



EMPLOYEE ACKNOWLEDGMENT

This handbook contains general regulations with respect to employee conduct and supersedes prior regulations in conflict therewith. This Handbook further contains general regulations with respect to certain employee benefits and protections under state and federal law.

Employee acknowledges and understands that grounds for discipline or discharge of an employee may include but are not limited to:

- (1) Refusal or inability to follow orders;
- (2) Inefficiency or incompetence and neglect of duty;
- (3) Violation of general regulations set forth in this Handbook and other policies and procedures of Pueblo Transit;
- (4) Conduct unbecoming an employee of a Pueblo Transit employee;
- (5) Immoral or indecent conduct including conviction of a felony, conviction of a misdemeanor involving moral turpitude, and violation of local, state, or federal law which causes unfavorable publicity to Pueblo Transit, impairs the credibility of the employee to perform the employee's job or is otherwise connected to employment with Pueblo Transit;
- (6) Dishonesty including without limitation theft, falsification of records, claims or test, and falsification with respect to application for employment;
- (7) Any personal delinquency, loss of qualifying status or other condition which renders the employee unfit or unable to perform the position in which the employee is employed by Pueblo Transit;
- (8) Negligently or willfully damaging, threatening to damage, misusing or destroying Pueblo Transit property or property of another employee; and
- (9) Discourteous or abusive treatment of the public, fellow employees or superiors

Employee shall be presumed to be familiar with and abide by the general regulations contained herein and any amendments thereof. Pueblo Transit Administration shall be responsible for the distribution of copies of this handbook, and all amendments thereof, and shall serve as custodian of the official handbook in hard copy and/or electronic form. Pueblo Transit Administration shall also maintain the most current version of the handbook on the City of Pueblo's Intranet site.

All of the employees of Pueblo Transit [except those employees for whom Pueblo Transit has recognized Amalgamated Transit Union Division No. 662 to be the sole and exclusive bargaining representative] are employed at will. **At-will employment means that either the employee or**

Pueblo Transit may terminate any employee's employment with or without cause at any time, and without advance notice, procedure or formality. Neither this Handbook nor any regulations or policies of employment create a contract of employment or otherwise change Pueblo Transit's at-will employment policy. Pueblo Transit's at-will employment policy may be modified only in a written contract signed by the President and approved by the Board. No representative of the Pueblo Transit other than the Pueblo Transit's President, with Board approval, has the authority to enter into any contract modifying at will employment status.

Undersigned employee (Employee) acknowledges that Employee has received and reviewed a copy of this handbook.

Employee Name (Printed)_____

Employee Signature_____

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GENERAL REGULATIONS

Policy #1: Equal Opportunity Employment

Pueblo Transit is an equal opportunity employer, meaning that Pueblo Transit makes all employment decisions without regard to sex, race, color, national origin, religion, disability, age, sexual orientation, military service, veteran or marital status, or any other basis prohibited by law. Sexual orientation includes a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception of your sexual orientation. Pueblo Transit also strives to maintain a work environment free from prejudice, intimidation or harassment based on any of these characteristics, as further explained in Pueblo Transit's policies against harassment and sexual harassment. Additionally, Pueblo Transit will reasonably accommodate qualified applicants and employees with disabilities.

If you have questions or concerns about any type of discrimination at Pueblo Transit, you should promptly bring these issues to the attention of your supervisor, the Transit Director or any other member of management in accordance with Pueblo Transit's policy on reporting discrimination, harassment, sexual harassment and violence. You will not suffer any repercussions from reporting these concerns. Anyone who engages in unlawful discrimination will be subject to discipline, up to and including discharge.

Originated February 2019

Policy #2: Harassment Prohibited

Pueblo Transit prohibits harassment against anyone (including any applicant, employee, supervisor, or member of the public being served) based on the individual's race, color, religion, political affiliation, sex (including pregnancy), sexual orientation, national origin, ancestry, age, or disability.

Harassment may include:

- Epithets or slurs
- Negative stereotyping
- Threats, intimidation, or hostile acts
- Suggestive, offensive, demeaning, or hostile jokes or pranks
- Transmitting or posting sexually suggestive, graphic, insulting, hostile, or offensive materials in the workplace or via Pueblo Transit voice mail or e-mail, or accessing such information on the Internet while at work

All employees of Pueblo Transit have a responsibility to report any incident of harassment they experience or observe, and all employees are strongly encouraged to make a report, as explained further in General Regulation #5: Reporting Harassment, Sexual Harassment, or Violence.

This policy is not meant nor intended to limit Pueblo Transit's authority to discipline employees for conduct which is otherwise unacceptable even if such conduct does not satisfy the definition of unlawful harassment.

Originated February 2019

Policy #3: Sexual Harassment Prohibited

Pueblo Transit prohibits sexual harassment. No employee of Pueblo Transit shall make unwelcome sexual advances or requests for sexual favors, or engage in any other unwelcome verbal or physical conduct of a sexual or gender-based nature where (1) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment; or (2) it is obvious or implied that tolerating or submitting to such conduct is a condition of employment or will be used for the basis of any employment decision, including, but not limited to, hiring, firing, performance appraisals, salary, benefits, position, job transfers, or any other decision affecting any term or condition of employment with Pueblo Transit.

Pueblo Transit does not tolerate sexual harassment. No employee or applicant should be subjected to unwelcome sexual requests or insulting behavior. No employee or applicant should be led to believe that any employment opportunity or benefit will in any way depend on his or her cooperation with sexual demands or that he or she must tolerate an offensive sexual environment. Any employee who commits sexual harassment will be subject to discipline up to and including termination.

All employees of Pueblo Transit have a responsibility to report any incident of sexual harassment they experience or observe, and all employees are strongly encouraged to make a report, as explained further in General Regulation #5: Reporting Harassment, Sexual Harassment, or Violence.

This policy is not intended to limit Pueblo Transit's authority to discipline employees for conduct which is otherwise unacceptable even if such conduct does not satisfy the definition of unlawful harassment.

Originated February 2019

Policy #4: Violence Prohibited

It is Pueblo Transit's policy to promote a safe environment for its employees and the customers we serve. Pueblo Transit will not tolerate acts of violence or threats of violence in the workplace or on the job, whether toward a coworker, supervisor, or member of the public.

If you are attacked or threatened with violence, or if you see someone else being attacked or threatened, take appropriate steps to protect yourself and others, avoid causing more violence, and notify emergency personnel and your supervisor. Please see General Regulation #5: Reporting Harassment, Sexual Harassment, or Violence.

Originated February 2019

Policy #5: Reporting Harassment, Sexual Harassment, or Violence

Employees have an important responsibility in the effective implementation of Pueblo Transit's regulations against harassment, sexual harassment, and violence. Any employee who believes that he or she has been the subject of harassment or sexual harassment, who has been harmed by or threatened with violence, or who has witnessed anyone else connected with Pueblo Transit experience or commit such conduct, should take prompt action through his or her appropriate chain of command. He or she should notify his or her direct supervisor. If a perpetrator is the employee's supervisor, the employee should notify the Director or the City's Director of Human Resources.

Pueblo Transit will promptly, thoroughly, and impartially investigate any harassment, sexual harassment, or violence report or complaint, and take corrective action where appropriate. Pueblo Transit will make reasonable efforts to preserve the confidentiality of everyone involved with any harassment, sexual harassment, or violence complaint and investigation. Employees have a right to make good faith complaints about harassment, sexual harassment, or violence and to act as witnesses in investigations of those complaints. Pueblo Transit will protect reporting employees and witnesses against retaliation for making a harassment, sexual harassment, or violence report.

Employees are required to participate in any training Pueblo Transit provides or sponsors about harassment, sexual harassment, or violence. Employees are also required to participate and to be truthful in any investigation by Pueblo Transit or the City's Human Resource Department.

Originated February 2019

Policy #6: Code of Ethics

Employees shall not be interested in any contract entered into with policies and procedures of Pueblo Transit or contract entered into with the City of Pueblo, Colorado, which relates to City's publicly-owned mass transportation system. For purposes of this Regulation, the term:

- (1) *Be interested in* does not include holding a minority interest in a corporation.
- (2) *Contract* does not include:
 - a. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;
 - b. Merchandise sold to the highest bidder at public auctions;
 - c. Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;
 - d. Collective bargaining agreement or employment agreement with respect to terms and conditions of employees employment.

Prohibited Interest in Sales or Purchases

No employee shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies, or services to the City or Pueblo Transit, except it be by competitive bidding or not exceeding the sum of one hundred dollars (\$100.00) in any calendar year; in cases of emergency necessary to protect the public health, safety, and welfare, competitive bidding may be waived.

Additional Conflicts of Interest

Although not constituting violations as such of the public trust of employment in Pueblo Transit, the following conduct is prohibited:

- (1) A Pueblo Transit employee shall not acquire or hold an interest in any business or undertaking which employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency or other employee over which he or she has substantive authority.
- (2) A Pueblo Transit employee should not, within six (6) months following the termination of his or her employment, obtain employment in which he or she will take direct advantage, unavailable to others, of matters with which he or she was directly involved during his or her term of employment. These matters include rules, other than rules of general

application, which he or she actively helped to formulate and applications, claims, or contested cases in the consideration of which he or she was an active participant.

- (3) A Pueblo Transit employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking.

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Policy #7: Reserved

Policy #8: Company Property

Employees are expected to use Pueblo Transit property, equipment, and supplies for the intended business purposes of Pueblo Transit. Employees may not use Pueblo Transit property, equipment, and supplies for personal reasons without the express prior permission of the Transit Director.

Employees are to have no expectations of privacy with respect to the use of Company property, equipment, and supplies, including property and equipment assigned for use by a single employee such as a desk, computer, phone, locker, or vehicle. Pueblo Transit has the right to search at any time Company property and equipment including any desks, lockers, or vehicles assigned for use by an employee.

Originated February 2019

Policy #9: Safety

The specific department/division in which you work may provide separate safety regulations or training, for example regarding fire safety, exiting the building in an emergency, or accident prevention and reporting. Employees must also comply with any safety regulations the department/division may issue or implement and participate in all safety training Pueblo Transit and/or department/division provides or approves.

It is not possible to list all the things employees should do to maintain a safe workplace. The following are examples of basic workplace safety guidelines all employees should follow:

- Immediately report any safety violation or hazardous condition through your chain of command.
- Falling, tripping, or slipping injuries are the most common accidents, and yet, the easiest to prevent. Watch your step and watch where you are going. Walk, do not run, in the office or warehouses.
- Do not attempt to lift more than you can safely carry. Remember, even light loads can cause injury if you are not lifting properly. Always keep your back straight and use your legs when lifting any objects.
- Do not leave any equipment running that you are not using.
- All goggles, gloves, back support belts, etc. supplied for your safety must be worn whenever you are doing the work for which they are provided.
- Do not use unknown chemicals or materials that cannot be identified.
- Do not operate equipment if you have not been properly trained.
- Excessive sun exposure can be dangerous. Outside workers should take precautions to properly protect exposed skin.
- Do not use chairs, wastepaper baskets, boxes, or other objects as ladders.
- When on a ladder, do not overreach and always face the ladder steps.
- Do not thrust your hand into unknown areas. Check first for protruding nails, sharp or ragged edges, or exposed wires.
- When opening or closing doors, keep your hands, feet, and legs clear of door edges and jams.
- If you are responsible for driving a Company vehicle, be sure to check oil and water

levels and the condition of the tires (including the spare) each time you take out the vehicle. Drivers and passengers should wear seat and shoulder belts always.

- Supplies and tools must be properly stored and not left lying on the floor in work areas.
- Close desk and file drawers when not in use.
- Do not open two file drawers in the same cabinet at the same time.
- All electrical cords and computer cables must be properly installed.

EMPLOYEES ARE RESPONSIBLE FOR KNOWING, UNDERSTANDING, AND ADHERING TO ALL APPLICABLE SAFETY POLICIES AND PROCEDURES.

Originated February 2019

Policy #10: Smoking and Vaping Prohibited

Smoking, vaping, or spitting chewing tobacco is prohibited in all enclosed facilities, including buildings and vehicles, which are owned or leased by Pueblo Transit.

Originated February 2019

Policy #11: Nursing Mothers

Pueblo Transit complies with all applicable laws concerning nursing mothers. Pueblo Transit will make reasonable efforts to accommodate employees who choose to express milk in the workplace for their nursing children during the first two years after birth. Mothers who are expressing breast milk may use their regular breaks during the workday for that purpose.

Pueblo Transit shall designate a location as close to the work area as possible, other than a bathroom, at each facility for the purpose of expressing breast milk in private. Employees wishing to express breast milk at work are required to notify their immediate supervisor as far in advance as is practical so that arrangements can be made to accommodate the need and to ensure that the designated location is vacated at the appropriate times. Employees may raise questions or complaints about workplace accommodation for nursing mothers without fear of reprisal. Employees with questions or concerns shall notify their immediate supervisor.

Originated February 2019

Policy #12: Driver's License and Insurance Verification

All employees who are required pursuant to their employment to drive a Company owned vehicle or a personal vehicle to conduct Company business must possess and maintain a valid Colorado driver's license during employment. Pueblo Transit reserves the right to investigate the driving records and insurability of all employees who operate Company vehicles, personal vehicles used during the performance of duties assigned by Pueblo Transit, equipment, and apparatus requiring a valid Colorado driver's license.

Any employee who must possess and maintain a valid Colorado driver's license during employment and whose driver's license is suspended, revoked, or restricted shall immediately (within not more than twenty-four (24) hours notify the Director. This includes any activity occurring on personal time which may affect the driver's license status of an employee who must use any vehicle, personal or Company, to conduct Company assigned business. Any employee who continues to drive a Company vehicle or personal vehicle to conduct Company business after his/her driver's license has been suspended, revoked, or restricted shall be discharged. The Director shall immediately remove employees from driving duties upon notice of a licensing issue and shall consult with the City's Director of Human Resources.

Employees whose driver's license is suspended, revoked, or restricted shall provide timely updates on the status of all criminal, civil, and/or Department of Motor Vehicle case(s) related to the suspension, revocation, or restriction or pending suspension, revocation, or restriction of the driver's license to include hearings and sentencing information to the Director or his/her designee. Additionally, the employee shall provide copies of any pertinent court and other issuing agency documents related to the case(s) to the Director or his/her designee as part of the continued reporting requirement.

Employees operating a Company-owned vehicle within the course and scope of their employment are covered by the City's liability insurance program. Employees operating a personal vehicle on Company business are responsible for maintaining automobile liability insurance coverage that meets the Motor Vehicle Financial Responsibility Law of Colorado (C.R.S. Title 42 Article 7). Proof of such insurance should be maintained with the vehicle and may be verified by Pueblo Transit at least annually. Pueblo Transit does not provide insurance coverage for damage to personal vehicles while utilized for Company business nor is Pueblo Transit responsible for loss or damage to any personal property that is in the vehicle.

As used herein, "restricted" or "restriction" means any limitation which would prohibit the employee's driving of a Company vehicle or personal vehicle in conducting Company assigned business.

Originated February 2019

Policy #13: Substance Free Workplace

Pueblo Transit is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. Pueblo Transit employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

Pueblo Transit is a drug-free workplace. It is unlawful and prohibited to manufacture, distribute, dispense, possess or use a controlled substance in the workplace. Employees are required to abide by the terms of this policy as a condition of employment. If an employee is convicted of a drug statute violation that occurs in the workplace, the employee is required to report it to the employer in writing no later than five calendar day after such a conviction.

For additional information refer to Pueblo Transit's Drug and Alcohol Policy and the 2nd Chance Substance Abuse and Alcohol Misuse Policy.

Originated February 2019

Policy #14: Workers' Compensation

All job-related injuries or illnesses, regardless of severity, must be reported immediately, within four days after an injury occurrence or illness onset. All other employees shall immediately report such injury or illness to the employee's supervisor and complete Pueblo Transit's Employee Written Notice of Accident form and Designated Provider List. If the supervisor is not on duty, the employee should report the accident or injury to the Director.

The Employee Written Notice of Accident form must be completed and filed for each job-related injury or illness no later than four days after an injury occurs or illness begins. If it is necessary for the employee to go to a designated provider clinic or to use emergency hospital services as a result of any work-related injury or illness. Pueblo Transit's Workers' Compensation designee must be informed whenever possible before the employee receives such services. If the employee is incapacitated or otherwise physically unable to inform Pueblo Transit before seeking such emergency care, they shall do so as soon as is possible thereafter. Before seeing any other physician or health care provider, employees who have any job-related injury or illness may first be required to see a physician designated by Pueblo Transit. Pursuant to statute, any medical treatment with a provider who is not designated by Pueblo Transit shall not be covered under a workers' compensation claim.

With respect to all job-related injuries or illnesses, the employee's supervisor shall timely and promptly complete and file the Employer's First Report of Injury and Supervisor Investigation Report forms with Pueblo Transit within twenty four (24) hours if possible. The employee's supervisor shall ensure that the employee has provided all pertinent details of the accident itself, the body part(s) injured (to include right/left, upper/lower, etc.), and what type of injury was sustained (contusion, fracture, strain, sprain, abrasion, etc.).

Originated February 2019

Policy #15: Unemployment Insurance

Employees who lose their jobs may be eligible for unemployment insurance. A notice about unemployment insurance is posted on the bulletin board at 350 Alan Hamel, Pueblo CO, 81003.

Originated February 2019

Policy #16: Attendance

Employees shall report on time and be ready to work and work diligently the full amount of time for every period they are scheduled to work. Absenteeism and tardiness are unfair to other employees, Pueblo Transit, and the customers we serve.

Any employee who finds it necessary to be absent from duty shall inform Pueblo Transit of the reasons therefore at least one (1) hour before working time, on the first day of such absence or occurrence of tardiness. If this is not possible due to an emergency, the employee shall report to his or her supervisor or Pueblo Transit at the earliest possible time. Failure of an employee to so report for duty may be grounds for disciplinary action.

If an absence is due to a previously approved Family and Medical Leave Act (FMLA) eligible issue, the employee must indicate that the absence or tardiness is FMLA related.

All unauthorized absences without leave shall be grounds for disciplinary action. Reduction of pay shall be made for all periods of unauthorized absences.

Abuse of any leave is unacceptable and may be subject to investigation and discipline. Pueblo Transit maintains the right to conduct welfare checks when employees are absent due to illness.

Specifically, sick leave abuse or excessive usage will be monitored based on the following criteria:

- Consistent or frequent sick leave usage before or after scheduled days off;
- Consistent or frequent sick leave usage before or after vacation days;
- Consistent or frequent sick leave usage on holidays (when applicable);
- Consistent or frequent sick leave usage that coordinates with days off, vacation, or sick leave usage by spouse or significant other also employed by Pueblo Transit;
- A pattern of sick leave usage on certain days without explanation;
- Maintaining a sick leave accrual balance at or near zero; or
- Engaging in activities outside of work that are inconsistent with calling off sick.

If after exhaustion of all available leave, including injury, vacation and sick leave, an employee, shall fail or be unable to return to work, he or she shall be discharged.

Originated February 2019

Policy #17: Family and Medical Leave Act & Family Care Act

This policy contains an overview of the Family and Medical Leave Act (FMLA). It is the policy of Pueblo Transit to comply with the requirements of the Family and Medical Leave Act of 1993, the Family Care Act (FCA) of 2013, and all DOL regulations when applying this policy. The provisions of Pueblo Transit's existing leave policies continue to apply and will run concurrently with FMLA and FCA.

Eligibility

In order to qualify to take family and medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for Pueblo Transit at least twelve months, or 52 weeks in the past seven years. The twelve months, or 52 weeks, need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked for Pueblo Transit at least 1250 hours during the previous twelve months.
3. Need leave for one of the following reasons:
 - The birth of a child and in order to care for that child;
 - The placement of a child for adoption or foster care;
 - To care for a spouse, child, or parent with a serious health condition;
 - The serious health condition of the employee that makes the employee
unable to work;

A qualifying exigency arising out of the active duty or call to active duty status in the Armed Forces, including the National Guard or Reserves, of a spouse, son, daughter or parent of an eligible employee; or

Military Caregiver Leave for an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member or veteran with a qualifying serious injury or illness.

Duration of Leave

An eligible employee can take up to the twelve work weeks of leave under this policy during a twelve-month period. Pueblo Transit will measure the twelve-month period as a rolling twelve month period measured backward from the first date an employee is entitled to use FMLA leave under this policy. Each time an employee takes FMLA leave, Pueblo Transit will compute the amount of FMLA leave the employee has taken during the previous twelve months and subtract it from the twelve weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. If the leave is Military Caregiver Leave, eligible employees are entitled to a maximum of 26 work weeks of unpaid leave during a single twelve-month period. The twelve-month period for this leave is calculated from the first day the leave is taken.

The total FMLA leave that may be taken during a twelve-month period (alone or in combination with other FMLA leave) is 26 work weeks. Mandatory overtime will count toward an employee's FMLA time for all types of leave.

Notice of Need for Leave

Except where leave is not foreseeable, an employee requesting FMLA leave under this policy must submit the request in writing to his/her immediate supervisor, with a copy to the City's Department of Human Resources.

When an employee plans to take leave under this policy, the employee must give Pueblo Transit 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to Pueblo Transit operation.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice.

Dual Employment Situations

If a husband and wife both work for Pueblo Transit, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, to care for a child after placement, to care for the employee's parent with a serious health condition under FMLA or a parent in-law under FCA, or to care for a covered service member with a serious injury or illness, the husband and wife may only take a combined total of twelve weeks (26 weeks for Military Caregiver Leave) of FMLA or FCA leave.

Intermittent Leave or a Reduced Work Schedule

FMLA leave may be taken on either an intermittent or reduced basis as provided by FMLA. Allowing intermittent leave is not a requirement of, but Pueblo Transit has elected to administer both FMLA consistently. Such a schedule must be needed for medical reasons and approved by a healthcare provider. In all cases, the leave may not exceed a

total of twelve work weeks (or 26 work weeks in the case of Military Caregiver Leave) over a twelve-month period. If there is a change in the work schedule as a result of intermittent FMLA the request must be either mutually agreed upon or as the result of a new medical certificate.

In its sole discretion, Pueblo Transit may consider requests for intermittent leaves or reduced work schedules for the birth or adoption of a child on a case-by-case basis. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

Pueblo Transit may temporarily transfer or assign an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

Use of Paid and Unpaid Leave

An employee taking FMLA leave because of the employee's own serious health condition must use all accrued paid leave, including sick, vacation, personal holiday, prior to going into an unpaid leave status on FMLA. Unpaid leave while on FMLA will only be allowed in instances where the employee does not have a sufficient amount of paid leave accrued to cover the approved absence.

An employee taking FMLA leave because of the serious health condition of a family member may use sick leave only in accordance with the provisions related to family sick leave in the applicable union contract. If the leave extends beyond the maximum family sick leave allowance in the applicable contract, the employee must then use vacation, personal holiday to cover the absence. Employees must use accrued paid leave hours prior to going into an unpaid leave status. Unpaid leave while on FMLA will only be allowed in instances where the employee does not have a sufficient amount of paid leave accrued to cover the approved absence.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, or personal leave, prior to being eligible for unpaid leave.

If an employee takes paid sick or injury leave for a condition that results in a serious health condition and the employee requests leave as provided under this policy, Pueblo Transit will designate the portion of related leave already taken, as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

If the employee is on modified work status, any time worked does not count towards FMLA.

Certification Requirements

Employees are required to provide certification of their need for FMLA leave. There are four certification forms specific to each type of leave:

- Physician's Certification form for the employee's serious health condition;
- Physician's Certification form for a family member serious health condition;
- Physician's Certification form for a family member's military service-related serious health condition; and
- Certification form for a qualifying exigency.

Certification forms can be obtained from the City's Department of Human Resources, or by visiting the City of Pueblo's intranet site. In compliance with the Health Insurance Portability and Accountability Act (HIPAA) privacy rule standards, all certifications must be submitted to the City's Department of Human Resources, while issues regarding job placement and scheduling are to be directed to the affected manager.

Pueblo Transit has the right to ask for a second medical opinion, except for the leave to care for a covered service member, if it has reason to doubt the certification. Pueblo Transit will pay for the employee to get a certification from a second doctor, which Pueblo Transit will select.

If necessary, to resolve a conflict between the original certification and the second opinion, Pueblo Transit will require the opinion of a third doctor. Pueblo Transit's and employee's physician will jointly select the third doctor, and Pueblo Transit will pay for the opinion. This third opinion will be considered final.

Employees also may be required to provide periodic re-certification supporting the need for leave.

While on any leave, employees are requested to report no less than every two weeks to the Director and the City's FMLA Case Manager regarding the status of the medical condition and their intent to return to work.

When calling in to report an absence (partial day or otherwise), the employee who has approved FMLA certification must designate that the reason for their absence is for reasons related to FMLA. If it is not FMLA related, the employee shall report that to their supervisor as well, and that leave will not count towards the 12 or 26 weeks of FMLA leave. Employees who claim that an absence is FMLA related and it is proven otherwise may be subject to disciplinary action for such falsification.

Employee Status and Benefits During FMLA Leave

While an employee is on FMLA leave, Pueblo Transit continues the employee's health, dental, and group life insurance benefits during the leave period, at the same level and under the same conditions as if the employee has continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition, Pueblo Transit will require the employee to reimburse Pueblo Transit the

amount it paid for the employee's health insurance premium during the leave period.

Under current collective bargaining agreement, the employee pays a portion of the health and dental care premiums. While the employee is on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While the employee is on unpaid leave, the employee must continue to pay his/her share of the premiums. The payment must be received in the City's Finance Department by the 20th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

If the employee contributes to a life insurance or disability plan, Pueblo Transit will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those payments, along with the health and dental care payments. If the employee does not continue these payments, Pueblo Transit may discontinue coverage during the leave period, or will recover the payments at the end of the leave period, in a manner consistent with the law.

Fitness for Duty Certification – Return to Work

Upon return to work from an FMLA leave, most employees will be restored to the same position or to one equivalent in pay, benefits, and other terms and conditions of employment.

If FMLA leave was based on a personal serious medical health condition, the employee must provide medical certification that they are able to resume the essential functions of their position when they return to work.

Pueblo Transit retains the right to request a fitness-for-duty evaluation from a second physician at Pueblo Transit's cost. If necessary, to resolve a conflict between the original return to work certification and the second opinion, Pueblo Transit will require the opinion of a third doctor. Pueblo Transit's and employee's physician will jointly select the third doctor, and Pueblo Transit will pay for the opinion. This third opinion will be considered final.

Employee Status after FMLA

An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same, or one that entails substantially equivalent skill, effort, responsibility, and authority.

Pueblo Transit may exempt certain highly compensated employees (top 10%) from this requirement, and not return them to the same or similar position.

Failure to Return to Work

An employee who does not return to work upon expiration of FMLA leave may be

discharged. An employee who fails to return from FMLA leave will be required to refund all employer benefit contributions paid during the unpaid portion of the leave, unless the failure to return results from the continuation, recurrence, or onset of a serious health condition, or something beyond the employee's control.

If an employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, he or she should consult with the City's Department of Human Resources regarding the ADA process.

Definitions:

- **Serious Health Condition:** As defined by FMLA, a serious health condition means an illness, injury, impairment or physical or mental condition that involves any of the following:
 - Inpatient care (overnight stay) in a hospital or medical facility, or any subsequent treatment in connection with such inpatient care; or
 - Continuing treatment by a health care provider which includes any one or more of the following:
 - Incapacity of more than 3 calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment by a health care provider two or more times within 30 days of the incapacity or treatment on one occasion that results in continuing treatment such as antibiotics;
 - Any incapacity due to pregnancy or prenatal care including morning sickness;
 - Incapacity for treatment for a chronic serious health condition which is one that requires periodic visits (at least twice a year) for treatment by or under the supervision of a health care provider
 - AND continues over an extended period of time AND may be episodic (asthma, diabetes, migraines);
 - Permanent long-term conditions;
 - Absences to receive multiple treatments by or under the supervision, orders or referral of a health care provider and any period of recovery related to the treatments (chemotherapy, physical therapy).
- **Qualifying Exigency Leave:** Qualifying Exigency Leave allows an employee to take leave arising out of the fact that a spouse, son, daughter or parent of the employee

is on covered active duty or has been notified of an impending call to covered active duty status in the Armed Forces, including the National Guard or Reserve. Qualifying exigencies include:

- o Short-notice (less than eight days) deployment;
 - o Military events and related activities;
 - o Certain childcare and school activities;
 - o Making or updating financial and legal arrangements;
 - o Attending counseling;
 - o Taking up to five days of leave to spend time with a covered military member who is on certain leave during deployment;
 - o Attending certain post deployment activities; or
 - o Any other event that the employee and Pueblo Transit agree is a qualifying exigency.
- Covered Active Duty: Duty during the deployment of a member of the Armed Forces, including the National Guard or Reserve, to a foreign country.
 - Qualifying Serious injury or illness for Military Caregiver Leave:
 - o In the case of a member of the Armed Forces, including the National Guard or Reserves, a serious injury or illness means one that was incurred by the member in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves) and that may render the member medically unfit to perform the duties of the member's office grade, rank, or rating; and
 - o In the case of a veteran who was a member of the Armed Forces, including the National Guard or Reserves, at any time during a period when the person was a covered service member, means a qualifying injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces, including the National Guard or Reserves, (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.
 - Next of Kin: Applicable only to Military Caregiver Leave. The nearest blood relative of the injured or recovering service member.

- Covered Service Member:
 - o A member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - o A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran underwent that medical treatment, recuperation, or therapy.

Family Care Leave Act (FCA)

In addition to the leave to which an employee is entitled under FMLA, an employee is entitled to FMLA leave to care for a person who has a serious health condition, as that term is defined in the FMLA, if the person:

- (a) Is the employee's partner in a civil union, as defined in section 14–15–103(5), C.R.S.; or
- (b) Is the employee's domestic partner and:
 - (I) Has registered the domestic partnership with the municipality in which the person resides or with the state, if applicable; or
 - (II) Is recognized by the employer as the employee's domestic partner.

For purposes of confirming an employee's relationship to a person described above for whom the employee is requesting leave, the employee may be required to provide reasonable documentation or a written statement of family relationship, in accordance with the FMLA. An employee seeking FMLA leave for a person described above may be required to submit the same certification as the required under the FMLA. Family Care Leave taken by an employee runs concurrently with leave taken under the FMLA, and the Family Care Leave policy does not increase the total amount of leave to which an employee is entitled during a twelve-month period under the FMLA, FCA or both.

Policy #18: Military Leave

Military leave laws are too complex to describe here, but it is Pueblo Transit's policy to comply with all state and federal laws governing leaves for military service. Employees should check with the Transit Director if they have any question about military leave.

Originated February 2019

Policy #19: Leave for Protection from Domestic Abuse

Any employee who has been employed full time for at least 12 months and who is the victim of domestic abuse, stalking, or sexual assault, as defined by applicable law, or any other crime that a court finds to be an act of domestic violence may request up to three working days of leave from work in any twelve-month period. Employees may use this leave to protect themselves by: (1) Seeking a civil restraining order to prevent domestic abuse; (2) Obtaining medical care or mental health counseling or both for themselves or for their children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence; (3) Making their homes secure from the perpetrators of domestic abuse, stalking, or sexual assault or other crime involving domestic violence or seeking new housing to escape the perpetrators; and (4) Seeking legal assistance to address issues arising from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence and attending and preparing for court-related proceedings arising from any of these crimes.

Whenever possible, except in cases of imminent danger to the health or safety of the employee, an employee seeking leave under this policy must provide reasonable advance notice of the need for this leave.

Pueblo Transit may, in its sole discretion, require employees who request this leave to provide copies of documents confirming the reason for their request, such as any police report or court order confirming the underlying facts.

An employee seeking leave under this policy must first use any accrued vacation, sick leave, and any other paid leave available to the employee before taking leave without pay.

Originated February 2019

Policy #20: Leave for Child's School Activity

The provisions provided in this general regulation apply only to employees who are not executives or supervisors and who are the parents or legal guardians of children enrolled in a public or private school or in a nonpublic home-based educational program in Colorado in any grade from kindergarten through twelfth grade. Up to six hours in any one month, but not to exceed eighteen hours, in any academic year may be used by a qualifying employee for the purpose of attending an "academic activity" for or with the employee's child. An "academic activity" means a parent-teacher conference, a meeting related to special education services, or a meeting related to intervention, dropout prevention, attendance, truancy, or disciplinary issues regarding the employee's child or any child for whom the employee has primary legal responsibility. Leave for this purpose shall be unpaid unless the eligible employee elects to substitute accrued vacation leave, personal leave.

Employee shall make a reasonable attempt to schedule academic activities for which leave may be taken outside of regular work hours. The employee must provide at least one calendar week's advance notice of the need for use of vacation leave or personal leave for an academic activity. In the case of an emergency, an employee must give notice of leave as soon as possible and provide the written verification on returning to work.

Originated February 2019

Policy #21: Use of Company Computer and Communication Resources

City of Pueblo, Information Technology Department provides all computer and technology services for Pueblo Transit. Pueblo Transit's computer resources and related online services and e-mail are intended for business purposes only. Such resources should be used to conduct official business of Pueblo Transit.

Employees are cautioned that e-mail and communications through online services seem to be less formal than other written communications, but in essence they are the same. Therefore, all communications by e-mail or online services should be treated as formal written correspondences. All employees are cautioned that such communications may be subject to public disclosure under the Colorado Open Records Act.

The use of Pueblo Transit's computer resources and related online services and e-mail for personal purposes is strongly discouraged. Employees are not entitled to any expectation of privacy in the use of a Pueblo Transit computer resources and related online services and e-mail. If an employee receives e-mail that is of a private or personal nature, it should be immediately deleted. Any personal use which is not incidental or occasional or which interferes with the normal business activities of Pueblo Transit or could potentially embarrass or cause damage to Pueblo Transit is prohibited. Pueblo Transit may, as is deemed necessary, prohibit use of Pueblo Transit's computer resources and related online services and e-mail for any personal purposes.

Employees are advised that the Board President has approved restrictions and requirements on the access and use of Pueblo Transit's computer resources and related online services and e-mail as necessary to ensure the integrity, operation, and orderly administration of such services. Those rules, referred to as the City of Pueblo Technology and Communication Policies, can be found on the City's Web site at [http://city/Policies/IT Technology Communication Policy.pdf](http://city/Policies/IT_Technology_Communication_Policy.pdf). Employees of Pueblo Transit shall comply with such restrictions and requirements. Any of the following uses of the Company's computer resources and related online services and e-mail are strictly prohibited:

- (1) Any use for the purposes of influencing the outcome of an election or in support of, or against, any candidate for public office or ballot issue;
- (2) Any use for the purpose of operating a business for personal gain, sending chain letters, or soliciting money for religious and/or political causes;
- (3) Any use of a Pueblo Transit assigned e-mail address for any non-Company purpose. Such addresses are those that end in "@pueblo.us."

- (4) Transmitting or downloading material which is offensive, obscene, pornographic, threatening, or which may be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, age, disability, or religious belief;
- (5) Disseminating or printing copyrighted materials in violation of copyright laws; and
- (6) Any use which violates local, state, or federal law.

Pueblo Transit can, but is not obligated to, monitor use of Company computer resources and related online services and electronic mail without prior notification. If there is evidence you are violating this Policy, Pueblo Transit may take disciplinary action up to and including termination.

Originated February 2019

Policy #22: Professional Workplace Conduct

All Company employees are expected consistently:

- Demonstrate the job skills (including the training, experience, and physical and mental job skills) to perform their job responsibilities in a manner that meets the quality, service and productivity standards Pueblo Transit establishes.
- Be on time and ready to work at the start and throughout all scheduled work periods.
- Perform all of their job responsibilities to meet Pueblo Transit's needs.
- Demonstrate their commitment to Pueblo Transit's goals.
- Conduct themselves as mature, cooperative professionals.
- Be truthful in all employment related activities and not knowingly make false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of Pueblo Transit or its employees.

The standard for personal conduct includes treating all other employees of Pueblo Transit, Company management, customers, and the public with respect and cooperating with them in a professional manner.

Originated February 2019

Policy #23: Personal and Workplace Appearance

Employees should maintain an appropriate appearance that is professional, neat, clean, and appropriate to the area in which the employee works. Pueblo Transit employees are expected to meet hygiene requirements during regular business hours. The minimum standards require employees to maintain personal cleanliness by bathing daily, practice good oral hygiene by brushing teeth; use products to minimize body odors and avoid heavily scent perfumes, colognes and lotions.

Uniform Employees – Standards of Cleanliness:

Uniforms, at the start of shift, must be clean, pressed, free from holes, tears or other signs of wear and must fit appropriately.

Non-Uniform Employees:

Employees are expected to dress in business casual attire unless the day's tasks require otherwise. Employees must always present a clean, professional appearance. Everyone is expected to be well-groomed and wear clothing that is clean, pressed, free of holes, tears, or other signs of wear and fit appropriately. Clothing with offensive or inappropriate designs or stamps or that condone inappropriate or controversial activity are not allowed. Clothing should not be too revealing.

Examples of Business Casual Attire include:

Males: Casual slacks, dress pants, khakis or dockers; sweaters, dress shirt with a collar (standard short or long sleeves are acceptable); polo shirts; blazers and casual jackets.

Females: Casual slacks, dress pants, dress Capris, khakis or dockers; dresses or skirts no shorter than 1 inch above the knee cap; sweaters, blouses (long, short and sleeveless), polos or other dress shirt; blazers and casual jackets.

Not Permitted: Jeans, shorts, sport shirts (jerseys), muscle shirts, athletic suits, sweatpants, sweatshirts, gym clothes, leotards, tube tops, spaghetti straps, halters, bare midriffs, see-through garments, spandex, netting, backless garments, t-shirts or shirts that resemble t-shirts, costumes or theme oriented outfits inconsistent with policy, and hats.

Shoes: Dress shoes/boots, casual shoes, loafers, clogs, hush puppies (or similar style), open-toed dress shoes, dress flats, dress pumps, dress sandals, stilettos, dress wedges, and high heels are acceptable.

Not Permitted: Flip flops and beach footwear.

Employees shall maintain work areas in a neat and professional condition. Employees shall clean up after themselves when using common area and spaces and keep such common areas and spaces neat and professional.

Originated February 2019

Policy #24: Pregnant Workers Fairness Act

It is the policy of Pueblo Transit to comply with the requirements of the Pregnant Workers Fairness Act (PWFA) for all periods of time the PWFA remains applicable to Pueblo Transit. The provisions of Pueblo Transit's existing leave policies continue to apply and will run concurrently with PWFA, FMLA and FCA.

Requirements:

The Pregnant Workers Fairness Act makes it a discriminatory or unfair employment practice if an employer fails to provide reasonable accommodation to an employee who is pregnant, physically recovering from childbirth, or a related condition. This protection extends to applicants for Company jobs as well.

If an employee of Pueblo Transit is pregnant or has a condition related to pregnancy or childbirth and wishes to request an accommodation, the employee must contact the City's Human Resources Department to make such a request. Pueblo Transit and the employee will then engage in an interactive process and review options to provide a reasonable accommodation to perform the essential functions of the employee's assigned job unless the accommodation would impose an undue hardship on Pueblo Transit. Pueblo Transit may require an employee to provide a note stating the necessity of a reasonable accommodation from a licensed health care provider before providing a reasonable accommodation.

Reasonable accommodations may include options such as:

- Provision of more frequent or longer break periods;
- More frequent restroom, food or water breaks;
- Acquisition or modification of equipment or seating;
- Limitations on lifting;
- Temporary transfer to a less strenuous or hazardous position if available, with
- return to the current position after pregnancy;
- Job restructuring;
- Light duty, if available;
- Assistance with manual labor;
- Modified work schedule.

Scope of Accommodation Required:

An accommodation may not be deemed reasonable if Pueblo Transit must hire new employees that Pueblo Transit would not have otherwise hired, discharge an employee, transfer another employee with more seniority, promote another employee who is not qualified to perform the new job, create a new position for the employee or provide the employee paid leave beyond what is provided to similarly situated employees.

A reasonable accommodation must not pose an undue hardship on Pueblo Transit. Undue hardship refers to an action requiring significant difficulty or expense to Pueblo Transit. The following factors are considered in determining undue hardship to Pueblo Transit:

- The nature and cost of accommodation;
- The overall financial resources of the employer;
- The overall size of the employer's business;
- The accommodation's effect on expenses or resources or its effect upon the operations of the employer.

If Pueblo Transit has provided a similar accommodation to other classes of employees, the Act provides that there is a rebuttable presumption that the accommodation does not impose undue hardship.

Adverse Action Prohibited:

This PWFA and this regulation prohibit Pueblo Transit from taking adverse action against an employee who requests or uses a reasonable accommodation.

Originated February 2019