

**CITY OF LEADVILLE, COLORADO
RESOLUTION 27
Series of 2016**

**A RESOLUTION OF THE CITY OF LEADVILLE, COLORADO ADOPTING
REVISED PERSONNEL RULES AND REGULATIONS SPECIFIC TO HOLIDAY
AND OVERTIME PAY FOR SWORN LAW ENFORCEMENT EMPLOYEES**

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, the City Council has in the past adopted personnel rules and regulations, including those adopted most recently pursuant to Resolution No. 16, Series of 2015; and

WHEREAS, based upon budget projections for the City and the Police Department for 2017, the Police Chief has recommended that the City Council extend significant salary increases to law enforcement employees in 2017; and

WHEREAS, the Police Chief has recommended that sworn law enforcement employees not receive holiday pay above and beyond their standard wage for working on official City holidays in light of those salary increases in order to meet budgetary limits; and

WHEREAS, non-exempt sworn law enforcement employees of the City are subject to unique overtime requirements under the federal Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*; and

WHEREAS, the City Council, based upon input from City staff, has determined that further revisions to the existing personnel rules and regulations to amend the City's personnel policies regarding holiday pay and overtime compensation for law enforcement employees are in the best interests of the City; and

WHEREAS, the City Council desires to adopt revised personnel rules and regulations that eliminate holiday pay for sworn law enforcement employees and that permit overtime for non-exempt sworn law enforcement employees to be governed by the Police Department's Policy and Procedure manual, which shall become effective January 1, 2017.

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

Section 1. Adoption of personnel rules and regulations. The City Council hereby adopts in its entirety the attached personnel rules and regulations entitled, "Introduction to Employment by the City of Leadville." These personnel rules and regulations replace, supersede, and rescind in their entirety all existing or prior personnel rules and regulations and pertinent resolutions.

Section 2. Effective Date. This Resolution shall be effective take effect on January 1st, 2017.

ADOPTED this 16th of December, 2016 by a vote of 6 in favor, 0 against, 0 abstaining, 0 absent.

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CITY OF LEADVILLE, COLORADO

ATTEST:



Bethany Maher, Deputy City Clerk

By



Greg Labbe, Mayor

INTRODUCTION TO EMPLOYMENT BY THE CITY OF LEADVILLE

The policies and guidelines that follow are presented for informational purposes; they do not constitute a contract, express or implied, and are not an enforceable promise. Employment with the City of Leadville ("City") is "at will" and terminable by either the employee or the City at any time for any reason or no reason.

The City reserves the right to change or rescind these policies at any time, as well as the right to determine their meaning, purpose and effect. Any such change may only be made pursuant to formal action of City Council. No employee or agent of the Council is authorized to modify these policies by agreement, oral representation, practice, custom, or habit. The City also reserves the right, at its sole discretion to determine whether, and to what extent, these policies and procedures should be applied in any given circumstance.

These policies and guidelines replace, supersede, and rescind all earlier personnel policies and pertinent resolutions.

These policies are not all-inclusive, but address general topics and establish guidelines to be used as a reference by employees and by management and employees in the course of ordinary operations of the City.

These policies are intended to apply to all employees of the City to the extent that they are not contradicted by a written contract or an applicable statute or ordinance. For example, where these policies are directly contrary to or different than a written collective bargaining agreement or other written employment agreement, the applicable provision of the collective bargaining agreement or employment agreement controls.

SECTION I - POSITION CLASSIFICATION

JOB DESCRIPTIONS

The City of Leadville provides job descriptions for most employee positions. Job descriptions will typically include the following sections: class title, definition, supervision, essential functions of the job, examples of work performed, desirable knowledge, skills and abilities, desirable experience and training, and necessary special requirements. Promotion from one classification to the next will occur pursuant to recommendation of the appropriate department head and approval of the Mayor.

Job descriptions are not static and do not fix positions permanently into classes. Instead, descriptions will be continually reviewed and revised so as to adapt them to changing conditions.

SECTION II - PERSONNEL PROCEDURES

EMPLOYEE SELECTION

When a vacancy occurs in a paid position, the City will advertise the position in the local Leadville papers and other such places as appropriate. Primary consideration will be given to those employees currently in the service of the City. Secondary consideration will be given to applicants from the geographic area in and immediately around Leadville. Finally, applicants from outside the area will be considered. In all cases, the City retains the right to fill vacancies with the most qualified applicant available.

SIGN-UP AND ORIENTATION

The Administrative Services Department is responsible for ensuring all necessary documents are processed in conjunction with the beginning of employment. All new employees must be signed up prior to starting work. This is to protect both the City and the employee in case of an accident. Sign-up includes filling out the forms necessary to put the individual on the payroll and to enroll in benefit programs.

The department head of the employee's department is responsible for the job orientation. The supervisor should immediately communicate what is expected in terms of job performance, rules and procedures. The supervisor or department head shall supply the employee any written guidelines established for the department, if such guidelines exist. It shall be the department head's responsibility to provide such information to the employee and to record that the employee has received such information.

Orientation will typically include a formal introduction to fringe benefits, safety policies and procedures, and all other pertinent information needed to be a successful employee. The City expects department heads and/or responsible supervisors to provide all necessary information to employees upon employment.

HIRING AND SUPERVISION OF RELATIVES

The City will not employ close relatives of City employees under circumstances where:

1. One of the parties would directly or indirectly exercise supervisory, appointment, disciplinary, or dismissal authority over the other;
2. One of the parties would audit, verify, receive, or be entrusted with money received or handled by the other in the course of employment;
3. One of the parties would handle confidential material that creates improper or inappropriate access to that material by the other, including, but not limited to, payroll, personnel records, and other personal information; or
4. Other circumstances exist that might lead to a potential conflict between the parties or a conflict between the interest of one or both parties and the best interests of the City, as determined by the City.

For purposes of this guideline, "close relative" means grandparents, parents, step-parents, grandchildren, children, step-children, siblings, step-siblings, uncles, aunts, nieces, nephews, first cousins, spouses, and partners in a civil union.

When employees of the City become related and their working relationship is prohibited by this guideline, one employee will be required to transfer to another position, provided a position is available, or to resign. If neither affected employee voluntarily transfers or resigns, the City shall terminate or transfer one of the employees, in its discretion.

This policy shall not prohibit spouses or relatives of employees from holding elected City offices at the same time the employee is employed. In no event will any person receive preferential treatment for employment or advancement because of a blood or marriage relationship.

SECTION III – TIME OFF AND BENEFITS

Paid Time Off

<i>Years Employed</i>	<i>Maximum Accrual</i>	<i>PTO Accrued Per Pay Period</i>
>1	168	6.46 hours
1-4	240	9.23 hours
5-9	312 hours	12.00 hours
10-14	360 hours	13.85 hours
15+	384 hours	14.77 hours

Paid Time Off (“PTO”) is a single pool of paid hours that an employee may use at their discretion for personal days, vacation, medical absences, unexpected emergencies, or any other reason an employee may need. Employees are expected to maintain an appropriate PTO balance for use in unexpected emergencies.

Part-time and temporary employees do not accrue Paid Time Off leave.

Conversion to PTO. Effective January of 2016, the City will convert existing employee paid leave balances to PTO at a rate of 100 percent up to a maximum of the employee’s annual PTO accrual rate as reflected in the table above (with the exception of sick leave available to certain employees as stated in Section IX of this document). Any of these hours that exceed the applicable maximum will be forfeited and will not be available for employee use or paid by the City. The resulting PTO balance will be available for immediate use.

PTO Accrual. Regular full-time employees accrue PTO weekly beginning their first pay period of employment, up to the maximum amount of hours as reflected in the table above. PTO will accrue on the pay date for each pay period. There will be no full or prorated accruals for partial pay periods worked.

Leave accrual will cease once an employee accrues the maximum hours allowed. If such an employee uses PTO, they will again be eligible to accrue PTO up to the maximum hours allowed.

Length of service is calculated based upon employees’ date of hire. Increases to accrual rates will be effective in full for the entire pay period in which the employee’s anniversary date occurs.

PTO Use. PTO shall not be taken in advance of time earned. Employees are responsible for knowing the amount of PTO available for their use. An employee will be paid at their regular rate of pay at the time PTO is used, and the appropriate number of hours will be deducted from the employee’s PTO balance.

Planned Use - Employees are required to request use of PTO in advance for planned uses (vacations, anticipated events, etc.). Employees are expected to provide requests as far in advance as possible. All requests must be approved by the employee’s department head.

Department heads may accept or reject requests to use PTO based upon the staffing needs of the City.

Unplanned Use - There may be occasions where employees are unable to provide advance notice to their manager to use PTO (illnesses, emergencies, etc.). In these situations, employees shall notify their manager of the circumstances of the absence as soon as possible.

PTO accrues while an employee is on PTO leave. Should a holiday fall within an employee's scheduled PTO leave, the holiday will be charged as holiday hours for non-uniformed employees, not PTO hours.

MAXIMUM PAYOUT

Employees have the following Paid Time Off accrued payout schedule, upon voluntary or involuntary termination:

Paid Time Off	Maximum Payout of Accrued Leave
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Years Employed	Maximum Payout at Termination
>1	0
1-4	96 hours
5-9	144 hours
10-14	160 hours
15+	176 Hours

HOLIDAYS

The following are declared holidays for all non-uniformed personnel: New Year's Day, President's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, the day after Thanksgiving, and Christmas Day.

Observance of Holidays: For full-time regular non-uniformed employees, working Monday through Friday, holidays falling on Saturday will be observed on the preceding Friday and those falling on Sunday will be observed on the following Monday. For full-time regular non-uniformed employees on a workweek other than Monday through Friday, the department head will designate how holidays will be observed.

Holiday Make-up: A full-time non-uniformed employee who is required to work on an observed holiday will take one and one-half (1 1/2) days off with pay within ninety (90) days of the holiday. If the department cannot schedule the non-uniformed employee's holiday within ninety (90) days, the non-uniformed employee will be paid one and one-half (1 1/2) times his/her hourly rate for that holiday.

As working holidays, weekends and generally odd hours is inherent in uniformed service, the City will not compensate uniformed employees for holidays. For the purpose of this Section and Section VI, below, uniformed employees are police department employees who are commissioned or sworn and have the power to make arrests.

FUNERAL LEAVE

Employees are granted up to five days of leave with pay in the event of a death of a member of the employee's immediate family. The actual number of scheduled days of work missed shall be the minimum to allow the employee one week away from work. For purposes of this policy, "immediate family" shall mean spouse, child, mother, father, grandparents, father-in-law, mother-in-law, sister, brothers, aunts, or uncles. In special cases, this may be applied toward other family members if the department head grants prior approval. If an employee is a pall bearer for someone other than family members listed above, time off with pay will be given to the employee for such purposes but not to exceed one (1) day.

PERSONAL LEAVE OF ABSENCE

Personal leaves of absence without pay may be granted in certain circumstances at the discretion of the department head. All leaves, including Paid Time Off and/or emergency leave, require the advance approval of the appropriate department head.

Leaves of absence are granted for specific reasons. All leaves must be arranged for in advance, unless emergency situations make prior arrangement impossible. An employee's unauthorized failure to return from a leave as scheduled will be considered an abandonment of the employee's job and will be treated as if the employee quit.

Regular benefits will continue as long as the employee is on approved, paid leave. However, as noted above, Paid Time Off and other benefit accrual do not continue while an employee is on paid leave.

JURY DUTY OR WITNESS IF SUBPOENAED

An employee called to a jury panel shall notify his/her department head in advance and will be excused from his/her work to report for this duty. If not selected as a juror, the employee shall return to work without delay. If the employee is selected as a juror he/she shall call his/her department head as soon as possible, and inform him/her of this fact.

The City will pay all regular employees their regular wages per day or any part thereof of their juror service in Colorado state courts. Jury duty will be paid if the time served occurred during the employee's normal work hours, or, if by attending jury duty, the employee was unable to work his/her normal hours. Hours spent performing jury duty will count as hours worked. Employees seeking this payment shall provide the City with proof of such service in the form of a duly executed juror service acknowledgement. The City will tender such payment to the employee within 30 days of receipt of such acknowledgement.

An employee called as a witness either on their own behalf for a personal lawsuit or one arising from other employment or non-job-related matters may use accumulated PTO when required for court appearances and other related absences.

MILITARY LEAVE

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. Uniformed Services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Colorado law. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Military leave is paid for up to fifteen days in any calendar year, but not beyond that. However, employees may use any available paid time off for the absence. Continuation of

health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Employees on military leave for up to thirty (30) days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with the USERRA and applicable Colorado law. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable position depending on the length of military service in accordance with USERRA. The returning employee will be treated as though he or she were continuously employed for purposes of determining benefits based on length of service.

BENEFITS

The City provides numerous employee fringe benefits. Some of the available benefits are discussed in some detail in these policies, others are described in other documents that will be provided to or made available to employees for their review.

1. Salary;
2. Paid Time Off;
3. Workers' Compensation Insurance;
4. Retirement Contributions (457 Plan – available after six (6) months of continuous employment);
5. Health/Dental Insurance (available after 30 days of continuous employment);
6. Life Insurance (\$25,000 after 30 days);
7. Paid Holidays;
8. Emergency leave, leave of absence and personal leaves.

SECTION IV - EMPLOYEE DEVELOPMENT

The City may, from time to time, provide compensation or reimbursement to employees for job-related educational programs. Such compensation or reimbursement shall be made only if approved in advance by the department head, and then only if the training is directly related to the employee's immediate job or anticipated promotional opportunities.

Approval of training or educational opportunities is subject to the availability of training funds within the department and with the concurrence of the department head. Financial assistance is contingent on proper approval and successful completion of the course while still a City employee. If the employee leaves employment with the City prior to or during training, the employee will be personally responsible for all costs of the training and will be required to reimburse the City for any costs advanced.

SECTION V - GENERAL EXPECTATIONS AND PERFORMANCE REVIEWS

EXPECTATIONS

The City expects all employees to act in the best interests of the City and its constituents. Employees are required to observe all rules, policies, guidelines, operating procedures, and

directives of the City. Employees are also required to behave with courtesy and respect toward other City employees, governmental representatives, and members of the public. Failure to do so may result in disciplinary action up to and including termination of employment.

EVALUATION SYSTEM

Supervisors for each department will evaluate each employee on an annual basis on or around the employee's anniversary date. Evaluations will consider, among other things, the employee's dependability, attitude, work ethic and job specific performance as determined by their job description. Evaluations shall be conducted at least annually. Employees will be provided with a written review, and will be provided with the opportunity to discuss job performance and any performance improvements that may be needed. New employees will receive an evaluation at the end of six (6) months and annually thereafter.

Dependability:

Dependability means arriving for work on time consistent with your work schedule, keeping absences to a minimum and dependably performing your job duties while at work. If a situation should arise that will keep you from either performing your assigned duties on a particular day or prevent you from arriving on time, you are expected to contact your supervisor prior to your scheduled shift unless it is impossible to do so. If you cannot contact your supervisor prior to the scheduled beginning of your shift, you are required to make contact as soon as possible. Unauthorized and/or excessive absences or tardiness are grounds for disciplinary action including termination of employment.

Attitude:

Your attitude working for the City is critical to developing your career with the City. The City expects all of its employees to display a helpful, cooperative attitude to other employees, citizens, visitors, local government and government agencies.

Work Ethic:

This means coming to work every day ready to work, ready to give your best effort at whatever task is presented to you. It means working at your assigned task without complaint or excuse. If you finish your assigned job early, take the initiative as a team member to find more work, or help a fellow employee without being told.

Performance:

The employee should have detailed knowledge of the standards, practices, and the use of equipment for their job. Further, the employee must use their knowledge of standards, practices, and equipment to perform their job in a timely and efficient manner, and to independently solve problems as they arise. Employees are expected to possess the skills necessary to communicate effectively both verbally and in writing.

SECTION VI – TIME WORKED, OVERTIME, AND COMPENSATORY TIME

All non-exempt employees must record all time worked. All employees must immediately report any mistake in their time records to their supervisor or to the Finance Director, even if the error is discovered after pay for a particular pay period has been received. The City will fully investigate every report and take corrective action if required.

The City may require non-exempt employees to work overtime. All overtime for non-uniformed employees worked must be approved in advance and in writing by the supervisor or department head. Overtime for non-exempt Police Department uniformed employees will be governed by the Police Department's Policy and Procedure manual.

Non-exempt employees will be compensated for hours actually worked in excess of forty (40) hours during the work week. The 40-hour threshold is based on actual hours worked in the week. Therefore, paid time off, holiday or other paid or unpaid leave time is not included in calculating the 40-hour threshold.

Employees who work overtime will, at the City's discretion, receive either overtime pay or compensatory time off in compliance with the Fair Labor Standards Act. In agreeing to work for the City, employees agree to accept compensatory time in lieu of overtime pay when deemed appropriate by the City. Department heads are responsible for authorizing compensatory time in lieu of overtime and for ensuring that it is used appropriately. Exempt employees are not entitled to receive compensatory time or overtime.

Employees are not permitted to accumulate more than 40 hours of compensatory time and in no case more than the maximum allowed by the Fair Labor Standards Act. The City may from time to time review the accrued compensatory time of employees and make recommendations on reducing large balances. Any employee may be directed to use accrued but unused compensatory time or, in the alternative, the employee may be precluded from earning additional compensatory time until compensatory time is used. At any time, the City may, in its discretion, pay an employee for some or all of their accumulated compensatory time.

A compensatory time balance is payable to non-exempt employees at termination.

SECTION VII - EMPLOYEE CONDUCT

GIFTS

Employees shall not solicit or accept, directly or indirectly, any gift of substantial value, (a) which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties; or (b) which he/she knows, or which a reasonable person in his/her position should know under the circumstances, is primarily for the purpose of rewarding him/her for official action he/she has taken. An occasional non-monetary gift, insignificant in value, is not considered a gift of substantial value. Soliciting or accepting monetary gifts of any amount, directly or indirectly, is strictly prohibited.

POLITICAL PARTICIPATION

No City employee shall serve on the City Council. Any City employee who desires to serve on the City Council shall first resign his or her employment with the City before commencing to serve on the City Council.

CONFIDENTIAL INFORMATION

No employee shall disclose confidential information acquired during the course of City employment; nor shall the employee use such information, or permit others to use it, in furtherance of a private interest. No City employee shall accept outside employment or engage in any business or professional activities that might require them to disclose or act on confidential information acquired by virtue of City employment.

DRESS CODE

If specific dress requirements are necessary, departmental dress guidelines will be issued.

INAPPROPRIATE CONDUCT

Misconduct on the job may result in disciplinary action. On the job misconduct includes, but is not limited to:

Falsification of records, repeated tardiness or absences from work, failure to report an absence without satisfactory reason, failure to return to work or to report on the day that was indicated to be the first day of return from a leave, inattention to duties, excessive wasting of time on the job or loafing; soliciting for personal or political gain, collection of money, circulating petitions or distributing printed material on City premises at any time, unless approval has been obtained from the department head, abuse or waste of City equipment, tools, materials, or supplies; fighting or attempting to fight on City property; insubordination, failure or refusal to perform assigned work as requested by the supervisor; failure to observe safety rules and regulations thereby endangering fellow workers; conviction of a crime; offensive conduct or language toward the public, officials or fellow employees; negligence in the care or handling of City property; conduct or omissions unbecoming an incumbent of the particular position held, and the like; misuse of official capacity; misuse of the letterheads, stationery, and other insignia of the City; unlawful harassment; and/or unsatisfactory performance.

Improper use of alcohol or drugs. Leadville is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks and is prohibited. To help ensure a safe and healthful work environment, the City strictly prohibits the manufacture, distribution, use or possession on City premises of alcoholic beverages of any kind and drugs other than those prescribed by a physician or obtained from a legal over-the-counter source. Employees are expected to use prescription or legal over-the-counter drugs in an appropriate manner and dosage and are expected to know whether the appropriate use of such drugs may impair their ability to perform their jobs safely and competently.

Job applicants and employees may be asked to provide body substance samples (such as urine, hair and/or blood) to determine the illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment. Being under the influence of drugs or alcohol while at work may lead to disciplinary action up to and including termination of employment. Employee offices, desks, or work areas may be subject to search by the City. The City complies with the Federal Drug-Free Workplace Act, as set forth below.

This list provides some examples and is not exhaustive. Other actions may warrant disciplinary action depending on the circumstances involved.

Notwithstanding anything in state law to the contrary, employees are advised that marijuana remains an illegal controlled substance under federal law and constitutes an illegal drug for purposes of these guidelines. City employees are prohibited from using, possessing, or being impaired by or under the influence of marijuana while performing work for the City. The City also prohibits the possession, consumption, use, display, transfer, distribution, sale, transportation, and cultivation of marijuana on City premises or in City vehicles.

DRUG-FREE WORKPLACE

The City is concerned about the adverse effects of drug abuse on employees' job performance, health and safety. To foster a drug-free, healthful, and safe work environment for all, and as a federal grant recipient, the City is adopting the following policy in accordance with the Federal Drug-Free Work Place Act.

1. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in any City workplace.
2. Any employee convicted of violating a criminal drug statute in our workplace must notify the Administrative Services Department no later than five (5) days after the conviction. Under this rule, a conviction includes a finding of guilty, a plea of *nolo contendere* and/or the imposition of a sentence by any judicial body responsible for determining violations of federal or state criminal drug statutes.
3. All employees must abide by these rules as a condition of continued employment. An employee who violates these rules will be subject to appropriate disciplinary action, up to and including termination of employment.
4. All employees must sign a notice stating that they are aware that these Drug-Free Workplace Act requirements are in effect in the City and that all employees are subject to these rules.

ELECTRONIC MEDIA USE

The City provides many of its employees with access to e-mail capabilities, the Internet, telephones, and text messaging via use of City-owned computers, cell phones, and other mobile devices. E-mail, Internet, phone access, text messaging, and other means of electronic communication are provided to City employees mainly as a tool to conduct government business. They may not be used for any activity that could be construed as invasive or illegal. E-mail and text messages and other electronic data created, received and/or downloaded by City employees reside on the City's computer system or in City records. Neither the Internet nor any other City computer or device may be used to access web sites or conduct any activity that could be construed as pornographic or illegal. The City's prohibition of unlawful harassment policy applies to all Internet, e-mail, text messages, and other electronic communications. Employees are absolutely prohibited from engaging in chat rooms from the City's network or devices. Personal use of the Internet and other City devices is discouraged, and if employees make personal use of these resources, that use must be confined to non-working hours. **Employees do not have any expectation of privacy in the City e-mail system, Internet system, or City cell phones and mobile devices, or electronic communication via such equipment, and the City may monitor or search any electronic communications and/or data on any user's computer, phone, or device at any time, with or without notice or consent.**

Users are informed that correspondence of the employee in the form of electronic mail may be a public record under the public records law and may be subject to public inspection under C.R.S. § 24-72-203. Violations of the City's electronic media use policy will result in disciplinary action, which may include termination.

SOCIAL MEDIA

The City may authorize employees to use social media for business reasons. Employees may not participate in social media or establish any social media accounts in their capacity as a City employee unless authorized to do so by their supervisor or department policy. If a conflict exists between this policy and a department policy, this policy shall govern. All authorized accounts are the property of the City, and employees must provide their supervisor with all information required to access authorized sites, such as user names and passwords. Employees may not use social media for purposes beyond that authorized by their supervisor or department policy. Employees who exceed their authorization or who violate this policy or department policy may have their social media privileges revoked and will be subject to discipline, up to and including termination from employment.

All authorized City employee participation in social media shall be open to the public in accordance with the Colorado Open Records Law, and employees do not have an expectation of privacy concerning such participation. All other City policies, including personnel policies, apply in the social media context. Employees shall not post or release proprietary, confidential, sensitive, or personally identifiable information through social media, and may not comment on pending litigation on any websites, including social media platforms.

City employees may not use City resources or work time to sign up for or access personal social media accounts. Employees who engage in personal use of social media outside of work may not use the trademark, logo, or name of the City or that of any City department or program, nor may they use their affiliation with the City in association with that personal use. In cases where an employee's personal use of social media may be perceived as being on behalf of the City, such as if an employee identifies themselves as a City employee or is widely known to be a City employee, an employee shall include a visible disclaimer on their account to inform other users that their opinions are their own and do not represent those of the City.

An employee's personal use of social media that is business-related may subject that employee and their personal account to all other City policies, including, but not limited to, disclosure of records subject to the Colorado Open Records Act, policy prohibiting unlawful harassment, and the City's personnel policies. For purposes of this policy, "business-related" means a City employee's use of their City e-mail address, position title, or official capacity or any employee's personal use of social media that relates to a bona fide occupational requirement that is reasonably and rationally related to the employee's employment activities or affiliation with the City, or that may create a conflict of interest or the appearance of such a conflict of interest. Employees are advised that their conduct on social media may also reflect on their fitness to perform their jobs.

The City may monitor all business-related employee use of social media, as well as any non-business related use that occurs on City work time or using City resources, and employees have no expectation of privacy concerning this use. The City may also monitor content posted by a City employee in furtherance of his or her job duties and edit, rectify, or remove any content that it deems, at its sole discretion, to violate any law, regulation, City policy, or that is otherwise inappropriate. The City may also audit and review all City authorized or business-related use of social media by former employees in accordance with this policy.

SECTION VIII - DISCIPLINARY PROCEDURE

It may become necessary to discipline and/or dismiss an employee whose performance is deemed unsatisfactory or who engages in improper or unacceptable conduct. The City reserves the right to determine what discipline, including dismissal, is appropriate in the individual circumstances of each case. Appropriate discipline may include a verbal warning, a written warning, suspension (with or without pay), demotion, or termination. Depending upon the circumstances necessitating discipline, the City may use any one or more of these forms of discipline, in any order it deems appropriate. Employment with the City is at will, and its employees are not employed for any definite period. The City can terminate employment at any time and for any lawful reason.

SECTION IX - TERMINATIONS

RETURN OF CITY PROPERTY

An employee terminating employment for any reason is responsible for returning all City property in his/her possession to his/her department head. All City property must be returned prior to the issuance of the employee's final paycheck. **By employee's signature below, employee authorizes the City to deduct from employee's final pay the value of any unreturned property or money belonging to the City.**

TERMINATION PAY

Termination pay shall consist of the following only:

1. Normal earned and accrued pay that had not been paid to the employee at the time of termination;
2. Any earned and accrued Paid Time Off up to the maximums set forth above;
3. Any compensatory time accrued but not used or paid at the time of termination;
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.
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 X - MISCELLANEOUS INFORMATION

EMPLOYEE RECORDS

Each employee has a personnel file. Personnel files contain the employee's application, copies of any personnel actions affecting the employee, evaluation forms, and any other relevant documents. A department head shall have access to his/her department's employee personnel files. No department head shall keep any personnel files other than the official files. Any current employee who wishes to inspect his/her personnel file may do so by contacting their department head, which will make arrangements for inspection of the file. Employees may not remove files or their contents from the office where they are kept. Any change in address, whether residence or for mail purposes only, is to be given to the Administrative Services Department immediately.

USE OF PUBLICLY OWNED VEHICLES

City vehicles shall be used only in the performance of City business and strictly within the performance of public duties and within the scope of public employment. City vehicles SHALL NOT be used for any reason other than City business, including private or personal business. Employees who use a City vehicle for any reason other than City business, divert from City business for personal business, or who are not authorized to use a City vehicle shall be deemed to be acting outside the course and scope of his or her employment and may be personally liable for injuries or accidents arising out of such use. Employees do not have any expectation of privacy in any City vehicle or its contents.

The following requirements must be adhered to while operating a City vehicle:

1. An employee authorized to drive a City vehicle must have a current Colorado operator's license or, in the case of equipment operators, a valid Colorado Commercial Driver's license of the appropriate class.
2. All occupants of City vehicles are required to wear seatbelts. The City may periodically conduct checks to ensure that vehicle occupants are in compliance with this policy.
3. Only authorized passengers are permitted to ride in City vehicles. Non-City individuals such as volunteers, acquaintances, spouses, and children shall not be passengers in a City vehicle unless they are authorized to conduct City business.
4. The driver must obey all traffic laws at all times. It is incumbent upon operators of City vehicles to follow motor vehicle laws, obey the rules of the road, and operate the vehicle in a safe and courteous manner. The City will not pay traffic tickets or parking fines incurred by employees while driving City vehicles; employees are personally responsible for any traffic infractions they commit and resulting fines or punishment.
5. Employees are prohibited from using or being under the influence of alcohol, illegal drugs, or any drugs or substances that may affect the employee's ability to drive safely.
6. Employees who are driving a City vehicle are prohibited from conducting any activities that may impede their ability to operate the vehicle safely while it is in

motion, including, but not limited to, sending or receiving text messages; using cellular telephones (unless they are equipped with hands-free operation), personal listening devices, cigarettes, cigars, vaporizers, or chewing tobacco; and eating.

7. If an employee is involved in a traffic accident while driving or riding in a City vehicle or while performing City business, the employee shall immediately notify the police of the accident, and then shall notify his/her immediate supervisor.

TRAVEL AND OTHER EXPENSES

Employees and/or their supervisors shall be responsible for making City business travel arrangements in accordance with City guidelines. Employees shall be reimbursed for official travel that their supervisor has approved in advance or other reasonable expenses incurred while on City business; such reimbursement shall be on a *per diem* basis in accordance with the rates adopted by the State of Colorado. Expenses must be reasonable and will not be reimbursed without proper documentation. Mileage rates shall reflect prevailing federal guidelines.

SECTION XI - UNLAWFUL HARASSMENT

The City is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, national origin, age, religion, disability, or any other legally protected characteristic will not be tolerated. Such harassment is unlawful under federal and state laws and is against the policy of the City. Unlawful harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his/her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Administrative Services Department. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or head that becomes aware of possible sexual or other unlawful harassment should promptly advise the Administrative Services Department. Complaints will be investigated in as timely and confidential manner as is possible.

In keeping with the City's commitment, the City strictly prohibits discriminatory practices, including sexual and other unlawful harassment. Any sexual or other unlawful harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated, whether it occurs in the workplace or at outside work-sponsored activities.

Anyone found to have engaged in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

Sexual harassment is defined by the Equal Employment Opportunity Commission as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
3. The conduct has the purpose or effect of unreasonably interfering with the individual's performance or of creating an intimidating, hostile or offensive working environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature.

The types of behaviors that constitute sexual harassment may include, but are not limited to:

- Unwelcome sexual flirtations, advances or propositions;
- Derogatory, vulgar or graphic written or oral statements regarding one's sexuality, gender or sexual experience;
- Unnecessary touching, patting, pinching or attention to an individual's body;
- Physical assault;
- Unwanted sexual compliments, innuendoes, suggestions or jokes; or
- The display of sexually suggestive pictures or objects.

Sexual harassment may be overt or subtle. Some behavior that is appropriate in a social setting may not be appropriate in the workplace. But whatever form it takes – verbal, nonverbal or physical – sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the workplace. Sexual harassment by any employee, supervisor or non-employee will not be tolerated. All employees, and supervisors alike, will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

HARASSMENT COMPLAINT PROCEDURE

Any employee who has a workplace sexual or other unlawful harassment complaint against a supervisor, co-worker, visitor, or other person, must bring the problem to the City's attention. Any employee who believes he or she has been the subject of sexual or other unlawful harassment should report the alleged act immediately to his or her department director. Failure to notify the department director promptly hinders the City from taking effective action.

If the complaint involves a department director, or if the employee is for some reason uncomfortable complaining to them, the complaint shall be filed directly with the Administrative Services Department.

All complaints will be handled in a timely manner and actions taken internally to investigate and resolve sexual harassment complaints shall be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge.

All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be taken without delay. Even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven, there will be no discrimination or retaliation against any individual who files a good-faith sexual harassment complaint.

Every employee is encouraged to raise any questions or concerns regarding this policy with the Administrative Services Department. It is the City's policy to encourage the reporting of all perceived incidents of unlawful harassment, regardless of the position of the alleged offender. The City will take all steps that are necessary to enforce its policy prohibiting unlawful harassment.

SECTION XII - VIOLENCE-FREE WORKPLACE

The City is committed to preventing workplace violence and to maintaining a safe work environment.

Conduct that threatens, intimidates, or coerces another employee, or a member of the public at any time will not be tolerated.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or the Administrative Services Department. This includes threats by employees, as well as threats by citizens, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor and/or Administrative Services Department. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede. If appropriate, call 911.

The City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Administrative Services Department before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL RULES AND REGULATIONS

I, _____, HAVE RECEIVED, READ AND UNDERSTAND THE PROVISIONS OF THE CITY OF LEADVILLE PERSONNEL RULES AND REGULATIONS AS REVISED MARCH 3, 2015.

I UNDERSTAND THAT EMPLOYMENT WITH THE CITY IS AT WILL AND TERMINABLE BY EITHER THE EMPLOYEE OR THE CITY AT ANY TIME FOR ANY REASON.

I AUTHORIZE THE CITY OF LEADVILLE TO MAKE APPROPRIATE DEDUCTIONS FROM MY PAY AS DISCUSSED ABOVE.

I UNDERSTAND THAT THESE PERSONNEL RULES AND REGULATIONS ARE NOT A CONTRACT OF ANY KIND, WHETHER EXPRESS OR IMPLIED, ARE NOT AN ENFORCEABLE PROMISE, AND DO NOT IMPOSE ANY LEGAL OBLIGATIONS UPON THE CITY.

Employee

Date

Department - Head

Date

IF YOU HAVE ANY QUESTIONS CONCERNING THESE PERSONNEL RULES AND REGULATIONS, DO NOT HESITATE TO CONTACT YOUR SUPERVISOR OR THE ADMINISTRATIVE SERVICES DEPARTMENT.

