or positions held by lower-level employees whose actions could have broad organizational impact or put Denver Water at significant risk.
Board approved 01/09/19

- (v) **Domestic Partner:** An adult of the same gender as an employee, whose personal relationship with the employee meets the criteria established in these Personnel Policies.
- (w) **Eligible List:** A list composed of the names of candidates determined to be eligible for a position.
- (x) **Employee:** A person employed by the Board as an introductory, regular, or discretionary employee.

Board approved 11/25/09
- (y) **Employee Health Services:** Denver Water health clinic, its staff, and any doctor or other medical staff hired by Denver Water to provide medical services.
- (z) **Employee Protection Leave:** Unpaid leave available under certain circumstances to an employee affected by domestic violence, stalking, sexual assault, or other crime involving an act of domestic violence.
- (aa) **Enterprise Policies:** Policies and procedures established by the CEO/Manager.

Reference changed from "Executive Guidelines" 4/10/15
- (bb) **Equal Employment Opportunity:** Ensuring that all persons are treated fairly and without regard to race, national origin, gender, sexual orientation, religion, disability, age, military, or marital status, with respect to all conditions of employment, including but not limited to hiring, promotion, compensation, benefits, and corrective action.
- (cc) **Exempt Employee:** An employee who is not eligible for overtime pay.
- (dd) **Family and Medical Leave:** An approved leave of absence related to the serious health condition of an employee or certain family members of the employee, or to the birth or adoption of a child by an employee.
- (ee) **Fitness for Duty:** An employee's ability to physically and mentally perform the essential functions of their position.
- (ff) **Health Care Provider:** A person who is operating within the scope of their license; and is (1) licensed to practice medicine and prescribe or administer drugs or perform surgery; or (2) any other duly licensed medical practitioner as defined by state law.
- (hh) **Hiring Manager:** The supervisor authorized to select a certified candidate for a position.

- (hh) **Illicit Use of Drugs:** An employee's on-the-job or off-the-job unauthorized use or misuse of a controlled substance as defined by law, or misuse of prescription drugs, over-the-counter drugs or other substances known to affect a person's ability to perform job duties safely and/or efficiently.
- (ii) **Impaired by Alcohol:** For a CDL or Safety Sensitive employee, Impaired by Alcohol means having a blood alcohol concentration of 0.04 or more grams of alcohol per 210 liters of breath, per 100 milliliters of urine or per 100 milliliters of blood. For all other employees, Impaired by Alcohol means having a blood alcohol of 0.05 or more grams of alcohol per 210 liters of breath, per 100 milliliters of urine or per 100 milliliters of blood.
- (jj) **Inactive Employment:** The employment status of a regular or discretionary employee receiving long term disability benefits, or during the LTD qualifying period if the employee is not eligible for family and medical leave.
- Board approved 6/13/07
- (kk) **Introductory Employee:** A newly hired or rehired classified employee who is in the introductory period.
- (ll) **Introductory Period:** A period of at least six months immediately following the hiring or rehiring of an employee to a classified position during which the employee does not have regular status.
- (mm) **Job Abandonment:** The failure of an employee to report to work for five consecutive working days without authorization, or the failure to return to work at the expiration of an approved leave.
- (nn) **Job Evaluation:** The evaluation of job duties to assign a position to the appropriate class and pay grade.
- Board approved 02/24/16
- (oo) **Light Duty:** Temporary duties assigned to an employee who has filed a worker's compensation claim and is unable to perform the duties of their current position.
- (pp) **Limited-Term Employee:** An introductory or regular employee hired to work either full or part-time for a limited term on a specific project.
- Board approved 12/6/17
- (qq) **Military:** All branches of the Armed Forces of the United States, including the United States Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marines, and Public Health Service.

(rr) Non-Classified Employee: An introductory employee or temporary worker who is not entitled to the rights and privileges of a regular employee.

Board approved 11/25/09

(ss) Non-Exempt Employee: An employee who is eligible for overtime pay pursuant to law.

(tt) On-Call: The time during which an off-duty employee must be available and fit to report for work on short notice.

(uu) Paid Time Off or PTO: Leave time accrued by an employee, which the employee can use as needed to take paid time off from work.

Board approved 7/13/16 effective 1/1/17

(vv) Part-Time Employee: An employee regularly scheduled to work from 20 to 39 hours per week.

(ww) Pay Plan: A schedule of pay grades and a list of job classes for positions in the classified service.

(xx) Payroll Calendar Year: The payroll calendar year runs from the first day after the final pay period in a calendar year to the last day of the final pay period in the following calendar year.

Board approved 7/13/16 effective 1/1/17

(yy) Personnel Policies: Policies adopted by the Board that govern the rights, privileges, and obligations of all Board employees.

(zz) Position Description: The official document summarizing the essential duties and responsibilities assigned to a position.

(aaa) Promotion: An employee's movement by competitive process from a job in which the differential between the midpoint of the current position's pay grade and the midpoint of the higher position's pay grade is 5% or greater.

Board approved 06/22/16

(bbb) Reduction in Force: The involuntary termination of an employee due to lack of work, lack of funds, abolition of the employee's position, or elimination of a Denver Water function.

(ccc) Regular Employee: A full or part-time employee who satisfactorily completes an introductory period and is approved by the CEO/Manager to receive the rights and privileges of a classified employee.

Board approved 06/22/16

- (ddd) **Rehire:** Appointing a former regular employee to a position in the same job class from which the employee separated, within one year of separation.
- (eee) **Resignation:** The voluntary termination of employment.
- (fff) **Retirement:** The voluntary termination of employment by an employee who retires under Denver Water's Retirement Plan.
- (ggg) **Safety Hours:** Hours a Non-Exempt employee is not scheduled to work during a regular shift because the employee has worked 16 hours in a 24-hour period.
- (hhh) **Safety Sensitive Employee:** An employee whose position requires the performance of duties where the employee's direct action/inaction may lead to immediate harm to self, team or the public and/or will have significant risk to the mission of Denver Water.
- (iii) **Structured Interview Panel:** The competitive process used to assess the qualifications of candidates for a position, conducted by a panel of three or more members.
- (jii) **Supervisor:** A person who directs the activities of one or more immediate subordinates and is responsible for the preparation and signing of performance evaluations. For purposes of these *Personnel Policies*, a supervisor may be a Chief, Director, Manager, or other supervisor.
- (kkk) **Suspension:** An absence from work with or without pay mandated by a supervisor in the employee's chain of command.
- (III) **Temporary Worker:** A person hired directly by Denver Water on a temporary basis who is not part of the classified service.
- Board approved 3/14/12
- (mmm) **Termination:** The act of ending the employment relationship between Denver Water and an employee.
- (nnn) **Transfer:** The reassignment of a regular employee without a competitive process to a position in a comparable pay grade.
- (ooo) **Veteran's Preference:** A preference on competitive examinations given to certain qualified veterans or spouses of veterans in accordance with Article XII, Section 15 of the Colorado Constitution.

CHAPTER 2 - GENERAL EMPLOYMENT POLICIES

2-1. BOARD AUTHORITY OVER PERSONNEL MATTERS.

2-1-(1) Adoption of Personnel Policies. The Board is authorized by the Charter of the City and County to adopt policies governing its employees. These policies are subject to and construed in accordance with applicable federal, state, and local laws, including the Charter, and may be superseded without notice by any conflicting and controlling law. These policies generally apply to all employees, but rights and obligations under the policies vary depending on an employee's status as an introductory, regular, discretionary employee or temporary worker.

- (a) **Amendment of Personnel Policies.** At any time, the Board may amend or revoke the policies, benefits or working conditions affecting its employees and described in the Personnel Policies. Unless otherwise specified, amendments and revocations are effective as of the date adopted and apply to all employees regardless of date of employment.

- (b) **Delegation of Authority to Make Non-substantive Changes to Personnel Policies.** The Director of Human Resources may make non-substantive changes to improve the style and clarity of Board-adopted policies so long as the changes preserve the policies' intent, effect, and meaning. Non-substantive changes may include the adoption of a uniform system of punctuation, capitalization, and wording; correction of obvious errors and inconsistencies; elimination of obsolete and redundant wording; correction of inaccurate references to job titles, laws or other policy sections; elimination of duplications in policy and policy repealed directly or by implication; clarification of existing policy, modernization of terminology, and other non-substantive changes as the Director of Human Resources considers proper.

Board approved 9/10/14

- (c) **Emergency-Related Delegation of Authority to CEO/Manager to Make Exceptions to the Personnel Policies to Address the COVID-19 Emergency.** The CEO/Manager may grant exceptions to Board-adopted policies for the purposes of responding to emergency situations or under unusual circumstances where compliance with the policies could adversely impact Denver Water operations or the health and safety of employees or the public. Exceptions to the policies will be made on a case- by- case basis. Each exception to the policies granted by the CEO/Manager under this section shall be issued in writing and shall identify the applicable emergency or unusual circumstances and the need for the exception. Exceptions shall be reported to the Board in a timely manner. This delegation of authority shall expire on June 25, 2020.

2-1-(2) No Employment Contract Created. These policies do not create an employment contract between Denver Water and any employee or vest any employee with any contractual rights or entitlements. No written or oral promises or assurances regarding employment that are contrary to or inconsistent with these policies are binding on the Board or Denver Water. If there is a conflict between these policies and any internal policy, procedure, guideline, or other directive provided to employees, these policies are controlling and superseding.

2-1-(3) Voluntary Waiver of Rights. An employee may voluntarily and knowingly waive, in writing, any or all rights provided within these Policies, except when prohibited by state or federal law.

Board approved 2/10/22

2-1-(4) Delegation of Authority to Directors. A Director who reports directly to the CEO/Manager has authority to act as a Chief when the Personnel Policies require approval or action by a Chief.

2-2. RESPONSIBILITIES OF THE DIRECTOR OF HUMAN RESOURCES.

2-2-(1) General Duties. Subject to the direction of the CEO/Manager, the Director of Human Resources directs and supervises all Human Resources activities, including recommending changes to the Personnel Policies; advising and assisting supervisors in policy implementation and interpretation; recruiting and screening applicants and hiring employees; maintaining the classification and pay plans; recommending and administering employee benefits; managing the wellness program; implementing an employee performance evaluation program, ensuring that promotion and career progression are being used fairly and consistently; conducting exit interviews with terminating employees to obtain feedback regarding employee benefits and other employment issues and insure repayment of debts and return of Denver Water property; and other appropriate Human Resources activities.

Board approved 6/10/09

2-2-(2) Employee Performance Evaluation Program. The Director of Human Resources in cooperation with appropriate supervisors develops, implements, and maintains a comprehensive performance evaluation program for all employees. The objective of the program is to provide supervisors and employees with an opportunity to discuss job performance as it relates to specific job standards, identify development opportunities, encourage, and recognize strengths, and to discuss positive, purposeful approaches for meeting goals.

2-2-(3) Employee Records.

- (a) **Employment Information.** Human Resources maintains employment related information regarding each employee, including personal identifying information and information regarding hiring, pay, benefits, performance, corrective action, training and development, problem resolution and other appropriate information.
- (b) **Medical Information.** Human Resources and Employee Health Services may retain medical information including personal health information about an employee or a family member for reasons related to the employee's work or benefits. Medical information is confidential to the extent required by law.
- (c) **Access to Employment and Medical Information.** Employee employment and medical information is the property of Denver Water. Access to this information is restricted by law, including but not limited to HIPAA and the Colorado Open Records Act. Generally, only officials and representatives of Denver Water with a legitimate reason may review an employee's employment or medical information. With reasonable advance notice, an employee may review their own employment or medical information in the presence of Employee Health Services representative and receive copies of such information upon written request.

2-2-(4) Employment Reference Requests. Human Resources will respond to all requests for employment references for current or former employees by confirming the dates of employment, positions held and salary or wage information. Human Resources will not release other employment data without written authorization from the employee. Supervisors are to refer all requests for references to Human Resources.

2-3. WORK SCHEDULE AND LOCATION.

2-3-(1) Work Week and Work Schedules. Denver Water's normal work week is 40 hours and extends from 12:01 a.m. Sunday to 12:00 a.m. the following Saturday. Subject to Human Resources approval, supervisors may vary work weeks and work schedules and locations based on staffing and operational needs.

2-3-(2) Part-Time Schedule. Part-time work week schedules vary from 20 to 39 hours per week.

2-3-(3) Limits on Continuous Hours of Work. To protect employee health and welfare and promote safety on the job, an employee normally must not work more than 16 hours in any 24-hour period. Except under an emergency declared by the federal, state, county, or local government, or by Denver Water, an employee who works 16 hours in a 24-hour period, is not allowed to return to work until at least eight hours have elapsed.

Board approved 02/24/16

2-3-(4) Breaks. Subject to supervisory approval, employees may take two 15-minute paid breaks and one 30-minute unpaid meal break per workday.

2-3-(5) Employee Community Engagement. Denver Water encourages employees to volunteer to participate in Denver Water sponsored employee associations or activities, and other community or educational activities that may not be specifically related to an employee's job requirements but are related to Denver Water's Strategic Plan and Mission.

- (a) **Denver Water Internal Initiatives and Activities.** With supervisory approval, an employee may participate in Denver Water sponsored internal initiatives and activities during paid work time.
- (b) **Community Engagement Activity Approved by Denver Water.** Public Affairs may determine that a community engagement activity relates to the Strategic Plan and Mission and may endorse employee participation in the activity during paid work time. With supervisory approval, an employee may use up to eight hours of paid work time annually to participate in such projects.
- (c) **Other Volunteer Activities.** Denver Water encourages all employees to participate in community engagement activities. With supervisory approval, a Non-Exempt Employee may request a work schedule adjustment of up to four hours per month to volunteer in a school or other community service program that is not sponsored by Denver Water. An employee who receives a volunteer work schedule adjustment must make up work hours missed during the same work week. Supervisory approval is subject to operational and staffing demands. A schedule adjustment must not result in overtime work for the employee or any other employee.

2-4. PAY AND SERVICE RECORD.

2-4-(1) Normal Pay Periods and Dates. Each bi-weekly pay period begins at midnight Sunday and ends 14 days later at midnight Saturday.

2-4-(2) Mandatory Direct Deposit. Direct deposit of pay is mandatory for employees effective January 1, 2006.

Deleted by Board 7/25/18

2-4-(3) Payroll Deductions. Certain deductions required by law are automatically withheld from employee checks and paid by Denver Water. Deductions may also be made pursuant to agreement with the employee.

2-4-(4) Service Record. An employee's service record begins at the first date of continuous employment and will be considered unbroken unless one of the following

occurs: (a) the employee resigns or abandons their job; (b) the employee is discharged for cause; or (c) the employee is subject to a reduction in force and is not recalled to work within 12 months, or fails to report back to work within 15 calendar days after being recalled to work.

2-4-(5) Time and Attendance Records. Time and attendance records are legal documents, and must accurately reflect an employees' schedule, hours worked, PTO and other types of leaves taken. Hourly employees are responsible for submitting accurate time and attendance records to their supervisors for approval. Exempt employees must record any leave taken during the pay period. Supervisors are responsible for ensuring that employees have accurately recorded time worked, PTO and leaves taken. Misrepresentation by an employee of hours worked or leaves taken, or approval by a supervisor of a record known to be false or inaccurate, is cause for corrective action.

Board approved 7/13/16 effective 1/1/17

2-5. CONDUCT AT WORK.

2-5-(1) Attendance. Employees must be reliable, punctual, and productive during working hours. Employees who cannot avoid being late to work or absent must provide notice to their supervisors as soon as possible. A Chief may adopt guidelines that provide notice to employees regarding poor attendance, unscheduled absences, and excessive tardiness so long as the guidelines are consistent with these policies.

Board approved 7/13/16 effective 1/1/17

2-5-(2) Personal Habits. Employees must maintain personal cleanliness and wear attire commensurate with the type of work performed, as determined by the employees' supervisor.

2-5-(3) Smoking. Denver Water prohibits smoking anywhere on its property not specifically designated as a smoking area, including Denver Water vehicles.

2-5-(4) Personnel Data Changes. Employees must promptly update Denver Water's human resources information system with any personal data affecting benefits or pay, including, but not limited to a change in marital status, mailing address, telephone number, the number and names of dependents, individuals to contact in the event of an emergency, beneficiary data, and required educational accomplishments.

2-5-(5) Labor Union Affiliation. Employees have the right to discuss or express views on workplace issues and employee rights and representation; speak with members of the public employer's governing body about conditions of employment and form or join, or refrain from participating in, an employee organization. No employee shall coerce, restrain, or intimidate any other employee in the exercise of any employee's right to join or to refrain from joining any union or other labor organization. Any attempt to so coerce, restrain or intimidate another employee is grounds for corrective action.

2-5-(6) Dating Relationships Between Employees. An employee whose personal relationship with another employee results in a work-related problem is subject to corrective action. Denver Water strongly discourages supervisors from developing dating relationships with subordinates. In the supervisor/subordinate context, even consensual relationships have the potential to create work-related problems, including the appearance of impropriety, conflicts of interest, interference with employees' productivity and charges of sexual harassment.

2-5-(7) Denver Water Property. Employees are responsible for all Denver Water property, materials or written information issued to them or in their possession or control. All property, including the employee's identification card and Denver Water issued keys and credit cards, must be returned on or before the last day worked. Denver Water may withhold from the employee's final paycheck the cost of items not returned or payments outstanding.

Board approved 6/10/09

2-5-(8) Use of Denver Water Property. Denver Water prohibits hunting, trapping, angling, or other similar sporting activity on Denver Water property that is not open to the public.

Board approved 1/1/21

2-6. DENVER WATER PROVIDED HOUSING.

2-6-(1) Denver Water Provided Housing. The Chief Operations Maintenance Officer may require certain employees to reside in Denver Water provided housing as a condition of employment. This housing, which is located at or near certain Denver Water facilities, is provided to the employee at no cost and for the sole benefit of Denver Water to ensure an on-site presence or to provide on-site workers.

- (a) **License Agreement.** Employees required to live in Denver Water provided housing are required to execute a license agreement which sets forth the legal relationship between Denver Water and the employees, and their respective rights and obligations. The license agreement incorporates the terms of a Housing Policy approved by the Chief Operations Maintenance Officer.
- (b) **Privacy in Denver Water Housing.** Employees who reside in Denver Water housing have a reasonable expectation of privacy in their assigned housing subject to the provisions of the Housing Policy.

2-6-(2) Housing Allowance. The Chief Operations Maintenance Officer may provide certain employees a monetary housing allowance to ensure they reside in proximity to a certain facility. Human Resources will determine the methodology for calculating the amount of a housing allowance.

2-6-(3) Reasonable Care of Housing. Employees shall be subject to corrective action and possible eviction from Denver Water housing for failure to provide reasonable care for the property or for engaging in illegal activities.

2-7. SAFETY PROGRAM.

2-7-(1) Safety Program.

Denver Water operates a proactive safety program. Each employee is expected to take advantage of the classes and training programs provided by the Safety Program. Safety meetings are conducted in each Division to promote and improve the safety record of Denver Water. Written safety programs are maintained by the Safety and Loss Control Section and are available on the Denver Water Intranet site. These safety programs should be read and understood by all employees. Employees are required to observe the Board's safety regulations and know what to do in case of fire, accident, or other emergency.

Non-substantive change 7/5/16

2-7-(2) Health and Safety Requirements. Employees in certain job classes must comply with policies adopted by Denver Water to meet local, state, or federal health and safety requirements. These policies may require employees to wear special clothing, maintain certain levels of grooming, submit to drug and alcohol testing, and possess certification in the use of special health and safety equipment. For employees in affected job classifications, compliance with such policies is a condition of continued employment, and failure to comply is cause for corrective action. Employees who fail to notify a supervisor that other employees are working in an unsafe manner may be held responsible for a safety violation.

2-7-(3) On-the-Job Accidents. An employee involved in an on-the-job accident must report the accident to their supervisor as soon as possible. All incidents involving personal injury or property damage must be reported in accordance with Denver Water incident reporting requirements, which are posted on the Denver Water intranet site. Employees failing to file the required reports are subject to corrective action. Under Colorado Law, failure to promptly file a report involving personal injury can result in loss of Workers' Compensation benefits.

Non-substantive change 7/5/16

2-8. EMPLOYEE PRIVACY.

2-8-(1) No Expectation of Privacy. Employees have no expectation of privacy in Denver Water property unless otherwise provided by law. Such property includes, but is not limited to, the contents of Denver Water offices, desks, furniture, lockers, vehicles, and data recorded on Denver Water computers, telephones, and other electronic equipment.

2-8-(2) Electronic Communication. Employee electronic mail communications and electronically stored data are the property of Denver Water and may be public records under federal and state open records laws, subject to public inspection unless an exception provided by law applies. A Chief may authorize the monitoring of an employee's email or internet usage, with or without notice, for business reasons, and when a supervisor believes an employee may be misusing or abusing email or internet privileges.

2-9. VIOLENCE IN THE WORKPLACE.

2-9-(1) Threats and Violent Behavior Not Tolerated. Denver Water will not tolerate acts of violence or threats of violent behavior in the workplace. A "threat" includes any verbal or physical act that creates an intimidating working environment. "Violent Behavior" includes any act or threat of physical, psychological, or sexual aggression toward another or destruction or abuse of property.

2-9-(2) Response to Workplace Violence. An employee with knowledge of threats or violent behavior in the workplace should notify the Director of Emergency Management and Safety Services or delegee and a supervisor in the employee's chain of command. The Safety Manager will notify the Director of Human Resources, the Office of General Counsel, and the Chief of the Division where the employee accused of threats or violent behavior works. If the matter is an emergency, the employee should call 911.

2-9-(3) Investigation of Workplace Violence. After informing the accused employee's Chief, the Director of Emergency Management and Safety Services or delegee will investigate any alleged threat or violent behavior as soon as possible. Based on the results of the investigation, the employee's Chief will determine if corrective action or other action is appropriate. Corrective action may include termination.

2-9-(4) Restraining Orders. An employee who obtains a restraining order listing Denver Water property as a protected area must provide the Chief Administrative Services Officer with copies of the petition and declarations used to obtain the order and any temporary or permanent protective orders granted.

2-10. WHISTLEBLOWER PROTECTION.

2-10-(1) Good Faith Disclosure. No employee shall be subject to corrective action in retaliation for disclosure of information concerning an activity, policy, or practice of Denver Water, including any of its officers or employees, which the employee believes to be in violation of applicable law or policy, where the employee made the disclosure in good faith and with reasonable cause to believe in the truthfulness of the information disclosed.

Board approved 3/10/10

2-10-(2) Notification and Investigation Procedures.

- (a) Employees should report suspected illegal, inappropriate, or unethical activities by contacting the Ethics Hotline administered by an independent outside agency. Reports can be made by telephone, online or by mail, and can be made anonymously.
- (b) Reports made to the Ethics Hotline are received by Denver Water's Chief Internal Auditor, who will determine if the report merits an investigation by the Chief Internal Auditor or should be referred to another division for resolution.

Board approved 3/10/10

2-10-(3) Unprotected Disclosure. Whistleblower protection shall not apply if the employee made the disclosure:

- (a) in bad faith;
- (b) without reasonable regard for, or unreasonable inquiry into, its truth or falsity or;
- (c) in violation of a prohibition against disclosure recognized by law, the Personnel Policies or Enterprise Policies.

Board approved 3/10/10

2-11. WORK-RELATED PROBLEM RESOLUTION.

2-11-(1) Work-Related Problems. Employees should bring work-related concerns to the attention of management. Work-related concerns for the purposes of this Section do not include complaints related to performance evaluations or appeals of corrective action.

2-11-(2) Problem Resolution Procedure. Employees with work-related concerns and suggestions for solutions should first bring the information to the attention of their immediate supervisor for resolution. Then, either the employee or the supervisor may consult with Human Resources for assistance in resolving the problem.

- (a) If the employee and the immediate supervisor cannot achieve a resolution satisfactory to the employee or if the employee's concern is with the immediate supervisor, the employee may raise the concern and possible resolution with the next higher supervisor in the employee's chain of command.
- (b) If the employee brings the issue to their Chief, and resolution is not satisfactory to the employee, the Chief will provide the employee and

Human Resources with a written response, which is final with no right of appeal.

- (c) If the issue of concern to the employee involves actions taken by the Director of Human Resources, the Chief of Staff will issue the final written response.

2-12. EMPLOYEE CODE OF ETHICS.

2-12-(1) Duty to Act in the Public Interest. Public employment is a public trust. Denver Water employees, as public servants, are to fulfill their official duties faithfully and honestly and to subordinate any private interest that conflicts with the official interest. In carrying out their official duties, employees should avoid not only actual impropriety but also the appearance of impropriety. Employees must avoid actions that depart from the faithful and impartial discharge of their public duties. In any situation in which a conflict of interest or potential violation of this Code of Ethics might arise, the employee should consult with the General Counsel. The General Counsel may grant a waiver from these rules for de minimis or inconsequential matters

Board approved 1/1/21

2-12-(2) Conflict of Interest. No employee shall have any interest in a matter that creates a substantial conflict of interest with respect to the employee's duties. A conflict is substantial when it is reasonably probable that it might tend to affect the judgment or actions of the employee in the performance of official duties.

- (a) No employee shall take direct official action on any matter in which the employee or an immediate family member has any substantial employment, contractual or financial interest. For purposes of this section, "direct official action" means action taken as part of an employee's official duties that directly affects or influences the disposition, decision, or implementation with respect to the matter. For purposes of this section, "immediate family member" means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, and domestic or civil union partner.

Board approved 9/11/13

- (b) If any such conflict of interest is present, the employee must disclose the interest to their immediate supervisor before any action is taken and is disqualified from any participation in the transaction.

Board approved 9/27/17

2-12-(3) Confidential Information. Employees shall not disclose or use confidential information acquired in the course of their employment for Denver Water for any purpose not authorized in advance in writing by Denver Water. Confidential information includes but is not limited to information that is privileged, proprietary, contains trade secrets or could compromise the security of Denver Water facilities or the safety of

Denver Water employees and customers. This prohibition applies to former as well as current employees.

Board approved 9/27/17

2-12-(4) Gifts. An employee shall not solicit, accept, or receive from an outside party any gift, service or other thing of substantial value that would tend improperly to influence a reasonable person in the employee's position to depart from the faithful and impartial discharge of the employee's official duties. The following are not prohibited by this section, so long as there is no connection, express or implied, between the gift and any official action of any employee:

- (a) Unsolicited nonpecuniary gifts valued at or less than the current adjusted gift ban limit set by the Independent Ethics Commission established under the Colorado Constitution, such as pens, calendars, mugs, flowers, articles of clothing, or other similar items.¹
- (b) Nonpecuniary awards publicly presented in recognition of public service.
- (c) Gifts on special and infrequent occasions, such as weddings, funerals, or illnesses, if the gift is appropriate to the occasion.
- (d) Payment or reimbursement for actual and necessary expenses for attendance at a convention or meeting at which the employee is scheduled to participate in a formal role.
- (e) Admission to a conference, social function, or meeting if the employee is attending in an official, representative capacity as a Denver Water employee, and goods or services similarly available to all attendees at a conference, social function, or meeting, including prizes awarded from random drawings.
- (f) Unsolicited items of perishable or nonpermanent value, including tickets to events and meals, so long as the gift is reasonable under the circumstances.
- (g) Goods or services similarly available to all Denver Water employees, including prizes awarded from random drawings.

Board approved 1/1/21

2-12-(5) Compensation. No employee shall receive any compensation, directly or indirectly, from Denver Water, other than the compensation authorized by these *Personnel Policies* for performance of ordinary duties.

¹ The IEC gift ban limit until first quarter of 2023 is \$65.00.

2-12-(6) Outside Employment. No employee shall hold any employment outside Denver Water that conflicts with their Denver Water employment or is inconsistent with the employee's stated reasons for an approved leave of absence from work.

[Outside Employment Notification Form](#)

- (a) All employees shall report any existing or proposed outside employment or other outside business activity to their Chief or designee, so that conflicts of interest and interference with performance of Denver Water duties can be avoided. An employee who intends to work outside Denver Water during an approved leave of absence also must notify Human Resources.
- (b) An employee who receives their Chief's permission may engage in the approved outside employment, but Denver Water employment shall remain the employee's priority.
- (c) If a Chief determines the outside employment creates a conflict of interest, interferes with performance of the employee's duties for Denver Water, or is inconsistent with the employees' stated reasons for an approved leave of absence, the employee must modify the conditions of the outside employment or terminate either the outside employment or employment at Denver Water.
- (d) Attorneys employed in Denver Water's Office of General Counsel may not engage in the private practice of law for compensation, but may, when authorized by the General Counsel, teach, provide pro bono services, and handle matters for family members or friends.

2-12-(7) Prior and Subsequent Employment.

- (a) New employees shall not take any direct official action with respect to their former employers for a period of six months from the date of termination of the prior employment.
- (b) For a period of six months after termination of employment with Denver Water, no former employee shall be involved in a manner inconsistent with Denver Water's interests on behalf of a subsequent employer if the matter is one in which the former employee took direct official action while employed by Denver Water.

Board approved 9/27/17

2-13. EMPLOYEE INVENTIONS.

2-13-(1) Employee Inventions. Employees must promptly inform their respective Division Chief of the full details of all inventions, discoveries, improvements, and

innovations, whether patentable, copyrightable, or otherwise protectible, that are conceived, completed, or reduced to practice and which:

- (a) Relate to Denver Water's operations or business; or
- (b) Result from any work the employee performs using Denver Water's equipment, facilities, materials, trade secrets or personnel; or
- (c) Result from, or are suggested by, work the employee performs for Denver Water.

Denver Water may pursue its legal rights to any such inventions, discoveries, improvements, and innovation, including the pursuit of "shop right" to use them free of charge. An employee who has questions about the ownership of an idea, invention, or other creation should consult with their Division Chief.

Board approved 1/1/21

2-13-(2) Eligibility for Award. A regular Denver Water employee who develops an idea, invention or other creation that is related to the employee's Denver Water duties and responsibilities or arises from knowledge and information the employee gained while employed by Denver Water, may be eligible for an award.

Board approved 1/1/21

2-14. LIMITATION ON THE EMPLOYMENT OF RELATIVES.

2-14-(1) Policy Statement. It is Denver Water's policy to avoid conflicts of interest, appearances of impropriety, and workplace disruption resulting from the employment of family members. Therefore, a relative may not supervise another relative; work in the same working unit as a relative; audit, verify, receive, or be entrusted with moneys received or handled by a relative; or have unauditably access to change a relative's confidential information, including payroll and personnel records.

Board approved 1/22/14

2-14-(2) Applicability. This section applies to all employment decisions including hiring, promotion, transfer, demotion, redeployment, change in job status or other modification of an employee's job classification, and to all categories of employment including introductory, regular, and discretionary, and to temporary workers.

Board approved 1/22/14

2-14-(3) Definitions. For purposes of this section, the following definitions apply:

- (a) "Relative" includes persons with the following relationship to an employee, whether by blood or marriage, including legal step relationships, and relatives created by a civil union or domestic partnership:
 - (i) Spouse, including a husband or wife in a traditional marriage, or partners to a civil union or domestic partnership;

- (ii) Parent or child;
- (iii) Sibling;
- (iv) Grandparent or grandchild;
- (v) Aunt, uncle, niece or nephew;
- (vi) Father-in-law or mother-in-law;
- (vii) Brother-in-law or sister-in-law;
- (viii) Son-in-law or daughter-in-law, or
- (ix) Other relationship not listed above where an employment decision would result in a conflict of interest or in the appearance of impropriety.

Non-substantive change 9/7/17

- (b) “Supervise” or “Supervision” means to occupy a position in which one employee is able to affect the terms and conditions of another employee’s employment, including but not limited to involvement in decisions about work assignments, performance evaluations, compensation, or corrective action.
- (c) “Working Unit” is an operational group within Denver Water in which an employee and a relative have a direct line of supervision.

Board approved 1/22/14

2-14-(4) Limitation on Applicants and Bidders. Human Resources may reject an application or bid for employment if the selection of the applicant or bidder would result in a violation of this section.

2-14-(5) Limitation on Current Employees.

Board approved 1/22/14

- (a) No employee may bid, promote, transfer, demote or redeploy into a position if it would result in a violation of this section.
- (b) Employees must disclose to Human Resources the names of all relatives employed by Denver Water in any capacity, including as an introductory, regular, or discretionary employee, or a temporary worker.

Board approved 1/22/14

2-14-(6) Limitation on Employees Who Marry or Become Domestic or Civil Union Partners. If marriage, domestic partnership, or civil union of two employees results in a

violation of this section, the employees' supervisor(s) will make a reasonable effort to transfer one of the employees to a comparable position to avoid a violation; however, if there is no comparable vacant position, or if the employee refuses reassignment, the employee may be terminated.

Board approved 1/22/14

2-14-(7) Limitation on Temporary Service. Denver Water will not hire relatives of employees to fill temporary positions without a competitive process to select the temporary worker. The current employee cannot participate in the selection process, directly or indirectly, and the hiring cannot conflict with any of the limitations on the hiring of relatives set forth in this section. A Chief cannot hire their relative for a temporary position in their division.

Board approved 1/22/14

2-15. INFORMATION SYSTEMS SECURITY.

2-15-(1) Information Systems Security Policy. To ensure the confidentiality, integrity and availability of Denver Water information systems, Denver Water employees are subject to corrective action for breaches of information systems security. Information systems refers to the interactions of people and processes with information technology assets such as electronically stored information (ESI), documents, data, databases, software and applications, desktop computers, mobile computing devices, servers, phones, radios, network equipment and all computing, communications and data storage devices used by employees in performing their job duties.

2-15-(2) Information Systems Security Breaches. Breaches of information systems security may occur intentionally or unintentionally. Employees are to use their best efforts to avoid unintentional breaches. The following nonexclusive list represents types of breaches.

- (a) Misuse, abuse, or inappropriate use of information systems.
- (b) Providing unauthorized access to Denver Water information systems to persons without a legitimate Denver Water business use, including the sharing of passwords.
- (c) Unauthorized modification or destruction of confidential information as defined in the Employee Code of Ethics.
- (d) Unprotected disclosure as defined in the Whistleblower Protection Policy.
- (e) Downloading unauthorized software on a Denver Water information system. Authorized software includes software and applications authorized for use by Denver Water employees by IT in conjunction with software users based on legitimate business purposes, assigned job duties and

consistent with Denver Water Enterprise Policies and Information Technology standards and procedures.

- (f)** Other failures to comply with Denver Water Enterprise Policies related to information systems and records and document management.

Board approved 1/11/12

CHAPTER 3 – FAIR EMPLOYMENT PRACTICES

3-1. NONDISCRIMINATION POLICY.

3-1-(1) Policy Statement. Denver Water is an equal opportunity employer which encourages and welcomes diversity of backgrounds in its work force. Denver Water prohibits denial of equal employment opportunity, discriminatory conduct or harassment, and retaliation as defined in this Chapter, and the making of any employment or business-related decisions based on race, national origin, gender, sexual orientation, gender identity, gender expression, religion, disability, age, pregnancy, genetic information, military status, marital or parental status, or domestic partner, or civil union status. Any employee who engages in discriminatory conduct or denial of equal employment opportunity is subject to corrective action.

Board approved 1/1/21 and 2/10/22

3-1-(2) Definitions of Prohibited Conduct. The following are definitions of specific conduct that violates this Chapter. Such prohibited conduct constitutes “disruptive behavior” and other possible violations requiring corrective action under these policies.

Board approved 6/13/07

- (a) **“Denial of Equal Employment Opportunity”** encompasses any employment related decision that adversely affects a condition of employment, including but not limited to hiring, promotion, compensation, benefits, and corrective action. A difference in the value of the benefits provided to employees may differ depending on marital, domestic partnership, civil union, parental, or tax status and does not constitute denial of equal employment opportunity.

Board approved 9/11/13

- (b) **“Discriminatory Conduct”** is conduct prohibited under this Chapter, and includes the use of vulgar, threatening, insulting or abusive language or conduct directed toward another person or group of persons because of race, gender, gender identity, national origin, religion, disability, age, sexual orientation, genetic information, or military, domestic partnership, civil union, marital or parental status.

Board approved 9/11/13

- (c) **“Harassment”** refers to discriminatory conduct directed toward another person or group of persons that has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, or offensive working environment.

- (d) **“Sexual Harassment”** refers to discriminatory conduct based on an individual’s gender or gender identity that has the purpose or effect of unreasonably interfering with the individual’s work performance or creates

an intimidating, hostile, or offensive working environment. “Sexual Harassment” also includes subjecting an individual to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is either explicitly or implicitly a term or condition of an individual’s employment, or when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

- (e) **“Retaliation”** refers to an employment related decision that adversely affects a condition of employment based on an individual’s assertion of their rights under this Chapter or other antidiscrimination laws.

Board approved 1/1/21

3-1-(3) Definitions of Terms. The following definitions are based on applicable law. If a definition conflicts with applicable law, applicable law will govern.

- (a) **“Age”** refers to an individual’s biological age. Individuals 40 years of age or older may not be discriminated against because of their age.
- (b) **“Disability”** refers to an individual’s physical or mental impairment that substantially limits one or more major life activities. Individuals having a disability, a record of disability, or regarded as disabled, are protected under this Chapter. “Disability” *does not* include current illegal use of drugs or impairment on-the-job by alcohol. Individuals with a disability are entitled to reasonable accommodation that does not result in undue hardship to Denver Water.

Board approved 6/13/07

- (c) **“Gender” or “Sex”** refers to an individual’s male or female gender.
- (d) **“Gender Expression”** refers to the way in which an individual expresses their gender identity, typically through their appearance, dress, and behavior.

Board approved 2/10/22

- (e) **“Gender Identity”** refers to an individual’s self-identification of their gender.

Board approved 1/1/21

- (f) **“Marital” or “Domestic Partner” “Parental” or “Civil Union” Status** refers to the classification of an individual as single, separated, married, in a domestic partnership, in a civil union partnership, divorced, widowed, or as a parent or non-parent.

Board approved 9/11/13

- (g) **“Military Status”** refers to an individual’s service in the military.

(h) **“National Origin”** refers to the place of origin of an individual or the individual’s ancestors; or the physical, cultural, or linguistic characteristics of a national origin group. National origin groups include, but are not limited to, Hispanics (i.e., all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin), Pacific Islander, Asian, Eastern, Middle Eastern, or Southern European origin.

(i) **“Race” and “Color”** includes, but is not limited to, persons who are African American/ Black, Caucasian/White, Asian, Native Hawaiian/Other Pacific Islander, Hispanic, Latino, and Native American/Alaska Native.

Board approved 1/1/21

(j) **“Religion” or “Religious Affiliation”** refers to an individual’s traditional religious views or moral or ethical beliefs as to what is right and wrong, which beliefs are sincerely held with the strength of traditional religious views. Individuals whose religious practices require work-related accommodations are entitled to reasonable accommodation that does not result in undue hardship to Denver Water.

(k) **“Sexual Orientation”** refers to an individual’s status as a heterosexual, homosexual, or bisexual.

(l) **“Genetic Information”** Includes information about an employee’s family medical history, or an employee’s or family member’s request for or receipt of genetic services.

Board approved 7/14/10

3-2. COMPLAINTS OF DISCRIMINATION, HARASSMENT AND RETALIATION.

3-2-(1) Prompt Filing Required. An employee alleging discrimination, harassment, retaliation, failure to reasonably accommodate, or other treatment in violation of Denver Water’s Nondiscrimination Policy should file a complaint with the Director of Human Resources promptly, but no later than 180 days after the alleged violation occurred. The complaint must include specific facts underlying the complaint, the names of all potential witnesses, documentation, and any other information the employee believes should be considered in an investigation of the complaint.

3-2-(2) Internal Complaint Procedure. Complaints filed under this section will be subject to the following procedures:

(a) The Director of Human Resources will determine if the complaint includes an allegation of discriminatory conduct, denial of equal employment opportunity, harassment, retaliation, or other violation of Denver Water’s Nondiscrimination Policy. If not, the person who filed the complaint will be referred to the “Work-Related Problem Resolution Procedure.”

- (b) If the complaint alleges a violation of the Nondiscrimination Policy, Human Resources will provide notice of the complaint to the accused person(s) and their Chief(s).
- (c) At any point in the complaint review process, the Director of Human Resources may attempt to resolve the complaint through formal or informal mediation or other intervention with the employees directly involved.
- (d) If the complaint is not resolved through mediation or other intervention, Human Resources will initiate an investigation. After consulting with the Office of General Counsel and the appropriate Chief(s), Human Resources will make a written determination whether the complaint was filed in good faith and whether any employee has violated the provisions of this Chapter.

Board approved 6/13/07

- (e) If the Director of Human Resources determines that an employee has violated the provisions of this Chapter, the Director of Human Resources will recommend that the appropriate Chief(s) initiate corrective action for disruptive conduct or other violations of these policies.

Board approved 6/13/07

- (f) A determination by the Director of Human Resources under this section is final and is not subject to appeal. If the Director of Human Resources determines the employee filed the complaint in bad faith or without reasonable regard for the truth or accuracy of their factual allegations, the employee's Chief may initiate corrective action.

Board approved 6/13/07

3-2-(3) Delegation of Complaint Procedure Responsibilities. Under the following circumstances, the responsibilities to act on a complaint filed under this Section may be delegated:

- (a) If a complaint alleges improper actions by the Director of Human Resources, the CEO/Manager will designate a Chief to perform the responsibilities under this section of the Director of Human Resources, and the CEO/Manager shall perform the responsibilities of the Chief.
- (b) If a complaint alleges improper actions by the aggrieved employee's Chief, the CEO/Manager will perform the responsibilities of the Chief under this section.

- (c) If a complaint involves the CEO/Manager, the Board will be notified of the complaint and may take whatever action it deems appropriate for resolution.

3-2-(4) Legal Filing Obligations. Filing an internal complaint under this section does not modify an employee's rights or obligations regarding the filing of a charge with an outside agency, such as the Colorado Civil Rights Division or the Equal Employment Opportunity Commission. Denver Water assumes no responsibility for advising employees about their legal rights or obligations regarding the filing of such a charge.

3-3. NONDISCRIMINATORY RECRUITMENT, SELECTION AND PROMOTION.

3-3-(1) Recruitment. To provide equal employment opportunity and to ensure a diverse workforce, Denver Water may utilize various recruitment strategies, including but not limited to the following:

- (a) Recruitment of traditionally underrepresented job applicants in local high schools and colleges.
- (b) Recruitment of members of BIPOCC and women's organizations.
- (c) Wide publication of employment opportunities in the metropolitan area media.
- (d) Emphasis by Denver Water that it is "an equal opportunity employer."

3-3-(2) Selection and Promotion. To provide equal employment opportunity and ensure a diverse workforce, Denver Water will consider the following selection and promotion practices among others:

- (a) Use of the open competitive bid process.
- (b) Use of job-related assessments that are race and gender neutral.
- (c) Appointment of structured interview panel members with diverse backgrounds whenever possible.

Board approved 2/10/22

3-3-(3) Affirmative Action. If permitted by law, Denver Water, through its Director of Human Resources Officer may implement affirmative action plans for women, minorities, veterans, or any other traditionally underrepresented group.

3-4. COMPLIANCE WITH FAIR EMPLOYMENT PRACTICES.

3-4-(1) Corrective Action for Noncompliance. Failure to comply with the provisions of this Chapter, or failure to report any noncompliance to the Director of Human Resources, or failure to cooperate in an investigation of a complaint under this Chapter may be cause for corrective action.

3-4-(2) Retaliation Prohibited. All employees are prohibited from retaliating in any manner against any employee or applicant for alleging in good faith that they have been the victim of discrimination, harassment, retaliation, failure to reasonably accommodate or other treatment in violation of this Chapter. Employees who retaliate are subject to corrective action.

3-5. REASONABLE ACCOMMODATION AND THE DISABILITY REVIEW PROCESS.

3-5-(1) Reasonable Accommodation. Denver Water encourages employees, bidders, and job applicants to seek reasonable accommodation if they need assistance to perform the essential functions of their positions or assistance to participate in the application or competitive assessment process related to a disability. Denver Water will provide reasonable accommodation for employees and applicants with disabilities unless accommodation would result in undue hardship to Denver Water.

Board approved 2/10/22

- (a) Assistance to perform essential functions: A reasonable accommodation may include, but may not be limited to: (i) assistance in the application and testing process; (ii) modification of the workstation, equipment, or method of performing job duties so that the person seeking accommodation can perform essential job functions; (iii) approval for a leave of absence with job protection, or (iv) transfer or demotion to a vacant available position for which the employee is qualified. Denver Water will not create a new position for the sole purpose of accommodation.
- (b) Assistance to participate in the application or competitive assessment process: Internal job applicants (bidders) and external job applicants who require accommodation during the application or competitive assessment process may request accommodation from Human Resources. Human Resources will review each request and provide reasonable accommodation when available.

Board approved 2/10/22

3-5-(2) Disability Review Process. Denver Water uses an interactive process to consider an employee's request for accommodation to assist in performing the essential functions of their job. The process involves the employee, the employee's supervisor(s), the third-party administrator, and Human Resources. Supervisors must direct employees with restrictions to Human Resources and the third-party administrator. An employee with restrictions may not return to work until the Disability Review Process is

concluded. The Director may place the employee on Administrative Leave while the request is considered.

Board approved 2/10/22

3-5-(3) Disability Review Process Requirements. An employee seeking reasonable accommodation must meet the following conditions. For safety reasons, a supervisor may require an employee to use PTO or personal leave, if available, or leave without pay until the employee meets the conditions:

- (a) Disclose to the supervisor, third party administrator and Human Resources that a physical or mental impairment prevents the person from performing essential job functions.
- (b) Submit to a fitness for duty or other medical evaluation by health provider(s) verifying the employee's restrictions or inability to perform essential job functions. Health-related information will be kept confidential to the extent required by law.
- (c) Incur any and all expenses related to obtaining the fitness for duty or other medical information unless covered by workers' compensation.
- (d) Authorize the release of all pertinent medical information to the third-party administrator and other Denver Water personnel with a need to know.

Board approved 7/13/16 effective 1/1/17 and 2/10/22

3-5-(4) Reasonable Accommodation Readily Available. If the Director of Human Resources and the employee's supervisor, with Chief approval, determine a reasonable accommodation is readily available, the Director of Human Resources will provide the accommodation.

3-5-(5) Accommodation Not Readily Available. In cases in which the Director of Human Resources and the employee's supervisor, with Chief approval, determine reasonable accommodation is not readily available, the Director of Human Resources will hold a Disability Review Conference with the employee seeking accommodation, the supervisor(s) of the relevant position and any other person the Director of Human Resources deems appropriate.

3-5-(6) Notice of Disability Review Conference. Before holding a Disability Review Conference, the Director of Human Resources must provide the person seeking accommodation with a written Notice of Disability Review Conference containing the following information:

- (a) The date, time, and place of the Conference.
- (b) An attachment describing the essential functions of the relevant position.

- (c) A statement that the purpose of the conference is to discuss and evaluate possible reasonable accommodations to enable the person seeking accommodation to perform essential job functions and that the person seeking accommodation may suggest possible accommodations.
- (d) A statement that if the disability review process concludes no reasonable accommodation is available, the job status of the person seeking accommodation may be changed by demotion, termination or withdrawal of job offer.
- (e) A statement that the employee may bring a family member or friend to the Disability Review Conference, but not legal counsel. This is an interactive process and not an adversarial proceeding.

3-5-(7) Disability Review Decision. If the Director of Human Resources determines a person seeking an accommodation cannot reasonably be accommodated, or that Denver Water is not obligated to provide an accommodation, the Director of Human Resources must issue a written decision detailing the essential job functions the person is unable to perform, the accommodations considered during the conference, the reason(s) the person cannot be accommodated or why Denver Water is not legally obligated to provide an accommodation, and any resulting change in job status.

- (a) If the decision results in withdrawal of an applicant's or bidder's conditional job offer, the decision is final with no right of appeal.
- (b) If the decision results in a demotion or other accommodation, the decision is final with no right of appeal.
- (c) If the decision results in an employee's termination, the following statement must be included:

This decision is final with no right to appeal. However, as a Denver Water employee whose employment status has been terminated because of disability, for a period of one year after termination, you may bid on any vacant Denver Water position as an internal bidder. You must make arrangements with Human Resources to receive notice of internal job postings. If selected for a position, you may be required to provide a medical release to return to work and submit to a fitness for duty evaluation.

Board approved 2/10/22

3-6 FITNESS FOR DUTY.

3-6-(1)) To return to full duty an employee who has been working with an accommodation or has been on extended leave as an accommodation must provide a

completed and signed Denver Water Fitness for Duty Form verifying the employee's ability to perform job functions without restrictions.

Board approved 2/10/22

3-6-(2) If a supervisor has reason to believe an employee may pose a health or safety risk to themselves or others because of physical or mental limitations, the supervisor will notify the Director of Human Resources

- (a) The Director of Human Resources will initiate a meeting with the employee's supervisor, Director, the Office of General Counsel and others as appropriate to determine if there is a reasonable basis for believing the employee poses a health and safety risk to themselves or others and for requiring the employee to undergo a fitness for duty examination.
- (b) If a reasonable temporary accommodation is not available while decisions are made regarding the employee's fitness for duty, the Director of Human Resources or the employee's Chief may place the employee on paid Administrative Leave.
- (c) If it is determined the employee may pose a health or safety risk to the employee or others, the Director of Human Resources may require the employee to submit to fitness for duty evaluation by a health provider of Denver Water's choice at Denver Water's expense.
- (d) If, based on the fitness for duty evaluation and other relevant factors, the Director of Human Resources believes the employee poses a health or safety risk to themselves or others, the Director of Human Resources shall encourage the employee to seek a reasonable accommodation. If, under these circumstances, the employee does not seek accommodation, the Director of Human Resources may initiate corrective action which may result in termination, demotion, or an involuntary leave of absence without pay for a limited period. At any time after corrective action is initiated under this section, the employee may seek accommodation under the disability review process.

Board approved 1/1/21 and 2/10/22

3-7. RETURN TO WORK AFTER DISABILITY.

3-7-(1) Return to Work after Disability. An employee whose employment is not terminated through the Disability Review Process and who is able to return to work with or without reasonable accommodation, may return to work in the position they held before becoming disabled if that position has not been abolished or filled. If the employee's position has been filled or abolished, the employee may request through the Disability Review Process assignment to a vacant position for which they are qualified.

Chiefs are responsible for determining if the disabled employee's job will remain vacant or should be filled depending on business need.

Board approved 9/14/16 and 2/10/22

CHAPTER 4 – CLASSIFIED EMPLOYEES

4-1. CLASSIFICATION PLAN.

4-1-(1) Classification Plan. The Classification Plan describes job classes at Denver Water and the educational, experience and other requirements for each. The Classification Plan promotes equal pay for equal work as nearly as practicable and provides for equity among different job classes. Human Resources reviews the Classification Plan as needed to ensure job classes are current and accurate.

4-1-(2) Changes to the Classification Plan. Class descriptions are not intended to list every specific function of a position(s). Requirements of various positions will evolve over time, and class descriptions may be modified by Human Resources as needed. Chiefs and Directors should inform the Director of Human Resources of changes in their Divisions or Sections that may affect the classification of a position.

4-2. RECRUITMENT, APPLICATIONS AND BIDS.

4-2-(1) Methods of Filling Vacancies. Denver Water fills introductory and regular classified positions by selection among qualified candidates, transfer, demotion, or as a reasonable accommodation of a disability. Chiefs, in consultation with Human Resources, determine how a position is to be filled.

Board approved 08/23/17

- (a) Competition for a classified position may be open to applicants and bidders or limited to bidders.
- (b) All applicants and bidders are required to submit information regarding work experience, minimum age, military status, degrees, licenses, certificates, transcripts, diplomas, and other information required to determine eligibility for the position.

4-2-(2) Limited-Term Employees. Subject to approval by the CEO/Manager and the Director of Human Resources, Human Resources may recruit for and hire limited-term employees to work on a specific Denver Water project. Limited-term employees can make up no more than 3% of all budgeted positions including all discretionary, introductory, and regular employees, or no more than 25 limited-term employees, whichever is greater.

- (a) To justify the hiring of a limited-term regular employee for a project, the project must meet the following criteria:
 - The project must require the hiring of additional employees to perform project-based duties that cannot be performed effectively at existing staffing levels.

- The project must be expected to take 24 calendar months or more to complete and have a projected end date commensurate with the scope of the project.
 - The project must have a budget that includes the cost associated with one or more positions to be filled using limited-term regular employees.
- (b) Limited-term employees have the same rights and privileges and are subject to the same requirements under the *Personnel Policies* as introductory and regular employees except that limited-term employment will end when the limited-term employee's role on a project is complete or the Division Chief responsible for the project determines there no longer is a need for the position. A limited-term employee's estimated term of employment may be shortened or extended depending on project needs.
- (c) Limited-term employees are subject to corrective action, including termination, in the same manner as other introductory and regular employees.

Board approved 12/6/17

4-2-(2) Rejection of Applications and Bids. Human Resources may reject applications and bids under the following circumstances and when otherwise warranted:

- (a) The applicant or bidder is not qualified for the position or is unable to perform the essential functions of the position with or without reasonable accommodation.
- (b) The applicant or bidder did not satisfactorily complete required application or bid forms; falsified, misrepresented, or failed to disclose material information during the application or bid process; or failed to cooperate or behave appropriately during the application or bid process.
- (c) The applicant is under the age of 18.
- (d) The applicant or the bidder has an employment record containing performance or disciplinary problems.
- (e) The applicant is retired from Denver Water.
- (f) The hiring of the applicant or bidder would violate Denver Water's limitation on hiring and promotion of relatives.

Board approved 3/26/14

4-2-(3) Rejection of Lesser Qualified Applicants and Bidders. When numerous applicants or bidders apply for a position, Human Resources may reduce the number of qualified candidates by rejecting the lesser qualified applicants and bidders. Remaining candidates must be the most qualified based on job-related criteria.

4-3. ELIGIBLE LIST.

4-3-(1) Eligible List. A list of the names of candidates determined to be eligible for a position after a competitive selection process. An eligible list is to be used only to fill positions that have the same basic job duties and educational and experience requirements as the original job posting.

4-3-(2) Duration of Eligible Lists. An eligible list is valid for nine months from the date established or until no individuals on the list are available or willing to accept the position, whichever is earlier. If an existing candidate list has fewer than five candidates, the hiring manager may request recruitment of more candidates. If such a request is made, the newer candidates will be added to the existing eligible list. There is no requirement that candidates be hired from an eligible list in any order.

4-3-(3) Continuous Recruitment. Human Resources may continuously recruit candidates for positions with frequent vacancies. The names of newer candidates will be added to the candidates listed on a continuous candidate list. No candidate may remain on a continuous list for longer than nine months.

4-3-(4) Removal of Names from an Eligible List. Human Resources may remove names from an eligible list or continuous candidate list for the reasons including, but not limited to those, listed below:

- (a) The candidate requests to be removed or rejects an offer of employment by Denver Water.
- (b) The candidate fails to respond to a notice from Human Resources Division, or Denver Water is unable to locate the candidate by email or by phone.
- (c) The candidate has engaged in inappropriate conduct during the hiring process.

Board approved 11/9/16

4-4. COMPETITIVE SELECTION PROCESSES.

4-4-(1) Competitive Assessment Processes. Eligibility of applicants and bidders is determined by a competitive process which may include scored or unscored structured interview or other job-related assessments of such job-related criteria as education, experience, aptitude, knowledge, skill and driving record. Human Resources and hiring manager(s) are responsible for establishing uniform assessment and evaluation criteria for all candidates for a particular position.

4-4-(2) Structured Interview Panel. A scored or unscored competitive assessment by subject matter experts selected by Human Resources and the hiring manager(s).

- (a) Structured Interview Panel members may include either employees or non- employees. Human Resources will make a reasonable effort to select panel members who reflect the race and gender diversity of the candidates. If a candidate objects to the participation of an interview panel member, the Director of Human Resources will make the final determination as to the merit of the objection.

4-4-(3) Review and Appeal of Results of Competitive Assessments. Within five business days after Human Resources provides notice of the results of a competitive assessment, an unsuccessful applicant or bidder may arrange to inspect their own documentation related to the assessment. If the applicant or bidder believes the assessment was incorrectly rated, they may submit specific comments in writing to the Director of Human Resources within ten calendar days of the assessment date. Assessment papers and scores are not public records, and without a candidate's written consent or other legal basis, may ordinarily be reviewed only by the Office of General Counsel, Human Resources, hiring manager and Chiefs.

4-5. OFFERS OF EMPLOYMENT AND APPOINTMENT.

4-5-(1) Conditional Job Offer. Human Resources will conditionally offer the position to the selected candidate.

4-5-(2) Withdrawal of Conditional Job Offer. The Director of Human Resources may withdraw a conditional job offer if the candidate who was offered employment:

- (a) Fails the post-offer physical examination, job-related strength tests or drug and alcohol screening;
- (b) Fails to cooperate in the completion of post-offer requirements;
- (c) Falsifies or misrepresents information, or fails to disclose material information, during any Denver Water application or screening process;
- (d) Has unacceptable employment references, background information, or a criminal record that disqualifies the candidate for the position offered;
- (e) Is unable to perform the essential functions of the position with or without reasonable accommodation, or

Board approved 3/26/14

- (f) Engages in inappropriate conduct during the hiring process.

4-5-(3). Appointment. All appointments of employees to classified positions are conditioned on CEO/Manager approval.

Board approved 06/22/16

4-6. VETERAN'S PREFERENCE IN COMPETITIVE SELECTION PROCESSES

4-6-(1) Policy Statement. Denver Water complies with the veteran's preference provided by Article XII, Section 15 of the Colorado Constitution. Human Resources will provide job applicants information regarding the availability of veteran's preference when applicable.

4-7. REHIRING OF FORMER EMPLOYEES.

4-7-(1) Request for Rehire. Within one year of leaving Denver Water employment, a former regular employee who voluntarily resigned or was separated due to a reduction in force, may request to be rehired to a position in their formerly held job class.

4-7-(2) Rehire After Disability Termination. A Denver Water employee whose employment status has been terminated because of disability may, for a period of one year after termination, bid on any vacant Denver Water position as an internal bidder. The former employee must make arrangements with Human Resources to receive notice of internal job postings. If selected for a position, the employee may be required to provide a medical release to return to work and submit to a fitness for duty evaluation.

Board approved 09/14/16

4-7-(3) Rehiring Process. Rehiring is not guaranteed, but subject to job availability, supervisor discretion, the former employee's ability to perform the work, skills and competency, prior performance evaluations, history of corrective action, safety and attendance records, and other job-related criteria. A person who requests reinstatement under this section will be considered eligible for a position in the formerly held job class without competitive assessment subject to the following provisions:

- (a) If no candidate list exists or is in the process of being created for such a position, the hiring manager may direct Human Resources to make a conditional job offer to the former employee.
- (b) If a candidate list exists or recruitment for the former employee's position has been posted or advertised, the name of the former employee will be added to the list.

4-7-(4) Rehire Post-Offer Requirements. Former employees may not be rehired without passing a physical examination, drug and alcohol screening and other post-offer requirements.

4-7-(5) Pay of Rehired Employees. The pay of a former regular employee who is rehired will be within the current pay range for the job class to which the employee is appointed.

Board approved 2/10/22

3/26/14: Board adopted revisions to Sections 4-2-(1) and 4-5-(2).

CHAPTER 5 –NON-Classified Employees

5-1. INTRODUCTORY EMPLOYEES.

5-1-(1) Introductory Period. Newly hired or rehired employees must serve a mandatory introductory period of at least six months. Introductory employees are at-will, not part of the classified service, and may be terminated at any time for any lawful reason. The purpose of the introductory period is to provide supervisors the opportunity to evaluate an employee's capabilities, behavior and work habits before the employee attains regular status in the classified system. The duration of the introductory period will not be reduced based on prior non-classified employment.

5-1-(2) Benefits During Introductory Period. Introductory employees are eligible for medical, dental, vision, critical illness and accident insurance benefits and other benefits required by law, such as workers' compensation insurance.

5-1-(3) Extension of Introductory Period. A supervisor may extend an introductory period for a maximum of a 90 days if additional time is needed to evaluate the employee's performance, or if the employee receives less than a "thriving" rating on an Annual Performance Evaluation required in section 5-1-(6).

Board approved 1/1/21 and 2/10/22

5-1-(4) Approved Leave During Introductory Period. When an introductory employee takes an approved leave of absence for a calendar month or longer, not including military leave, the introductory period will be extended to ensure that the employee's introductory period on-the-job is a minimum of six months.

5-1-(5) Evaluations Required Before Regular Status. Supervisors must complete the introductory-to-regular status evaluation before the end of the employee's 6-month introductory period. The supervisor may approve regular status, terminate the employee, or request an extension of the introductory period. If the introductory period is extended, the supervisor must complete an additional introductory-to-regular status evaluation.

Board approved 1/1/21 and 2/10/22

5-1-(6) Annual Performance Evaluations Required to Receive Pro-Rated Percentage Increase. Employees hired before October 1 must receive a formal performance evaluation to be eligible to receive a pro-rated merit increase. Employees hired after October 1, are not eligible for a merit increase until the following merit cycle.

Board approved 1/1/21

5-1-(7) Bidding During the Introductory Period. Introductory employees may bid on Denver Water positions. An introductory employee who successfully bids on a new position must serve an introductory period in the new position of at least six months.

Board approved 10/10/12

5-1-(8) Termination of Introductory Employees. If an introductory employee is to be terminated, the Chief will provide a written notice of termination explaining the reasons for the termination. The terminated employee may respond in writing to the Director of Human Resources, but there is no right to appeal the termination.

5-2. TEMPORARY WORKERS.

Board approved 11/25/09

5-2-(1) Temporary Workers Defined. A temporary worker is a Denver Water employee hired outside the classified system on an at-will basis, who serves solely at the pleasure of the Board. Temporary workers include workers hired to provide seasonal or other temporary services, interns, and apprentices hired through Denver Water's formal Intern and Apprenticeship programs. Interns and Temporary workers hired to provide seasonal or other temporary services may be employed for a period of up to six months. Apprentices may be employed beyond six months. Temporary workers expected to work a period of more than six months to a maximum of two calendar years may be hired as Leased Workers through a staffing agency.

Board approved 1/1/21

5-2-(2) Duration of Employment. The duration of employment of temporary workers depends on the nature of the temporary work.

- (a) Interns and temporary workers hired to provide seasonal or other temporary services may be employed for a period of up to six months. Temporary workers expected to work a period of more than six months to a maximum of twenty-four months may be hired as Leased Workers through a staffing agency.
- (b) Apprentices appointed through Denver Water's formal apprenticeship program may be employed for a maximum of thirty-six months.

5-2-(3) Leased Workers. Workers hired through a staffing agency. Leased workers are not employees of Denver Water.

Board approved 11/13/13

5-2-(4) Obtaining Services from Retirees. Former Denver Water employees who have retired under the Denver Water Employees' Retirement Plan are not eligible to be hired as temporary workers. If a Chief can establish that the retiree possesses specific knowledge or skills that cannot be easily found elsewhere in the labor pool, retirees may be hired through a staffing agency or pursuant to an agreement if the services to be provided by the retiree meet the criteria established by the Internal Revenue Service for an independent contractor.

Board approved 6/12/13

5-2-(5) Recruitment and Selection of Temporary Workers. Temporary workers must be hired using a competitive process in which more than one candidate is considered. If

a competitive process is not used, the hiring supervisor must provide a written justification to Human Resources. Human Resources is responsible for determining the method of recruiting and hiring temporary workers.

Board approved 11/25/09

5-2-(6) Post-Offer Requirements. A person offered a temporary position must complete a Denver Water application and undergo such post-offer screenings as Denver Water may require, which may include drug and alcohol screening. Denver Water may withdraw a job offer for any lawful reason.

5-2-(7) Compensation for Temporary Workers.

Board approved 11/25/09

- (a) Temporary workers will be paid in the pay range assigned to the Denver Water class description that best describes the duties the temporary worker is expected to perform.
- (b) Temporary workers are not eligible for pay increases during the term of their service unless a pay increase, not to exceed 5%, is recommended by a Chief and approved by Human Resources.
- (c) Temporary workers are not eligible for any benefits or paid leave, unless specifically required by law, except holiday pay as provided in these policies.

Board approved 1/1/21

- (d) Temporary workers are not eligible to compete for classified positions as bidders, but they may compete as applicants.

Board approved 11/25/09

5-2-(8) Termination of Temporary Employment.

- (a) Temporary workers may be terminated at any time for any lawful reason.
- (b) If a temporary worker is terminated before the expected term of service ends, the Chief will provide a written explanation of the reasons for the termination. The terminated worker may respond in writing to the Chief's explanation, but there is no right to appeal the termination.

Board approved 11/25/09

5-3. DISCRETIONARY EMPLOYEES.

5-3-(1) General Provisions. The Charter of the City and County of Denver authorizes the Board to establish a classification of employment for persons who are not part of the classified system, and who service solely at the pleasure of the Board. Discretionary

employees are at-will employees who may be hired without competitive assessment for discretionary positions. Discretionary positions, generally, are senior-level policymaking positions that report directly to the CEO/Manager or to a Chief, or positions held by lower-level employees whose actions could have broad organizational impact or put Denver Water at significant risk.

Board approved 01/09/19

5-3-(2) Pre-Employment Requirements. Before the appointment of an external candidate to a discretionary position, the candidate must complete a Denver Water employment application and pass a post-offer physical, drug and alcohol screening and background checks.

5-3-(3) Benefits for Discretionary Employees. Discretionary employees receive the same benefits as regular employees, and such additional benefits as approved by the Board.

5-3-(4) Rights of Discretionary Employees.

- (a) Employees first appointed to discretionary positions are employees at will and may be terminated by the CEO/Manager for any lawful reason, with or without cause. They may object in writing to the termination, but there is no right of appeal.
- (b) Regular employees who accept appointment to discretionary positions on or after February 10, 2022 are employees at will and may be terminated by the CEO/Manager for any lawful reason, with or without cause. They may object in writing to the termination, but there is no right of appeal.
- (c) Regular employees whose positions are reclassified by the Board as discretionary, as well as regular employees who accepted appointment to discretionary positions prior to February 10, 2022 are subject to corrective action, up to and including termination, as specified in Chapter 11. In addition, these discretionary employees may be removed by the CEO/Manager from their discretionary positions without cause. When removed without cause, these employees retain the right to return to their former classified position or, if no longer available, to a comparable position at a pay grade and pay rate no lower than the position held prior to appointment to the discretionary position. The employee must meet the education, experience, and bona fide special requirements of the classified position.

Board approved 2/10/22

CHAPTER 6 – DRUG AND ALCOHOL POLICIES

Board approved 06/10/15

6-1. DRUG AND ALCOHOL POLICIES AND DEFINITIONS.

6-1-(1) Policy Statement. Denver Water prohibits the “Illicit Use of Drugs,” “Impairment by Alcohol,” “Use of Alcohol” and “Use of Marijuana” as defined in this policy. An employee who violates this policy is subject to corrective action up to and including termination.

6-1-(2) Definitions. For purposes of these policies, the following definitions will apply.

- (a) **“CDL Employee”** is an employee whose position description requires a commercial driver’s license.
- (b) **“Marijuana”** includes marijuana authorized for possession and use in the state of Colorado, including by a holder of a valid Medical Marijuana Registry Identification Card or other authorization to lawfully possess marijuana.
- (c) **“Refusal to Test”** means the refusal of an employee to provide a breath or urine sample as required under these policies (observed or non-observed) is considered a refusal to test, and, for CDL drivers, all refusals to test are considered a positive test by FMCSA 49 CFR Part 382.
- (e) **“Use of Alcohol”** means an employee tested under this policy has an alcohol concentration of more than 0.02 grams of alcohol per 210 liters of breath or per 100 milliliters of blood but is not “Impaired by Alcohol.” “Use of Alcohol” also means the consumption of alcohol or the possession of alcohol in open or unsealed containers on Denver Water property (excluding Denver Water provided housing), in Denver Water vehicles, or in an employee’s personal vehicle if being used for Denver Water business purposes.

There is one exception to the Use of Alcohol policy. An employee may consume alcohol that is provided during a Denver Water sanctioned private, or special event held at a Denver Water facility, outside of their normal working hours, while not on duty and not on call, and so long as the employee is not impaired by or under the influence of alcohol. Private, special functions or events are defined in Denver Water’s Enterprise Policies. Employees are prohibited from bringing and consuming their own alcohol to such events. Should an employee choose to consume alcohol at a Denver Water sanctioned private or special event, they assume all responsibility for the consequences of their conduct and are prohibited from operating a Denver Water vehicle or equipment and from using their personal vehicle for Denver Water business during or after such consumption of alcohol.

Board approved 2/10/22

- (f) **“Use of Marijuana”** means an employee tested for drugs under this policy tests positive for marijuana, and the consumption or possession of marijuana on Denver Water property, in Denver Water vehicles, or in an employee’s personal vehicle if being used for Denver Water business purposes.

Board approved 3/26/14

6-2. CORRECTIVE ACTION FOR VIOLATIONS OF DRUG AND ALCOHOL POLICY.

6-2-(1) Corrective Action. Employees are subject to corrective action for any violation of Denver Water’s drug and alcohol policies. Corrective action may be based on the results of drug and alcohol tests conducted by Denver Water or by any federal, state, or local officials having independent authority to test the employee for drug and alcohol use.

6-2-(2) Termination Mandatory. An employee will be terminated if any one of the following conditions is met:

- (a) A drug or alcohol test required by this policy determines the employee engaged in the Illicit Use of Drugs or Use of Marijuana or was Impaired by Alcohol, and the employee holds a position that requires a driver’s license or is identified as Safety Sensitive.
- (b) A drug or alcohol test required by this policy determines the employee engaged in the Illicit Use of Drugs or Use of Marijuana or was Impaired by Alcohol” while operating a Denver Water vehicle or equipment or the employee’s personal vehicle on Denver Water business.
- (c) When referred for drug and alcohol testing, the employee refuses to submit to the required urine or breath specimen.
- (d) The employee refuses to authorize the release of drug or alcohol testing results performed by a non-Denver Water health care provider after an accident for which the employee may be at-fault, or
- (e) The employee tampers with or attempts to tamper with a urine or breath specimen collected for testing.

Board approved 3/26/14

6-3. DRUG AND ALCOHOL TESTING.

6-3-(1) Consent to Drug and Alcohol Testing. As a condition of employment, Denver Water may require employees to submit to breath alcohol, oral fluids and urine drug testing as described below.

6-3-(2) Confidentiality of Test Results. Employee drug and alcohol test results will be kept confidential to the extent required by law. Employee Health Services is the custodian of records related to drug and alcohol tests.

6-3-(3) Random Drug and Alcohol Testing. CDL and Safety Sensitive employees, as determined by class or position requirements, are subject to random drug and alcohol testing. When called for random testing, employees are to report immediately for testing to the Employee Health Clinic. Supervisors will be responsible for regular review of job class or position requirements and must notify the Director of Human Resources should the duties substantially change requiring a reassessment of the Safety Sensitive designation.

Board approved 6/10/15

6-3-(4) Periodic Drug and Alcohol Testing. CDL employees are subject to biennial drug and alcohol testing in conjunction with the biennial medical examinations required for a commercial driver's license.

Board approved 6/10/15

6-3-(5) Reasonable Suspicion Testing. Any Denver Water employee must submit to immediate drug and alcohol testing if reasonable suspicion exists to believe that the employee may be using drugs or alcohol in violation of this policy. Reasonable suspicion may be based on visual or other evidence that an employee is under the influence of or using or possessing drugs or alcohol at the workplace. Indications of drug or alcohol use include but are not limited to slurred speech; lack of balance; excessive aggressiveness, docility, or drowsiness; the detection or smell of drugs or alcohol; an employee's unusual demeanor, appearance, or conduct; irrational, threatening or violent behavior. Reasonable suspicion testing requires prior approval by any supervisor or designee who has received training in accordance with the federal Department of Transportation in the identification of the circumstances and indicators that may create reasonable suspicion that an employee is using or is under the influence of alcohol or illicit drugs as defined by this policy.

Board approved 4/25/18

- (a) **Timing and Location of Drug and Alcohol Testing.** Drug and alcohol tests required under this Section should be performed *as soon as possible* after the determination that reasonable suspicion testing is appropriate.
 - (i) If alcohol testing is not performed within two hours of a reasonable suspicion determination, the reason for the delay must be documented by the persons involved in the determination. The documentation will be kept by Employee Health Services. Contribution to the delay by a Denver Water employee is cause for corrective action.

- (ii) Drug and alcohol testing of employees will be performed by Employee Health Services, or another testing facility approved by Employee Health Services.
- (iii) If testing is delayed more than eight hours after the determination of reasonable suspicion, drug testing, but not alcohol testing, will be performed.

6-3-(6) Post-Accident and Post-Incident Testing. Any Denver Water employee may be subject to immediate drug and alcohol testing after an on-the-job accident or incident involving a Denver Water motor vehicle, equipment, property or personnel or involving the employee's personal vehicle while on Denver Water business.

- (a) Unless unable to do so because of a serious injury, an employee involved in an on-the-job accident or incident must immediately report it to a supervisor or to a Denver Water dispatcher who will notify the employee's supervisor and the Safety Manager.
- (b) The Safety Manager or designee determines whether an employee must submit to post-accident or post-incident drug and alcohol testing. Post-accident and post-incident testing are permissible under the following circumstances:
 - (i) There is a reasonable suspicion that the employee is under the influence of drugs or alcohol;
 - (ii) The employee receives a citation (or there is other reasonable indication of the employee's fault) and there is bodily injury or fatality;
 - (iii) The employee receives a citation, and one or more vehicles incur disabling damage requiring the vehicle to be towed from the scene
 - (iv) The employee suffers an on-the-job injury requiring a visit to a medical provider and there is other reasonable indication of the employee's fault; or
 - (v) The employee failed to follow operational or safety protocol, causing or potentially causing a serious operational incident.
- (c) An employee subject to drug and alcohol testing after an accident or incident will be escorted to Employee Health Services or other approved testing facility for immediate testing and may not use alcohol until the alcohol test is performed, or until eight hours after the accident or incident, whichever is first.

Board approved 1/1/21

- (d) If seriously injured because of an accident or incident and unable to provide a sufficient breath or urine sample, the employee must authorize the release of medical records to determine if alcohol or drugs were detected. An employee who fails to immediately report any accident or an incident resulting in a serious injury, or who refuses to release medical records of drug and alcohol tests under these circumstances will be subject to corrective action up to and including termination.

6-3-(7) Post-Accident Testing for CDL Drivers. A Denver Water employee who is required to have a CDL will be tested for drug and alcohol post-accident according to these Personnel Policies and according to federal Department of Transportation regulations when an accident results in any of the following, regardless of whether the driver receives a citation:

- (a) Human fatality.
- (b) Bodily injury with immediate medical treatment on scene or away from the scene; or
- (c) Disabling damage to any motor vehicle requiring towing.

Such post-accident drug testing must be completed within 32 hours after the accident and alcohol testing must be completed within two hours after the accident. If the test must be delayed, the reason for the delay must be documented by the persons involved in the determination. The documentation will be kept by Employee Health Services. Contribution to the delay by a Denver Water employee is cause for corrective action. If testing is delayed more than eight hours after the accident, drug testing, but not alcohol testing will be performed.

Board approved 1/1/21

6-3-(8) Return to Work After Drug and Alcohol Testing. An employee's return to work after being required to submit to drug and alcohol testing is dependent on such factors as the employee's job description, the results of testing, and the reason for the testing.

- (a) **Return to Work After Reasonable Suspicion or Post-Accident Drug and Alcohol Testing.** An employee referred for drug and alcohol testing based on reasonable suspicion, or an accident may not return to work until released to return to work by Employee Health Services. Time off work under this section will be paid.
- (b) **Return to Work After Random or Biennial Alcohol Testing.** An employee referred for random or biennial alcohol testing may return to work immediately after alcohol test results are obtained except under the following circumstances:

- (i) Any employee Impaired by Alcohol will be suspended with pay pending corrective action,
- (ii) CDL and Safety Sensitive employees and any employee whose position requires driving whose alcohol test results indicate the Use of Alcohol, will be required to use PTO or personal leave until a breath alcohol test indicates an alcohol concentration below 0.02 grams of alcohol per 210 liters of breath or per 100 milliliters of blood.
- (iii) Or, when substantial safety concerns are at stake.

Board approved 7/13/16 effective 1/1/17

- (c) **Return to Work Pending Results of Random or Biennial Drug Testing.**
An employee may return to work pending Denver Water's receipt of drug test results.

Board approved 6/10/15

CHAPTER 7 - EMPLOYEE BENEFITS

7-1. BENEFIT MAINTENANCE.

7-1-(1) Denver Water provides benefits to employees in accordance with general practices as determined by the Director of Human Resources and approved by the Board.

7-1-(2) Benefits maintained by the Board include the Employees' Retirement Plan of the Board of Water Commissioners, Denver Water Supplemental Retirement Savings Plan, Denver Water 457 Deferred Compensation Plan, medical and dental benefits plans, long and short-term disability benefits plans, life insurance, a flexible spending account program, mileage allowance, payment for meals and lodging, and a credit union.

Clarified 04/10/15

7-1-(3) Human Resources will provide benefits information to employees regarding employee eligibility for and coverage provided by Board provided benefit plans and programs.

7-2. BENEFITS FOR DOMESTIC PARTNERS.

7-2-(1) Eligibility Requirements. Denver Water provides certain benefits to domestic partners of employees if the employee and their domestic partner was approved for benefits prior to 11/9/16.

7-2-(2) Termination of Domestic Partnership. An employee who is receiving domestic partner benefits must notify Human Resources immediately if the domestic partnership is terminated.

A domestic partnership is terminated when one or both partners file a certificate of termination of committed partnership with the clerk of the City and County of Denver; gives written notice to the other partner that they are terminating the partnership; dies; marries, enters a domestic partnership or civil union with another person, or no longer shares a common residence with the other partner.

Board approved 11/9/16

7-3. PAID TIME OFF.

7-3-(1) Accrual of PTO. Introductory and regular employees accrue PTO leave commencing with the beginning of continuous employment. Except for the PTO Cash Conversion described in this section and the payment of accrued leave at the time of termination, PTO is to be used to take time off work and cannot be converted to additional pay. Employees accrue PTO each pay period in which the employee has

worked or used paid leave, pursuant to the schedules below. The PTO accrual rate is based on months of Denver Water service except as described in paragraph (d) below.

- (a) **Full-Time Employees.** PTO accrues at the following rates for full-time employees:

Months of Denver Water Service (plus credit per paragraph (d) below)	Annual Full-time PTO Accrual Rate
0 – 48 Months	104 hours per year
49 – 108 Months	144 hours per year
More than 108 Months	184 hours per year

- (b) **Part-Time Employees.** PTO accrues at the following rates for employees who are scheduled to work 20 hours or more per week:

Months of Denver Water Service (plus credit per paragraph (d) below)	Scheduled Work Hours Per Week	Annual Part-Time PTO Accrual Rate
0 – 48 Months	20-29	52 hours per year
	30-39	78 hours per year
49 – 108 Months	20-29	72 hours per year
	30-39	108 hours per year
More than 108 Months	20-29	92 hours per year
	30-39	138 hours per year

- (c) **PTO Accrual Rates for Rehired Denver Water Employees.** Former Denver Water employees who are rehired receive credit for months of past Denver Water service.
- (d) **PTO Accrual Credit for Relevant Job Experience at Time of Hire.** The PTO accrual rate for introductory employees will be adjusted based on the newly hired employee’s months of relevant job experience as determined by Human Resources based on information provided at the time of hire.

7-3-(2) Payment of Accrued PTO Upon Termination. Upon termination of employment, a lump sum payment for accrued PTO will be made to the employee. If the employee has died, the payment will be made to the employee’s estate. Employees may not use accrued PTO to postpone a termination or retirement date. Any employee or supervisor contributing to misuse of PTO is subject to corrective action.

7-3-(3) Maximum PTO Accruals. Employees are strongly urged to use available PTO. PTO may be accumulated up to a maximum of 480 hours for full-time employees, 360 hours for employees who work 30-39 hours per work week, and 240 hours for employees who work 20-29 hours per work week. An employee who accumulates the

maximum number of PTO hours will cease to accrue additional hours including PTO hours converted to cash under § 7-3-(5), until the PTO balance is reduced.

7-3-(4) Approval of PTO Required. An employee must obtain supervisory approval prior to using PTO for scheduled and predictable absences, except as needed for employee protection leave. A supervisor may limit or adjust PTO schedules to meet operational needs.

7-3-(5) PTO Cash Conversion. In any given year (“Election Year”), regular and discretionary full-time employees may elect to convert into a cash payment 40 or 80 hours of the PTO hours that they would otherwise accrue in the following year (“Cash Out Year”). Part-time employees may elect to convert 40 hours.

- (a) Eligibility for PTO Cash Conversion. To be eligible for PTO cash out, a full-time employee must have a minimum of 160 hours of accrued PTO at the time of the cash out election. A part-time employee must have a minimum of 80 hours of accrued PTO at the time of the cash out election.

Board approved 8/14/19

- (b) An employee’s decision to convert future PTO accruals into cash must be made in writing during the Election Year. The decision to convert is irrevocable and cannot be reversed. The PTO Restricted hours will be paid in the employee’s last paycheck of the Cash Out Year. Except in the case of death of the employee, the PTO restricted will be forfeited if the employee terminates, voluntarily or involuntarily, during the Cash Out Year.

- (c) PTO hours not converted to cash during the Election Year will be accrued as usual during the Cash Out year. PTO hours not converted will be considered accrued leave for purposes of payment upon termination under 7-3-(2) and of calculating maximum PTO accrual under 7-3-(3).

Board approved 7/13/16 effective 1/1/17

Board approved 9/26/18

7-4. HOLIDAYS.

7-4-(1) The holidays observed by Denver Water are:

New Year's Day January 1
Martin Luther King, Jr. Day 3rd Monday in January
President’s Day 3rd Monday in February
Cesar Chavez Day Last Monday in March
Memorial Day Last Monday in May
Juneteenth June 19
Independence Day July 4
Labor Day First Monday in September

Veteran's Day November 11
Thanksgiving Day Fourth Thursday in November
Christmas Day December 25

7-4-(2) If a holiday falls on Sunday, it will be observed on the following Monday. If a holiday falls on Saturday, it will be observed on the preceding Friday. If a holiday falls on any other day of the week, it will be observed on that day.

7-4-(3) Introductory, regular, and part-time employees who are scheduled to work 20 hours or more per week are entitled to holiday leave on the following basis:

Scheduled Hours Per Week	Holiday Leave Rate
20 – 29	4 hours
30 – 39	6 hours
40 or More	8 hours

To be eligible for holiday leave, holiday pay or a deferred holiday, a nonexempt employee must either have worked or used paid leave the scheduled workdays before and after the holiday. An exempt employee will receive holiday leave unless they were on unpaid leave during the whole work week in which the holiday falls. Nonexempt employees who are regularly scheduled to work more than 8 hours a day, including shift workers and employees working an alternative work schedule, receive the same pro-rated holiday leave stated above, and, with supervisor approval, may either use PTO or personal leave to make up unpaid work hours on a holiday or work additional hours on another day during the same work week to make up hours.

Board approved 4/25/18

7-4-(4) Working on a Holiday.

(a) Definitions:

- (i) “Holiday Pay”** means pay earned by a Non-Exempt employee who must work on a holiday or whose regular day off is a holiday. Holiday pay is not counted as "hours worked" for the calculation of regular overtime.
- (ii) “Deferred Holiday Leave”** means leave received by a Non-Exempt employee who must work on a holiday or whose scheduled day off is a holiday, and who does not elect to receive holiday pay. Deferred holiday leave is not to exceed eight hours even when the employee is regularly scheduled to work more than eight hours in a day, including shift workers and employees on an alternative work schedule, is to be used in the same payroll calendar year earned and will not be rolled over into a following year, and is not counted as "hours worked" for the calculation of

regular overtime. Deferred holiday leave is used to take time off work and once elected, cannot be converted to additional pay.

- (b) **Scheduled Work on a Holiday.** Non-Exempt employees scheduled to work on a holiday are paid at the regular rate of pay and, in addition, may elect to receive holiday pay or deferred holiday leave.
- (c) **Unscheduled Work on a Holiday.** Non-Exempt employees not scheduled to work on a holiday but called in to work are paid at one and one-half times the regular rate of pay and, in addition, may elect to receive holiday pay or deferred holiday leave.
- (d) **Holiday Falls on a Regularly Scheduled Day Off.** Non-Exempt employees whose regularly scheduled day off falls on a holiday may elect to receive holiday pay or deferred holiday leave.

Board approved 7/13/16 effective 1/1/17

7-4-(5) Holiday Leave for Temporary Employees. Holiday leave is granted to a temporary worker who works the normally scheduled number of hours on the workday before and after a holiday, and who was employed a minimum of 20 calendar days prior to the holiday.

7-4-(6) Holiday on Non-Scheduled Workday. To receive holiday leave when a holiday falls on a non-scheduled workday, employees shall take one scheduled day or, if part-time, a partial day off during the same week in which a holiday falls. At the discretion of the supervisor, a part-time Non-Exempt employee may work additional hours during a week in which a holiday occurs. Part-time exempt employees are not paid for more than the regularly scheduled number of hours per week.

Board approved 4/25/18

7-5. PAID PERSONAL LEAVE.

7-5-(1) Introductory, regular, and discretionary employees receive the following paid personal leave hours on the first day of each payroll calendar year:

Scheduled Work Hours Per Week	Personal Leave Hours
20 – 29	36 hours
30 – 39	54 hours
40 or more	72 hours

New hires will receive pro-rated paid personal leave starting with month of hire at a rate of six hours per month for full-time employees; four and a half hours per month for

employees who work 30-39 hours per week, and three hours per month for employees who work 20-29 hours per week. Personal leave is used to take time off work and cannot be converted to additional pay. Exempt and Non-Exempt employees may use personal leave in any increment; however, exempt employees are not required to use personal leave for partial day absences unless required by Human Resources for FMLA purposes.

Non-substantive change 1/23/19

7-5-(2) Approval of Personal Leave Required. An employee must obtain supervisory approval prior to using personal leave for scheduled and predictable absences, except as needed for employee protection leave. A supervisor may limit or adjust personal leave schedules to meet operational needs.

7-5-(3) No Rollover of Personal Leave. Paid personal leave must be used before the end of each payroll calendar year in which it was received. Any unused personal leave is forfeited at the end of the payroll calendar year and is not rolled over into the next year.

Non-substantive change 1/23/19

7-5-(4) Personal Leave at Termination and Retirement. Unused personal leave is forfeited and not paid out upon separation of employment.

Board approved 7/13/16 effective 1/1/17

7-6. FAMILY AND MEDICAL LEAVE.

7-6-(1) Family and Medical Leave.

- (a) **General Provisions.** Family and Medical Leave provides job protection for qualifying employees and is unpaid. An eligible employee is entitled to a total of 12 work weeks of unpaid family and medical leave for the reasons listed below, during any rolling 12-month period. To be eligible, an employee must have been employed by Denver Water for at least 6 months. A “rolling” 12-month period is measured backward from the date an employee uses FMLA leave.
- (i) An employee will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions upon returning from a family and medical leave.
 - (ii) Employees who are on an approved family and medical leave may not work for another employer unless approved under Denver Water’s policy on Outside Employment, § 2-12-(6).
 - (iii) Any leave designated as family and medical leave will be deducted from the allotted 12 weeks in the rolling 12-month family and medical leave period.

- (b) **Reasons for Family and Medical Leave.** An employee may be eligible for family and medical leave if the employee's absence from work is due to one of the following reasons:
- (i) Birth of an employee's child and care of such child within 12 months after birth.
 - (ii) Placement of a child with the employee for adoption or foster care within 12 months after placement.
 - (iii) Care for an employee's family member with a serious health condition. Individuals specified in the definition of "family member" in the FMLA are covered by this section.
 - (iv) The employee's own serious health condition if it results in the employee being unable to perform job functions.
- (c) **Serious Health Condition Defined.** A "serious health condition" is:
- (i) An illness, injury, impairment, or physical or mental condition that involves overnight inpatient care in a medical treatment facility and any resulting period of incapacity;
 - (ii) Any period of incapacity longer than three consecutive workdays, due to a health condition that requires continuing care or supervision by a health provider. Continuing care means at least two visits to a health care provider within 30 days of the start of the period of incapacity; or
 - (iii) Any period of incapacity due to pregnancy, prenatal care, or a chronic serious health condition.
- (d) **Notification Requirements.** An employee who intends to be absent, or is absent, for more than three consecutive workdays for a serious health condition as determined by the third-party administrator, must request family and medical leave. If the leave is foreseeable, the employee must provide 30 days advance notice to their supervisor and the third-party administrator. If leave is not foreseeable, the employee must provide notice as soon as practicable.
- Board approved 6-10-09
- (e) **Use of Accrued Leave.** Before using leave without pay, employees on family and medical leave, except those on a leave for a worker's

compensation injury or illness or those receiving short-term disability benefits, must reduce Personal Leave and accrued PTO to a total of 80 hours. Employees receiving short-term or long-term disability benefits from a third-party administrator may elect to use accrued PTO or personal leave to supplement their short-term or long-term disability income. Use of accrued leave does not extend the approved family and medical leave period.

- (f) **Family Leave for Birth, Adoption or Foster Care Placement When Both Parents Work at Denver Water.** Employees who are married or domestic, or civil union partners may each take up to 12 weeks of family and medical leave for the birth, adoption, or foster care placement of a child.

Board approved 2/11/15

- (g) **Continuation of Employee Benefits.** During an approved family and medical leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of coverage. If an employee fails to return to work after unpaid family and medical leave, the employee must reimburse Denver Water for its share of the cost of coverage, unless the employee's failure to return to work is caused by the continuation, recurrence, or onset of a serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner, or parent, by the employee's retirement, or by circumstances beyond the employee's control.

Board approved 9/11/13

- (h) **Return to Work After Family and Medical Leave.** Before returning to work after a family and medical leave for their own serious health condition, an employee who returns to work with work restrictions must provide Human Resources and third-party administrator with a completed and signed Fitness for Duty Form. An employee with work restrictions who fails to provide the required form will not be allowed to return to work until the form is provided. A Chief may deny reinstatement to an employee who fails to return to work when no longer eligible for family and medical leave.

Board approved 6/10/09

- (i) **Reduced Leave Schedule or Intermittent Family and Medical Leave.**

Subject to prior written approval by the employee's Chief, a full-time regular employee may work a reduced leave schedule after the birth of the employee's child or placement of a child with the employee for adoption or foster care. Approval of a reduced leave schedule or use intermittent leave. for this purpose is subject to the

following limitations:

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- Approval of a reduced leave schedule is not guaranteed but subject to operational needs, the employee's attendance record, the employee's accrued leave balances, and other job-related criteria.

7-6-(2) Military Family Leave.

- (a) **General Provisions.** Employees who are employed by Denver Water for at least 6 months are eligible for unpaid military leave. An eligible employee is entitled to either 12 or 26 weeks of military family leave, for the reasons listed below.
- (b) **Reasons for Military Family Leave.** An employee may be eligible for military family leave if an employee's absence from work is due to one of the following reasons:
- (i) The employee's absence is due to a qualifying exigency as defined by applicable federal law, or
 - (ii) To care for the serious injury or illness of the employee's spouse, son, daughter, parent or next of kin who is a covered service member as defined by applicable federal law.
- (c) **Use of Accrued Leave.** Employees on military family leave must reduce Personal Leave and accrued PTO to a total of 80 hours before using leave without pay. Use of accrued leave does not extend the military family leave period allowed.
- (d) **Military Family Leave for Married Employees.** Spouses who are both employed by Denver Water and who are eligible for military family leave to care for the serious injury or illness of a covered service member are limited to a combined total of 26 work weeks of leave during the single 12-month period.
- (e) **Continuation of Employee Benefits.** During an approved military family leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of health care coverage. If an employee fails to return to work after unpaid military family leave, the employee must reimburse Denver Water for its share of the cost of coverage, unless the employee's failure to return to work is caused by the continuation, recurrence, or onset of a

serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner's child, or parent, by the employee's retirement, or by circumstances beyond the employee's control.

Board approved 9/11/13

- (f) **Return to Work After Military Family Leave.** Employees are reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions upon returning from military family leave.
- (g) **Reduced Leave Schedule or Intermittent Military Family Leave.** An employee eligible for military family leave for the serious injury or illness of a covered service member relative can request a reduced work schedule or intermittent leave applied against the leave available during the 12-month period.
 - (i) The employee will receive health benefits but will be paid only for hours worked.
 - (ii) Exempt and Non-Exempt employees on a reduced leave schedule or taking intermittent leave must use accrued PTO or personal leave to make up the difference between full compensation and reduced pay not to exceed the employee's regular compensation.
Board approved 7/13/16 effective 1/1/17
 - (iii) Denver Water may temporarily transfer an employee working a reduced work schedule or taking regularly scheduled intermittent leave to an available, alternative position with the same hourly rate of pay and benefits.
Board approved 6/10/09

7-7. LEAVE WITHOUT PAY.

7-7-(1) Under extraordinary circumstances or as a request for accommodation, a Chief may grant an employee leave of absence without pay. Approval of a leave request depends on anticipated operational requirements, staffing considerations, and a record indicating the employee to be an effective and valued employee. Before a leave without pay is taken, the employee must exhaust all accrued PTO and paid personal leave.

7-7-(2) All leave without pay must be for a specified period. An employee who fails to return to work at the end of the approved leave period, or to secure approval for extension of the leave, will be considered to have voluntarily resigned.

7-7-(3) A leave without pay of more than 10 consecutive workdays may affect an employee's benefits. Employees do not accrue PTO during unpaid time off and must make arrangements with Human Resources for the payments required during the leave period to continue medical and other benefits.

Board approved 7/13/16 effective 1/1/17

7-8. ADMINISTRATIVE LEAVE.

7-8-(1) Purposes of Administrative Leave.

- (a) **Extensive Hours Worked.** Exempt positions at Denver Water may require the performance of work beyond traditional work hours to meet organizational objectives. Although exempt status carries with it the expectation to work extra hours without extra compensation or compensatory time, administrative leave may be approved for an exempt employee who has worked extensive hours beyond a normal work schedule.
- (b) **Extraordinary Contributions.** A supervisor may approve administrative leave to recognize exempt and Non-Exempt employees for making extraordinary contributions. Extraordinary contributions are efforts outside an employee's normal job duties that contribute to Denver Water's organizational objectives or strategic plan.
- (c) **Other Purposes.** Administrative leave granted for any other purposes requires the prior approval of the Director of Human Resources.

7-8-(2) Approval Process and Limitations on Use of Administrative Leave.

- (a) The CEO/Manager or the appropriate Chief is responsible for approving administrative leave for employees under their supervision, and for maintaining consistency and fairness in the granting of Administrative Leave.
- (b) Administrative leave does not count toward overtime for nonexempt employees.
- (c) Employees must take administrative leave within twelve months of being granted.

Board approved 8/27/14

7-9. INJURY LEAVE AND WORKERS' COMPENSATION

7-9-(1) Denver Water provides a comprehensive worker's compensation insurance program which covers accidental injury, illness, or death arising out of and during employment. The Colorado Worker's Compensation Act provides a three-day waiting period before payment under the program. During this three-day period, an employee is granted injury leave at regular pay. An employee with a work-related illness or injury may qualify for family and medical leave as defined in these policies.

7-9-(2) While off work and receiving worker's compensation income, an employee may elect to use accrued PTO or personal leave to supplement the weekly workers' compensation income. An employee with a work-related injury or illness who qualifies for family and medical leave is exempt from the requirement in these policies to reduce PTO to 40 hours.

Board approved 8/14/19

7-9-(3) Except in life threatening situations, an employee injured on the job must go to Denver Water's Employee Health Services or an area treatment facility approved by Employee Health Services to be eligible for worker's compensation income. After initial treatment, an employee will be referred to Denver Water's authorized worker's compensation physician.

7-9-(4) Light Duty. Denver Water provides a light duty program to facilitate an employee's rehabilitation and return to work following a work-related injury or illness. If an employee is released by a physician to return to a light duty position, but not to the employee's previous or equivalent duties, the employee must accept the modified duty assignment to remain eligible for income under the Colorado Workers' Compensation Act. When an employee's income ceases because the employee has declined a light duty assignment, the employee must use accrued PTO.

Board approved 7/13/16 effective 1/1/17

7-9-(5) Light duty is temporary and designed to last only until the employee reaches Maximum Medical Improvement (MMI) under the Colorado Worker's Compensation Act, or until the employee can return to work at the employee's regular job. However, modified duty normally will last no longer than one year. The Chief may extend modified duty in consultation with Human Resources. An employee participating in the light duty program must abide by the terms and conditions of the program.

7-9-(6) If an employee is unable to return to the employee's regular position after a modified duty assignment has ended, the employee may seek a reasonable accommodation through the Disability Review Process.

7-10. BEREAVEMENT LEAVE

7-10-(1) Bereavement leave is for an employee's personal needs and use is subject to the approval of the employee's supervisor. Full-time employees are eligible for up to thirty-two (32) hours of paid leave for the death of a family member or other person. Employees are responsible for requesting the amount of leave needed. Documentation may be required when deemed necessary by the supervisor.

Board approved 2/10/22

An employee with the supervisor's approval may use available PTO and personal leave for additional time off. Part-time employees also receive bereavement leave on the following basis:

Board approved 7/13/16 effective 1/1/17

Scheduled hours per week	Bereavement Hours
20-29	16
30-39	24

7-11. JURY AND WITNESS DUTY LEAVE.

7-11-(1) Any introductory or regular employee who is subpoenaed to appear as a non-party witness or summoned to jury service will be granted leave with pay to perform such duties. Denver Water temporary employees are given leave with pay for up to three days for jury duty. Each employee requesting jury or witness duty leave must provide their supervisor with a Juror Service Certificate or other documentation establishing the dates of juror or witness service.

Board approved 3/14/12

7-11-(2) If an employee is summoned to testify as a witness of Denver Water because of a job-related event or on behalf of Denver Water, the employee will receive regular pay during witness duty and is not eligible to receive other payment.

7-12. MILITARY LEAVE.

7-12-(1) Paid Military Leave. An employee who is a member of the National Guard or any other component of a state or federal military force, will be granted a paid military leave not to exceed a total of 15 working days in any one calendar year for military related training or active service ordered or authorized by the proper authorities.

- (a) An employee on a military leave of 15 working days or fewer will continue to receive all Denver Water benefits for which the employee is enrolled at the time of leave, including accrual of PTO.

Board approved 7/13/16, effective 1/1/17

- (b) An employee taking paid military leave must submit military leave orders and pay vouchers to the Payroll Section within 30 days of returning from leave.

7-12-(2) Extended Military Leave. An employee who is required by the proper authority to perform more than 15 working days of military service in any calendar year is entitled to use accrued PTO or Personal Leave or may take leave without pay for the additional required service.

7-12-(3) Benefits During a Military Leave Without Pay. During an unpaid military leave, an employee may elect to continue participation in any benefit programs in which the employee was enrolled at the commencement of leave by paying the employee's and Denver Water's share of premiums for those benefit programs. During such leave, the employee will accrue retirement service credits.

7-12-(4) Return from Military Leave Without Pay. An employee returning from unpaid military leave is entitled to reemployment if they comply with the provisions set forth in the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Sections 4301-4335. Reemployment means that the employee will be returned to a position in the same or higher class at the same or higher pay grade occupied before the term of unpaid military leave.

- (a) If an employee is unable to work after discharge from military service due to physical or mental conditions resulting from military service, military leave without pay is extended for a period not to exceed two years after discharge. An employee seeking to return to work under these circumstances must report to Denver Water within the two-year period.
- (b) An employee who returns to work after an unpaid military leave with restrictions due to physical or mental conditions may seek a reasonable accommodation under the Disability Review Process.

Board approved 7/13/11

7-13. EDUCATIONAL REIMBURSEMENT PROGRAM

7-13-(1) Denver Water offers educational reimbursement for tuition costs and fees for approved courses to regular employees who continue their education or vocational training. To be eligible for reimbursement the class must be related to the employee's current Denver Water position or will help the employee qualify for a Denver Water position with additional responsibilities.

- (a) **Eligibility for Reimbursement.** Prior to enrollment in a class, an employee must complete an application form and receive Human Resources' approval. Any changes to an employee's work schedule to accommodate a class or classes are subject to the supervisor's approval. To be eligible for educational reimbursement an employee must attain regular status no later than the final day of the class and must satisfactorily complete the course.

- (b) **Reimbursement.** The maximum reimbursement by Denver Water to a full-time employee is equal to the IRS tax exemption for tuition reimbursement² in any one calendar year. Employees receiving education reimbursement from other sources may not be eligible to receive full benefits. Regular part-time employees are eligible for a percentage of the maximum tuition reimbursement amount based on the employee’s regular part-time schedule.

Scheduled Hours Per Week	Maximum Tuition Refund
20 – 29	\$50%
30 – 39	75%

Board approved 1/1/21

7-14. EXPENSES INCURRED IN PERFORMANCE OF DUTIES.

7-14-(1) Ordinary Expenses.

- (a) If approved by the employee’s supervisor, expenses incurred by an employee in carrying out day-to-day job duties or in attending a conference or training will be reimbursed to the employee in accordance with Enterprise Policies, as modified from time to time.
- (b) An employee’s signature on an expense report is certification that all expenses claimed arose during performance of the employee’s duties within the scope of employment and are authorized by the employee’s supervisor. The supervisor’s signature on an employee’s expense report is supervisory authorization of the expenses on the report and their reimbursement.
- (c) A request for reimbursement of expenses already reimbursed or falsification of an expense report is cause for corrective action, up to and including termination.

7-14-(2). Legal Expenses.

- (a) Denver Water generally will provide legal services for employees in legal proceedings resulting from the performance of employment duties. Unless the employee’s act or omission was willful and wanton, Denver Water will provide legal representation and pay any judgment or settlement for claims brought against an employee arising from an act or omission of the employee occurring during the performance of the employee’s duties and within the scope of employment.

² Amount in 2020 is \$5250.00

- (b) Any employee subject to a legal proceeding under the conditions described in this section must notify the General Counsel immediately. The General Counsel will determine whether this Section applies to a particular claim. If so, the General Counsel will recommend to the Board that Denver Water provide legal representation and indemnification to the employee. If not, the General Counsel will so inform the employee.
- (c) The expense incurred by an employee in opposing or appealing corrective action against the employee is not covered by this Section. Except in rare circumstances, expenses arising in connection with traffic tickets or fines are not covered.

7-15. EMPLOYEE PROTECTION LEAVE.

7-15-(1) Employee Protection Leave. An employee who has been the victim of domestic violence, stalking, sexual assault, or any other crime involving an act of domestic violence, as Colorado law defines these terms, may be eligible for up to three days of leave for any one of the following reasons:

- (a) to seek a civil restraining order;
- (b) to obtain medical care or mental health counseling;
- (c) to make their home secure from attack by a perpetrator or to seek new housing;
- (d) to seek legal assistance or participate in related legal proceedings;
- (e) or to protect a child who has been the victim of domestic violence, stalking, or sexual assault.

7-15-(2) Eligibility. To be eligible for employee protection leave, an employee must have worked for Denver Water for at least 12 months and provided at least 1,000 hours of service during the 12-month period immediately prior to leave.

7-15-(3) Use of Accrued Leave. An employee must use any available PTO or paid personal leave during an employee protection leave. If no accrued PTO or personal leave is available, the leave will be unpaid.

Board approved 7/13/16 effective 1/1/17

7-15-(4) Notification Requirements. An employee requesting foreseeable employee protection leave must provide five working days advance notice to the Director of Human Resources. If employee protection leave is not foreseeable, the employee should provide notice as soon as practical. Human Resources will notify the supervisor if the leave is authorized.

7-15-(5) Denver Water may request the employee to provide verification of the purpose of the employee protection leave to the Director of Human Resources. All information regarding an employee's request for employee protection leave and verification will be kept confidential to the extent required by law.

7-16. COFAM LEAVE.

7-16-(1) COFAM Leave.

(a) General Provisions. COFAM is paid leave. An eligible employee is allowed up to 12 work weeks (additional 4 weeks if pregnancy complications) of paid leave for the reasons listed below, during any rolling 12-month period. To be eligible, an employee must have provided at least 80 hours of service to Denver Water and exhausted all but 80 total hours of paid leave (Personal and/or PTO). Employees are required to apply for short-term disability if eligible and the reason for leave is a qualifying event. Employees who are approved for short-term disability benefits are not eligible for COFAM leave.

- (i)** An employee will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms and conditions upon returning from a COFAM leave.
- (ii)** Employees who are on an approved COFAM leave may not work for another employer unless approved under Denver Water's policy on Outside Employment, § 2-12-(6).
- (iii)** Any leave designated as COFAM leave will be deducted from the allotted 12 weeks in the rolling 12-month COFAM leave period unless leave is for an injury or illness covered by worker's compensation.
- (iv)** COFAM leave runs concurrent with FMLA.

(b) Wage Replacement

- (i)** Wage replacement is at a rate of 70% of an employee's base weekly earnings up to a maximum of \$1500 per week.

(c) Reasons for COFAM Leave. An employee may be eligible for COFAM leave if the employee's absence from work is due to one of the following reasons:

- (i)** Care for a new child, including adopted and fostered children.

- (ii) Care of themselves if they have a serious health condition.
 - (iii) Care for a family member's serious health condition. Individuals specified in the definition of "family member" in the FMLA are covered by this section.
 - (iv) To make arrangements for a family member's military deployment
 - (v) Address the immediate safety needs and impact of domestic violence and/or sexual assault.
- (d) **Serious Health Condition Defined.** A "serious health condition" is:
- (i) An illness, injury, impairment, or physical or mental condition that involves overnight inpatient care in a medical treatment facility and any resulting period of incapacity.
 - (ii) Any period of incapacity longer than three consecutive workdays, due to a health condition that requires continuing care or supervision by a health provider. Continuing care means at least two visits to a health care provider within 30 days of the start of the period of incapacity; or
 - (iii) Any period of incapacity due to pregnancy, prenatal care, or a chronic serious health condition. Denver Water will approve family and medical leave based on health care provider information and applicable law.
- (e) **Notification Requirements.** An employee who intends to be absent, or is absent, for more than three consecutive workdays for a qualifying reason as determined by the third-party administrator, must request family and medical leave, if eligible. If the leave is foreseeable, the employee must provide 30 days advance notice to their supervisor and the third-party administrator. If leave is not foreseeable, the employee must provide notice as soon as practicable.
- (f) **Use of Accrued Leave.** Before using COFAM leave, an employee must reduce Personal Leave and accrued PTO leave to a total of 80 hours.
- (g) **Family Leave for Birth, Adoption or Foster Care Placement When Both Parents Work at Denver Water.** Employees who are married may each take up to 12 weeks of COFAM leave for the birth, adoption, or foster care placement of a child.
- (h) **Continuation of Employee Benefits.** During an approved COFAM leave, employees will receive benefits under the same conditions that apply to active employees, including payment of the employee's share of the cost of coverage. If an employee fails to return to work after COFAM leave, the employee must reimburse Denver Water for its share of the cost of benefit coverage, unless the

employee's failure to return to work is caused by the continuation, recurrence, or onset of a serious health condition of the employee or employee's spouse, domestic or civil union partner, child, child of domestic or civil union partner, or parent, by the employee's retirement, or by circumstances beyond the employee's control.

- (i) **Return to Work After COFAM Leave.** Before returning to work after a COFAM leave for their own serious health condition, an employee who returns to work with work restrictions must provide Human Resources and third-party administrator with a completed and signed Fitness for Duty Form. An employee with work restrictions who fails to provide the required form will not be allowed to return to work until the form is provided. A Chief may deny reinstatement to an employee who fails to return to work when no longer eligible for COFAM leave.

- (j) **Reduced Leave Schedule or Intermittent COFAM Leave.** Subject to prior written approval by the employee's Chief, an employee who is eligible for COFAM leave may work a reduced leave schedule or use intermittent leave. Approval of a reduced leave schedule is not guaranteed but subject to operational needs, the employee's attendance record, the employee's accrued leave balances, and other job-related criteria.

CHAPTER 8 – CAREER PROGRESSIONS, TRANSFERS, JOB EVALUATIONS, RESIGNATIONS, REDUCTIONS IN FORCE

8-1. CAREER PROGRESSION.

8-1-(1) Career Progression. Career progression provides upward mobility for regular employees in specific positions who, through normal training and career development, are expected to take on a broader workload and assume greater responsibility. Career progression is not based on tenure. Career progression is not used to fill a vacancy or if, because of a person being promoted by career progression, a vacancy would be created.

Board approved 08/23/17 and 2/10/22

8-1-(2) Career Progression Eligibility. An employee becomes eligible for career progression because of their own individual development and progress. Career progression requires written certification from the hiring manager or Chief that the candidate meets the minimum experience and educational requirements, and that work is available for the higher-level position in the class series.

Board approved 1/1/21 and 2/10/22

8-1-(3) Career Progression Requirements. The Director of Human Resources shall conduct whatever inquiry is necessary to determine whether justification exists to support career progression. Career progression is governed by the following policies and principles:

- (a) Promotion through career progression requires an overall performance evaluation rating of “thriving” or higher for the present position, and the immediate supervisor's written statement that the employee has demonstrated the ability to perform at least at the “thriving” level upon promotion to the higher position.
- (b) To be qualified to advance by career progression, an individual must meet the minimum requirements and any bona fide special requirements of the of the higher position.
- (c) Serving in a position eligible for career progression in no way guarantees that career progression will occur. Career progression is subject to budgeting restrictions and will be awarded only if there is work available at the higher level.
- (d) The Director of Human Resources shall periodically determine which job classifications shall be subject to career progression. The Director may determine that a specific position will not be subject to career progression even though it is within a career progression job classification.

8-2. TRANSFERS.

8-2-(1) Transfers. A transfer is the reassignment of a regular employee without a competitive process to a vacant position in a comparable pay grade. Transfers are a management prerogative to improve service or accomplish a specific purpose for the benefit of Denver Water and are not used to circumvent the normal competitive process. An employee must accept a management-initiated transfer so long as the requirements for transfer in this section are satisfied.

Board approved 1/9/08

8-2-(2) Transfers Within a Division. A Chief may transfer an employee to a different position within their division with a comparable pay grade if the employee meets the qualifications of the new position. Before such a transfer occurs, the Director of Human Resources must confirm that the positions have the same basic qualifications or that the employee meets the qualifications for the new position.

Board approved 1/9/08

8-2-(3) Transfers Between Divisions. An employee may be transferred to a position in the same or similar pay grade in a different Division if the employee meets the qualifications of the new position. An interdivision transfer requires the approval of both Chief(s). Before such a transfer occurs, the Director of Human Resources must confirm that the employee meets the qualifications for the new position.

Board approved 1/9/08

8-2-(4) Temporary Transfer. An employee may be transferred temporarily for a predetermined period with the understanding that the employee is to return to their former position. The duration of the temporary transfer shall be determined by the Chief(s) and approved by the Director of Human Resources.

Board approved 1/9/08

8-3. JOB EVALUATION FOR NEW OR CHANGED POSITION.

8-3-(1) Evaluation of New Position. When the CEO/Manager authorizes a new position, the Director of Human Resources shall perform a job evaluation to determine where it should fall within the Classification Plan.

8-3-(2) Justification for Job Evaluation. Whenever the duties or responsibilities of an existing position change substantially, the Chief will initiate a request to Human Resources for a job evaluation to determine if the position should be assigned differently in the Classification Plan. The employee's supervisor shall provide information on the duties and responsibilities of the position to support the job evaluation. The Director of Human Resources also may initiate a job evaluation of a position, or a group of positions, and may adjust them upward or downward within the

Classification Plan when warranted. In conducting a job evaluation, Human Resources shall perform a comprehensive review including but not limited to input from Chief(s), supervisor(s), and affected employee(s).

8-3-(3) Job Evaluation Decision. Prior to final approval or disapproval of a pay increase after a job evaluation, the Director of Human Resources will review the results with the employee's Chief. A determination by the Director of Human Resources concerning the classification of the position under review is final and is not subject to appeal.

Board approved 02/24/16

Previous Section 8-4 eliminated 8/27/14

Previous Section 8-5 eliminated 9/10/14

Previous Section 8-3-(4) eliminated 02/24/16

8-4. RESIGNATION.

8-4-(1) Advance Notice of Resignation. Except in the case of a Disability Resignation, to resign in good standing, an employee must provide at least 14 calendar days prior notice of resignation to their immediate supervisor. The CEO/Manager, a Chief or Section Manager may exempt an employee from this notice requirement under exceptional circumstances. Failure to provide the required notice may result in a denial of reemployment.

Board approved 2/10/22

8-4-(2) Withdrawal of Resignation. An employee may request to withdraw their resignation only if the employee submits a written request to the Chief within seventy-two (72) hours after the employee first gave notice and prior to their last scheduled day of work. The Chief may approve or deny the request.

Board approved 2/10/22

8-4-(3) Job Abandonment. An employee who without authorization fails to report to work for five consecutive working days, or who fails to return at the expiration of an approved leave, is considered to have voluntarily resigned. When this occurs, the Director of Human Resources shall write a letter to the former employee advising that the employee's resignation is accepted, and the position shall be immediately declared vacant. If within 15 calendar days of the date of the Director of Human Resources' letter, which shall be sent by regular mail to the former employee's last known address or by electronic mail, the former employee shows good cause, in writing, for the absence, and is ready and available to return to work, the appropriate Chief may direct that the voluntary resignation be withdrawn. A Notice of Corrective Action shall be issued to the employee and the Chief will determine the appropriate corrective action, if any.

8-5. REDUCTION IN FORCE.

8-5-(1) Necessity for Reduction in Force. The Board has a public responsibility to its customers and its employees to maintain proper staffing levels. Changes in operations

or economics over time may require reductions in force. The Board determines the need for reductions in force considering alternatives such as voluntary attrition.

8-5-(2) Retention of Regular Non-Exempt Employees. Reductions in force shall be determined among regular employees who are supervised by a single Director. If a job classification subject to reduction in force contains more than one incumbent supervised by a single Director, the Director, and the appropriate Chief, in consultation with Human Resources, shall weigh the following factors to determine which Non-Exempt employees within that job classification to retain:

- (a) Seniority in the job classification within the affected section.
- (b) Performance evaluations over the previous five years.
- (c) Discipline, safety, and attendance records; and
- (d) Special skills or competencies.

Board approved 08/23/17

8-5-(3) Retention of Regular Exempt Employees. Reductions in force shall be determined among employees supervised by a single Chief. If a job classification subject to reduction in force contains more than one incumbent supervised by a single Director, the Director, and the appropriate Chief, in consultation with Human Resources, shall weigh the following factors to determine which exempt employees within that job classification to retain:

- (a) Performance evaluations over the previous five years.
- (b) Discipline, safety, and attendance records.
- (c) Special skills or competency; and
- (d) Special contributions or accomplishments.

8-5-(4) Notice. An employee subject to a reduction in force shall receive 30 days' advance notice. If 30 days' notice is not feasible, the employee shall receive pay at their normal rate through the thirtieth day after the employee receives the notice. If possible, Denver Water shall present the notice in person.

8-5-(5) Severance Benefits. Denver Water may provide severance benefits to employees subject to a reduction in force. The written notice of a reduction in force shall include a description of any severance benefits either required by law or approved by the Board.

8-5-(6) Reemployment. Employees who terminate because of a reduction in force may be eligible for placement on a reemployment list.

- (a) Reemployment is not guaranteed but will be based on the employee's ability to perform the available work; performance evaluations for the last five years of employment with Denver Water; discipline, safety, and attendance record; and skills and competencies. If these factors are equivalent among two or more employees, the earlier placement on the reemployment list will control.
- (b) The determination of benefits for a reemployed employee includes the length of service prior to termination because of a reduction in force.
- (c) A regular employee reemployed after a reduction in force is not required to serve an introductory period but must meet pre-employment requirements including a post-offer physical, drug and alcohol screening and background checks.

8-6 REDEPLOYMENT POLICY.

8-6(1) Redeployment Policy Objectives. It is Denver Water's policy that no employee will be required to separate from Denver Water as a direct result of efficiency initiatives. However, the job duties of various employees may require modification to accomplish identified efficiencies. If modification is not possible, the employee may be redeployed. Redeployment means a reassignment of a regular employee to a vacant position or to a new position fulfilling an unmet need of Denver Water, without affecting the employee's salary, pay grade or status. The goal of redeployment is to produce positive results for the affected employee, the receiving workgroup, and Denver Water as a whole.

Board approved 08/23/17

8-6(2) Redeployment Process. The Director of Human Resources, the Chief of the reassigned employee's division, and the Chief of the receiving division, if different, are responsible for identifying employees potentially affected by an efficiency initiative, analyzing their qualifications; matching affected employees with identified potential opportunities; defining and implementing any needed transition plan; and working with affected employees and supervisors to ensure a successful redeployment.

- (a) All Denver Water managers are responsible for identifying unmet needs appropriate for assignment to redeployed positions, including duties performed by temporary employees, staffing agency employees, or independent contractors.
- (b) The Director of Human Resources is authorized to waive formal educational and experience requirements of a vacant position upon a determination by the responsible directors that the redeployed employee is likely to be successful in the new position.

- (c) The responsible Chiefs, in consultation with the receiving supervisor, determine whether a transition plan, which may include training, is necessary to ensure a successful redeployment. Denver Water will provide the employee with any necessary training or other elements of the transition plan.

Board approved 9/12/12

8-6-(3) Transfers. Human Resources transfers the employee to the appropriate position for redeployment.

Board approved 9/12/12

8-6-(4) Follow-up. Within six months of a redeployment, Human Resources and the receiving Chief will follow-up to ensure that the redeployment has been successful. If the fit between the employee and the new position has not been successful, Human Resources and the responsible Chiefs will either modify the transition plan or undertake a new redeployment, following the process described in 8-8-(2) above.

Board approved 9/12/12

CHAPTER 9 – LICENSES AND CERTIFICATIONS

9-1. REQUIRED LICENSES AND CERTIFICATIONS.

9-1-(1) Responsibility to Maintain Required License and Certifications. It is the employee's responsibility to maintain all required licenses and certifications, including driver's licenses. Denver Water has no responsibility to inform employees of the status of their licenses. Failure to maintain required licenses or certifications is grounds for corrective action up to and including termination.

Board approved 6/11/08

9-1-(2) Required Driver's License. Possession of a valid driver's license or commercial driver's license is a condition of continued employment in Denver Water positions with job descriptions requiring such licenses. Probationary licenses and instruction permits for Colorado Class R driver's licenses do not satisfy the conditions of employment. The following Colorado driver's licenses satisfy conditions of employment:

Board approved 6/11/08

- (a) A Colorado Driver's License (Class R) or Colorado Commercial Driver's License (Class A, B, or C as required by class or position.)

Board approved 6/11/08

- (b) Temporary Adult License (a temporary adult license, normally valid for up to one year which permits the holder to operate a motor vehicle while the Colorado Department of Revenue is verifying the holder's right to receive a driver's license.)

Board approved 6/11/08

- (c) Temporary Permit (such as that issued with a notice of revocation of driving privileges, with the possibility of extension until the hearing date. the individual requests a hearing.)

Board approved 7/8/09

- (d) CDL Instruction Permit (only authorized for positions requiring the employee to obtain a commercial driver's license within a specific period).

Board approved 6/11/08

9-1-(3) Notification to Supervisor Regarding Change in Driver's License. An employee, whose position requires a driver's license, must immediately inform the employee's supervisor whenever a change in type or form of license occurs, e.g., under the following conditions:

- (a) If the employee does not have the license required by this Section and the class or position description;
- (b) If the required license is suspended, revoked, cancelled, denied, or otherwise rendered unusable; or

- (c) If the employee is issued a temporary permit or probationary license.

In any of these instances the employee will immediately produce to the employee's supervisor copies of all documents received from any court or licensing or law enforcement authority regarding such license, including a temporary permit or probationary license. An employee who fails to comply with this section, who misrepresents the status of the employee's driver's license or drives on the job without a valid license is subject to corrective action up to and including termination.

Board approved 6/11/08

9-1-(4) Loss of Required Driver's License. If for any reason an employee fails to acquire the license required by this Section and the class or position description or such license is cancelled, denied, suspended, revoked, or otherwise rendered unusable for Denver Water employment, the employee may be suspended without pay until the employee acquires such license. If the license required by this Section and the class or position description is cancelled, denied, suspended, revoked, or otherwise rendered unusable for more than three months, the employee may be subject to corrective action, up to and including termination.

Board approved 1/1/21

9-1-(5) Medical Testing and Certification of Commercial Drivers.

- (a) A CDL employee must have the required Medical Examination Report and Medical Examiner's Certificate described in 49 CFR § 391 of the Federal Motor Carrier Safety Regulations, completed and signed by Denver Water's physician or a Denver Water medical professional listed on the Department of Transportation's National Registry of Certified Medical Examiners, who will act as Medical Examiner. Denver Water's physician will consider medical information provided by the CDL employee when making determinations necessary to complete the Medical Examination Report and Medical Examiner's Certificate. A CDL employee who cannot obtain a Medical Examiner's Certificate from Denver Water's physician shall not drive Denver Water commercial vehicles. Such employee may seek a reasonable accommodation.

CHAPTER 10 - EMPLOYEE EVALUATIONS

10-1. EMPLOYEE PERFORMANCE EVALUATIONS.

10-1-(1) Formal Evaluation Process. An employee's supervisor will annually evaluate the employee's performance based on performance standards and goals set by supervisors and discussed with the employee. Overall performance and performance in specific categories will be rated as "extraordinary," "thriving," or "room for improvement."

- (a) The reviewing supervisor should get input from other supervisors under whom the employee has worked for three months or more during the review period.
- (b) Before the rating supervisor presents the evaluation to the employee, a higher-level supervisor must review and approve the content. The Chief determines the supervisory level that conducts the review.
- (c) Supervisors must complete annual performance evaluations by the due date.
- (d) Failure of supervisors to timely submit performance evaluations to Human Resources is cause for corrective action.

Board approved 12/10/08 and 2/10/22

10-1-(2) Informal Discussions and Evaluations Encouraged. Supervisors should conduct informal discussions with employees about performance strengths and challenges at least quarterly. The conversation may be documented in ADP. Supervisors should advise an employee in a timely manner of unsatisfactory performance in any area.

Board approved 12/10/08

10-1-(3) Recording Prohibited. Recordings of meetings between employees and supervisors to discuss performance are prohibited unless both parties consent.

Board approved 2/11/15

10-2. EFFECT OF PERFORMANCE EVALUATION ON PAY INCREASES.

10-2-(1) Performance Required for Pay Increase. To be eligible for a pay increase, an employee must achieve an overall performance rating of "thriving" or higher. To approve a pay increase, Human Resources requires a completed annual performance evaluation form for the relevant rating period.

Board approved 08/23/17 and 2/10/22

10-2-(2) Performance Rated as “Room for Improvement.” An employee whose overall rating on the annual performance evaluation is “room for improvement” is not eligible for a pay increase. The supervisor of the employee must issue a Performance Development Plan (PDP) to provide an opportunity for the employee to address identified performance deficiencies.

Board approved 08/23/17 and 2/10/22

10-2-(3) Objection to Annual Performance Rating. A regular employee who receives an evaluation with an overall performance rating of “room for improvement” may submit limited written objections to the rating supervisor. The objections must be based on the rating supervisor’s failure to consider (a) that the employee met a pre-established goal, (b) the employee made a special or specific contribution during the rating period, (c) input from a supervisor under whom the employee worked during the rating period, or (d) another objective and verifiable reason. The employee must submit the objections to the rating supervisor within three working days of receiving the evaluation. Within five working days of receiving the employee’s objections, the rating supervisor and the division Chief or designee (or CEO’s designee if the rating supervisor is the Chief) will meet with the employee to discuss the objections. The completed objection form must indicate if the objection warrants modification of the overall performance rating and provide a reason for the decision. That decision is final and is not subject to appeal.

Board approved 1/1/21 and 2/10/22

10-3. PERFORMANCE DEVELOPMENT PLANS.

10-3-(1) Performance Development Plan. A Performance Development Plan (PDP) may be issued at any time if significant performance deficiencies exist. If the need exists to issue a PDP, the rating supervisor(s) and a representative from Human Resources will develop a draft that describes the employee’s expected performance and behavior during the PDP, and the rating measures to be used to assess the employee’s performance during the PDP. The supervisor can modify the plan based on comments, questions, and suggestions from the employee. The PDP will be final upon Chief approval. The PDP period must provide reasonable time for the employee to demonstrate improvement but shall be no longer than 90 calendar days. The employee may not bid on any open positions during the PDP period. A copy of the PDP is stored in the employee’s official personnel file.

Board approved 9/12/12 and 2/10/22

10-3-(2) Concluding the Performance Development Plan. At the conclusion of the PDP period, the employee shall be evaluated again. If the employee fails to meet the performance expectations outlined in the PDP or if deficiencies recur after the conclusion of the PDP, the employee may be subject to correct action.

CHAPTER 11 - CORRECTIVE ACTIONS

11-1. CORRECTIVE ACTION.

11-1-(1) When a regular employee exhibits the conduct prohibited by these policies or any other conduct that has a negative impact on the employee, the workplace or Denver Water's operations, the employee is subject to corrective action.

Board approved 08/23/17

11-1-(2) Corrective actions range from verbal counseling to termination. Supervisors may repeat any corrective action step or bypass all corrective action steps and terminate an employee depending on the seriousness of the conduct and the circumstances. A supervisor must provide an employee a Notice of Corrective Action before imposing any corrective action involving loss of pay. Under certain circumstances, including but not limited to when an employee is accused of stealing or misusing Denver Water property or funds for personal benefit, Denver Water may proceed with the corrective action process after an employee voluntarily terminates employment while corrective action is pending.

- (a) No Notice of Corrective Action Required.** The following corrective actions and other corrective actions not involving loss of pay may be imposed without providing the employee prior notice and an opportunity to respond in a conference and may not be appealed:
 - (i) Counseling Session.** The counseling session is an opportunity for a supervisor to meet with an employee to discuss inappropriate conduct or areas in which an employee's performance is not meeting expectations and to offer suggestions for improvement. The supervisor will make a written record of a counseling session but will not place it in an employee's personnel file unless the supervisor subsequently issues a written warning. If the supervisor issues a written warning, the supervisor should forward the counseling memorandum to Human Resources for filing in the employee's personnel file.
 - (ii) Written Warning.** A written warning documents inappropriate employee conduct or performance problems. A supervisor will present a written warning to an employee during a counseling session and will send a copy of the written warning to Human Resources for filing in the employee's personnel file.
 - (iii) Suspension with pay.**
 - (iv) Transfer.**
 - (v) Requirement to attend training.**
- (b) Notice of Corrective Action Required.** Prior to imposing corrective actions which involve loss of pay or reduction of current or future accruals

of PTO, a supervisor must provide an employee a Notice of Corrective Action. Such corrective actions include, but are not limited to, the following:

- (i) Suspension without pay.
- (ii) Reduction of current or future accruals of PTO.
- (iii) Demotion.
- (iv) Termination.
- (v) Restitution, made by withholding money from an employee's last paycheck, reducing the lump sum payment for accrued PTO upon termination, or seeking restitution through the legal process.

Board approved 7/13/16 effective 1/1/17

11-1-(3) Section or Division Conference Required. When a supervisor recommends a suspension without pay or reduction of current or future accruals of PTO of three days or less, the Director will hold a Section Conference. When a supervisor recommends a suspension without pay or reduction of current or future accruals of PTO of more than three days, demotion, termination or restitution, the Chief or designee shall hold a Division Conference. An employee suspended without pay may not use PTO or personal leave to make up for lost pay.

Board approved 7/13/16 effective 1/1/17

11-1-(4) A Human Resources representative is available for consultation regarding any step in the corrective action process. Supervisors should consult the Director of Human Resources and the Office of General Counsel prior to recommending termination or demotion.

11-2. CAUSES FOR CORRECTIVE ACTION.

11-2-(1) The following list provides examples of conduct that may warrant corrective action but is not all-inclusive.

- (a) Unsatisfactory performance of job duties or failure to obtain or renew required licenses or certifications.
- (b) Poor attendance, including the repeated use of unscheduled leave; excessive tardiness, or failure to return to work at the end of an authorized leave of absence.

Board approved 7/13/16 effective 1/1/17

(c) Failure to make a reasonable effort to work overtime when requested to do so.

(d) Insubordination, including a refusal or failure to perform assigned work, disregarding a supervisor's instructions and abusive, disrespectful, or demeaning behavior toward a supervisor.

Board approved 11/13/13

(e) Violation of safe working practices or safety rules or regulations, and failure to promptly report accidents or personal injuries to supervisors.

(f) Conduct which does or could result in a material impairment of the efficiency of the employee's work or the work of other employees.

(g) Conviction of a felony or misdemeanor that would impair the employee's effectiveness as an employee.

(h) Unauthorized use, misuse, theft, or other dishonesty involving Denver Water property or the property of a Denver Water employee or customer.

(i) Falsifying information, by omission or otherwise, including Denver Water records, reports, personnel records and employment applications and bids.

(j) Any violation of Denver Water's policy regarding the use of alcohol or drugs.

(k) Failure of a supervisor to take appropriate steps to correct an employee's performance or behavior when necessary, or failure to fully engage in the employee performance evaluation process, to complete evaluations in a timely manner, or to implement pay-for-performance fairly and consistently.

Board approved 1/11/12.

(l) Violation of the Charter of the City and County of Denver as it relates to qualifications for employment with the Board.

(m) Failure to attend or to answer questions truthfully at one of the following: a Section, Division or Change in Job Status Conference; a hearing before a Hearing Officer regarding corrective action or change in job status **or** any investigation authorized by these policies.

Board approved 4/14/10

(n) Unauthorized purchasing of surplus Board equipment or purchasing or leasing real property belonging to the Board, either directly or through another person, without written approval from the Board.

- (o)** Engaging in any employment or other activity on or off the job which presents a conflict of interest with the employee's Denver Water employment, or which detracts from the satisfactory performance of an employee's duties, or which violates Denver Water Code of Ethics.
- (p)** Fighting on-the-job, including assault or battery on any person, including an employee, customer, non-customer, or vendor.
- (q)** Possession or use of illegal drugs, medical marijuana, or licensed or unlicensed deadly weapons while on the job, or on Denver Water property, in a Denver Water vehicle or in a vehicle while on Denver Water business.
Board approved 4/14/10
- (r)** Conviction related to the illicit use of drugs on or off the job including possession, distribution, or purchase of drugs.
- (s)** Failure to authorize release of the employee's driving record; failure to maintain a license or certification required by the Personnel Policies or a job classification; or driving on Denver Water business without a valid driver's license.
- (t)** Any violation of Denver Water's policies regarding workplace violence, or failure by a supervisor or an employee to report threats or violent behavior by an employee.
- (u)** Sleeping, loafing, or misusing work or break time.
- (v)** Disruptive behavior which includes vulgar, threatening, insulting or abusive language or conduct that disturbs, offends or is likely to disturb or offend another person. Disruptive conduct includes conduct prohibited under Denver Water's non-discrimination policy.
Board approved 6/13/07
- (w)** Misuse or abuse of computer privileges.
- (x)** Violation of provisions of the Personnel Policies, Enterprise Policies, or other Denver Water policy.
- (y)** Misuse of an employee's personally identifiable health information as defined in Denver Water's Notice of Privacy Practices.
- (z)** Gaining or attempting to gain unauthorized access to or tampering with confidential information regarding Denver Water employees. Such information includes, but is not limited to, employee's personal identifying information, social security number, protected health information, or other

confidential information, whether stored electronically, or in any other format.

- (aa) Violation of Denver Water’s policy regarding “Limitations on the Employment of Relatives,” including a failure to disclose information which could or does result in a violation of that policy.

Board approved 1/22/14

- (bb) Intentional or willful unauthorized destruction, damage, alteration, or transfer of custody or ownership of any Denver Water records in violation of Denver Water’s established record retention schedules, or failure to comply with a legal hold.

Board approved 11/9/16

- (cc) Posing a health or safety risk to the employee or others based on a fitness for duty evaluation and other relevant factors.

Board approved 1/1/21

11-3. GENERAL PROCEDURAL MATTERS.

11-3-(1) Representation. An employee may not be represented by another person at a Section, Division Conference.

11-3-(2) Recording. Denver Water prohibits the recording of Section and Division Conferences.

Board approved 09/14/16

11-3-(3) Date of Decision. Section or Division Conference decision letters must include the “Date of Decision.” The day after the Date of Decision shall be the first day counted in determining the time for filing an appeal.

11-3-(4) Effect of Failure to Appeal. The failure to exercise a right of appeal in a timely manner within the period specified in these Personnel Policies terminates the right of appeal.

11-3-(5) Methods of Providing Notice. Service on an employee of any notice, decision, or other document is sufficient and complete if made by regular mail addressed to the employee's last known address, hand delivery to the employee's last known address, by electronic delivery, or by hand delivery to the employee.

Non-substantive change 06/20/18

11-3-(6) Reimbursement of Lost Pay and Benefits. Denver Water will reimburse an employee for any back pay or benefits lost during a suspension without pay which is later found to be without cause.

11-3-(7) Suspension with Pay. Before a Section or Division Conference, and before a decision is issued, a Chief may suspend an employee with pay if warranted by safety or

other management concerns. A suspension with pay will be no longer than necessary and normally will not exceed two weeks.

Board approved 09/14/16

11-3-(8) Non-Classified Employees. Corrective action is not applicable to at-will employees including introductory, discretionary employees, and temporary workers.

Board approved 08/23/17

11-4. NOTICE OF CORRECTIVE ACTION.

11-4-(1) Before a supervisor may impose a corrective action involving loss of pay or PTO, the supervisor must provide the employee with a written Notice of Corrective Action and an opportunity to respond in a Section or Division Conference.

Board approved 7/13/16 effective 1/1/17

11-4-(2) The Notice of Corrective Action shall contain the following information:

- (a) The date, time, and place of the Section or Division Conference.
- (b) A statement of the reasons for the recommended corrective action, and reference to specific sections of the *Personnel Policies* which the employee is charged with violating, to the extent the relevant sections are known at the time the Notice is prepared.
- (c) A brief statement of the facts supporting the reason for corrective action.
- (d) A statement indicating the Conference will go forward as scheduled regardless of whether the employee chooses to be present unless the employee requests and is granted a new Conference date from the Director or Chief within a reasonable time prior to the time set for the Conference.
- (e) The recommended corrective action and, if applicable, indication of immediate suspension with pay pending a Section or Division Conference.

11-5. SECTION CONFERENCE.

11-5-(1) A Section Conference with the Director is required if the recommended corrective action is a suspension without pay or reduction of current or future accruals of PTO of three days or less. To promote consistency of corrective action, the Director shall consult with the Chief regarding the appropriateness of the corrective action recommended. The maximum corrective action that may be imposed by a director is a three-day suspension without pay or three-day reduction of current or future accruals of PTO.

Board approved 7/13/16 effective 1/1/17

11-5-(2) A Section Conference shall be held as soon as practical, generally within five days of mailing or delivery of the Notice of Corrective Action. At any point during the process, a Director may determine that a Section Conference is inappropriate, rescind the Notice of Corrective Action and refer the matter to the Chief for a Division Conference.

11-5-(3) The Director shall conduct the Section Conference in a manner that allows the employee full opportunity to respond to the allegations set forth in the Notice of Corrective Action.

11-5-(4) After considering the employee's response to the reasons stated in the Notice of Corrective Action for the recommended corrective action and conducting any further investigation as necessary, the Director, in a written decision, will determine the appropriate corrective action. The Director will provide the written decision to the employee and send a copy to the Director of Human Resources for filing in the employee's personnel file. If the corrective action imposed involves a loss of pay, the decision must contain the following statement:

If you wish to appeal this decision, you must advise the Director of Human Resources, in writing, of your desire to do so within 15 calendar days of the date of decision shown above. If you fail to do so, you lose your right of appeal. The appeal must contain a statement of the reasons for appealing the decision and the supporting facts. If you appeal, your Chief or designee will hold a Division Conference. As a result of your appeal, the Chief may increase or decrease the corrective action imposed by your director.

Board approved 4/11/12

11-6. DIVISION CONFERENCE.

11-6-(1) Under the following circumstances, or whenever otherwise appropriate, a Chief or designee must hold a Division Conference:

(a) A suspension without pay or reduction of current or future accruals of PTO of more than three days is recommended.

Board approved 7/13/16 effective 1/1/17

(b) Termination, demotion, or restitution is recommended.

(c) A Chief or Director requests a Division Conference.

(d) An employee appeals the decision made at a Section Conference.

- (e) A violation of Denver Water’s policy regarding alcohol or drugs is alleged.
- (f) Corrective action is recommended for a director.

Board approved 5/14/08

11-6-(2) Except as limited by these *Personnel Policies*, the Chief, or designee, shall have the widest possible discretion in determining the appropriate corrective action.

11-6-(3) Division Conferences will occur as soon as practical, generally within five days of mailing or delivery of the Notice of Corrective Action to the employee or the receipt by the Chief of the employee’s appeal of the decision of a Section Conference. The Chief or designee shall conduct the Conference in a manner that allows the employee a full opportunity to respond to the allegations set forth in the Notice of Corrective Action. The Chief or designee may request that a representative from Human Resources attend the Division Conference.

- (a) The Chief or designee will provide the employee with a written decision that sets forth the reasons for the corrective action. A copy of the decision will be filed in the employee's personnel file. If the corrective action imposed results in a loss of pay or loss of accrued PTO, the decision shall contain the following statement:

Board approved 7/13/16 effective 1/1/17

If you wish to appeal this decision, you must advise the Director of Human Resources, in writing, of your desire to do so within 15 calendar days of the date of decision shown above. If you fail to do so, you lose your right of appeal and the Chief’s decision is final. The appeal must contain a statement of the reasons for appealing the decision and the supporting facts.

Board approved 4/11/12

11-6-(4) Appeal Procedures. An employee may appeal the decision by advising the Director of Human Resources, in writing, within 15 calendar days of the decision date. The appeal must contain a statement of the reasons for appealing the decision and the supporting facts. Appeals are heard by a Hearing Officer pursuant to procedures described in the *Personnel Policies*.

11-7. APPEALS TO THE HEARING OFFICER.

11-7-(1) General.

- (a) **Appointment.** The Board may retain one or more Hearing Officers. The Hearing Officers shall serve at the pleasure of the Board and be responsible directly to the Board.

- (b) **Powers and Duties.** The Hearing Officer shall hear appeals of corrective action.
- (c) **Conduct of the Hearing.** The Hearing Officer shall conduct the appeal hearing and apply the procedures set forth in these *Personnel Policies*. The Hearing Officer shall consider the evidence, determine relevant facts, and render a written decision containing findings of fact and conclusions. The Hearing Officer's conclusion is limited in scope to a determination of whether the corrective action was or was not for cause. The Hearing Officer shall not modify the terms and conditions of the corrective action or change in job status.

Board approved 9/14/16

11-7-(2) Appeal Hearing. The Hearing Officer will preside at the hearing, maintaining order and decorum. The Hearing Officer will conduct the hearing as informally as possible and in an orderly and efficient manner. No pre-hearing discovery is allowed, but the parties may introduce evidence beyond that presented at the Division Conference.

Board approved 9/14/16

- (a) The Hearing Officer will provide written notification to counsel for Denver Water and the employee (or employee's representative) of the date, time, and place of the hearing. Corrective action or change in job status will be upheld, without a hearing, should the employee fail to attend the hearing at the designated time, unless a continuance has been granted.

Board approved 9/9/09

- (b) During the hearing, the parties may be represented, provide evidence and testimony, and may cross examine each other's witnesses. Witnesses will testify under oath or affirmation.

Board approved 9/9/09

- (c) Two weeks before the hearing date, counsel for Denver Water and the employee (or the employee's representative) will exchange exhibits to be offered at the hearing and lists of witnesses to be questioned at the hearing. Both parties will provide such items to the Hearing Officer.

Board approved 9/9/09

- (d) The Hearing Officer will receive and consider any evidence, including testimony of witnesses and documentary evidence or other exhibits, without strict adherence to rules of evidence which govern judicial or administrative proceedings. The Hearing Officer will endeavor to consider only relevant and trustworthy evidence and will reject any evidence that the Hearing Officer determines is irrelevant or untrustworthy.

- (e) The Hearing Officer will rule on all objections and may question witnesses when necessary to gather all the facts.
- (f) The hearing will be recorded by a court reporter or by other appropriate method. The Hearing Officer will assure that the record of all proceedings is clear and complete.

Board approved 9/9/09

- (g) The parties will voluntarily exchange documents and secure the appearances of their own witnesses. At the hearing, Denver Water will make available witnesses who are employees of Denver Water. If an employee listed as a witness is unavailable to testify, the Hearing Officer may postpone the hearing if the testimony is relevant and material. At its own expense, each party will make available its witnesses who are not employed by Denver Water.

If necessary, either party may ask the Hearing Officer to issue a subpoena compelling the attendance of a non- Denver Water employee witness and/or the production of materials relevant to the hearing, but not in Denver Water's control. The Hearing Officer may exercise discretion to determine whether a subpoena is necessary. A process server shall deliver the subpoena to the appropriate person or entity. If a person fails to obey the subpoena, the Hearing Officer may request enforcement assistance from Denver District Court. If a subpoena is issued, it must be reasonable in scope and must be served on the person who is called to testify, or to the custodian of documents, at least five working days prior to the date of requested appearance.

Board approved 9/9/09

- (h) Employee witnesses must make themselves available to testify at a hearing unless an employee has previously arranged to take approved leave at the time the hearing is scheduled, the employee is too sick to attend work on the day of the hearing, or the employee cannot attend the hearing because of an emergency.

Board approved 9/9/09

- (i) The Hearing Officer will issue a written decision and will transmit the decision to the CEO/Manager, the employee or employee's representative, and counsel for Denver Water. The Hearing Officer's decision will contain the following statement:

If this decision provides for corrective action other than termination from employment, it constitutes the final decision of the Board of Water Commissioners and is not subject to appeal. If this decision provides for termination, you may submit a written notice of appeal to the CEO/Manager within

10 days of the date of this decision. The CEO/Manager may uphold, reject, or modify the decision.

Board approved 9/14/16

11-8. ADMINISTRATIVE REVIEW.

11-8-(1) Finality of Decision of Hearing Officer.

- (a) Decisions Regarding Corrective Action Less Severe Than Termination.** A decision of the Hearing Officer regarding corrective action less severe than termination shall be final for purposes of judicial review and is not subject to further internal appeal.

- (b) Decisions Regarding Termination of Employment.** A decision of the Hearing Officer regarding an employee's termination is subject to appeal to the CEO/Manager under this section. If not timely appealed, the Hearing Officer's decision will be final for purposes of judicial review. If timely appealed to the CEO/Manager, the CEO/Manager's decision will be final for purposes of judicial review.

Board approved 4/9/08

11-8-(2) CEO/Manager's Review Procedure.

- (a)** Denver Water or the employee may appeal the Hearing Officer's decision to the CEO/Manager only when that decision concerns an employee's termination. In such cases, the CEO/Manager may uphold, reject, or modify the findings of fact and conclusions of the Hearing Officer. The party wishing to appeal must submit a notice of appeal to the CEO/Manager within 10 calendar days of the date of the date of the Hearing Officers decision. If the employee does not submit the appeal timely, the CEO/Manager will deny the appeal.
- Board approved 4/9/08
- (b)** In order for the CEO/Manager to agree to hear the appeal, the notice of appeal must demonstrate one of the following grounds:
 - (i)** The decision of the Hearing Officer involves an erroneous interpretation of these Personnel Policies, other Denver Water policies or applicable law; or

 - (ii)** The decision of the Hearing Officer may set a precedent and involves policy considerations that may have effect beyond the case at hand.

(iii) If the CEO/Manager determines the notice of appeal does not establish any of the required grounds for appeal, the CEO/Manager shall reject the appeal and inform the parties that the decision of the Hearing Officer is the final decision of the Board for purposes of judicial review.

Board approved 4/9/08

(c) The CEO/Manager will notify the parties if the appeal is accepted. Within 15 calendar days of the notification, Denver Water counsel will provide the CEO/Manager and the opposing party with the record of the hearing including a transcription of testimony heard by the Hearing Officer. The opposing party has 10 calendar days to object or add to the record. The CEO/Manager will notify both parties when the CEO/Manager determines the record is complete. Within 20 calendar days after the date of notification, the appealing party must submit to the CEO/Manager and the responding party a concise written statement of the reasons the CEO/Manager should overturn the decision of the Hearing Officer. The responding party must submit a concise statement in response within 20 calendar days of receipt of the initial statement. No further statements are allowed without approval of the CEO/Manager.

Board approved 4/9/08

(d) The CEO/Manager will render a written decision upholding, rejecting, or modifying the Hearing Officer's findings and conclusions and shall take steps, if necessary, to implement such decision. The CEO/Manager will transmit the decision to the employee, the Chief, the Director of Human Resources, and counsel for Denver Water. The decision will contain the following statement:

You have now exhausted all steps in the administrative review process. This is the final decision and order of the Board of Water Commissioners.

Board approved 4/9/08

CHAPTER 12 – EMPLOYEE PAY

Chapter 12 Employee Pay

Board approved 1/11/12

12-1. EMPLOYEE PAY POLICY.

12-1-(1) Policy Statement. To insure an effective, efficient, and strategically driven organization, Denver Water provides competitive and equitable compensation through a Pay Plan designed to attract, retain, and reward high performing employees. The Pay Plan also allows the Board to respond to changing economic and employment conditions when adopting an annual payroll budget.

12-1-(2). Pay Plan. The Pay Plan is a Board-adopted schedule of pay grades each consisting of a pay range with minimum, midpoint, and maximum pay rates. The Pay Plan includes a list of class descriptions by occupational groups and the pay grade to which each class is assigned.

- (a) **Pay Range Adjustment.** Human Resources evaluates pay grades and recommends adjustments to pay ranges based on job market survey data of pay for similar work. If an employee's rate of pay is less than the minimum in the adjusted pay range, the employee's pay will be placed at the minimum. If the employee's rate of pay exceeds the maximum in the adjusted pay range, the employee's pay will not be reduced.

Board approved 1/1/21

12-2. PAY INCREASE, MERIT PAYMENT, AND REDUCTION IN PAY.

12-2-(1) Merit Pay Increase. An employee may be eligible for a merit pay increase depending on that employee's position in a pay grade, overall performance rating, the distribution of ratings, and the annual payroll budget. Pay increases for new hires may be prorated.

- (a) **Payroll Budget.** The annual payroll budget is based on such information as an evaluation of economic and employment conditions, market surveys of pay for benchmark jobs, availability of needed skills, and projected salary, merit and incentive budgets for surveyed organizations and must be approved by the Board.

Board approved 1/1/21

- (b) **Relevant Base Pay and Compa-Ratio.** Merit pay increases are awarded in recognition of the employee's performance during the annual performance review period (calendar year). As a result, merit pay increases are based on the employee's base pay and position in pay range as of December 31 of that calendar year.

12-2-(2) Lump Sum Merit Payment.

- (a) **Employees at the Top of Pay Range.** An employee whose pay is at the top or above a pay range will not be eligible for a merit pay increase to base salary. Instead, the employee may be eligible for a one-time lump sum merit payment, if the employee receives a rating of “thriving” or “extraordinary.”

Board approved 1/1/21

- (b) **Employees Near the Top of Pay Range.** If an employee’s pay is near the top of the pay range and that employee earns a merit pay increase that would cause the base salary to exceed the top of the pay range, the employee may receive the portion of the salary exceeding the pay range as a lump sum merit payment.

- (c) **Merit Payments will not Increase an Employee’s Base Pay.** Merit payments are payment “for services rendered to the Employer” under the definition of “compensation” in the Employees’ Retirement Plan of the Board of Water Commissioners.

Board approved 5/9/12

12-2-(3) Pay Increase After Successful Bid and Career Progression.

- (a) **Pay Increase After Successful Bid to a Higher Pay Grade.** An employee who is promoted may receive a pay increase based on criteria including education, experience, specialized knowledge, internal equity, and external market factors, as determined by Human Resources and the employee’s Chief. A pay increase greater than 10% and that places an employee above a compa-ratio of 1.10 in the new pay range, must be approved by the CEO/Manager.
- (b) **Pay Increase After Successful Bid on Position in the Same Pay Grade.** An employee who successfully bids on a position in the same pay range as their current position may receive a pay increase based on criteria including education, experience, specialized knowledge, internal equity, and external market factors, as determined by Human Resources and the Chief of the division into which the employee successfully bid. A pay increase greater than 10% and that places an employee above a compa-ratio of 1.10 in the new pay range must be approved by the CEO Manager.
- (c) **Pay Increase After Career Progression.** An employee who receives a career progression will receive a pay increase based on such factors as the higher-level position’s increased scope of decision-making or accountability responsibilities, or additional education, training, or certification requirements, as determined by Human Resources and the employee’s Chief. A pay increase greater than 10% and that places an

employee above a compa-ratio of 1.10 in the new pay range must be approved by the CEO/Manager.

Board approved 1/1/21

12-2-(4) Pay After Demotion.

- (a) **Demotion after Corrective Action.** The pay of an employee demoted because of corrective action is set by the Chief and must be reduced at least 5%.
- (b) **Demotion after a Promotion.** The pay of an employee demoted after a promotion for failure to obtain a required license, certification, or degree during a required period after a promotion, is reduced to the rate the employee would have been paid had the promotion not occurred.
- (c) **Demotion at the Request of Employee.** The pay of an employee demoted at the employee's request is set considering the employee's education, experience, specialized knowledge, internal equity, and external market factors as determined by Human Resources and the Chief. Pay cannot fall below the minimum or exceed the maximum of the lower pay grade.

Board approved 2/10/22

- (d) **Successful Bid into a Lower Pay Grade.** The pay of an employee who has successfully bid into a lower pay grade will be determined based on criteria including the new pay grade, education, experience, specialized knowledge, internal equity, and external market factors, as determined by Human Resources and the Chief of the division into which the employee successfully bid and may result in either a decrease or no change in pay.

Board approved 5/9/18

12-2-(5) Pay After Transfer. A transfer from one position to another in the same or comparable pay grade will not affect an employee's rate of pay at the time of transfer. If appropriate, the supervisor of the position into which the employee transfers may request a pay rate adjustment.

Board approved 11/9/16

12-3. MISCELLANEOUS PAY PROVISIONS.

12-3-(1) Entrance Rate of Pay for Introductory Employees. When approving the starting pay of an introductory employee, Human Resources will work with the hiring manager to place the employee in the pay range based on education, experience specialized knowledge, internal equity, and external market factors. Any recommended placement of an employee above the midpoint of a pay range must be approved by the CEO/Manager.

12-3-(2) Pay After Job Evaluation. The pay of an employee whose position is assigned to a higher pay grade through a job evaluation may be increased based on criteria including number of grades increased, education, experience, specialized knowledge, internal equity, and external market factors, as determined by Human Resources and the Chief. A pay increase greater than 10% and that places an employee above a compa-ratio of 1.10 in the new pay range is subject to CEO/Manager approval. If an employee is assigned to a lower pay grade and the rate of pay exceeds the maximum of the pay range, the employee's pay is not reduced.

Board approved 1/1/21

12-3-(3) Pay Rate Adjustments. Human Resources may occasionally adjust an employee's pay when market changes or internal equity issues result in documented recruitment and retention. All pay adjustments must be within the approved budget and require Chief approval. An adjustment greater than 10% and that places an employee above a compa-ratio of 1.10 is subject to CEO/Manager approval.

Board approved 1/1/21

12-4. PAY FOR WORKING OUT-OF-CLASS.

12-4-(1) Working Out-of-class. Exempt and nonexempt employees assigned to perform duties generally performed by employees in a higher job class, may earn additional pay for working out-of-class. Higher level duties are typically assigned to a position when another higher-level position is vacant, an employee in a higher-level position is on an authorized leave of absence, or when a new project is assigned to the work unit. Out-of-class assignments and pay must be authorized by the Director of Human Resources upon written request by the employee's Chief.

- (a) **Exempt Employees.** Exempt employees are eligible to receive out-of-class pay when, on a temporary basis, most of the duties assigned to their position are generally performed by an employee in a higher job class. The assignment must last at least 30 calendar days, and the employee must generally meet the minimum qualifications of the higher-grade job class. An exempt employee receives Out-of-class pay only if the employee who works out-of-class for more than 30 calendar days.
- (b) **Nonexempt Employees.** Nonexempt employees are eligible to receive out-of-class pay when, on a temporary basis, the majority of the duties assigned to their position are generally performed by non-exempt employees in a higher job class. The assignment must last at least 14 calendar days. If a nonexempt employee is assigned to perform the duties of a lower grade job class, the employee's pay will not be reduced for working out-of-class. Out-of-class pay will not be paid to a nonexempt employee who works out-of-class for less than calendar 14 days.

Board approved 1/1/21

12-4-(2) Out of Class Pay. Out of Class Pay is an additional 5% or the minimum in the higher pay grade, whichever is higher, and is paid from the first day of the pay period after the effective date of out-of-class pay is authorized until the end of the authorized period. If the end-date of the authorized period is unknown, the employee will be paid out of class pay until the date that Human Resources is advised that the employee is no longer working out of class. After out of class pay authorization ends, the employee will be paid as if they had not been assigned to work out-of-class.

12-4-(3) Employee Request for Out-of-Class Pay. An employee who believes they are entitled to out-of-class pay may submit a written request to the Chief demonstrating that the employee has been performing the duties of a higher-grade position and is expected to perform those duties for at least 30 calendar days if an exempt employee, and at least 14 calendar days if a nonexempt employee. If the employee's request for out-of-class pay is approved by the Chief and authorized by the Director of Human Resources, the employee's pay is adjusted the first pay period after the request is authorized. Working out-of-class shall not be used in lieu of a pending job evaluation.

Board approved 02/24/16

12-5. PAY ADJUSTMENTS INCIDENT TO PAY PLAN REVISION

12-5-(1) When the pay plan is revised, employee pay rates shall be set as follows:

- (a) When a job class is assigned to a higher pay grade, the pay of each employee in that class shall remain the same if it is within the new pay grade, unless the employee's compa-ratio in the new pay grade falls below .90. In that case, the employee's pay will be adjusted to the rate equivalent to a .90 compa-ratio in the new pay range.
- (b) When a class is assigned to a lower pay grade, the pay of each employee in that class shall remain the same.
- (c) When the pay grades are revised upward, the pay of each employee in that pay grade shall remain the same in the revised pay grade, unless the employee's compa-ratio in the new pay grade falls below .90. In that case, the employee's pay will be adjusted to the rate equivalent to a .90 compa-ratio in the new pay range.
- (d) When the pay grades are revised downward, the pay of each employee in that pay grade shall remain the same in the revised pay grade

Board approved 2/13/13

Board approved 2/13/13

12-6. OVERTIME PAY

12-6-(1) Fair Labor Standards Act. All Denver Water positions are classified as exempt or nonexempt from the overtime pay requirements of the Fair Labor Standards Act.

12-6-(2) No Overtime Pay for Exempt Employees. Exempt employees are compensated on a salary basis and do not receive additional compensation for overtime work, either in cash or additional PTO or personal leave. The normal work week for exempt employees is 40 hours, however, exempt employees are expected to dedicate whatever time is required to manage their job responsibilities which may exceed 40 hours. Exempt employees are not required to use accrued PTO or personal leave for partial day absences unless required to by Human Resources for FMLA purposes.

12-6-(3) Regular Overtime Pay. Regular overtime pay is one and one-half times the nonexempt employee's hourly pay rate for time worked in excess of forty hours during a work week. Regular overtime is based on exact time.

- (a) **Counts as Time Worked.** Military leave, deferred holiday leave, holiday leave, scheduled PTO, scheduled personal leave, injury leave, jury/witness leave, and paid travel time count as time worked for the purpose of calculating regular overtime.

Board approved 1/1/21

- (b) **Does Not Count as Time Worked.** All other absences from work, including but not limited to unscheduled PTO, unscheduled personal leave, administrative leave, bereavement leave, time off work related to corrective action, and no-pay are not counted as time worked for the purpose of calculating overtime. An employee who works on a holiday is paid for actual hours worked and may additionally elect to receive eight hours of holiday pay or eight hours of deferred holiday leave.

Board approved 1/1/21

12-6-(4) Supervisor Responsibilities for Overtime. Supervisors are responsible for determining if overtime expenditures are necessary, approving all overtime, certifying overtime hours on employees' timesheets, and assigning overtime fairly and in a fiscal interest of Denver Water. Any employee or supervisor contributing to misuse, abuse or falsification of records related to overtime will be subject to corrective action.

12-7. ON-CALL, CALL-BACK PAY, AND ON-SITE PAY

12-7-(1) Employees Eligible for On-Call Pay for Nonexempt Employees. "On-call" pay is provided for employees in non-exempt positions who are assigned to be "on-call" during off duty time. Chiefs will determine the level of "on-call" support required in their respective Division.

- (a) **Availability to Work.** An employee “on-call” must immediately answer a Denver Water call to the employee’s pager, cell phone or home phone. With certain exceptions for employees required to live in Denver Water provided housing, the employee must arrive on the job site within one hour of receiving notification unless the employee’s supervisor determines the employee cannot comply because of circumstances beyond the employee’s control.
- (b) **Fitness for Duty.** Employees “on-call” may pursue their own activities, but must remain fit for duty outside normally scheduled working hours, be available to report to work on short notice and fit to perform work functions when called in. Employees who are “on-call” may be called to report to work at any time, and are therefore subject to these Personnel Policies, including drug and alcohol policies, to the same extent as when on-the-job.

Board approved 11/9/16

12-7-(2) On-Call Pay. With certain exceptions for employees required to live in Denver Water provided housing, employees who are "on-call" are paid one hour of their regular hourly rate for every eight hours of being on-call. On-call pay is not paid while on duty (i.e., while being paid to work).

- (a) **Minimum of Two Hours for Call-Back.** Employees who are called back for unscheduled work outside their scheduled shift will be paid for a minimum of two hours at the employee’s regular base pay rate. For the purposes of a call-back, commuting time is time worked.
- (b) **Extended Shift.** The two-hour minimum call-back does not apply to employees who are called in early for their scheduled shift or held over from an earlier shift.

Board approved 8/14/19

12-7-(3) On-Site Pay. Employees may be eligible for additional pay when designated as “on-site.”

- (a) **Eligibility Criteria.** Employees are eligible for on-site pay if all the following apply:
 - i. Employee is required to live in Denver Water provided housing,
 - ii. Employee is not free to engage in personal activity outside of working hours due to the response time required for the facility and geographic location, and
 - iii. Employee is the only qualified operator for the facility.
- (b) **Rate of On-Site Pay.** An Employee considered to be “on-site” will be paid one hour of the applicable minimum wage for each hour they are required to be on-site outside of their normal work schedule. The employee must be able to

respond to work outside normal business hours and if called out to work shall receive their normal hourly rate for hours worked and not receive on-site pay for those hours.

12-8. SHIFT PAY DIFFERENTIALS

12-8-(1) Pay Differentials. Non-exempt employees are eligible for additional hourly pay under the following circumstances:

- (a) Shift Differential.** Shift differential pay is paid to nonexempt employees who work any hours during a swing or graveyard shift period.
 - (i) Swing Shift Differential.** Swing shift differential pay is paid to employees who work any hours between 6:00 p.m. and 11:00 p.m.
 - (ii) Graveyard Shift Differential.** Graveyard shift differential pay is paid to employees who work any hours between 11:00 p.m. and 6:00 a.m.

Board approved 5/13/15; effective 7/17/15

- (b) Rate of Shift Differential Pay.** Shift differential pay rates are determined by the annual wage and salary survey.

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: December 13, 2023

Board Item: II-B-1

Purchase and Sale Agreement with Arapahoe County Contract 505875

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve a purchase and sale agreement to transfer ownership of this portion of the High Line Canal (the Canal) through Arapahoe, Denver and Adams Counties to Arapahoe County while retaining all water works purposes and conveying a conservation easement granted to the High Line Canal Conservancy (Conservancy).

On July 26, 2023, the Board approved a Memorandum of Understanding (MOU), which set forth the intent to convey a conservation easement to the High Line Canal Conservancy to protect the Property subject to Denver Water's reserved water works purposes. After the execution and recording of a conservation easement, Denver Water intends to convey the Property to Arapahoe County. The purchase and sale agreement is described as a goal in the MOU, and is the next step in promoting the transition of the Canal into a valued community recreational and environmental amenity while retaining its utility as a water delivery system with stormwater use.

The reach of the Canal to be conveyed to Arapahoe County extends from approximately County Line Road at the boundary of Douglas and Arapahoe County, north to East 40th Avenue, and is depicted on the surplus designation map attached hereto (the Property). Specifically excluded is the section of the Canal from Colorado Boulevard to 565 feet east of I-25. This exclusion is because this area is currently maintained pursuant to a Stormwater Agreement between the City and County of Denver and Denver Water. The final disposition for ownership of this Denver stormwater section of the Canal and the Canal throughout City and County of Denver along with Douglas County will continue to be coordinated with the parties in the future.

The attached purchase and sale agreement gives Arapahoe County a due diligence period to investigate current conditions and encumbrances on the property prior to closing (April 2024). It notes that the conservation easement contemplated by the MOU must be recorded prior to closing. The purchase and sale agreement also reflects the agreement to establish a transitional period through 2026 where Denver Water and Arapahoe County will work together to transfer responsibilities for the Canal and perform maintenance work to improve the condition of the Canal. The transition commitments will include internal work by Denver Water and coordination with the Conservancy to utilize the Stewardship fund, which was created in part to supplement Denver Water's long-term maintenance expenditures on the Canal. Because Arapahoe County wants to consider its own future needs when leasing the property to recreational entities, it has asked Denver Water to extend any expiring recreation agreements through December 31, 2026.

The purchase and sale agreement also reflects Denver Water's intent to reserve waterworks purposes along the full extent of the property conveyed to Arapahoe County. This will allow continued delivery of irrigation water (where appropriate) and any other waterworks purpose that may be contemplated in the future. Possible future uses could include Aquifer Storage Recharge uses, such as small well heads in certain areas of the High Line property or crossings of water pipes owned by Denver Water. The reservation has no limitations on potential uses by Denver Water to allow for a variety of options in the

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future. One condition of closing is execution of an Intergovernmental Agreement that defines the working relationship between Denver Water and Arapahoe County through the transition period and beyond. An Intergovernmental Agreement is likely to include not only maintenance during the transition period, but how the parties can work together when Denver Water is using and maintaining the Canal for Water Works purposes.

Budget and Schedule:

While there is no budgetary impact for this item, the work to be performed during the transitional period in 2024 has been included in the proposed 2024 budget.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise goals are not applicable for this item.

Recommendation:

Staff recommends that the Board (1) declare certain High Line Canal property through Arapahoe, Denver and Adams Counties surplus, with a reservation for waterworks purposes, as it is no longer needed to be held in fee for waterworks purposes; (2) approve the Purchase and Sale Agreement, Contract 505875, with Arapahoe County for the sale of the surplus High Line Canal property; and (3) delegate authority to the CEO/Manager to execute extensions of the recreation leases contemplated by the Purchase and Sale Agreement.

Approvals

- | | |
|--|--|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager | <input checked="" type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input checked="" type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input checked="" type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input checked="" type="checkbox"/> Thomas J. Roode, Chief Operations Officer |