

**CITY OF LEADVILLE, COLORADO
RESOLUTION 15
Series of 2015**

**A RESOLUTION OF THE CITY OF LEADVILLE, COLORADO AMENDING THE
PERSONNEL RULES AND REGULATIONS ADOPTED MARCH 3, 2015 TO REINSTATE
CERTAIN TERMINATION PAYMENTS FOR EMPLOYEES WHO HAD COMPLETED
OVER FIVE YEARS OF SERVICE WITH THE CITY AS OF MARCH 3, 2015**

WHEREAS, pursuant to Section 2.44.120 of the Leadville Municipal Code, City Council is authorized to promulgate, by resolution, personnel rules and regulations for both union and non-union employees; and

WHEREAS, pursuant to Resolution 4, Series of 2015, effective March 3, 2015, the City of Leadville rescinded all existing and prior personnel rules and regulations and adopted new personnel rules and regulations ("personnel rules"); and

WHEREAS, prior to the adoption of such new personnel rules, the City's former personnel rules and regulations provided that employees who had completed over five (5) years of service with the City would receive a payment equal to two hundred dollars for each year of service to the City upon voluntarily terminating their employment with the City or being the subject of a reduction in force if no disciplinary action or termination proceeding was pending at the time of termination; and

WHEREAS, prior to the adoption of such new personnel rules, the City's former personnel rules and regulations also provided that employees who had completed over twenty (20) years of service with the City would receive upon their termination of employment with the City a payment of all accumulated but unused sick leave up to the maximum permitted accumulation of sick leave, which was 480 hours under those former personnel rules and regulations; and

WHEREAS, in those former personnel rules and regulations, the City expressly reserved the right to change or rescind them at any time; and

WHEREAS, because of this express reservation, and because employment with the City of Leadville is at-will, the former personnel rules and regulations did not constitute a contract nor grant qualifying employees a contractual right to the termination payments referenced above; and

WHEREAS, by adopting the new personnel rules, the City Council eliminated these termination payments and the City's obligation to make such payments upon an employee's termination, regardless of an employee's length of service; and

WHEREAS, City Council recognizes that City employees who had completed over five years of service with the City as of March 3, 2015 have not received regular raises in compensation in recent years due to budgetary constraints; and

WHEREAS, City Council recognizes that those employees also contribute to the efficiency and effectiveness of the City work force by virtue of their work experience in their service to the City; and

WHEREAS, City Council desires to amend the recently adopted personnel rules to provide that those employees who had completed over five years of service with the City as of March 3, 2015 shall each receive upon their termination from employment (1) a one-time, lump sum payment of two hundred dollars (\$200.00) for each completed year of service upon their voluntary termination from City employment or upon being the subject of any reduction in force, provided that no disciplinary action is pending at the time of termination; and (2) a payment for their accrued but unused sick leave up to a maximum of four hundred eighty (480) hours, subject to all other provisions in the personnel rules.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, THAT:

Section 1. One-Time Payment to Qualified Employees Upon Their Voluntary Termination. City Council hereby amends the personnel rules adopted on March 3, 2015 by adding the following paragraph to Section IX, Terminations--Termination Pay:

"4. For employees who had completed over five years of service with the City as of March 3, 2015, a one-time, lump sum payment of Two Hundred Dollars and No Cents (\$200.00) for each completed year of service to the City, if and only if the employee voluntarily terminates employment with the City and if no disciplinary action is pending against such employee at the time of termination. A termination arising from a reduction in force shall be considered a voluntary termination. No other employee shall receive any such payment upon their termination."

Section 2. Calculation of Payment Upon Voluntary Termination. City Council directs the City Finance Director to determine which employees qualify for this payment and to calculate the amount of the payment by multiplying the number of completed years the qualified employee has served with the City as of their date of voluntary termination by Two Hundred Dollars and No Cents (\$200.00). The City Council further authorizes and directs the City Finance Director to issue such payments to qualified employees in conjunction with their final paycheck. Such payment shall be reduced by all applicable payroll tax deductions, all other lawfully required deductions, and by such other deductions as each employee shall direct. Further, such payment shall not constitute an adjustment in the regular compensation of any employee, remains subject to all other provisions of the personnel rules, and does not constitute any promise, contract, or agreement upon which any City employee can rely or base an expectation of future compensation.

Section 3. Payment of Unused Sick Leave to Qualified Employees Who Have Completed Twenty or More Years of Service with the City. City Council hereby amends the personnel rules adopted on March 3, 2015 by adding the following paragraph to Section IX, Terminations--Termination Pay:

"5. For employees who had completed over five years of service with the City as of March 3, 2015, and who have completed twenty (20) or more years of service with the City as of the date on which their employment terminates, all accrued but unused sick leave up to a maximum of four hundred (480) hours. No other employee shall receive any payment for accrued but unused sick leave upon their termination."

Section 4. Calculation of Payment for Unused Sick Leave. The City Council directs the City Finance Director to determine which employees qualify for this payment and to calculate the amount of the payment by multiplying the number of hours of the employee's accrued but unused sick leave as of the date upon which their employment terminates by the employee's regular hourly wage (or appropriate comparable amount for salaried employees). The City Council further authorizes and directs the City Finance Director to issue such payments to qualified employees in conjunction with their final paycheck. Such payment shall be reduced by all applicable payroll tax deductions, all other lawfully required deductions, and by such other deductions as each employee shall direct. Further, such payment shall not constitute an adjustment in the regular compensation of any employee, remains subject to all other provisions of the personnel rules, and does not constitute any promise, contract, or agreement upon which any City employee can rely or base an expectation of future compensation.

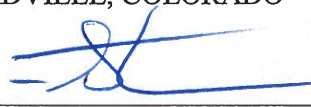
Section 5. Severability. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 6. Effective Date. This Resolution shall take effect upon its adoption by the City Council.

ADOPTED the 20th day of October, 2015 by a vote of 6 in favor, 0 against, 0 abstaining, and 1 absent.

ATTEST:


Joseph A. Swyers, City Clerk

CITY OF LEADVILLE, COLORADO
By 
Jaime Stuever, Mayor

