

# City of Fountain Employee Policies & Procedures Handbook

Adopted 11-10-2009 - By Resolution 09-048

**This employee Handbook is not a contract of employment or an offer for a contract of employment. It is not a promise of employment for any length of time or under any particular conditions. The Handbook may be modified or withdrawn at any time, with or without prior notice. No employee or agent of the City other than the City Manager and/or City Council has the authority to promise employment for any length of time or under any particular conditions, and any such offer or promise must be in writing and signed by the City Manager pursuant to City Council authorization.**

## TABLE OF CONTENTS

### **Section 1: Definitions**

- 1.1 Appeal
- 1.2 Compensation Plan
- 1.3 Compliant
- 1.4 Demotion
- 1.5 Department Head
- 1.6 Disciplinary Action
- 1.7 Dismissal
- 1.8 Employee Advisory Group
- 1.9 Layoff
- 1.10 Personnel Board
- 1.11 Probation
- 1.12 Probationary Employee
- 1.13 Promoted Employee
- 1.14 Reclassification
- 1.15 Regular Full-Time Employee
- 1.16 Shift Employee
- 1.17 Suspension
- 1.18 Transfer
- 1.19 Vacancy

### **Section 2: General Provisions**

- 2.1 Hire Date
- 2.2 Driver's License and Driving Record
- 2.3 Outside Employment
- 2.4 Open Locker Policy
- 2.5 Inspections
- 2.6 Political Activity
- 2.7 Public Office
- 2.8 Employment Verifications/References
- 2.9 Reference Checks
- 2.10 Adverse Weather Guidelines
- 2.11 Employee Advisory Group
- 2.12 Employee Assistance Program (EAP)
- 2.13 Human Resources Administration
  - 2.13a Personnel Files
- 2.14 Employment Classifications
  - 2.14a Regular Full-Time Employees
  - 2.14b Regular Part-Time Employees
  - 2.14c Temporary Employees
  - 2.14d "Non-Exempt" and "Exempt" Employees
  - 2.14e Probationary Employees
- 2.15 Security

## TABLE OF CONTENTS

### **Section 3: Employment Policies**

- 3.1 Employee Core Values Statement
- 3.2 Standards of Conduct
  - 3.2a Adherence to Laws, Policies and Directives
  - 3.2b Obligations to Citizens and/or Customers
  - 3.2c Citizen Contact
  - 3.2d Appearance of Impropriety
  - 3.2e Conflict of Interest
  - 3.2f Bribes
- 3.3 Dress Code, Personal Appearance
- 3.4 Personal Phone Calls
- 3.5 Personal Property
- 3.6 Smoking
- 3.7 Housekeeping
- 3.8 Use of City Property
- 3.9 City Motor Vehicle Policy
  - 3.9a Assignment of Vehicles
  - 3.9b Use of City Vehicles
  - 3.9c Traffic Violations
  - 3.9d Motor Vehicle Records Review Policy
- 3.10 Harassment Policy
- 3.11 Substance Abuse/Drug and Alcohol Policy
- 3.12 COBRA (Benefits Continuation)
- 3.13 Military Leave of Absence
- 3.14 Threats of Domestic Violence in the Workplace
- 3.15 Family and Medical Leave Act (FMLA) Policy
- 3.16 Workers' Compensation Policy
- 3.17 Workplace Accommodation for Nursing Mothers
- 3.18 Workplace Violence Policy

### **Section 4: Work Schedules**

- 4.1 Work Hours
- 4.2 Fire Protection Employees – Work Hours and Compensation
- 4.3 Lunch and Break Periods
- 4.4 Absences or Lateness
- 4.5 Excessive Absenteeism or Lateness

### **Section 5: Hiring and Employment**

- 5.1 Equal Opportunity Employment (EOE)
- 5.2 Proof of U.S. Citizenship and/or Right to Work
- 5.3 Employment of Relatives (Nepotism)
- 5.4 Vacancies
- 5.5 Re-employment
- 5.6 Provisional Appointments

## TABLE OF CONTENTS

### **Section 6: Employment**

- 6.1 Employee Complaints
- 6.2 Employee Discipline
  - 6.2a Disciplinary Action-General
  - 6.2b Unacceptable Activities
  - 6.2c Administrative Leave
- 6.3 Separation of Employment
  - 6.3a Temporary Positions
  - 6.3b Resignation
  - 6.3c Policy Regarding Dismissed Employees
  - 6.3d Appeal Procedure
  - 6.3e Effective Date of Management Action
  - 6.3f Layoffs Due to Reclassification, Reorganization or Budget Cuts

### **Section 7: Employee Compensation**

- 7.1 Pay Cycle
- 7.2 Payroll Information
- 7.3 Payroll Deduction Authorization
- 7.4 Paycheck Distribution
- 7.5 Timesheets/Records
- 7.6 Pay Advances
- 7.7 Classification Pay Plan
- 7.8 Wage Assignment or Garnishment
- 7.9 Overtime Pay/Compensatory Time
- 7.10 Temporary Detail
- 7.11 Emergency Call-Out
- 7.12 Monday Through Friday Standby
- 7.13 Weekend and/or Holiday Standby Coverage
- 7.14 Standby Expectations

### **Section 8: Performance Reviews**

- 8.1 Wage and Salary Increases

### **Section 9: Benefits**

- 9.1 Eligibility
- 9.2 Medical, Dental and Life Insurance Benefits
- 9.3 Retiree Insurance Benefits
- 9.4 Deferred Compensation
- 9.5 Retirement Plan for Employees
- 9.6 Retirement Plan for Police & Paid Firefighters
- 9.7 Disability Income Insurance
- 9.8 Credit Union
- 9.9 Longevity Pay

## TABLE OF CONTENTS

### **Section 10: Attendance and Leave Provisions**

- 10.1 Holidays
- 10.2 Religious Holidays
- 10.3 Holiday Pay
- 10.4 Vacation
- 10.5 Vacation Requests
- 10.6 Sick Leave
  - 10.6a. Accrual
  - 10.6b. Use
  - 10.6c. Notification
  - 10.6d. Separation of Service
  - 10.6e. Monitoring of Sick Leave
  - 10.6f. Sick Leave Conversion
- 10.7 Donation of Vacation and/or Compensatory Time to Another Employee
- 10.8 Time Off For Fire Department Employees
  - 10.8a. Holiday Pay for Fire Department Employees
- 10.9 Shift Personnel
- 10.10 Other Leaves of Absence
  - 10.10a Personal Days
  - 10.10b Funeral (Bereavement) Leave
  - 10.10c Jury Duty and Court Leave
  - 10.10d Election Day (Voting)
  - 10.10e Volunteer Policy
- 10.11 Unpaid Leaves of Absence
  - 10.11a Leave For Parental Involvement in Education
  - 10.11b Personal Leave Without Pay
- 10.12 Unauthorized Leave

## Section 1 – Definitions

- 1.1 Appeal. A request by an employee for review or reconsideration of disciplinary action taken by management against a regular, full-time employee. An appeal shall be limited to dismissals, demotions or suspensions.
- 1.2 Compensation Plan. A compilation of job titles grouped according to similar value and with each job title assigned to a salary grade. In each salary grade there is a range from a minimum to a maximum rate.
- 1.3 Complaint. A non-appealable complaint to management involving work conditions, work relationships, or the interpretation of rules or policies concerning personnel policies and employment.
- 1.4 Demotion. When a regular, full-time employee is moved from a position in one salary grade to a position in a lower salary grade.
- 1.5 Department Head. A supervisor in charge of a department.
- 1.6 Disciplinary Action. Action that may include a verbal warning, written warning, suspension, demotion or dismissal. This term does not include a transfer, change in assignment, change in working hours, layoff, or changes in other terms and conditions of employment.
- 1.7 Dismissal. The involuntary separation of an employee from City employment.
- 1.8 Employee Advisory Group. A group comprised of one primary and one alternate person, with the police department being represented by one civilian and one sworn employee (other than Department Head) from each department. The primary purpose of the group is to establish an ongoing process for providing input regarding employee relations to City management, identify and evaluate employee issues, and provide objective recommendations to the Department Heads or City Manager.
- 1.9 Layoff. Separation due to a budget cut, curtailment of work, change in operations or organizational structure, or reclassification of a position.
- 1.10 Personnel Board. A board appointed by the City Council and whose function is to review all appeals filed pursuant to the personnel Handbook. Employee complaints shall not be reviewed by this board.
- 1.11 Probation. An evaluation period following the date of hire.
- 1.12 Probationary Employee. An employee who is terminable “at will.” An employee who does not have appeal rights following disciplinary action. Probationary employees may file non-appealable complaints.

- 1.13 Promoted Employee. An employee who accepts a promotion to a new position in a higher salary grade. Promoted employees are subject to being placed back in their previous position and salary grade during the first three months in their new position provided the position has not been filled.
- 1.14 Reclassification. The assignment of a position to a different class involving a change in duties and responsibilities and a change in salary grade designation.
- 1.15 Regular Full-Time Employee. A person employed on a regular basis, working an average of 40 hours per week. Paid Fire Department employees, including the Chief of the Fire Department, are intended to be included within the definition of Regular Full-Time Employee for purposes of this Handbook even though they might also be considered shift employees.
- 1.16 Shift Employee. Any employee appointed to a position whereby the nature of the position requires that the employee will work hours other than normal work hours and on weekends and designated holidays.
- 1.17 Suspension. A temporary separation from City service for disciplinary purposes, without pay and not to exceed ten (10) working days.
- 1.18 Transfer. The movement of an employee from one position to another position of the same grade classification, in most cases across departmental lines. A transferring employee maintains his/her accrued City benefits and service time.
- 1.19 Vacancy. A duly created position which is not occupied and for which funds have been budgeted.

## Section 2 – General Provisions

The personnel policies and procedures contained in this Handbook have been adopted in order to make employees aware of not only their rights and benefits, but the rules by which they must abide while in City service. This Handbook may not address every situation. Management must interpret and apply these policies on a case-by-case basis. The Handbook is not all-inclusive but addresses those topics most likely to be of interest to employees in the course of day-to-day operations.

The policies in this Handbook are not intended to supersede other applicable laws. In case of any conflict between these policies and such charter, ordinances, or laws, the more restrictive language shall prevail.

The City Manager shall be responsible for the effective administration of these policies and procedures and may delegate such functions as he/she deems necessary. The City Manager may establish, adopt, amend or rescind other administrative policies and procedures consistent with the applicable provisions of the charter, ordinances and resolutions.

The policies in this Handbook **are not intended and shall not be construed to vest any employee of the City with any rights arising from any express or implied contract of employment.** The City reserves the right to change or rescind these policies and to determine the application of these policies to specific circumstances. The City further reserves the right to alter or eliminate any benefits provided to its employees. Any alteration, elimination, or revision may be applicable to then-current as well as future employees.

The provisions of this Handbook apply to all employees of the City except as where the language specifically limits application to a certain category or categories only.

Certain provisions of this Handbook state that disciplinary action may result from specified conduct. The inclusion of these provisions does not and is not intended to limit, in any way, the imposition of disciplinary action for other types of conduct or for other reasons. Although progressive discipline is included in this Handbook, it need not be followed.

- 2.1 Hire Date. The first day you report to work is your “official” hire date. Your hire date is used to compute various conditions and benefits described in this Handbook.
- 2.2 Driver’s License and Driving Record. Employees whose work requires operation of a motor vehicle must present and maintain a valid driver’s license and a driving record acceptable to our insurer. Motor Vehicle Records are checked during pre-employment and then usually on an annual basis. Any changes in your driving record must be reported to the Human Resources Department immediately. Failure to do so may result in disciplinary action, up to and including possible dismissal.

- 2.3 Outside Employment. If you are employed by the City in a full-time position, the City will expect that your position here is your primary employment. Any outside employment must not interfere with your ability to properly perform your duties or to accept overtime at the City. Outside employment which creates a conflict of interest is incompatible with the employee's employment with the City.
- 2.4 Open Locker Policy. The City will exercise its right to inspect all packages and parcels entering and leaving our premises. All offices, desks, lockers and other storage areas are to be kept clean and used only for work-related reasons. Management reserves the right to inspect all offices, desks, lockers, etc., at any time with or without advance notice. A copy of any key or combination to all locks must be retained by the City at all times.
- 2.5 Inspections. Desks, telephones, and computers are the property of the City. The City reserves the right to enter and inspect any employee's work area, including, but not limited to, file cabinets, desks, lockers and computer storage disks with or without notice to the employee.

The fax, copier and mail systems, including voice mail and e-mail, are intended for business use. Personal business should not be conducted through those systems. Under conditions approved by management, telephone conversations may be monitored, voice mail and e-mail messages may be retrieved, and information may be retrieved regarding web sites accessed. Under conditions approved by management, the hard drive of any employee computer may be reviewed for content. Employees should not have any privacy expectations in information stored on City computers.

- 2.6 Political Activity. Political activism is an important part of our nation's heritage and, as such, employees are encouraged to participate in political processes. However, as City employees it is also important to maintain a reputation for political neutrality, fairness and impartiality with regard to those who are elected to represent the citizens of our community. Therefore, while employees are free to engage in political activity, they should do so on personal time, with personal resources, off of City premises, and without giving the impression that their activity is being endorsed by the City. Employees are strongly encouraged to consider the potential ramifications of their political activity and to always act in a professional manner that reflects positively on fellow employees.

No employee or official of the City, whether elected or appointed, shall attempt to direct or coerce any City employee to contribute to or participate in any political campaign, party or organization. No employee's pay, personnel status or promotion shall be made dependent upon such activities.

No political campaigning such as public support of any candidate for office, distributing campaign literature or displaying campaign buttons by City employees shall take place in City buildings during working hours or in the performance of official job-related duties.

No petitions for nominations or recall shall be circulated in any City building while an employee is working on City time.

2.7 Public Office. Any City employee who has filed an acceptance of a petition for nomination as a candidate of an elective office of Fountain shall immediately resign from such job by submitting a written resignation to the City Manager.

2.8 Employment Verifications/References. Calls and/or forms requesting information or references on active or previous employees will be processed through the Human Resources Department. No Department Head, Supervisor or any other employee is authorized to give out this information. Human Resources will give out the following information:

- Phone verification will give dates of employment, wage rate and job title.
- Written verifications will be completed only if the employee has signed the form requesting release of information.

2.9 Reference Checks. All reference checks and inquiries on current or former employees shall be referred to Human Resources. The Human Resources Department will not provide any information (either positive or negative) other than the information listed below unless the employee signs a waiver and release prior to the time a reference is given:

- Verification of the current or former employee's dates of employment;
- Verification of wage rate;
- Verification of the employee's current or last job title.

A Department Head or Supervisor may provide a **personal** letter of reference for a current or former City employee. The Supervisor may not write a reference letter in his/her capacity as a Supervisor for the City which suggests that opinions in the letter are those of the City. Requests for letters of reference involving a current employee or former employee's employment with the City shall be directed to the Human Resources Manager.

2.10 Adverse Weather Guidelines. There may be occasions when adverse weather or circumstances may require the City to close, delay opening, or close early. The City Manager makes such decisions with the safety of the employees in mind and with the best information available at the time.

The auto attendant message on the City main number (719-322-2000) will be updated by 5:00 a.m. during adverse weather conditions. The opening message will report if the City offices are open or if there is a delay in opening because of weather conditions.

Employees whose positions provide essential operations, as determined by the Department Head, are required to report to work as scheduled during adverse weather conditions.

When weather conditions do not warrant closing City offices, a Department Head or Supervisor may grant additional time, up to a maximum of one (1) hour without a reduction in pay, to those employees who, because of weather conditions, are unable to arrive at work on time. If you are unable to report to work when the City is open, contact your Department Head or Supervisor directly. An employee with accrued time off may be permitted to change the absence to vacation, personal, or compensatory time or may take the time off without pay.

Non-Exempt employees who request to leave early because of adverse weather conditions will need to charge their time to vacation, personal, or compensatory time or may take the time off without pay. Essential and non-essential employees who are required to remain on the job shall receive their normal rate of pay.

Employees who are excused from work by the City Manager under adverse weather conditions shall receive their normal rate of pay. Employees excused to leave early will be determined based on the position held by the employee and not where the employee resides.

Employees who are required to remain on the job shall receive their normal rate of pay.

Employees on scheduled days off, vacation, personal days, holiday, compensatory time off, or sick leave during the time City operations are curtailed shall charge their time to the appropriate category.

- 2.11 Employee Advisory Group. The Employee Advisory Group is intended to provide an additional forum for employees to provide management with input and objective recommendations regarding employee relations, working conditions, and employment issues. The group may meet once per month for a reasonable period of time to discuss items of concern and evaluate and reach a consensus for making an objective recommendation to management. All recommendations shall be made in written form, which is dated and directed to the appropriate Department Head(s) with a copy to the City Manager.
- 2.12 Employee Assistance Program (EAP). You are encouraged to use the EAP whenever you feel the need for guidance in coping with life's difficulties. The EAP is a confidential service to be used when you need help. The EAP staff is available twenty-four (24) hours a day, seven (7) days a week, for crisis call, counseling and referral. The cost is free for you and your family members.

The EAP is also provided in connection with the City's workplace violence policy. The EAP offers services to the City's employees and their eligible dependents. While the City receives periodic reports on the number of people who use the EAP, we do not receive information as to their names or any other information pertaining to the services used by our employees. This information is strictly private and is protected by the law.

2.13 Human Resources Administration. The task of handling personnel records and related personnel administration functions at the City is assigned to the Human Resources Department. Questions regarding insurance and interpretation of policies may be directed to that Department or to your Department Head or Supervisor. A copy of the current Handbook will be made available to each employee by the Human Resources Department and at the time of new employee orientation. Any amendments to this Handbook will be distributed on a timely basis by Human Resources.

2.13a Personnel Files. An employment history for each employee is maintained by the Human Resources Department in a personnel file. All portions of the personnel file are property of the City. Certain information contained within the personnel file may be accessed by the public pursuant to the Colorado Open Records Act and Freedom of Information Act. Unless otherwise required by law, the information in personnel files is confidential and may not be used or divulged for purposes unconnected with personnel management.

No documents shall be released from a personnel file, except as required by law or in compliance with a valid subpoena or court order. Employees may set up a time with the Human Resources Manager or designee to review his/her own personnel file during regular office hours. An employee's personnel file may be used by the City to defend any litigation, grievance or appeal, unemployment claim or workers' compensation claim involving the employee. An employee may submit a written request to Human Resources Manager through their Department Head to have specific disciplinary action notice(s) removed from consideration in future internal employment decisions such as promotions. In order to be considered the employee must have no disciplinary actions within the past two years of the request and no pending disciplinary actions. The decision is at the discretion of the City Manager in consultation with the Department Head and Human Resources Manager. If the request is granted, a notice will be attached to the front of the disciplinary action stating that as of a specific date it is no longer to be considered in internal employment decisions.

Keeping your personnel file up-to-date can be important to you with regard to pay, deductions, benefits and other matters. If you have a change in any of the following items, please notify Human Resources:

- Legal Name
- Home Address
- Home Telephone Number
- Person to call in case of emergency
- Number of Dependents
- Marital Status
- Change of Beneficiary
- Driving Record or status of driver's license, if you operate any City vehicles.

Coverage or benefits that you and your family may receive under the City's benefit package could be negatively affected if the information in your personnel file is incorrect.

2.14 Employment Classifications. At the time you are hired, you are classified as either full-time, part-time or temporary and are also told whether you qualify for overtime pay. All policies described in this Handbook and communicated by the City apply to all employees, unless specifically excluded. If you are unsure of which job classification your position fits into, please ask the Human Resources Department.

2.14a Regular Full-Time Employees. An employee who has been hired to fill a regular full-time position and has successfully completed the probationary period shall be classified as a regular full-time employee. Such employees are normally scheduled to work at least forty (40) hours per week on a year-round basis. Such employees are eligible for City benefits outlined in these policies and procedures.

2.14b Regular Part-Time Employees. An employee who has been hired to fill a regular part-time position and has successfully completed the introductory period shall become a regular part-time employee. Such employees are normally scheduled to work at least twenty (20) hours per week and work less than 1,500 hours per year. Such employees are not benefits eligible except those outlined in these policies and procedures.

2.14c Temporary Employees. Employees who are hired to fill a temporary or seasonal position are considered temporary employees and are not benefits eligible. A temporary employee may be hired to work full-time or part-time hours and work less than 1,500 hours per year and for a temporary period or specific assignment.

2.14d “Non-Exempt” and “Exempt” Employees. All employees are classified as either “exempt” or “non-exempt” at the time they are hired. This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay for hours worked (non-exempt).

Exempt employees’ duties and responsibilities allow them to be “exempt” from overtime pay provisions as provided by the Fair Labor Standards Act (FLSA) and any applicable state laws. Following is a list of “Exempt” positions.

- City Manager
- City Clerk
- Court Administrator
- Economic Development Director
- Finance Director
- I.T. Manager
- Fire Chief
- Police Chief
- Public Works Director
- Water Resources Engineer
- Electric General Foremen
- Customer Service Supervisor
- Utility Director
- Planning Director
- Fleet Services Superintendent
- St. & Drainage Superintendent
- Planning Supervisor
- Human Resources Manager
- Deputy Fire Chief
- Police Commander
- Utilities Customer Service Manager
- Water Superintendent
- Engineering & Planning Manager
- Customer Service Manager

2.14e Probationary Employees. All new employees, except for all police department employees, hired for a regular, full-time or part-time position shall serve a probationary period of six (6) months. All police department employees shall serve a twelve (12) month probationary period. The purpose of the probationary period is to provide an ongoing evaluation of the employee's ability to perform the duties of the position. Each employee should receive a written performance review at the end of the probationary period. At any time during or at the end of the probationary period, the Department Head, at his/her pleasure, may recommend to the City Manager immediate termination of a probationary employee. Although such employees may file complaints as set forth in this Handbook, they shall have no right to appeal any disciplinary or termination action taken against them.

Upon recommendation of the Supervisor or Department Head a probationary period may be extended for an additional six (6) months with approval by the City Manager. At the completion of the probationary period, the employee shall either remain a regular employee or shall be terminated.

A current employee who transfers to another position shall serve a six (6) month probationary period in the new position. An employee who accepts a police department position including Emergency Services Dispatcher position shall serve a twelve (12) month introductory period in the new position.

If the employee elects to decline the position offered because of the requirement for probation, the employee may not be disciplined for refusing to accept the new position and may stay in the current employment position subject to the normal employment conditions as set forth in this Handbook.

2.15 Security. Maintaining the security of the City buildings is every employee's responsibility. Develop habits that insure security. Always keep cash properly secured. Know the location of all alarms and fire extinguishers, and familiarize yourself with the proper procedure for using them, should the need arise.

## Section 3 - Employment Policies

- 3.1 Employee Core Values Statement In going about their daily duties all employees are expected to conduct themselves in a manner that exemplifies the employee core value statement.

We are a Family of employees dedicated to:

Open communication within our workplace & community, committed to

Understanding the needs of our citizens, and supportive of a

Nurturing environment that values teamwork.

Trust, honesty and ethical behavior allow us to be

Accountable to the taxpayers, our elected officials and our co-workers.

Integrity in the workplace is our foundation and expectation. We strive for

Neutrality and assure that all are treated with respect and fairness.

- 3.2 Standards of Conduct. All City employees shall adhere to the following standards and shall not engage in conduct while on duty or in their official employment capacity which, if brought to the attention of the public, could result in justified unfavorable criticism of that employee or the City of Fountain. General standards of conduct include, but are not limited to, the following:

- 3.2a Adherence to Laws, Policies and Directives. City employees shall not violate any federal or state laws, City Ordinances, City Personnel Policies, or Departmental Directives in the performance of their official duties.
- 3.2b. Obligations to Citizens and/or Customers. City employees shall not grant any special consideration, treatment, or advantage to any citizen or customer beyond that which is available to every other citizen/customer.
- 3.2c Citizen Contact. City employees are employees of the public. City employees shall try to avoid confrontations with the public. If a City employee does come into contact with abusive or belligerent persons, the employee shall first attempt to placate such person and, if unsuccessful, the employee shall refer such person to the immediate Supervisor in a courteous and tactful manner.
- 3.2d Appearance of Impropriety. Public trust and respect are often measured by appearances, and the perception by citizens of wrongdoing erodes confidence in individual employees and in City government. Therefore, employees should be sensitive to and exercise prudent restraint in avoiding the appearance of impropriety.

3.2e Conflict of Interest. City employees shall not be involved in a conflict of interest. A conflict of interest occurs when employees use their position to secure advantage or favor for themselves, their family, or friends or where an employee's private interests interfere or could be perceived to interfere with the employee's duties and responsibilities as an employee of the City. An employee is deemed to have a conflict of interest if the employee:

1. influences the selection of or the conduct of business with a corporation, person or firm having business with the City if the employee or the employee's immediate family has a financial interest in or with the corporation, person, or firm;
2. takes any official action directly and substantially affecting his/her economic benefit or affecting a business or other undertaking in which the employee or his/her immediate family has a financial interest or business arrangement;
3. accepts or seeks for others any service, information, or thing of value on more favorable terms than those granted to the general public or from any person, firm, or corporation having dealings with the City;
4. directly or indirectly possesses a substantial or controlling interest in any business entity which conducts business or contracts with the City, or in the sale of real estate, materials, supplies, or services to the City, without disclosing such interest;
5. is an employee, officer, partner, director or consultant of any corporation, person, or firm having business with the City.

Subject to the interpretation of Amendment 41 of the Colorado Constitution as set forth in the Position Statements of the State of Colorado, Independent Ethics Commission: No employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the employee who accepted or received the money, forbearance or forgiveness of indebtedness.

Subject to interpretation of Amendment 41 to the Colorado Constitution as set forth in the Position Statements of the State of Colorado, independent Ethics Commission: No employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit accept or receive any gift or thing of value having either a fair market value or aggregate actual cost greater than fifty dollars (\$50) in any calendar year, including but not limited to gifts, loans, rewards, promises or negotiations of future employment favors or services, honoraria, travel, entertainment, or special discount, from a person, without the person receiving lawful consideration of equal or greater value in return from the employee who solicited, accepted or received the gift or thing of value.

There are exceptions to Amendment 41. Therefore, if employees have any questions, they should consult with their Department Head.

It is recognized that employees will be confronted with ethical considerations not falling within clearly defined standards. In such incidents, employees should contact their immediate Supervisor or their Department Head to resolve their concerns. If deemed necessary, the request for an opinion can be made to the City Manager.

- 3.2f Bribes. Any attempt to bribe, give special favors to, or request special consideration from a City employee shall be reported immediately to the employee's immediate Supervisor or Department Head who shall report the matter to the City Manager for investigation.

It shall be the duty of all City employees to take action as appropriate to report observed or reported violations of this policy to their immediate Supervisor or Department Head. If deemed necessary, the report can be made to any City Supervisor or directly to the City Manager.

- 3.3 Dress Code, Personal Appearance. Please understand that you are expected to dress and groom yourself in accordance with acceptable social and business standards, particularly if your job involves dealing with outside vendors, citizens, or visitors in person.

Each Supervisor or Department Head is responsible for establishing a reasonable dress code appropriate to the job you perform. (Please refer to your department's standard operating procedures or administrative guidelines.)

A neat, tasteful appearance contributes to the positive impression you make on our citizens. You are expected to be suitably attired and groomed during working hours or when representing the City. A good clean appearance bolsters your own poise and self-confidence and greatly enhances our City's image.

Personal appearance should be a matter of concern for each employee.

Fridays are designated as casual day for administrative employees. Blue jeans may be worn, but shorts and leggings are not considered acceptable attire for Fridays. If you have a question regarding what may or may not be acceptable to wear on Friday, consult your immediate Supervisor or a representative in the Human Resources Department.

If you have any questions about what attire is required for your particular department, please consult your immediate Supervisor and/or Department Head or your department guidelines.

3.4 Personal Phone Calls. Please keep personal phone calls to a minimum. They must not interfere with your work. You are permitted to make limited local area calls on City telephones for essential personal business. Please do not abuse this privilege. Emergency calls regarding illness or injury to family members, changed family plans, or calls for similar reasons may, of course, be made at any time. Incoming urgent calls will be directed to you. You will be charged for any long distance calls.

3.5 Personal Property. The City cannot assume liability for an employee's personal property. Employees are encouraged to carry sufficient auto and/or homeowner's insurance and to leave valuable sentimental jewelry and other personal items at home.

3.6 Smoking. The purpose of this policy is to establish a uniform guidance concerning all tobacco products in City of Fountain vehicles and buildings.

Smoking or chewing tobacco products is not permitted in City vehicles and inside any building owned or occupied by the City of Fountain. Smoking or chewing tobacco products outside the building on City property is limited to designated areas during normally scheduled breaks. Multiple periods for smoking or chewing tobacco products are not permitted. Smoking or chewing tobacco products is not allowed within five (5) feet of any City building entrance including employee entrances and building bay doors.

3.7 Housekeeping. Neatness and good housekeeping are signs of efficiency. You are expected to keep your work area neat and orderly at all times - it is a required safety precaution. If you utilize the kitchen and break room areas, you are also required to clean up after yourself.

Easily accessible trash receptacles and recycling containers are located throughout the building. Please put all litter and recyclable materials in the appropriate receptacles and containers. Always be sure of good health and safety standards, including fire and loss prevention.

3.8 Use of City Property. City property is to be used only for official City business, in an appropriate manner, and in accordance with all applicable rules, operating procedures, and directives. No employee shall remove City property or the property of any other employee from City premises or City work sites without proper authorization. Without prior authorization, employees shall not use City property while off-duty. Any employee who steals City property or the property of any other employee, or who abuses, misuses, damages, or destroys City property, shall be subject to discipline, up to and including discharge.

3.9 City Motor Vehicle Policy. The purpose of this Policy is to establish standard requirements for City employees who are assigned a city-owned, leased vehicle or driving their own personal vehicle in the course of providing City services and conducting City business. This policy is intended to ensure the safety and well-being of City employees; to facilitate the efficient and effective use of City resources; to minimize the City's exposure to liability; and to monitor the use of City-owned vehicles and vehicle usage.

3.9a Assignment of Vehicles. Upon the effective date of this Policy, the assignment of City vehicles to City employees, including current assignments, shall require the approval of the City Manager. The City Manager reserves the right to review the continuing need for any vehicle assignment.

The assignment of City vehicles with commuting privileges is intended for employees with responsibility for ongoing and recurring time-critical emergency responses requiring both direct transportation to the site of the emergency and specialized equipment in the City vehicle. City vehicle usage will not be negotiated as part of any employee's compensation package.

3.9b Use of City Vehicles. The use of City vehicles for overnight and out-of-town travel shall be governed by the policies/procedures outlined in the City's travel policy. Overnight or out-of-town travel shall be for City-related business only.

For employees who fall within the provisions of the Internal Revenue Service Code, the City will comply with the Internal Revenue Service's regulations regarding the reporting of income.

All operators of City vehicles shall possess a valid driver's license. The Human Resources Department requests annually the motor vehicle records on any employee operating City vehicles during the course of his/her employment. In the event of license suspension, vehicle use privileges will be suspended and may be terminated.

Employees are required to notify their Supervisors of any violations or summonses which occur while in possession of, or while operating, a City vehicle. Failure to do so may result, in the City's discretion, in the loss of vehicle use privileges. Any fines or points assessed as a result of a parking or moving violation received while operating a vehicle (your own or the City's) will be your sole responsibility.

Only City employees or Council members are authorized to operate City vehicles.

**Please note that the City's vehicle insurance does not cover the employee's private vehicle while engaged in City business. If you use your own vehicle to perform City business, your automobile insurance policy must cover any claims that arise from such use. Employees must obtain appropriate departmental approval to use their private vehicle for City business. Employees authorized to use personal vehicles while on City business must provide proof of insurance to their Department Head. Employees who regularly use his/her own vehicle on City business should notify their insurance companies of that use.**

All drivers and City business travelers must wear seat belts and obey traffic laws. Employees are strictly prohibited from operating a City vehicle or a personal vehicle on City business while under the influence of alcohol or with illegal substances in their system, and are likewise prohibited from using prescription or over-the-counter medication which may impair their ability to safely operate a motor vehicle.

In the case of an accident, the employee driving the vehicle shall immediately notify his/her Supervisor and the nearest Police Department to report the accident and complete a full accident report. Copies of the completed accident report shall be forwarded to the employee's Supervisor, Human Resources and Finance. (Please follow all post-accident procedures outlined in this Handbook.)

Employees must comply with any preventative maintenance programs which may be required by the City. Vehicles shall be kept free of litter and debris. The physical appearance of the vehicle must create a good impression. Select vehicles may be affixed with the City logo. Any tampering or removal of the logo will result in disciplinary action. No City vehicle is to be used for personal or family purposes, although it is permissible for an employee to make an occasional stop which is incidental to the route being used during the course and scope of the use of the vehicle.

It shall be the responsibility of each City employee assigned a City vehicle or driving his/her own vehicle on behalf of the City to comply with these regulations. Failure to comply with all the provisions of this policy shall result in disciplinary action which may include the suspension or termination of vehicle privileges.

3.9c Traffic Violations. If you are authorized to operate a City vehicle in the course of your assigned work, or if you operate your own vehicle in performing your job, you will be considered completely responsible for any accidents, fines and traffic violations incurred.

3.9d Motor Vehicle Records Review Policy. Each current employee must have a valid Colorado driver's license of the appropriate type, if one is required for the employee's position. The Human Resources Department will obtain at least annually at the City's expense a copy of the Motor Vehicle Record (MVR) for each such employee. MVRs for current employees may also be requested for review of the following situations:

- After an on-the-job collision determined to be preventable
- If a complaint is received regarding the employee's driving while on City business
- If an employee transfers to a position requiring a valid Colorado driver's license (or into a position requiring a different type of driver's license than required for the current position).

3.10 Harassment Policy. The City intends to provide a work environment that is free from intimidation, hostility or other offenses which might interfere with work performance. **Harassment of any sort - verbal, physical, and visual - will not be tolerated.** The City maintains a strict policy prohibiting sexual harassment and harassment on any basis made unlawful by federal, state, or local law.

This policy applies to all persons involved in the operations of the City and prohibits unlawful harassment by any employee or agent of the City, including Supervisors, Department Heads and co-workers. Unlawful harassment because of gender, race, ancestry, national origin, physical handicap, sexual orientation, marital status, age, creed, religion, medical condition, or any other protected basis is strictly prohibited.

### **What is Harassment?**

Harassment can take many forms. It may be, but is not limited to: words, signs, jokes, pranks, intimidation, threats, demands, retaliation, physical and visual contact, or violence. Harassment is not necessarily sexual in nature.

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, other verbal or physical contact of a sexual nature when such conduct creates an intimidating environment, prevents an individual from effectively performing the duties of his/her position, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly.

Unlawful harassment includes but is not limited to:

- Verbal conduct such as derogatory comments, slurs, or unwanted sexual advances, invitations, or comments.
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures or e-mails containing such visual information.
- Physical conduct such as assault (unwanted touching), blocking normal movement, or interfering with any work when the conduct is directed at any individual because of that individual's gender or any other protected basis.
- Threats and demands to submit to sexual requests in order to keep an employee's job or avoid some other loss or offers of job benefits in return for sexual favors.
- Conduct of the nature described above when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- Retaliation for having reported or threatened to report harassment or engaging in any protected activity.

The City accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses another employee is personally liable for such actions and their consequences.

If you have any questions regarding this policy, please contact Human Resources.

Responsibility. As a City employee, you are responsible for keeping the work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to the Human Resources Department or a member of the management team with whom he/she feels comfortable. When the City becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the City to do so.

These matters will be kept as confidential as the circumstances permit.

Reporting. If you feel that you have experienced harassment, report the incident immediately to the Human Resources Department or a member of the management team with whom you feel comfortable. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated and kept as confidential as the circumstances permit. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action and/or possible discharge. The City will also take any additional action necessary to appropriately correct the situation. The City will not retaliate against any employee who makes a good faith report of alleged harassment, even if the employee was in error.

- 3.11 Substance Abuse/Drug and Alcohol Policy. The City of Fountain believes that it is important to promote a drug-free community, to maintain safe, healthy, and efficient operations, and to protect the safety and security of employees, facilities, and property of the City of Fountain. Drugs and/or alcohol may pose serious risks to the user and all those who work with the user. In addition, the use, possession, sale, transfer, manufacture, distribution, and dispensation of alcohol or illegal drugs in the workplace pose unacceptable risks to the maintenance of a healthy workplace and to the security of the City of Fountain employees. Substance abuse while at work or otherwise seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by the City of Fountain. For all of those reasons the City of Fountain has established this Substance Abuse Policy.

This policy is adopted to establish compliance with:

The Omnibus Transportation Employee Testing Act of 1991. The Act requires alcohol and drug testing of employees who are required to have a commercial driver's license (CDL).

The Drug-Free Workplace Act of 1988. The City of Fountain is a drug-free workplace as required by The Drug-Free Workplace Act of 1988. It is both the City's and each employee's responsibility to maintain such an environment.

- The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace.
- An employee's violation of this prohibition, or any other drug abuse violation, may result in disciplinary action up to and including discharge.
- The City will provide such educational information to employees on the damages of drug abuse in the workplace as it deems appropriate.
- Information on the City's Employee Assistance Program (EAP) is available from Human Resources as well as the Department Heads.

As required by the Drug-Free Workplace Act, each employee, as a condition of employment, must abide by the terms of this policy and notify the City in writing of his/her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. Upon notification of any such conviction, the City will take immediate disciplinary action up to and including termination.

The City has a **ZERO** tolerance policy regarding the illegal use of controlled substances (also referred to as "illegal drugs") and on-the-job use of alcohol, regardless of the source of the alcohol). Exceeding the recommended dosage for over-the-counter drugs or the dosage prescribed by a medical doctor for prescription drugs is prohibited.

Any employee who uses illegal drugs or tests positive for illegal drugs or alcohol while on-the-job will be subject to disciplinary action, which may include discharge for the first offense.

Medicine containing alcohol or controlled substances may be used while operating a vehicle pursuant to the instructions of a physician provided the substance does not adversely affect the driver's ability for safe operation. Further, the employee shall notify his/her Supervisor if he/she has been prescribed such medication and the instructions of the physician for its use. Based on the information it's the discretion of the Supervisor if they feel the employee is unsafe to operate equipment or drive City vehicles while taking the medication.

The time spent traveling to and taking drug/alcohol tests, except for post-offer pre-employment tests, will be considered as "time worked" and paid for by the City of Fountain.

Any employee who refuses a reasonable suspicion, post-accident, random, return-to-duty testing or follow-up testing will be terminated. Behavior that constitutes a refusal:

- Failure to provide adequate breath for testing without a valid medical explanation.
- Failure to provide adequate urine for controlled testing without a valid medical explanation.
- Engaging in conduct that clearly obstructs the testing process.
- Failure to show up for scheduled testing unless documentation of a medical reason is presented.
- Failure to proceed to the testing site within 30 minutes of being notified to report.

Under this policy the following controlled substances shall be tested for:

- Cocaine
- Marijuana
- Amphetamines
- Phencyclidine (PCP)

Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). Any employee who is tested as having 0.02 grams or more will be deemed to have tested positive for purposes of this policy. Any employee testing positive for an illegal drug will be deemed to have illegally used drugs.

An employee may enter into drug or alcohol rehabilitation using the City's health plan. Please see the EAP for assistance.

Some provisions of this policy apply only to City employees whose job descriptions require a commercial driver's license. The term "CDL" refers to these employees. Except where a provision is limited in its application to a CDL employee, this policy applies to all City employees.

Post-Offer Pre-Employment Testing. All applicants applying for a position requiring a Commercial Driver's License (CDL) or P.O.S.T. Certified Police Officer or Fire Fighter are subject to pre-employment drug testing. Candidates refusing post-conditional job offer testing or failing to appear for testing will have the job offer withdrawn. An exception will be if the candidate is delayed or mistaken about the appointment and is able to make up the appointment within a 24-hour period of the original appointment.

Applicants applying for positions requiring a CDL license and who held previous (CDL) driving positions are required to sign a release form that allows the City to obtain alcohol and drug test results and information from previous employers for the past two years. If the release is not given by the candidate the job offer will be withdrawn.

Testing-General. (\*All employees). The City will have tests of breath, urine and/or blood conducted to determine the presence of illegal drugs or alcohol under the following circumstances:

- When reasonable suspicion exists to believe that an employee is impaired by alcohol or drugs while on the job or is using illegal drugs;
- Post-offer pre-employment testing for applicants being considered for CDL positions and police and fire positions;
- After motor vehicle accidents, as specified below.
- Employees whose job duties change in such a way that they are required to obtain a CDL license.
- CDL employees returning to work after a layoff period more than 30 days.

Random Testing. Employees required to have a Commercial Driver's License (CDL) are subject to sporadic scheduled drug and alcohol tests performed throughout the calendar year.

No less than 50% of CDL holders shall be selected for random drug testing and no less than 25% shall be selected for random alcohol tests.

Being selected and subject to a random test (or testing reason) does not remove the employee from future drawings. Therefore, it is possible for any one employee to be drawn for any or all tests throughout the year.

Reasonable Suspicion Testing. If there is reasonable suspicion that an employee, while on the job, is impaired by alcohol or is using illegal drugs, a Supervisor in the employee's chain of command, or the Department Head, may require the employee to submit immediately for testing. A Supervisor or the Department Head shall immediately transport the employee to the designated medical facility for testing.

Reasonable suspicion may be based on other facts and circumstances, including but not limited to the following:

- Witnessing by at least one Supervisor (two, if feasible) of the employee's unusual demeanor, appearance or conduct, or irrational behavior (e.g., slurred speech, lack of balance, excessive aggressiveness, docility, or drowsiness); difficulty in performing or the inability to perform normal job function; or smell of alcohol or illegal drugs;
- Suspected possession of or use of alcohol or illegal drugs on the job; or
- A determination by a Supervisor and/or Department Head in the employee's chain of command, based on a review of surrounding facts and circumstances, that the employee might be at fault in an on-the-job injury, or an operating accident, involving equipment, property or personnel.

In making such a determination, the Department Head and/or Supervisor shall consider such factors as injury to the employee or others; damage to property; concern for the safety of the employee or others; and pertinent behavioral factors.

Alcohol tests should be performed within two (2) hours of the determination of reasonable suspicion, and the person who made the determination must document the reasons for the failure to meet the two (2) hour time limit.

If an alcohol test is not performed within eight (8) hours of the determination of reasonable suspicion, no further efforts to test will be made based on that determination, and the person who made the determination must document the reasons for the failure to meet the time limit.

If the employee is a CDL employee, the employee may not drive a commercial vehicle or otherwise perform any safety-sensitive functions until he/she has been off work for at least twenty-four (24) hours or has undergone an alcohol test with a result below a concentration of .02 grams of alcohol per 210 liters of breath.

Post-Accident Testing (For Motor Vehicle Accident). For purposes of this section, the term "motor vehicle accident" includes (1) an occurrence during the course of performing job duties and involving a City vehicle or the employee's personal vehicle; and (2) an occurrence during off-duty hours, but involving a City vehicle, and which results in:

- A fatality or bodily injury to anyone; or
- A citation for a moving traffic violation arising from the accident.

If an employee's actions either contributed to a motor vehicle accident, or cannot be discounted as a contributing factor to a motor vehicle accident, as determined by a Supervisor in the employee's chain of command, or the Department Head, the employee shall provide, as soon as possible after the motor vehicle accident, breath, urine and/or blood samples to be tested for drugs and alcohol at a testing site designated by the City.

If an employee's actions either contributed to damage to a vehicle or any other property, or cannot be discounted as a contributing factor to damage to a vehicle or any other property, as determined by a Supervisor in the employee's chain of command, or the Department Head, the employee may be required to provide, as soon as possible after the motor vehicle accident, breath, urine and/or blood samples to be tested for drugs and alcohol at a testing site designated by the City.

DOT Standdown. In the event an accident requires a post-accident test or the findings of reasonable suspicion that lead to a DOT reasonable test, the employee shall be immediately removed from performing a covered task pending the results. Under no circumstance is such action to be triggered on the basis of the report of confirmed laboratory test results that have not yet been verified by the Medical Review Officer.

Use of City Vehicles. The above drug and alcohol policies are applicable to the personal and official use of City-owned vehicles.

Results of Drug and/or Alcohol Use. Any employee found to be impaired by alcohol on-the-job, using illegal drugs, or testing positive for illegal drugs shall be terminated if:

- Driving is a required function of the employee's position as determined by the employee's job description.
- The employee was operating a City vehicle or City equipment or the employee's personal vehicle on City business when the employee was impaired or tested positive for illegal drugs and/or alcohol.
- Other safety concerns of the City are at stake.
- A CDL employee has a breath alcohol test which shows an alcohol concentration of .02 grams or more per 210 liters of breath.
- A CDL employee works within four (4) hours of consuming alcohol obtained from any source.

Any employee found to be impaired by alcohol on the job, using illegal drugs, or testing positive for illegal drugs, under circumstances other than those described above, shall be subject to discipline up to and including termination.

Testing Procedure. The Supervisor or the Department Head making the documentation of reasonable suspicion or ordering the post-accident test shall prepare a testing referral form, setting forth the basis for the finding of reasonable suspicion, or post-accident testing, as appropriate. The form shall be accompanied by other pertinent information, including names of witnesses of the circumstances or behavior that led to the referral.

Test results shall be held in confidence by the laboratories with which the City contracts, and by the Human Resources Department and shall only be disclosed to the employee tested, any personnel involved in Supervisory or disciplinary capacities with regard to the employee, or personnel participating in administrative or legal proceedings which concern in any manner the test results.

#### Responsibilities of Involved Parties

- Human Resources Department
  - A. For all regular full-time and part-time positions, Human Resources Department makes tentative job offers subject to a negative drug and alcohol screen.
  - B. Human Resources will be responsible for coordinating with the testing facility the scheduling of all drug and alcohol testing's.
  - C. Human Resources Department will be responsible for coordinating training associated with this policy.

- Employee

- A. CDL drivers shall not report to work or remain on duty when they are under the influence of alcohol or have a controlled substance in their system (unless a doctor has stated that the substance is medicinal and will not impair the driver).
- B. Suspicious behavior of a co-worker should be brought to the immediate attention of a supervisor. (Failure to do so may result in disciplinary action.)
- C. Employees must cooperate with test requests and release of information or risk disciplinary action up to and including termination.
- D. Employees must immediately contact the police or other appropriate law enforcement agency regarding all motor vehicle accidents. Additionally, Employees shall contact their immediate supervisor to report the accident. Following a motor vehicle accident where they have been cited for the accident or death has the employee shall be tested. (Drivers leaving the scene before contacting a may be deemed to have refused to submit to testing and are subject to disciplinary action up to and including termination. This does not mean that necessary treatment for injured people should be delayed or that a driver cannot leave the scene for the period necessary to obtain assistance.)
- E. Employees must immediately contact their immediate supervisor for any equipment accidents or employee injury.
- F. Employees can drive themselves to the testing site for tests set up by Human Resources. For tests following post-accidents or reasonable suspicion, the employee will be driven by the Supervisor or his/her designee.
- G. For any positive alcohol test, the employee will not be allowed to drive himself/herself home.

- Supervisors

Supervisors are required to have minimum one-hour training in recognizing drug and alcohol use every 12 months.

- A. No supervisor having knowledge that an employee may have consumed alcohol may permit the employee to drive a vehicle on City business.
  1. No supervisor having knowledge that an employee is using alcohol or has used alcohol within a four (4) hour period prior to work shall permit the employee to perform safety-sensitive functions.

2. No supervisor having knowledge that an employee is in possession of drugs, has used or taken drugs into his/her body or has tested positive for drug use shall permit the employee to drive a vehicle or perform safety sensitive functions, unless it is determined that the drugs are legal and will not cause impairment.
  - i. Supervisors are responsible for arranging transportation for any employee's travel to and from post-accident and reasonable suspicion tests.
    - 1) If a BAC test is not administered within two (2) hours following the accident, the supervisor will report the reasons, in writing, and forward the report to the Human Resources Department. If the BAC test is not administered within eight (8) hours following the accident, all attempts to administer the test shall cease. The supervisor will report the reasons in writing and forward the report to the Human Resources Department.
    - 2) If a drug test is not administered within 32 hours following the accident or reasonable suspicion, all attempts to administer the test shall cease. The supervisor will record the reasons and forward the report to the Human Resources Department.
  - ii. For reasonable suspicion, a supervisor should, if practical, seek the opinion of at least one additional trained individual; only one however, is required.
    - 1) Reasonable suspicion would include a combination of factors such as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, smell of alcohol or marijuana emanating from the employee's body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job, other unexplained behavioral changes, or other indicia of drug and/or alcohol use.
    - 2) If reasonable grounds exist, the supervisor(s) shall document these observations immediately in writing and forward them to the Human Resources Director within 24 hours. A copy of this document will be provided to the employee upon request.
  - iii. For reasonable suspicion and post-accident testing, the employee shall be directed to accompany the supervisor, or his/her designee, to the appropriate testing site as designated by Human Resources for a urinalysis and/or a breathalyzer test to determine fitness for duty.

- 1) The Supervisor shall inform the employee of the following:
  - a. The testing is part of his/her job responsibilities and that refusal to take the test, cooperate, or sign the release of information may result in disciplinary action up to and including dismissal.
  - b. The employee will be suspended with pay pending drug screening results.
  - c. The employee will be sent home without pay for 24 hours from the time of the positive alcohol test. Further disciplinary action will be as per policy.
  - d. The City will pay for the test and the time spent going to and taking the test is time worked.

iv. Return-to-duty testing:

For alcohol – the supervisor through the human resources department shall schedule an alcohol test no sooner than 18 hours after the initial test and subject to testing site availability and office hours. All copies of test results shall be sent to the Human Resources Manager.

- v. The Supervisor will make sure that new CDL employees have received a copy of this policy upon employment. Supervisors are to notify the Human Resources Manager of any new CDL employees so that orientation training for this policy can be scheduled.

Where are the testing/collection sites. Human Resources will identify collection sites and provide information in this regard to City employees.

Confidentiality of testing results. Release of controlled substances and alcohol tests will be allowed only under the following circumstances:

- Testing results shall be placed in the workplace compliance file and will be kept confidential as per law.
- A driver is entitled, upon written request, to obtain copies of any records pertaining to his/her use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests.
- The City shall permit access to all facilities utilized in complying with the requirements of this law to the Secretary of Transportation, and DOT agency, or any state or local official with regulatory authority over the City or any of its drivers.

- The City shall make available copies of all results of the City's alcohol and/or controlled substance testing conducted, and any other information pertaining to the City's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, and DOT agency, or any state or local officials with regulatory authority over the employer or any of its drivers.
- When requested by the National Transportation Safety Board as part of an accident investigation, the City shall disclose information related to the City's administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.
- Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

3.12 COBRA (Benefits Continuation). The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's work hours or a leave of absence; an employee's divorce or legal separation; and a dependent child who no longer meets eligibility requirements.

Under the law and the City's health plan, domestic partners are not eligible for COBRA continuation.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates. The City's Human Resources Department or its designee provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

3.13 Military Leave of Absence. Any employee who is a member of the national guard or any other component of the military forces of the state or who is member of the reserve forces of the United States is entitled to military leave of absence.

Military leave not exceeding fifteen (15) days per calendar year will be granted with pay for the purpose of fulfilling training or active service obligations. The employee shall submit a request for absence to his/her Supervisor as soon as possible after receiving the military order. Military leave shall be in addition to and shall not be concurrent with authorized vacation leave.

Any employee who is required to continue in military service beyond the fifteen (15) day period shall be granted military leave without pay. During the period of military leave without pay, the employee shall not accrue vacation leave or sick leave. After the employee's military service ends, the employee will be reinstated in accordance with Uniformed Services Employment and Re-employment Rights Act (USERRA) and any other applicable laws. For additional information regarding military leave, please contact Human Resources.

Employees shall be reinstated to a position that is similar in status and pay to the position they held before they went into the Armed Forces, provided they are physically able to perform the duties of the position and that they satisfactorily performed the military service. The time spent in military service will count in computing seniority with the City but no other City benefits will accrue.

3.14 Threats of Domestic Violence in the Workplace. If an employee is in a domestic situation that is violent, or even has the threat of violence, and it appears that it may escalate to the point of being a physical threat to the employee and/or others in the work environment, the situation must be brought to the attention of the employee's Supervisor, a Department Head, and/or the Human Resources Department. Such a threat will be pursued by the City by all reasonable legal measures, which may include a restraining order, in an effort to keep the employees and other co-workers safe while in the workplace.

Time is often of the essence in these situations. Therefore:

1. The employee's Supervisor, a Department Head, and/or the Human Resources Department must be informed as soon as possible of any potential threat to the work environment.
2. For the employee's protection, the City encourages the employee to utilize whatever lawful means are available to protect him/her, i.e., a restraining order, criminal charges, etc.
3. In light of the City's commitment to providing a safe work environment, if circumstances are such that we do not feel we can adequately protect employees, volunteers, and families, we reserve the right to remove the employee from the work environment until the situation is resolved or safely under control.

Eligible employees may take up to three (3) working days of leave each year (12-month period) for specific reasons related to domestic abuse, sexual assault, stalking, or any other crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence. In general, these three days of leave are unpaid; however, the City requires employees to exhaust all accrued paid leave before taking unpaid domestic violence leave. In order to be eligible, employees must be a victim of “domestic abuse.”

A victim of domestic abuse is defined as any person who has suffered or been threatened with an act of violence by another person who: 1) is currently or formerly related to the victim; 2) is currently or has formerly been domiciled with the victim; or 3) is currently or has formerly had an intimate relationship with the victim. It also includes any act or threatened act of violence against the minor children of either the victim or the abuser.

Domestic violence leave can be taken only for the following four reasons: 1) to obtain a restraining order; 2) to obtain medical care, including mental health care, for the employee or his/her children; 3) to make the home secure or obtain new housing; and 4) to seek legal assistance or attend court proceedings related to domestic violence.

Except in cases of imminent danger, employees are required to provide their Supervisor, a Department Head, and/or the Human Resources Department with “appropriate advance notice” of the need for the leave. The employee must provide documentation regarding the need for the leave.

The City will keep confidential all information regarding an employee’s domestic violence leave. The City will not retaliate against employees who utilize domestic violence leave.

Although the City will try to maintain confidentiality regarding the employee’s situation and the information that is disclosed, please understand that the safety of those in the work environment must be the City’s number one priority. Therefore, we cannot guarantee confidentiality.

3.15 Family and Medical Leave Act (FMLA) Policy. The purpose of this policy is to establish policies and procedures for the City of Fountain to comply with the Family and Medical Leave Act of 1993 (FMLA). These policies and procedures shall be interpreted and applied in compliance with the Family and Medical Leave Act.

The purpose of the Family and Medical Leave Act and these policies and procedures is to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families while increasing employee loyalty, and to promote the involvement and commitment to the operation and business goals of the City.

Under this policy, employees can take a leave for any of the following reasons:

1. The birth of the employee's child or the placement of a child with the employee for adoption or foster care.
2. To care for a spouse (not a domestic partner), child (under 18 years of age, unless disabled) or parent (not parent-in-law or grandparent) with a serious health condition.
3. An employee's serious health condition.\*
4. To care for a family member injured in the line of active military service ("military caregiver leave").
5. A "qualified exigency" arising from a family member's military active duty or call to active duty ("active duty leave").

\*A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves:

- A. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential health-care facility; or
- B. Continuing treatment by (or under the supervision of) a healthcare provider. Continuing treatment requires that an employee be incapacitated for more than three consecutive, full calendar days; treatment must be obtained two (2) or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist and the initial visit with the provider must be in person and occur within the first seven (7) days of incapacity.

How Much Leave May Be Taken. An eligible employee is entitled to take up to 12 workweeks of unpaid leave during a 12-month period for the birth or placement of a child; to care for a spouse, child, or parent with a serious health condition; or for the employee's own serious health condition.

Military Caregiver Leave. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member may take 26 workweeks of unpaid leave during the 12-month period to care for the service member. A "covered service member" is defined as a member of the Armed Forces "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." Military Caregiver Leave requires that the serious injury or illness must have occurred in the line of duty and render the service member medically unfit to perform the duties of his/her office, grade, rank or rating.

Eligible employees who need to take Military Caregiver Leave can take no more than 26 weeks of leave in a 12-month period for all FMLA-qualifying reasons. In other words, if an employee takes the full 26 weeks of Military Caregiver Leave in the 12-month period year, the employee is not entitled to any additional FMLA leave for another qualifying reason (such as his/her own serious health condition) during the same 12-month period.

Active Duty Leave. An eligible employee may be entitled to 12 weeks of FMLA leave to deal with a “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of an eligible employee is on active duty or has been called to active duty.

Intermittent Leave. Employees may take intermittent leave. Intermittent leave is leave taken in separate blocks of time. A reduced work schedule is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule unless the City agrees to such an individual leave request.

If an employee takes leave intermittently or on a reduced schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the City's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the City may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

Employee Eligibility. FMLA leave is available to employees who have been employed by the City of Fountain for at least twelve (12) months and worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave. The twelve (12) months an employee must have been employed need not be consecutive months. Employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by the City for at least twelve (12) months.

With the exception of time taken by an employee for work-related injuries, the City requires that the employee exhaust his/her compensatory time and all other paid leave as part of the 12/26 weeks of leave. An absence related to an employee's workers' compensation injury will count against FMLA leave entitlement.

A rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave will be used to determine an employee's leave entitlement.

If an employee and the employee's spouse are both employed by the City, the total amount of leave available for both employees is 12/26 weeks. Employees with pregnancy-related disabilities may have the right to take a pregnancy short-term disability leave in conjunction with a family leave.

Notice, Certification and Reporting Requirements. If the need for the leave is foreseeable, an employee must provide thirty (30) days' written notice prior to the requested start of the leave. If thirty (30) days' notice is not provided, the start of the leave may be delayed. If the need for the leave is not foreseeable, an employee must provide notice within five (5) working days of when the need for the leave becomes known to the employee.

If the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision in order to avoid disruptions to the operations of the City.

An employee requesting leave to care for a family member with a serious health condition, or an employee with a serious health condition, or an employee requesting Military Caregiver Leave must provide a health care provider's certification of the health condition. These forms are available in Human Resources. Have your health care provider complete and sign the certification form. This must be returned to Human Resources within fifteen (15) calendar days from the date requested. Failure to return this form may result in your FMLA being denied. You will be required to submit recertification from your health care provider of the existence or continued existence for a serious health care condition every thirty (30) days. In the event that you do not submit appropriate medical certification when requested, your FMLA designation may be withdrawn and your leave will not be protected under FMLA.

After your health care provider completes the Medical Certification form, it is encouraged that he/she give the form to you and you personally turn the form in. Doing this will alleviate any concerns with HIPAA privacy rules.

If there is any question about the validity of a certification for an employee's serious health condition, the City may request a second opinion from a health care provider designated by the City. If a dispute remains, the opinion of a third health care provider may be required at the City's expense and the resulting opinion shall be final and binding.

During any leave, an employee must provide periodic reports regarding the status of leave and any change in the employee's plans on returning to work.

Benefits During Leave. An employee taking leave under this policy will continue to receive coverage under the City's health plan for up to a maximum of 12/26 workweeks at the same level of employment and under the same conditions of coverage as if the employee had continued in employment continuously for the duration of such leave.

The City will continue to make the same premium contribution as if the employee had continued working, and the employee is responsible for making his/her portion of the health insurance premium contribution. If an employee fails to return following the leave, the employee may be required to repay the premiums paid by the City during leave.

Reinstatement. Employees returning from family leave will be reinstated to their previous position (except for certain highly compensated employees) or to an equivalent position with equivalent benefits, pay and terms and conditions of employment. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if employees on family leave would have been laid off had they not gone on leave, or if their jobs are eliminated while they are on leave, then the employees would not be entitled to reinstatement.

3.16

Workers' Compensation Policy. All City employees are covered by the Workers' Compensation Act of Colorado, which provides compensation to employees who are injured while they are on the job. In order to receive these benefits, any employee who sustains an occupational disease or job-related injury must report such matter to the Human Resources Department and file the appropriate Workers' Compensation forms within four (4) days of the incident.

The Colorado Workers' Compensation Law is a no-fault insurance plan which is supervised by the state. This law is designed to provide you with benefits for any injury which you may suffer in connection with your employment. Under the provisions of the law, if you are injured while at work, you are eligible to apply for Workers' Compensation. FMLA leave runs concurrently with Worker's Compensation.

What is Workers' Compensation? The Colorado Workers' Compensation law was passed by the state legislature to guarantee prompt, automatic benefits to workers injured on the job.

If you are unable to work because of a job injury, the City and our Workers' Compensation insurance carrier work together to take care of your claim.

Reporting. The Workers' Compensation Act requires that you report any illness or injury on the job, no matter how slight. If you hurt yourself or become ill, please contact your Supervisor or Department Head for assistance. It is mandatory by state law the accident or illness be reported within four (4) days, but the City's Workers' Compensation carrier requests that the illness or injury be reported within twenty-four (24) hours. Failure to report may result in a loss of benefits.

All injuries, no matter how slight, must be reported immediately to your Supervisor and/or Department Head to assure consideration under Workers' Compensation insurance, should complications develop later. Your Supervisor will see that you receive medical attention. You must fill out an accident/injury report supplied to you by the Human Resources Department, your Supervisor or Department Head.

You must include what, where, when, and how it happened - enough information so that the City can arrange medical treatment and complete the necessary reports. In an emergency, you may go directly to our designated medical facility(ies). You will be required to furnish your Supervisor and/or Department Head with written statements regarding the on-the-job accident so that we may accurately document the incident and so you may receive all the benefits to which you are entitled. (Failure to do this could result in loss of benefits.)

Prompt reporting is the key. Benefits are automatic, but nothing can happen until the City knows about the injury. Ensure your rights to benefits by reporting every injury, no matter how slight. Even a cut finger can be disabling if an infection develops.

What is Covered? Any injury is covered if it's caused by your job -- not just serious accidents, but even first-aid type of injuries. Illnesses may also be covered if they are related to your job, but common colds and flu are not covered. The main question is if the injury or illness is the result of your daily activities performed on your job.

When Am I Covered? Coverage begins the first minute you're on the job and continues anytime you're working for the City. You don't have to work a certain length of time, and there's no need to earn any minimum amount of wages before you're protected.

What are the Benefits? The Colorado Workers' Compensation law guarantees you the following benefits:

- Medical care to take care of the injury, including not only doctor bills, but also medicines, hospital costs, fees for lab tests, X-rays, crutches and so forth. There's no deductible and all costs are paid directly by our Workers' Compensation insurance carrier. If you do receive a bill, be sure to submit it to the Human Resources Department for payment through our insurance carrier.
- Rehabilitation services necessary to return to work. Sometimes this is just an extension of medical treatment (for example, physical therapy to strengthen muscles). However, if the injury keeps you from returning to your usual job, you may qualify for vocational rehabilitation and retraining, too. Again, all costs are paid directly by the City through our Workers' Compensation insurance carrier.
- The employee shall not be charged sick leave for time off which is taken as a result of the work-related injury and shall receive all benefits as regular full-time, non-probationary employees up to a maximum period of time of one year from the date of injury. FMLA runs concurrently with Worker's Compensation.
- Wage continuation. In the event an employee is determined to be eligible for and does start to receive Workers' Compensation temporary-total or temporary-partial disability benefits, the employee shall continue to receive his/her full pay after the date of injury for six months.

As a result, for that six-month period, the Colorado Division of Workers' Compensation in accordance with the law has authorized the insurance carrier to remit to the City of Fountain the employee's disability benefit payments. If after six months the employee has not returned to the full or modified duty, the employee will receive the temporary-total or temporary-partial disability benefits compensation equal to  $66 \frac{2}{3}$  of his/her normal wage (tax free).

Modified Duty Employment Policy. The purpose of this policy is to provide guidelines for cases where an employee sustains a work-related injury or illness and has not been released to normal duties by the attending physician but is able to perform other duties. Whenever possible, the City (the employee's Department Head or designee and/or Human Resources) will determine appropriate modified duties and assign those duties to the employee in order to minimize lost time from work.

In such a circumstance, the employee may be assigned to modified employment in the employee's department or another department if the City determines that there is a need for the modified duties to be performed. The procedure for offering modified employment is as follows:

- The Human Resources Director and the Department Head review the First Report of Injury and the medical provider's Return to Work Instructions to determine if modified employment is an option. If so, they shall decide whether it is feasible to offer modified employment to the employee.
- If the Human Resources Director and the Department Head decide to offer modified employment, a list of duties shall be prepared and given to the City's designated medical provider for review.
- Once the medical provider approves the listed duties, the provider shall give the employee a written release to return to work in a modified employment capacity.
- The Human Resources Department and/or the Department Head shall inform the employee of the modified duties and the starting date, time, schedule, and approximate duration for the modified employment.
- If contact with the employee has been lost, the Human Resources Department shall mail a written offer of the modified employment to the employee giving a starting date, time and schedule for the modified employment.
- An employee who declines an offer of modified employment or fails to begin the modified employment at the date and time specified shall be notified that any temporary partial disability benefits shall cease.

Modified employment is discretionary with the City and shall be available only if the Human Resources Director and/or the Department Head determines that it has a need for the specified duties.

The assignment of an employee to modified employment will normally last no longer than six (6) months, or any specified lesser period as established by the Supervisor and/or Department Head. In addition, the assignment may be terminated earlier if the City determines that it no longer has a need for the performance of the modified employment, or if the employee reaches maximum medical improvement under the Workers' Compensation law, whichever comes first.

Modified work schedules and/or duties are temporary and granted only with the expectation that the goal is for the employee to be able to perform the original duties as soon as the medical provider determines.

In instances where the work-related injury leads to a disability within the guidelines of the Americans with Disabilities Act, reasonable accommodations will be considered in compliance with the ADA.

- 3.17 Workplace Accommodation for Nursing Mothers. City of Fountain employees who are nursing mothers shall be granted a reasonable unpaid break or will be permitted to use their paid break time, meal time or both each work day to express breast milk for their nursing child for up to two years following the birth of the child. If a nursing employee elects to use her paid break time or meal time for the purpose of expressing breast milk, no additional break or meal time will be allowed.

The City of Fountain will make reasonable efforts to provide a room or other location in close proximity to the work area, other than a restroom stall, where an employee can express breast milk in privacy. Employees wishing to express breast milk at work are required to notify their immediate Supervisor as far in advance as is practical so arrangements can be made.

- 3.18 Workplace Violence Policy. It is the intent of this policy to ensure that everyone associated with the City, including employees and customers, never feels threatened by the conduct of any employee or customer.

What is Workplace Violence? Workplace violence includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking about engaging in those activities.

Violence in the Workplace Policy. The City has a policy of **ZERO** tolerance for violence. This policy applies to all employees. The City prohibits engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on City premises or when representing the City. Fighting or horseplay or provoking a fight on property, or negligent damage to property will not be tolerated. Any employee found to have committed any violence will be subject to severe disciplinary action up to and including possible discharge.

**All Weapons Are Banned** (unless you are authorized to carry a weapon in connection with your job).

For everyone's safety, the City specifically prohibits the possession of all types of weapons by any employee while in buildings owned or leased by the City or upon the City's business premises. This ban includes keeping or transporting a weapon in a vehicle, while performing services for the City.

Employees are also prohibited from carrying a weapon while performing services for the City off the City's business premises, except in the case of police and fire personnel who are authorized to carry weapons.

Weapons include guns, knives, explosives, and any other items with the potential to inflict harm.

Reporting Violence. It is every employee's business to prevent violence in the workplace. You can help by reporting what you see in the workplace that could indicate that a co-worker is in trouble. You are in the best position to know what is happening with those you work with.

You are encouraged to report any incident that may involve a violation of any of the City's policies that are designed to provide a comfortable workplace environment. Concerns may be presented to your Supervisor and/or Department Head. All reports of violence will be investigated and information will be kept as confidential as possible.

Violence Prevention. We can all prevent workplace violence. If you have any suggestions for ways to improve safety and security at work, please pass them along to your Department Head, Human Resources or the City Manager.

Incident Management. In the event of a major workplace incident that affects, or has the potential to affect, the mental health of our workforce, we will provide counseling through the EAP to you and your immediate family members.

As the crisis passes, the City will make every effort to return to normal business operations. A reasonable effort will be made to notify employees, customers, citizens, and others who need to know the status of the business operations. In cases where direct contact is not possible or practical, an effort will be made to communicate through the news media and other available resources.

## Section 4 Work Schedules

The varied nature of services performed in the City makes it impossible for all departments to operate on the same schedule of working hours. You are advised to check with your immediate Supervisor or Department Head regarding your work schedule. The City Manager, or designee, may vary any or all work schedules when conditions warrant such variance. If work schedules are changed, such schedules are posted when practical in advance of rotation.

- 4.1 Work Hours. Standard work hours for City employees, except for shift personnel, shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, with a one-hour lunch break and fifteen (15) minute morning and afternoon breaks. To meet the needs of the public the City Manager or Department Head may adjust the eight (8) hour workday schedule, establish lunch and break periods and authorize flexible working hours for employees.
- 4.2 Fire Protection Employees - Work Hours and Compensation. The City Fire Chief shall recommend to the City Manager and, upon receiving written approval from the City Manager, the City Fire Chief shall establish the standard working hours and maximum hours for purposes of calculating overtime compensation for fire protection employees, provided, however, that such standard working hours and maximum hours are consistent with the Fair Labor Standards Act, 29 U.S.C. § 207(k), and the regulations governing fire protection employees. Fire protection employees shall be paid a salary as compensation for all hours worked up to the maximum hours established by the City Fire Chief. Each employee's salary shall be equal to the employee's applicable hourly rate multiplied by 80 for each two-week pay period. The City Fire Chief may establish other compensation and personnel policies for fire protection employees regarding sleep time, meal time, early relief and other issues unique to fire protection employees, provided, however, that such policies are consistent with the Fair Labor Standards Act and the regulations governing fire protection employees.
- 4.3 Lunch and Break Periods. Policies concerning lunch breaks may be established by Department Heads. Employees will be granted a minimum of thirty (30) minutes time off for lunch. For certain designated shift workers, the lunch period is a paid part of the workday. Employees will be granted one (1), fifteen (15) minute paid break period during each four (4) hour work period. If you work in a department where breaks are not directly assigned, please coordinate with your co-workers to maintain adequate coverage at all times. In the unlikely event of an emergency or unusual condition, your Supervisor or Department Head may ask you to change or postpone your break in order to finish a particular project. Please work with your Supervisor and/or Department Head regarding your break periods.
- 4.4 Absences or Lateness. From time to time, it may be necessary for you to be absent from work. The City is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside your work hours may arise.

If you are unable to report to work, or if you will arrive late, please contact your Supervisor or Department Head before your scheduled start time. Give him or her as much time as possible to arrange for someone else to cover your position while you are out.

If you know in advance that you will need to be absent, you are required to request this time off directly from your Supervisor. He/she will determine when will be the most suitable time for you to be absent from work.

When you call in to inform the City of an unexpected absence or late arrival, ask to speak to your Supervisor or Department Head directly. For late arrivals, please indicate when you expect to arrive for work. Notifying the receptionist or a fellow employee is not sufficient and will not be accepted as notification. If you are unable to call in yourself because of an illness, emergency or for some other reason, be sure to have someone call your Supervisor or Department Head on your behalf.

Absence from work for three (3) consecutive days without notifying your Supervisor or your Department Head will be considered a voluntary resignation.

- 4.5 Excessive Absenteeism or Lateness. In general, excessive or unexcused absences, and the reasons for the absences, may come under question. Tardiness or leaving early is detrimental to the City and may be deemed as an absence. Such incidents will be considered a “tardiness pattern” and will carry the same weight as an absence. Other factors, like the degree of lateness, may be considered. Excessive absenteeism or lateness may be grounds for disciplinary action up to and including termination.

## Section 5 Hiring and Employment

- 5.1 Equal Opportunity Employment (EOE). The City of Fountain is an equal employment opportunity employer and does not discriminate on the bases of race, color, religion, gender, national origin, age, disability, sexual orientation, marital status or any other status protected by law in the recruitment or selection of applicants or the advancement of employees. Recruitment and selection will be on the basis of relative ability, knowledge, skills, and other relevant factors.

For all positions with the City, new applicants (or current employees who wish to be considered) who meet the minimum qualifications are encouraged to apply. While selection of employees will always be based on relative ability, knowledge, skills, and other relevant factors, whenever possible and practical an attempt will be made to better utilize the abilities of current employees by promoting or transferring them into vacant positions for which they are qualified. Each applicant must submit an application form and supporting documents when necessary. Current employees wishing to transfer or be considered for promotion to a vacant position must submit a letter or intent announcing their request to be considered for the position and submit any other documents required for recruitment.

Any falsification of application documents will result in immediate disqualification from further consideration or possible termination if misrepresentation is discovered after hire.

No applicant for employment with the City shall be required to divulge personal information concerning political affiliation, activities, or beliefs as a condition of present or future employment.

- 5.2 Proof of U.S. Citizenship and/or Right to Work. Federal regulations require that (1) before becoming employed, all applicants must complete and sign Federal Form I-9, Employment Eligibility Verification Form; (2) all applicants who are hired need to present documents of identity and eligibility to work in the U.S. within three (3) days of their employment start date.

- 5.3 Employment of Relatives (Nepotism). If you and members of your immediate family are employed by the City, one may not supervise the other either directly or indirectly (through another Supervisor who ultimately reports to you). One family member who audits, verifies, receives or is entrusted with monies received or handled by the other family member or has appointment or dismissal or disciplinary authority over the member cannot be employed under this circumstance.

Nothing in this policy shall prohibit an employee from exercising daily work or incident command authority over an immediate family member as part of routine or emergency operations not in conflict with other provisions of this policy. If employees are unable to develop a workable solution, the City Manager will decide which employee may be transferred in such situations.

For purposes of this section, your immediate family includes your spouse, parents, children, step-children, siblings, son-in-law, daughter-in-law, grandparents, grandchildren, and your spouse's parents, children, step-children, siblings, son-in-law, daughter-in-law, grandparents and grandchildren.

Should two present employees marry or otherwise become closely related and the two are in a Supervisor/subordinate relationship, one employee would need to transfer to another department or to another role where such a relationship would no longer exist. This must be immediately reported to their Supervisor or Department Head.

Employees working in the Human Resources Department may not be related to any other employee including all persons involved in payroll or personnel records.

Should marriage or any other event result in a violation of this policy, either employee must, within thirty (30) days, secure other employment which does not violate this policy or resign.

The application of this policy will apply prospectively; therefore, current employees in assignments which violate this policy are exempt from its application in their current positions. If an employee seeks a transfer or promotion, the new assignment cannot put the employee in greater conflict of this policy than the employee has in his/her current position.

- 5.4 Vacancies. The City only accepts applications and resumes for open positions. All applications must be signed by the person submitting the application and shall become the property of the City of Fountain. All applications shall be retained on file for a period of six (6) months.

All persons, including current employees of the City, wishing to apply for City employment must complete a City job application form, which must be submitted to the City by the designated deadline. A resume may be attached to the application but may not be substituted for the application.

Falsification or misrepresentation of information for employment or promotion by an applicant shall be grounds for disqualification or termination of employment.

It is the policy of the City of Fountain to provide notice of vacant positions to prospective applicants.

At the discretion of the Hiring Manager and the Human Resources Manager, vacant positions may be filled internally.

- 5.5 Re-Employment. An employee who, within six (6) months of having voluntarily resigned employment in good standing, is rehired may be eligible for restoration of accrual benefits rates and service time with the City at the same status as if he/she had not left employment.

5.6 Provisional Appointments. In order to provide a continued level of service not being met due to a vacant position(s), while a recruitment is being conducted the Human Resources Manager may approve a provisional appointment where there are exigent circumstances requiring a position be filled as expediently as possible. Persons provisionally appointed must meet the minimum qualifications of the position and pass pre-employment background investigation and post-offer pre-employment drug test.

## **Section 6 Employment**

### **6.1 Employee Complaints.**

All employees whose employment relation is not otherwise covered by the City Charter shall have a formal procedure whereby they can seek redress of complaints as defined herein, and they shall be able to do so without fear of recrimination.

A complaint is a disagreement between a department head or supervisor and an employee. It is a non-appealable complaint regarding interpretations of policies and procedures, work conditions or work relationships and shall not be heard by the Personnel Board.

An employee with a complaint will attempt to settle the matter with the immediate supervisor or department head. If the employee is not satisfied with the decision of the supervisor or department head, then the employee may obtain further review from the City Manager.

The City Manager shall make a written determination of the complaint within ten (10) calendar days of the request. The City Manager's decision shall be final.

### **6.2 Employee Discipline.**

#### **6.2a Disciplinary Action-General.**

The type of discipline to be imposed for an infraction shall be that which the City, through the City Manager, Human Resources Manager and Department Head, deems appropriate under the circumstances. The City Manager and Department Head shall determine whether discipline is imposed, the appropriate disciplinary action up to and including termination and whether that disciplinary action falls within the progressive discipline continuum. There is no implied right on the part of the employee to receive disciplinary action in a progressive order. For example, an employee may be demoted or discharged for a first-time offense.

Proper disciplinary action has to be determined on a case-by-case basis.

Primary responsibility for individual discipline is that of the employee's immediate Supervisor or Department Head. The City Manager shall be directly responsible for disciplinary action taken in regard to Department Heads or employees directly under his/her control.

The City Manager or Human Resources Director shall be consulted prior to any disciplinary action including suspension, demotion or discharge.

Certain provisions of this Handbook state that disciplinary action may result from specified conduct. The inclusion of these provisions does not limit, and is not intended to limit, in any way the imposition of disciplinary action for other types of conduct or for other reasons.

Probationary employees are not entitled to any of the disciplinary actions. However, probationary employees may receive disciplinary action in the event a supervisor or department head determines that it would be appropriate. Probationary employees have no right to file an appeal/grievance in response to the application of any disciplinary action.

Disciplinary action may include but not necessarily be in this order:

- A. Verbal warning or reprimand: The employee is verbally counseled as to the unsatisfactory areas of work and methods of improvement.
- B. Written reprimand: The employee is issued a written reprimand which includes a statement of the problem and a statement to the effect that the problem was discussed with the employee. A copy of the reprimand is placed in the employee's personnel file.
- C. Suspension without pay: The employee is suspended from employment without pay for a period not to exceed one calendar month. The length of suspension will depend on the seriousness of the problem. The employee must be advised of his/her right of appeal.
- D. Disciplinary demotion: The employee is placed into a position with a lower compensation rate for disciplinary reasons. At the time a notice of demotion is given, the employee must be advised of his/her right of appeal.
- E. Dismissal: The employee is discharged from employment. At the time a notice of termination is given, the employee must be advised of his/her right of appeal.

6.2b Unacceptable Activities. The following conduct may result in disciplinary action up to and including termination, but is not an exhaustive list of conduct which may result in disciplinary action:

- A. Failure to perform the duties of the position.
- B. Incompetence, inefficiency or neglect in the performance of job duties.
- C. Failure to establish and maintain effective working relationships with employees, Supervisors, other public agencies or the public.
- D. In Supervisory or management positions, failure to plan, organize, and direct the work of subordinates or failure to carry out policies of the City Manager and City Council.

- E. Willful violation of any City rule or any deliberate action that is extreme in nature and is obviously detrimental to the City's efforts to operate the City.
- F. Willful violation of security or safety rules or failure to observe safety rules or the City's safety practices; tampering with the City's equipment or safety equipment; or negligence or any careless action which endangers the life or safety of another person.
- G. The presence of alcohol or controlled substance drugs in your system while at work; use or possession or sale of controlled substance drugs in any quantity while on premises, except medications prescribed by a physician that do not impair work performance.
- H. Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on premises or when representing the City; fighting, or horseplay or provoking a fight on City property; or negligent damage to property.
- I. Insubordination or refusing to obey instructions properly issued by your Supervisor pertaining to your work; refusal to assist on a special assignment.
- J. Engaging in an act of sabotage; willfully or with gross negligence causing the destruction or damage of City property, or the property of fellow employees, customers, suppliers, or visitors in any manner; or destruction, misuse, or misrepresentation of property belonging to the City or its customers or vendors.
- K. Theft of City property or the property of fellow employees; unauthorized possession or removal of any City property, including documents, from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; or using City equipment for profit.
- L. Dishonesty, willful falsification or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by the City; or alteration of records or other documents.
- M. Malicious gossip and/or spreading rumors; engaging in behavior which create discord and lack of harmony; interfering with another employee on the job; or willfully restricting work output or encouraging others to do the same.
- N. Engaging in offensive, threatening, discourteous or abrasive behavior toward the public, co-workers or Supervisors.

- O. Working unauthorized overtime.
- P. Excessive tardiness, abuse of sick leave policy or unauthorized absences; unauthorized absence from work or unauthorized tardiness.
- Q. Failure to adhere to the City's policies and standards, including those policies set out in this Handbook.
- R. Any act of harassment, sexual, racial or other; telling sexist or racial-type jokes; or making racial or ethnic slurs.
- S. Leaving work before the end of a workday, not being ready to work at the start of a workday without approval of your Supervisor, or stopping work before time specified for such purposes.
- T. Loitering or loafing during work hours.
- U. Excessive or inappropriate use of City telephone for personal calls or inappropriate use of voicemail, email, the internet, or City computers.
- V. Posting, removing or altering notices on any bulletin board on City property without permission of the City Clerk or City Manager.
- W. Acceptance of a gift of valuable consideration given with the intent of influencing the employee in the performance of his/her official duties.
- X. Engaging in a substantial financial transaction for an employee's private business purposes with a person whom he/she inspects or supervises in the course of his/her official duties.
- Y. Performing an official act directly and substantially affecting to its economic benefits a business or other undertaking in which an employee has a substantial financial interest or is engaged as counsel, consultant, representative or agent.
- Z. Using, threatening or attempting to use personal or political influence in an effort to secure special consideration as a City employee.
- AA. Use of official position or authority for personal profit or advantage.
- BB. Disclosing confidential information from privileged official records.
- CC. Conviction of a felony or of a misdemeanor involving moral turpitude.
- DD. Speeding or careless driving of a City vehicle. (Emergency personnel (police & fire) are the only exceptions when driving vehicles or trucks during cases of arrest and emergencies.)

- EE. Failure to immediately report damage to or an accident involving City equipment.
- FF. Failure to report a mistake, accidental damage, and/or work-related injury or illness to your Supervisor.
- GG. Altering your own personnel records or attendance documents or altering another employee's records or causing someone to alter your records.

6.2c Administrative Leave. During investigation, hearing, or trial of an employee for any civil or criminal charge or pending any hearing or investigation scheduled pursuant to this chapter, or such other circumstances as may be deemed necessary, an employee may be suspended by the Department Head or City Manager. Any suspension made pursuant to this section may be made with full pay and benefits. The non-disciplinary suspension shall identify the specific investigation, hearing, or trial and shall terminate upon the completion of that investigation, hearing, or trial.

### 6.3 Separation of Employment

- 6.3a Temporary Positions. When employees have completed their assignment in a temporary position, they will be separated from employment with the City. Extensions of temporary or contract positions may be made only with the approval of the City Manager.
- 6.3b Resignation. If you anticipate having to resign your position with the City, you are requested to notify your Department Head at least two (2) weeks in advance of your last date of employment.

Any property issued to you, such as tools, pagers, cell phones, laptop computers, keys or uniforms, must be returned to the City at the time of your dismissal or resignation, or whenever requested by your Supervisor or a member of management.

You are responsible to pay for any lost or damaged items. The City reserves the right to collect monies on any property issued and not returned. If you resign you will be paid in the normal payroll cycle.

- 6.3c Policy Regarding Dismissed Employees. Employees who are dismissed are granted accrued vacation leave for which they are eligible according to the provisions set forth in this Handbook. Employees who are dismissed are not eligible for payment of unused sick leave. If you are dismissed from employment, you will be paid in the normal payroll cycle.

6.3d Appeal Procedure. An appeal is a request for review or reconsideration of certain forms of disciplinary action taken against a regular, full-time employee. An appeal shall be limited to discharge, demotion or suspension. The Personnel Board shall hear such requests for review and the steps below shall be followed:

- A. The employee shall submit his/her request for review by the City Manager and the justification therefore in writing to the City Clerk within ten (10) calendar days of the date of the notice of the action adversely affecting the employee. Failure to request review by the City Manager shall be considered a waiver of the employee's appeal rights, and the notice of suspension, demotion or discharge shall be final.
- B. The City Manager shall attempt to resolve the matter informally and will notify the employee in writing of his/her decision within fifteen (15) calendar days.
- C. The employee may continue the appeal process after receiving the City Manager's decision by submitting a written request to the Human Resources Manager for a hearing before the Personnel Board within twelve (12) calendar days or the employee shall be considered to have forfeited his/her appeal rights and the decision of the City Manager shall be final. Such request for hearing must state the reasons for the appeal.
- D. The hearing shall be held within twenty (20) calendar days of submission of the written appeal to the Personnel Board, unless the hearing date has been continued by the Personnel Board for good cause. A notice of hearing shall be sent by the Human Resources Director to all interested parties.

The hearing before the Personnel Board shall be as informal as is compatible with the requirements of justice, and the Personnel Board shall not be bound by formal rules of evidence.

- E. The Personnel Board shall issue a written decision within five (5) calendar days after the conclusion of the hearing. This decision shall be final and binding for all parties involved.
- F. All employees who file appeals and their witnesses shall be free from restraint, coercion, discrimination or reprisal at any stage in the presentation and the processing of an appeal or any time thereafter. The City Manager shall review any allegation of such action in connection with the presentation of an appeal and take appropriate timely remedial action.

6.3e Effective Date of Management Action. Any notice of suspension, demotion or dismissal decision shall not be effective until the appeal process, as specified herein, has concluded.

6.3f Layoffs Due to Reclassification, Reorganization or Budget Cuts. The appeal process, as provided herein, shall not be applicable to layoffs necessitated by a budget cut, reclassification of a position or reorganization.

## Section 7 Employee Compensation

Compensation for all City of Fountain employees shall be based upon a pay plan adopted by the City Council. Pay grades shall relate to specific position classifications, and in no case shall an employee be paid outside the pay grade for his/her pay grade unless authorized by City Council. The pay plan shall establish minimum and maximum rates of pay for each position classification.

- 7.1 Pay Cycle. There are twenty-six (26) pay periods per year. Please refer to your payroll schedule received in orientation or please request one from the Human Resources Department.
- 7.2 Payroll Information. The City of Fountain has a bi-weekly payroll system. If the payroll date falls on a holiday or a weekend, checks will be issued on the preceding workday. Our payroll workweek begins on Saturday at 12:01 a.m. and ends on Friday at 12:00 midnight.
- 7.3 Payroll Deduction Authorization. Employees shall submit any change in dependents, marital status, and insurance coverage or deferred compensation to the Human Resources Department.
- 7.4 Paycheck Distribution. Pay stubs will be distributed by your Supervisor or the Finance Department, or directly deposited to the account(s) you specify. If you resign, you will be paid in the normal payroll cycle. If you are dismissed from employment, you will receive your pay in the normal payroll cycle.
- 7.5 Timesheets/Records. By law, the City is obligated to keep accurate records of the time worked. Timesheets will be completed on a bi-weekly basis. Instructions and a sample timesheet will be given to you by the Human Resources Department in your orientation packet.

Timesheets are to be filled out completely by each employee to account for every hour that the employee works during the pay period. Each hour or fraction (15 minutes minimum) of an hour worked should be accounted for. Timesheets are to be sent to the responsible Supervisor and/or Department Head for approval and then sent on to payroll. All employees are required to keep the Department Head or Supervisor advised of their departures from and returns to the premises during the workday.

No one, except a Supervisor (in rare instances), may record hours worked on another's timesheet. Tampering with another's timesheet is cause for disciplinary action, including possible dismissal of both employees. Do not alter another person's record or influence anyone else to alter your record for you.

If you are a Supervisor or Department Head, please bring the timekeeping error to the attention of the employee and have him/her initial the change. In the event of an error in recording your time, report the matter to your Supervisor immediately.

7.6 Pay Advances. Employees may receive pay advances on accrued vacation time. Any other pay advance requests shall be only on an emergency basis. The entire amount of the pay advance shall be deducted from the employee's next regular payroll check. No more than one (1) pay advance shall be permitted in any six (6) month period. All pay advance requests shall be in writing and must be approved by the Department Head or Supervisor and the Finance Department.

7.7 Classification Pay Plan. Each City position shall be contained in a classification pay plan. The City Manager or designee shall be responsible for the administration of such plan and shall have the authority to classify any new positions or to reclassify existing positions. The City Manager may also eliminate any position; provided, however, that if such action results in the consolidation, abolishment, division, or restructuring of any of the City departments, the advice and consent of the City Council shall be required.

Newly hired employees shall be hired at the entry level of the appropriate pay grade, except for the following:

A. Recruitment difficulties. If severe recruitment difficulties exist in finding qualified applicants for a particular position, an applicant may be hired above the minimum of a pay grade.

B. Exceptional Qualifications. An applicant may be hired above the minimum of a pay grade based on qualifications or experience that exceeds the entry level qualifications.

7.8 Wage Assignment or Garnishment. We hope you will manage your financial affairs so that we will not be obligated to execute any court-ordered wage assignment or garnishment against your wages. However, whenever court-ordered deductions are to be taken from your paycheck, you will be notified.

7.9 Overtime Pay/Compensatory Time.

7.9a Non-Exempt Employees Compensatory Time. All non-exempt employees are eligible for overtime compensation and may be granted compensatory time off in lieu of payment of overtime. Compensatory time shall be calculated at a rate of time and one-half the regular rate of pay as overtime compensation is earned. Compensatory time off must have approval of the Department Head or Supervisor and must be taken no later than six (6) months from the end of the pay period in which the overtime is worked. Accrued compensatory may not be paid in out in cash in lieu of providing compensatory time off. All non-exempt employees shall be allowed to accumulate compensatory time up to a maximum of 240 hours. At separation of employment all accrued compensatory time shall be paid out at the employee's hourly rate of pay.

No overtime/compensatory time shall be worked unless approved by a Supervisor or Department Head in advance. Any employee who works unauthorized time may be subject to disciplinary action. There shall be no exceptions made to this policy.

City holidays, vacation leave, sick leave or compensatory time do count towards computation of overtime. All hours worked in excess of the employees normally scheduled hours shall be compensated at time and a half or those hours worked, with the exception of fire protection (shift) personnel.

7.9b Overtime Distribution. The Department Head or Supervisor shall equally distribute the opportunity to work overtime among qualified employees.

7.9c Overtime Refusal. A non-exempt employee who is required to work overtime and refuses to do so may be subject to disciplinary action.

7.9d Exempt Employees Compensatory Time. Exempt employees shall receive compensatory time off in lieu of overtime. Requests for compensatory time must be approved by the City Manager.

Compensatory time shall accrue at the rate of one hour for each hour worked in excess of forty (40) hours per week, up to a maximum of 240 hours. Although compensatory time may be used at the employee's discretion, any such time used in excess of forty (40) hours during any one pay period shall be approved by the City Manager. Upon separation of employment with the City, exempt employees shall not be paid for any accumulated compensatory time.

7.10 Temporary Detail. Upon the recommendation of the Department Head and approval of the City Manager, an employee may be assigned on a temporary basis to work in a higher capacity. If the appointment is longer than two consecutive pay periods, the employee shall be paid at the rate of the higher pay grade beginning the first day of the detail.

7.11 Emergency Call-Out. All employees are subject to emergency call-out which may result in unscheduled overtime. Non-exempt employees called out shall be compensated for hours worked at the appropriate overtime rate. Employees on emergency call-out for four(4) hours or more may be provided meals at the City's expense.

7.12 Monday through Friday Standby. Standby employees are those employees who must be immediately available for call-out and capable of performing assigned duties after regular work hours. Standby hours may vary based on department working hours and designated by the Department Head.

Employees scheduled for weekday stand-by coverage shall be paid at the rate of one (1) hour of straight time per day, as "waiting to be engaged" compensation, in addition to their regular work hours. Standby straight time will be paid out each payroll period and may not be granted as compensatory time in lieu of payment for stand-by. Standby employees shall also be compensated at time and a half for all hours worked when called out. Standby calendar changes and swaps are permissible with advanced Supervisor approval. The scheduled standby employee is responsible for making coverage arrangements with another employee and notifying their Supervisor before the scheduled stand-by period.

- 7.13 Weekend and/or Holiday Standby Coverage. Weekend and/or holiday standby personnel are those employees who must be immediately available for call-out and capable of performing duties from 5:00 p.m. Friday until 8:00 a.m. Monday or on holidays. Employees who are scheduled for weekend and/or holiday standby shall be paid at the rate of three (3) hours of straight time, as “waiting to be engaged” compensation.

Weekend and/or holiday standby straight time will be paid out each payroll period and may not be granted as compensatory time or in lieu of payment for weekend time and a half for all hours worked when called out. Standby calendar changes and swaps are permissible. The scheduled standby employee is responsible for making coverage arrangements with another employee and notifying his/her Supervisor before the scheduled standby period.

- 7.14 Stand-by Expectation. Employees will be assigned a City vehicle to take home while on stand-by duty. Employees are expected to carry and answer a City pager and/or cell phone while on stand-by duty and are expected to respond in department uniform and carry their City of Fountain identification card. Employees are expected to respond within thirty (30) minutes (weather permitting) when called out. Exceptions are subject to Department Head approval. Employees are expected to be prepared to perform assigned job duties at all times during the stand-by period. Employees who are unavailable for call-out or incapable of performing assigned duties may be subject to disciplinary action; however, if the employee has become ill or injured and, as a result, is unable to meet the call-out expectations it is the employee’s responsibility to notify his/her immediate Supervisor so a substitute can be found.

## Section 8 Performance Reviews

Performance reviews will normally be conducted annually on the employee's anniversary date. New employees may be reviewed after six (6) months of continuous employment. A review may also be conducted within six (6) months after a promotion or change in job duties and responsibilities.

The employee's performance review is made a part of the employee's permanent personnel records.

- 8.1 Wage and Salary Increases. Wage and salary increases are based on merit, not length of service. Receiving a performance review does not necessarily mean that you will be given a wage increase. All increases are subject to budget approval.

Any wage or salary increases normally appear in the following pay period after they are granted.

- 8.1a End of Probation Increase. A 5% increase for satisfactory performance of duties shall generally be granted upon completion of the employee's probationary period of six (6) months including police department personnel.
- 8.1b First Year Anniversary. A 5% increase at the conclusion of their first year of employment upon satisfactory completion of their duties and with the recommendation of the Supervisor or Department Head shall generally be granted.
- 8.1c Merit Increases. Merit increases shall be tied to the annual performance evaluation system.

## Section 9 Benefits

- 9.1 Eligibility. If you are a full-time employee working at least forty (40) hours a week, you will be eligible for:
- 9.2 Medical, Dental and Life Insurance Benefits. The City of Fountain provides all regular, full-time employees, probationary employees and such employees' dependents group medical, group dental and group term life insurance. The City of Fountain generally pays 100% of the group dental and group term life insurance benefits. The City of Fountain generally pays 85% of the cost of each employee and his/her dependents medical benefits. The employee shall pay the remaining percentage for such medical benefits.
- 9.3 Retiree Insurance Benefits. A City employee is eligible to receive health and life insurance coverage upon retirement if the retiree has at least twenty (20) years of service with the City and is at least 55 years of age upon the retirement date. The eligibility for this benefit expires when the retiree reaches age 65, thereby making the maximum eligibility period ten (10) years. The City will pay 100 percent of the retiree's cost for the benefit for the retiring employee only. Dependent coverage will be available to the retiree solely at the retiree's expense. This benefit does not include disability insurance, dental insurance or vision insurance.
- 9.4 Deferred Compensation. The City has established a deferred compensation plan based on employee contributions.
- 9.5 Retirement Plan for Employees. All full-time City employees, to include civilian employees of the police and fire departments, who are not included in the Retirement Plan for Police and Paid Fire Fighters shall be required to participate in the City's retirement plan. Paid firefighters and police may participate in the City's retirement plan if they elect to do so.
- 9.6 Retirement Plan for Police and Paid Firefighters. Police and paid Firefighters are members of the City of Fountain Police and Paid Firefighter Retirement Plan.
- 9.7 Short Term Disability Insurance. The City of Fountain provides all regular, full-time employees and probationary employees with disability income insurance.
- 9.8 Credit Union. City employees are eligible to join the Colorado Springs City Employees Credit Union. Employees may authorize payroll deductions for account deposits or loan payments.
- 9.9 Longevity Pay. Regular, full-time employees shall be eligible to receive longevity pay, a percentage of the employee's regular pay based upon the number of years of service with the City of Fountain. Each eligible employee shall receive 50% of his/her longevity pay the first payroll in June and 50% of his/her longevity pay the first payroll in December. Employees who have separated from service with the City between these dates shall receive a pro rata share of their longevity pay in the final check. The number of years of service shall be determined as of the employee's anniversary date. Any and all employees hired or rehired after January 1, 1998, shall not be eligible to receive longevity pay.

<u>Years of Service</u>	<u>Annual Longevity</u>
5 - less than 10 years	2½%
10 - less than 15 years	5%
15 - less than 20 years	7½%
20 years and over	10%

## Section 10 Attendance and Leave Provisions

- 10.1 Holidays. Holiday pay is granted to all regular full-time and part-time employees. Temporary and seasonal employees do not receive holiday pay. An employee may be required to work on a holiday if necessary to maintain essential services to the public.

New hires are eligible to receive paid holidays as they occur after the date of hire with no waiting period.

The City of Fountain observes the following holidays:

New Year's Day	January 1st
Martin Luther King, Jr. Day	January, 3rd Monday
Presidents' Day	February, 3rd Monday
Memorial Day	May, last Monday
Independence Day	July 4th
Labor Day	September, 1st Monday
Veteran's Day	November 11th
Thanksgiving Day	November, 4th Thursday
Day after Thanksgiving Day	November, 4th Friday
Christmas Eve	December 24, half day
Christmas Day	December 25
New Year's Eve	December 31, half day

These days are designated paid holidays for all regular full-time employees with the exception of those employees designated as shift personnel. Regular full-time employees shall be paid eight (8) hours for each all-day holiday and four (4) hours for each half-day holiday with the exception of those employees designated as shift personnel.

Holidays which fall on a Saturday will be observed on the preceding Friday. Holidays which fall on a Sunday shall be observed the following Monday.

When Christmas Eve or New Year's Eve falls on a Saturday or Sunday, employees will be granted an additional four (4) hours of paid time off.

Designated holidays falling within an employee's pre-approved scheduled vacation period will not be charged against the employee's accrued vacation time. Designated holidays occurring during a vacation period shall not be counted as vacation days taken.

- 10.2 Religious Holidays. You may take time off to observe religious holidays. If available, a full day of unused vacation day, or your personal day may be used for this purpose; otherwise the time off is without pay.
- 10.3 Holiday Pay. If any employee is required to work on a holiday, such employee shall receive overtime pay at a rate of one and a half times their regular rate of pay for hours worked on the holiday, in addition to eight (8) hours of regular pay. The employee may be allowed to take compensatory time off at time and a half rate if approved by the employee's Department Head or Supervisor.

10.4 Vacation.

- A. Only regular full-time employees may accrue vacation time and be granted vacation leave. New hires are eligible to take accrued vacation time with no waiting period. Part-time and temporary employees are not eligible for vacation. Vacation time should be scheduled in advance and approved by the employee's Supervisor or Department Head. Approval and timing of vacations shall be determined by the Department Head, with regard to the needs of the department. Department heads shall have their vacation requests approved by the City Manager.
- B. Regular full-time employees shall be awarded vacation days off, with pay, based upon specified length of service:
  - 1. Less than 5 years of service, 7 hours per month or 84 hours per year.
  - 2. For 5 years – less than 10 years of service, 10 hours per month or 120 hours per year.
  - 3. for 10 years or more of service, 14 hours per month or 168 hours per year.

In weeks an employee does not receive pay for hours worked or the use of accrued leave, the employee is not eligible to accrue vacation hours.

- C. Vacation may be used in no less than thirty (30) minute increments.
- D. Employees employed for one year or more shall take a vacation of at least forty (40) vacation hours each calendar year at the discretion of the Finance Director.
- E. Employees hired or rehired on or before February 28, 2006, shall be allowed to accumulate a maximum of 320 hours of vacation time. Employees who accrue more than the maximum allowable vacation time as of December 31 of each year shall forfeit the excess amount.

Payment shall not be made in lieu of vacation time, except that employees who separate from City employment after completing their probationary period shall be paid for the unused balance of their accrued vacation leave up to a maximum of 320 hours.

- F. Employees hired or rehired on or after March 1, 2006, shall be allowed to accumulate a maximum of 240 hours of vacation time. Employees who accrue more than the maximum allowable vacation time as of December 31 of each year shall forfeit the excess amount. Payment shall not be made in lieu of vacation time, except that employees who separate from City employment after completing their probationary period shall be paid for the unused balance of their accrued vacation leave up to a maximum of 240 hours.

- G. If an employee changes status from full-time to part-time or full-time to temporary, the employee will not be eligible to accrue vacation. The employee will be eligible to use vacation or compensatory hours accrued while on full-time status after the part-time or temporary status commences.
- H. If an employee changes status from part-time to full-time, the employee will be eligible to accrue vacation when the full-time status commences.

10.5 Vacation Requests. Every effort will be made to grant your vacation at the time you desire. However, vacations cannot interfere with your department's operation and, therefore, must be approved by your Supervisor or Department Head. If any conflicts arise in requests for vacation time, preference will be given to requests first in time or the employee with the most seniority.

In order to take vacation time, an employee must first complete a request form and have his/her Supervisor authorize the vacation by signing off on the form. All vacations must be authorized prior to the time the vacation is taken in order for vacation pay to be received by the employee. All vacation time taken must be indicated on your timesheet. Falsification of your timecard is grounds for termination. Remember to track your vacation carefully.

10.6 Sick Leave.

10.6a. Accrual.

- Regular full-time employees hired or rehired on or before February 28, 2006, shall accrue sick leave at the rate of 8 hours per month or 96 hours per year with no limit on maximum accumulation.
- Regular full-time employees hired or rehired on or after March 1, 2006, shall accrue sick leave at the rate of 8 hours per month or 96 hours per year and shall be allowed to accumulate a maximum of 720 hours of sick leave.

In weeks an employee does not receive pay for hours worked or the use of accrued leave, the employee is not eligible to accrue sick hours.

Part-time and temporary employees, regardless of the date of hire or rehire, are not eligible for sick leave.

10.6b. Use. Sick leave may be used in no less than thirty (30) minute increments for any of the following reasons:

1. As a result of an employee being incapacitated by non-work related illness or injury.
2. For medical, dental or optical examinations or treatment.

3. When a member of the employee's immediate family is incapacitated by sickness or injury. Immediate family is defined as the employee's spouse, parents, natural, adopted and/or step-children, or children for whom the employee has assumed legal guardianship.
4. A Department Head or Supervisor may send an employee home on sick leave when an employee has a contagious illness or disease.

10.6c. Notification. In the event of an unexpected absence because of illness or injury, the employee shall notify his/her Department Head or Supervisor prior to the start of the employee's workday on the first day of any absence.

If an employee changes status from full-time to part-time or full-time to temporary, the employee will not be eligible to accrue sick leave. The employee will be eligible to use sick leave hours accrued while on full-time status after the part-time or temporary status commences.

If an employee changes status from part-time to full-time, the employee will be eligible to accrue sick leave when the full-time status commences.

Absences due to non-work related illness or injury may be eligible for the City of Fountain Short-Term Disability Coverage. Contact the Human Resources Department for more information.

10.6d. Separation of Service. Upon separation of service with the City, an employee hired or rehired on or before February 28, 2006, shall be paid for accumulated sick leave up to a maximum of 720 hours as follows:

<u>Years of Service</u>	<u>Paid Sick Leave</u>
less than 5 years	0%
5 years – less than 10 years	40%
10 years - less than 15 years	50%
15 years - less than 20 years	60%
20 years - less than 25 years	70%
25 years - less than 30 years	80%
30 years or more	100% hours

Upon separation of service with the City, an employee hired or rehired on or after March 1, 2006, shall be paid for accumulated sick leave up to a maximum of 360 hours as follows:

<u>Years of Service</u>	<u>Paid Sick Leave</u>
less than 5 years	0%
5 years – less than 10 years	40%
10 years - less than 15 years	50%
15 years - less than 20 years	60%
20 years - less than 25 years	70%
25 years - less than 30 years	80%
30 years or more	100% hours

An employee who has given notice of termination of service with the City may not use sick leave during the last two weeks of employment unless a doctor's statement is provided.

- 10.6e. Monitoring of Sick Leave. Sick leave use shall be monitored by Department Heads and Supervisors to insure that sick leave is not misused. Misuse of sick leave is cause for disciplinary action. The Department Head or Supervisor may require a doctor's statement that the employee is, or was, unable to work due to an illness or injury.

Sick leave is reported and investigated as follows:

- Reporting Sick Leave: If an employee is absent for reasons that entitle him/her to sick leave, the employee or a member of his/her household must notify his/her Supervisor as soon as possible before his/her usual reporting time. If an employee fails to notify his/her Supervisor, no sick leave will be approved, except in unusual circumstances to be determined by the City Manager or designee. Immediately upon return to work, an employee must submit a leave form to his/her Supervisor.
- Investigation of Use of Sick Leave: The City Manager or designee or Department Head may investigate the alleged illness of an employee absent on sick leave. False or fraudulent use of sick leave may result in disciplinary action.

Absenteeism that has a detrimental effect on your job performance will be duly noted and appropriate action taken. Additionally, employees who have demonstrated a pattern of absenteeism may be required to obtain a doctor's release to be able to return to work.

10.6f. Sick Leave Conversion. Employees hired or rehired on or before February 28, 2006, shall be eligible to convert three (3) days of accrued sick leave for one (1) day of vacation. Converted hours may not exceed the maximum accumulation of 320 hours of vacation time. Hours must be converted thirty (30) days before they are taken. Employees hired or rehired on or after March 1, 2006, shall be eligible to convert three (3) days of accrued sick leave for one (1) day of vacation. Converted hours may not exceed the maximum accrued accumulation of 240 hours of vacation time. Hours must be converted thirty (30) days before they are taken. Sick days are based on your regularly scheduled workday hours (i.e., 8-hour workday, 10-hour workday, 12-hour workday, etc.).

10.7 Donation of Vacation and/or Compensatory Time to Another Employee. Employees may voluntarily donate their accrued vacation, compensatory time, and/or sick leave if donated on a 3-1 conversion to another employee when a non-job related illness or an injury of the donee-employee or his/her immediate family member has exhausted the donee's sick leave, vacation, compensatory, holiday, etc. All donated time must be in four (4) hour increments. The donee must exhaust all types of leave before receiving the donation. A written request for donated sick leave hours must be submitted by the employee to the Human Resources Manager. The request must state the employee wishes to receive donated leave, a statement as to the reason for the request and if the employee's identity may be released while soliciting donated leave hours. The employee needing the leave may request that his/her name not be used in requesting the donated leave from other employees. If the employee requests that his/her name not be used, the Human Resources Manager will notify other employees that an employee has requested donated leave time and does not wish to be identified.

Unused donated time will be returned back to the donor. The hours donated have no relation to the hourly rate of the donor. The IRS has ruled that these donations are to be considered wages and, therefore, taxable income to the donee. As a result, the donated hours will be included in the annual Form W-2 prepared for the donee and State and Federal income tax and FICA/Medicare tax and any retirement contributions, depending on the eligibility of the donee, will be withheld by the City at the time the donated time is used and at the donee's hourly base pay rate. The IRS has also ruled that the donating employee realizes no income and incurs no tax deductible expense or loss, either upon donation or payment to the recipient.

An employee may not donate more than sixteen (16) hours of leave during the calendar year. The following procedure will be followed in disbursing donated leave days:

All leave donated will be on a voluntary basis. A two-week period will be established for leave to be donated to a particular employee. No leave may be donated after this date.

Donated leave hours will be used in the order they were donated. In no event will donated leave take an employee beyond twelve (12) weeks of additional paid leave.

10.8 Time Off For Fire Department Employees. The City Fire Chief shall establish time off policy for fire department employees with the approval of the City Manager. The fire department time off policy shall be consistent with the Settlement Agreement of 1997.

10.8a. Holiday Pay For Fire Department Employees: Fire Department employees who work a 24-hour shift on a holiday shall be paid an additional 24 hours of holiday pay at a rate of one and one-half their rate of pay.

Fire Department employees who work a 24-hour shift on a holiday that is designed as a half holiday shall be paid an additional 12 hours of holiday pay at a rate of one and one-half their rate of pay.

Fire Department 24-hour shift employees who are off shift during a full holiday shall receive an additional 8 hours of holiday pay.

Fire Department 24-hour shift employees who are off shift during a half holiday shall receive an additional 4 hours of holiday pay.

Fire Department employees who are not 24-hour shift employees shall receive holiday pay consistent with this Handbook for other City employees.

10.9 Shift Personnel. If a holiday falls on a Saturday or Sunday, the actual holiday will be used to determine pay for shift personnel and not the Friday or Monday received off by non-shift personnel.

Employees regularly scheduled to work more than an eight (8) hour workday/shift may use vacation hours, personal day hours, or compensatory time hours to receive whole workday scheduled hours. For example, an employee regularly scheduled for ten (10) hour workdays, shall be paid eight (8) hours holiday pay and two (2) hours of vacation, personal day, or compensatory hours.

## 10.10 Other Leaves of Absence.

10.10a Personal Days. All regular full-time employees shall receive sixteen (16) hours personal leave, with the exception of the fire department shift personnel who shall receive twenty-four (24) hours, on January 1<sup>st</sup> of each calendar year. New hires shall receive one (1) day or eight (8) hours personal leave after completing six (6) months of employment in the date of hire calendar year. New hires hired on or after June 30<sup>th</sup> are not eligible to receive personal leave in the date of hire calendar year. Personal leave may be taken at no less than thirty (30) minute increments. Personal leave days shall not be carried over to the following year.

Although it is the intent of this policy to accommodate personal needs, personal time is not an earned entitlement, and unused personal time will not be paid upon termination.

10.10b Funeral (Bereavement) Leave. A regular full and part-time employee who suffers a death in his/her immediate family shall be granted a paid leave of absence. Employees are eligible for bereavement leave immediately upon employment. Length of bereavement leave is up to three (3) scheduled work days for each event.

For purposes of this policy, an employee's "immediate family" shall be defined as his/her spouse, children (biological, by marriage, or adoptive), parents, step-parents, grandparents, grandchildren, siblings, any family member residing in the same household as the employee, and the parents, siblings, or children of the employee's spouse.

Bereavement leave shall not be granted for settlement of estates nor any other matter except to make funeral arrangements, and travel, attend, and return from the funeral.

Requests for paid or unpaid time off in excess of the allotted eligible days will be approved at the discretion of the Supervisor. Vacation, personal time, or compensatory time may be used to take the additional paid time off.

Employees may be required to provide their Supervisor with proof of death (i.e., copy of obituary, funeral notice, remembrance program, etc.) in order to qualify for bereavement leave.

In addition, employees may receive up to four (4) hours to attend services on a scheduled workday for a co-worker. The City Manager at his/her discretion may grant bereavement leave for exceptional cases not covered in this policy such as the death of a volunteer, board member, etc.

If additional leave is needed by any employee, sick leave, vacation leave, or leave without pay may be requested.

Pay for bereavement leave will be made for actual time lost from work. If the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of your vacation occurs on any of the days of absence, you may not receive holiday or vacation pay in addition to paid funeral leave.

Each employee who seeks bereavement leave must notify the employee's Supervisor or Department Head as soon as possible to report the absence from work and to request approval for the leave.

10.10c Jury Duty. It is your civic duty as a citizen to report for jury duty whenever called. Employees who are required to serve as juror for a federal, state or other court case are granted jury duty leave with pay on the condition that any compensation received for such services during working days shall be turned over to the City, except for verified parking expenses and mileage allowances. Such hours shall not be counted towards overtime.

However, employees testifying in other litigation to which they are a party or witness will not be granted court leave but may use vacation leave, compensatory time, or be granted leave without pay for such absences.

Employees who are called for jury duty must present to their Supervisor or Department Head the original summons or subpoena from the court and, at the conclusion of such duty, a signed statement from the clerk of the court, or other evidence, showing the actual time in attendance at court.

On any day you are required to call in for jury duty, if you are not required to serve, you will be expected to return to work. In order to receive jury duty pay, you must present a statement of jury service and pay to your Supervisor. This document is issued by the court.

10.10d Election Day (Voting). Any employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two hours for the purpose of voting. No such paid leave shall apply to any employee whose work schedule is such that there are three or more hours between the time of opening and the time of closing of the polling site during which the employee is not required to be on the job.

10.10e Volunteer Policy. The City of Fountain highly values the community in which our citizens live. We take our role as a member of the Fountain community very seriously and likewise want to support the volunteer efforts of our employees.

To reflect this, we are pleased to offer time off with pay to regular full-time employees for volunteer community service work available in the City of Fountain only during the employee's regular work schedule.

After completing six (6) months of continuous service, all regular full-time employees are eligible for up to ten (10) hours per calendar year of paid volunteer time off.

To be eligible for volunteer time, an organization must be tax-exempt or be a public or independent school. An employee's request for volunteer time must be submitted in writing (with as much notice as possible) and approved in advance by the employee's Supervisor to maintain continuous quality customer service at work.

The written request must indicate the type of volunteer service to which active support will be given at work. For example:

- Cultural and the Arts
- Education
- Health/Human Services

Volunteer time off should be requested in increments of no less than one hour and will be paid on regularly scheduled hours.

Volunteer hours are not considered as "hours worked" for the purposes of calculating overtime.

The Supervisor/Department Head is responsible for assuring proper recording and authorization for volunteer time off on the employee's timesheet. A distinct "Volunteer Time Off" absence code will be utilized on payroll records. All volunteer hours shall be in conformance with other City policies pertaining to political activities.

Volunteer hours may be not carried from one year to the next. Unused volunteer hours will not be paid upon termination.

## 10.11 Unpaid Leaves of Absence.

### 10.11a Leave For Parental Involvement in Education.

In compliance with the Parental Involvement In K-12 Education Act, the City of Fountain shall grant each nonexecutive and nonsupervisory employee who is the parent or legal guardian of a child enrolled in a public or private school or in a nonpublic home-based educational program in any grade from kindergarten through twelfth grade leave from work to attend his/her children's academic activities.

In order to take leave, an employee shall provide their Supervisor with written notice of the need for leave at least one calendar week in advance of the academic activity. In the case of an emergency where the employee is not aware of the need for leave one week in advance, the employee shall provide notice of the leave as soon as possible once he/she becomes aware of the need for the leave.

Accrued vacation, sick, personal leave or compensatory time must be substituted for unpaid leave.

The leave shall not exceed six (6) hours in any one-month period and not exceed eighteen (18) hours in any academic year and may be taken in no longer than three (3) hour increments. The employee must provide written verification from the school or school district of the academic activity. The employee shall make a reasonable attempt to schedule academic activities for which leave may be taken outside of regular work hours.

An employee who works less than full-time shall be eligible for a portion of the leave time based on the percent of a full-time schedule the employee works.

“Academic activity” means meetings or conferences regarding the employee's child for whom the employee has primary legal responsibility, such as:

- a) a parent-teach conference; or
- b) a meeting related to special education services; or
- c) drop-out prevention, attendance, truancy or disciplinary issues

The Department Head may limit the ability of the employee to take leave in cases of emergency or other situations that may endanger a person's health or safety or that necessitate the presence of the employee

10.11b Personal Leave Without Pay. Requests for personal leaves of absence will be considered on an individual basis for those employees who have been employed for at least the twelve (12) months preceding the commencement of the leave. Personal leave without pay for up to six (6) consecutive months may be granted to an employee when approved by the Department Head and City Manager. An employee who receives approval for personal leave will retain his/her date of hire, accrued benefits and position protection only if the employee returns within ninety (90) calendar days. There is no guarantee of reinstatement at the expiration of the personal leave. Personal leave without pay can be granted only after all other eligible leave time has been exhausted. Failure to return to work at the end of the leave period shall be considered a resignation.

During an unpaid personal leave of absence, an employee shall not accrue sick or vacation leave. Holidays shall not accrue and cannot be taken.

Health plan benefits will end at the end of the month the unpaid personal leave commences. There is no disability coverage, savings plan contributions/ City match while an employee is on a leave without pay status.

An employee who notifies the City of his/her voluntary resignation during the period of the leave shall be deemed to have terminated employment with the City as of the last day worked.

Personal leaves of absence are unavailable for an employee to obtain other employment or to work elsewhere. If the employee is employed by another employer while on personal leave of absence, the employee's City employment will be terminated.

10.12 Unauthorized Leave. City employees shall not be absent from work without the permission of the Department Head or Supervisor. Any unauthorized absence of an employee constitutes grounds for dismissal or other disciplinary action. Any employee who is absent for three (3) or more consecutive days without authorization is considered to have resigned.