

## **THE PRESIDIO TRUST PERSONNEL POLICY**

This is the policy of the Presidio Trust in the exercise of its authorities regarding the appointment, compensation, duties and termination of its employees. Consistent with this policy and applicable law, the Trust shall develop an employee handbook. Related operational and administrative guidelines and procedures may be developed as the Chief Executive Officer deems necessary or appropriate. This Policy supercedes all prior Board approved personnel policies.

### **STATUTORY BASIS**

The Presidio Trust (“Presidio Trust” or “Trust”) was established by the [Presidio Trust Act \(16 USC 460 bb, appendix\)](#). Section 103(c)(7) of the Act ([Staff](#)) states, “Notwithstanding any other provision of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of a chief executive officer and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, or other laws related to the appointment, compensation, or termination of federal employees.”

### **HUMAN RESOURCES MISSION**

The Presidio Trust seeks a diverse workforce that is customer-oriented, competent, motivated, innovative, safety-conscious, accountable and committed to teamwork.

### **GUIDING PRINCIPLES**

The following principles shall guide the Trust’s human resources practices:

- **Equal Employment Opportunity:** The Trust is committed to equal employment opportunity and does not discriminate based on an individual’s race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sexual orientation, age or sex. This policy governs all aspects of employment at the Trust. The Trust will reasonably accommodate an individual’s physical or mental disability.
- **Merit:** The Trust’s personnel practices will be merit based and will be administered in a manner consistent with this policy.
- **At-will Employment:** Employment with the Trust is entered into voluntarily and an employee may resign at any time. The Trust may also conclude an employment relationship at any time with or without cause.
- **Ethics:** Government service is a public trust and each employee has the responsibility to place loyalty to the Constitution, law, and ethical principles above private gain. Trust employees are federal employees and shall adhere to the Standards of Ethical Conduct for Employees of the Executive Branch and related statutes.
- **Flexibility:** The Trust’s personnel practices will be flexible in responding to the needs of an evolving entrepreneurial organization.

## **IMPLEMENTATION**

The Chief Executive Officer may delegate authority and responsibility under this policy by written designation.

The Trust shall create a process for establishing positions.

The Trust shall follow the provisions of the Fair Labor Standards Act (FLSA). The Director of Human Resources shall determine FLSA status (“nonexempt” or “exempt”) for all paid positions.

## **APPOINTMENTS**

All employment with the Trust is at-will. Therefore, an employee may resign at any time. Similarly, the Trust may conclude an employment relationship at any time with or without cause.

The term “appointment” means the initial hire of an applicant to a position within the Trust, as well as any action to fill a vacant position or special need through promotion, reassignment, or detail. Appointments will be made on the basis of qualifications and merit.

### **Appointment Categories:**

*Temporary:* Appointment of less than one year in duration to serve as an interim replacement, to temporarily supplement the work force, or to assist in the completion of a specific project. Temporary employees are ineligible for Trust benefits.

*Term:* Appointment that does not exceed a specified period of time ranging from one year to five years in length. Employees in this category are eligible for Trust benefits.

*Regular:* Appointment without a specified time limitation. Employees in this category are eligible for Trust benefits.

*Full-time/Part-time:* Regular, term, and temporary employees may be hired to work full-time (80 hours per two-week pay period) or part-time (less than 80 hours per two-week pay period).

*Detail/IPA Employees:* By mutual agreement between the Presidio Trust and an employing federal agency or other authorized entities, employees of other agencies or entities may be detailed to work with the Presidio Trust under the Intergovernmental Personnel Act while retaining their employment status with the agency or entity providing the detail. Similarly, Trust employees may be detailed under the IPA to other agencies or entities.

## **SELECTIONS**

The Trust will make selections based on qualifications and merit without regard to race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status,

sexual orientation, age, sex or political affiliation. The Trust will reasonably accommodate an individual's physical or mental disability.

#### **VACANCIES**

Vacant positions for which external applicants are sought may be publicized on the Trust's public website (<http://www.presidio.gov/>) and may also be publicized in other online and print media.

#### **PROMOTIONS**

Promotions shall normally be made through competition. A decision not to compete a promotion shall be made at the discretion of the Chief Executive Officer in consultation with the affected division head and the Director of Human Resources.

#### **SELECTION OF CANDIDATES**

Selections will be based on an evaluation of the applicants' qualifications against various job and mission related criteria demonstrated by education, training, experience, suitability and information obtained from interviews, work samples, references and/or other sources and on merit.

#### **NO MINIMUM TIME REQUIREMENT**

An employee is not required to serve a minimum length of time in his/her position prior to being eligible for promotion.

#### **COMPENSATION**

The Presidio Trust will provide compensation that attracts and retains high performing employees. Compensation includes but is not limited to salary, paid time off, benefits for eligible employees, monetary and non-monetary awards, and may include rent credits for employees living in Area B of the Presidio.

#### **COMPENSATION DETERMINATIONS**

The Board of Directors shall make compensation determinations and periodic adjustments for the position of Chief Executive Officer.

The Chief Executive Officer shall consult with the Board regarding compensation determinations and periodic adjustments for the positions of Chief Financial Officer, Chief Operating Officer and General Counsel or their equivalents.

The Chief Executive Officer shall make salary determinations and may make periodic compensation adjustments (including annual salary adjustments, bonuses and allowances) for eligible employees, within budget authorities approved by the Board of Directors and based on input from appropriate supervisors, directors and officers.

#### **INITIAL SALARY**

Factors to be considered in setting initial salary include pay range, the market for the particular skill and competencies needed, the criticality of the position to the organization, the salary history for the position, and the salary history of the candidate.

## **RENT CREDITS**

A rent credit, whereby residential rent is reduced by a specified amount, may be offered to an employee in lieu of a portion of salary. A rent credit is available to a Trust employee at the discretion of the Chief Executive Officer only when the employee is renting a residence within Area B of the Presidio. A rent credit is treated as taxable income. Although considered as salary, a rent credit is separate from employee pay, has no effect on pay-based Trust benefits, and is not affected by annual pay adjustments.

## **OTHER COMPENSATION ADJUSTMENTS**

Employee compensation may be adjusted based on individual or team performance. An employee's compensation also may be temporarily increased in recognition of the temporary assignment of higher level and/or additional duties warranting a higher level of compensation.

## **BONUSES AND ALLOWANCES**

The Trust may provide for the granting of merit and recruitment bonuses and retention allowances.

**Merit Bonus:** An employee who meets the Trust's performance criteria for eligibility may be paid a merit bonus.

**Recruitment Bonus:** A one-time recruitment bonus up to a maximum of 100% of the individual's annual base salary may be paid to an individual to whom an offer of employment has been made if it is the person's first appointment with the Trust and it is determined by the Chief Executive Officer that in the absence of such bonus the individual would be unlikely to accept the position. Prior to receipt of the bonus, the individual must sign an agreement to reimburse the Trust for any bonus money received if, for any reason, the employee does not serve the Trust for at least twelve months from the date of initial appointment.

**Retention Allowance:** A retention allowance up to a maximum of 50% of the employee's annual base salary may be paid to an employee likely to leave Trust service where the employee's unusually high or unique qualification or the Trust's special need for the employee's services makes it important to retain the employee.

## **TEMPORARY PAY RETENTION**

If a regular or term employee is placed in a lower paying position as a result of a management action, including but not limited to reassignment, reorganization, change in duties, or reclassification of the employee's position (and not for cause or at the employee's request), then the Trust may offer temporary pay retention. Under temporary pay retention, at the Chief Executive Officer's discretion, the employee's current rate of pay may continue, but future pay adjustments for the employee will be made in a manner that will result in the achievement, within a time period that the Chief Executive Officer specifies, of a pay rate that is appropriate for the work performed.

### **SEVERANCE PAY**

The Chief Executive Officer, in consultation with appropriate supervisors, directors and officers, may offer severance pay.

### **OVERTIME AND PREMIUM PAY**

The Trust shall follow overtime and premium pay regulations covering federal employees.

### **CLASSIFICATION**

The Trust will use established federal occupational and job codes to identify and classify Trust positions. The Chief Executive Officer has discretion to determine position titles.

### **BENEFITS**

The Trust shall provide a comprehensive and competitive benefits program for eligible Trust employees and shall determine the procedures for administering such benefits. The program shall include the following:

#### **INSURANCE PROGRAMS**

##### **Health Insurance – Medical, Dental, and Vision Care**

The Trust shall offer medical, dental, and vision care insurance to eligible employees. The Trust shall cover the cost of premiums to insure the employee, subject to annual budget approval.

##### **Life Insurance**

The Trust shall offer life insurance to eligible employees. The Trust shall cover the cost of premiums for Basic Life insurance under the Federal Employees' Group Life Insurance Program (FEGLI) to insure the employee, subject to annual budget approval.

##### **Disability Insurance**

The Trust shall offer disability insurance to eligible employees. The Trust shall cover the cost of premiums to insure the employee, subject to annual budget approval.

##### **Workers' Compensation Insurance**

Trust employees shall be covered by workers' compensation insurance under laws and procedures covering federal employees administered by the Department of Labor's Division of Federal Employees Compensation, Office of Workers Compensation Programs.

#### **LEAVE PROGRAMS**

##### **Vacation Leave**

Eligible full time employees accrue vacation leave based on the amount of creditable federal service they have completed. Creditable service is determined using established leave accrual regulations for federal employees.

##### **Personal Leave**

Eligible full-time employees shall be granted 24 hours of paid personal leave each year to conduct personal business. Eligible part-time employees shall accrue personal leave on a prorated basis.

**Sick Leave**

Eligible full-time employees shall accrue sick leave at a rate of 4 hours per pay period. Eligible part-time employees shall accrue sick leave on a prorated basis.

**Advance Leave**

Employees may be granted advance annual and/or sick leave. The Trust will administer advance leave in accordance with established leave regulations covering federal employees.

**Leave Donation (Leave Share)**

The Trust may establish and administer a Leave Share Program whereby Trust employees may donate annual leave to other Trust employees for use during a medical emergency. The Trust will administer its Leave Share Program in accordance with established leave regulations covering federal employees.

**Holidays**

Trust employees shall receive all paid holidays commonly authorized for employees of other federal agencies.

**Family and Medical Leave**

The Trust shall offer family and medical leave subject to the terms of the Family and Medical Leave Act (FMLA) and other leave regulations covering federal employees facing family and medical emergencies.

**Bereavement Leave**

The Trust shall grant up to 40 hours of bereavement leave in the event of the death of an immediate family member. Regular and term employees shall receive paid leave; temporary employees shall receive unpaid leave.

**Military Leave**

The Trust shall grant unpaid military leave in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

**Court Leave**

The Trust shall provide paid leave to serve on a jury. Employees will receive paid time off if testifying or appearing on behalf of the Trust. If an employee receives a subpoena unrelated to Trust business, he/she is not eligible for court leave, but must request the use of accrued annual leave, compensatory time, personal days, or leave without pay to cover the absence.

**Leave without Pay**

The Chief Executive Officer, in consultation with appropriate supervisors, directors and officers, has discretion to grant leave without pay to employees

**RETIREMENT PROGRAMS**

The Trust shall participate in federal retirement system programs.

**FLEXIBLE SPENDING PROGRAMS**

The Trust shall administer a flexible spending program under applicable Internal Revenue Service rules that will allow eligible employees to pay for eligible non-reimbursed medical and child care expenses with pre-tax dollars.

**RECORDKEEPING**

The Trust will maintain a system of personnel records in conformance with federal regulations covering recordkeeping for federal employees.

**DISPUTE RESOLUTION**

The Trust shall establish appropriate dispute resolution procedures.