

## POLICY

Employment by the District shall mean and include all services for hire rendered by any person in an authorized personnel position under the control and authority of the Board or its duly authorized designees. All personnel positions must be defined, classified, and authorized by appropriate budget approval.

No person shall be considered employed by the District unless and until that person is approved by the Board and assigned an authorized personnel position. No person shall be employed under a contract of employment with the District, unless otherwise exempted by action of the Board.

Persons rendering personal services for hire for and on behalf of the District as independent contractors, as defined in this policy, shall not be considered employees of the District, and shall not be entitled to receive any employment protections or benefits.

No person shall be retained as an independent contractor to provide personal services for hire, without the review and approval of the Personnel Officer. This does not apply to retained professional services authorized by the Board through the budget process.

Employee groups shall be identified for organizational administration purposes.

## RESPONSIBILITY

It is the responsibility of the **Personnel Officer, District Manager and Fire Chief** to identify position types, statues, etc.

It is the responsibility of the **District Manager and Fire Chief** to ensure that each employee's assigned position type is consistent with the position definition and specified job duties.

## DEFINITIONS

**Alcohol Use** - The consumption of any beverage, mixture, or preparation, containing any amount of alcohol.

**Assignment** - The condition under which an individual is employed or elected, i.e., paid in-station, paid on-call, unpaid on-call, resident in-station, Board, etc.

**Board** - The District's Board of Directors.

**Bona Fide Occupational Qualification (BFOQ)** – Employment qualifications that the District can consider while, making decisions about hiring and retention of employees. The qualifications should relate to an essential job duty and is considered necessary for operation of the specified job position.

**Charged** – A formal accusation of criminal activity via the issuance or filing of a formal complaint, citation, information, or indictment, which is punishable, upon conviction, by fine, imprisonment, or both.

**Closed Record** – Any record closed to the public as allowed by the Missouri Sunshine Law (Chapter 610, RSMo.).

**Controlled Substance** - A controlled substance in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined in Part 21 CFR 1308.11 - 1308.15; For purposes of testing: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

**Conviction** - A finding of guilt, including a plea of nolo contendere, or suspended imposition of sentence (SIS), or both by any judicial body charged with the responsibility of determining violations of federal or state statutes.

**Criminal Drug Statutes** - A federal or non-federal criminal statute involving the manufacturing, distribution, dispensation, possession, or use of any controlled substance.

**Demotion** - The movement of an employee to a position with a grade level lower than the current grade level. Demotions can be given as a result of disciplinary action, poor performance or voluntary request.

**Director** - One of three (3) elected or appointed officials that make up the District's governing body.

**Disciplinary Process** – A standardized step-by-step comprehensive process that the District commits to in situations where an employee is to be warned, reprimanded, or terminated.

**Disciplinary Action** - An action taken for dealing with job-related behavior that does not meet expected and communicated performance standards (i.e., oral, first and second warnings, suspension without benefits, demotion, reduction in benefits, termination, etc.).

**District** - The Tightwad Fire Protection District, a Missouri municipal corporation and

political sub-division.

**District-Owned Property** - Any facility, building, equipment, vehicle, tool, supply, material, and other items of value which were acquired by the District through donation or purchase.

**Drugs** - See definition for "Controlled Substance".

**Emergency Duty** - An unscheduled work period resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save a life and/or property or prevent suffering or potential disability.

**Employee** - A person employed in an approved position with or without compensation that performs a service for or on behalf of the District at or under the direction of the District or with the District's acceptance.

**Employment Action** - Aspects of the employment process including, but not limited to, recruitment, testing, ranking, certification, interviewing, recommendation for selection, hiring, promotion, discipline, separation, organizational structure, etc.

**Employment Process** - A series of employment actions taken prior to hiring an employee, to determine which will be the best suited for the position. After assessing the candidates, the District decides which will receive an offer of employment.

**Employment Status** – See definition for "Assignment".

**Fire Officers** – Lieutenant, Captain, Training Officer, and Assistant Fire Chief.

**First Warning** – See definition for "Warning, First".

**Grade level** - The scale assigned to each position that designates the degrees of certification and licensure or designates appropriate classification of benefits.

**Harassment, Non-Sexual** - Verbal or physical conduct that denigrates or shows hostility or aversion toward someone who is protected under federal nondiscrimination laws.

**Harassment, Sexual** - Frequent or repeated unsolicited or unwelcomed verbal comments, gestures, or physical contacts of a sexual nature or that are offensive to a person's gender, regardless of whether the person is an employee, volunteer, visitor, or patron.

**Hire Date** – The date the Post-Offer Hiring Process is completed as documented on the

***Applicant Checklist Form 254-4.*** Also known as date of employment.

**Health Condition, Serious** - See "Serious Health Condition".

**Illegal Drug** – A substance that affects the way the body functions and is forbidden by law or is allowed by law but acquired by illegal means, including drugs that are legally prescribed but not used in accordance with the prescribed manner or purposes.

**Immediate Family** - An employee natural, extended and step relatives including father, mother, brother, sister, children, spouse, stepfather, stepmother, grandmother, grandfather, grandchildren, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, aunt, uncle, etc.

**Independent Contractor** - Any person performing personal services for hire, exercising independent judgment and discretion, exclusive of control and supervision by the District or its employees, that is, a self-employed person or entity contracted to perform work for – or provide services to – the District as a nonemployee or is sufficient to satisfy criteria established by the Missouri Labor and Industrial Relations Laws, the Internal Revenue Code (IRC), and the federal Fair Labor Standards Act (FLSA).

**Initial Performance Trial Period** – A working test period after an employee's initial hire date during which that employee is required to demonstrate satisfactory performance in the job to which they were hired before acquiring permanent status in the job.

**Leave of Absence** - Any absence in which an employee is unavailable for scheduled work periods, calls, training and/or maintenance for a period of fifteen (15) calendar days or more.

**Non-Sexual Harassment** – See definition for "Harassment, Non-Sexual".

**Official Personnel File** - The data, materials and information concerning a District employee, not including medical records such as doctors' statements, doctor releases, workers' compensation claim forms, etc. (see Personnel Files Policy #254).

**Operation of Fire Apparatus** – For clarification purposes, the below specified situations will be considered ‘operating a fire apparatus’:

- Waiting to be dispatched, unless already relieved from duty;
- Inspecting, servicing, or conditioning any fire apparatus;
- Operating or being present in a fire apparatus;
- Performing employee’s job requirements associated with an accident; and
- Repairing, obtaining assistance, or remaining in attendance upon a disabled fire apparatus.

**Performance Improvement Plan (PIP)** - A written plan that identifies specific performance problems, methods of corrective action, and a timetable for improvement.

**Performing a Safety-Sensitive Function** - Any period of time in which an employee is performing, ready to perform, or immediately available to perform any safety-sensitive function.

**Position** - A combination of job duties and responsibilities which have been evaluated according to District’s Policies and Practices and for which a staffing level has been assigned and approved by the Board.

**Promotion** - The movement of an employee to a position which is classified at a higher grade level than the employee's current position.

**Personal information (PI):** Also known as personal data. Information that can be used to identify, locate, or contact an individual, alone or when combined with other personal or identifying information; however, for federal and state privacy and data security laws, the precise definition of personal information varies depending on the law and may be more narrowly defined.

PI examples include information frequently contained in incident reports and Patient Care Reports (PCRs), including preparation thereof, but are not limited to:

- Name;
- Home or other physical address;

- Email address;
- Telephone number;
- Social Security number;
- Passport number;
- Driver's license number;
- Bank account number;
- Credit or debit card number; and
- Personal characteristics, including photographic image, fingerprints, handwriting or other unique biometric data.

**Personally Identifiable information (PII):** Information frequently contained in incident reports and Patient Care Reports (PCRs), including preparation thereof, that can be used to infer an individual's identity, and includes:

- Information that can identify someone alone, e.g., name, Social Security number, driver's license number; and
- Information that can be used in combination to identify someone, e.g., mother's maiden name and an individual's birthday.

**Protected Health Information (PHI):** Information frequently contained in incident reports and Patient Care Reports (PCRs), including preparation thereof, that was obtained or used to provide healthcare.

PHI examples include, but are not limited to:

- Identity information such as:
  - Name;
  - Birthday; and
  - Location;
- Identifying images such as pictures that show a patient's face;

- Identity numbers and codes, such as:
  - Email and physical addresses;
  - Social Security numbers;
  - Health insurance account numbers; and
  - License plate numbers;
- Medical records, including:
  - Prescriptions;
  - Health histories; and
  - Laboratory results;
- Biometric data, including:
  - Heartbeat monitoring;
  - Blood sugar monitoring; and
  - Voice recognition.

**Safety-Sensitive Function** – Any on-duty functions which involve incident response, firefighting, extrication of drivers from a motor vehicle accident, etc.

**Second Warning** – See definition for "Warning, Second".

**Separation** – A discontinuation of an employee's relationship with the District (i.e., contract ends, termination, laid off, retirement, resignation, etc.).

**Serious Health Condition** - Inpatient care at a hospital, hospice or residential medical care facility or continuing care by a licensed healthcare provider, including injury, impairment, or illnesses or physical or mental condition of a serious nature and long-term nature, resulting in recurring or lengthy absences.

**Sexual Harassment** - See "Harassment, Sexual".

**Status** - The state of employment, i.e., active, on leave of absence, terminated or other conditions such as suspension. Also see definition of "assignment".

**Termination Date** - The date an employee last worked or when final determination of the conclusion of employment is made.

**Transfer** - The movement of an employee to a position which is classified at the same grade level as the employee's current position.

**Under The Influence** - An employee whose behavior is impaired because of alcohol use, which is interfering with job performance, including actions, appearance, speech, bodily odor, etc. Being under the influence does not mean legally intoxicated.

**Volunteer** - A person without compensation that performs an ancillary service or isolated task that is not ordinarily a part of the District's day-to-day operations, for or on behalf of the District with little or no direction by the District or without the District's acceptance.

**Warning, First** – A formal, written notice to an employee that misconduct has occurred and what corrective action must take place, if any. An oral warning shall also be given and evidenced within the written warning.

**Warning, Second** – A formal, written notice to an employee that misconduct has occurred a second time within a one-year period and what corrective action must take place. The written second warning shall notify the employee that if the situation is not corrected, or occurs again, that additional disciplinary action such as suspension without benefits, demotion, reduction in benefits, or termination may be imposed.

**Work Periods** - An interval of time designated to employment, usually scheduled, and known in advance. Also see definition for "Emergency Duty".



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REVISION HISTORY

Revision Date	Author	Revision Details
May 5, 2021	Monte Olsen	Initial version
May 20, 2021	Monte Olsen	Added "Fire Officers"
March 21, 2022	Monte Olsen	Added PI, PII, and PHI & Policy 730