

City of Wheat Ridge

PERSONNEL POLICIES - 2008

TABLE OF CONTENTS

INTRODUCTION

DEFINITION D1-D8

SECTION 1 GENERAL PROVISIONS

1.1. Purpose..... 1-1

1.2. Scope of Application..... 1-1

1.3. Persons Covered..... 1-1

1.4. Authority of City Manager..... 1-1

1.5. Administration of Policies and Procedures..... 1-1

1.6. Amendment and Revision..... 1-1

1.7. Administrative Guidelines and Regulations..... 1-1

1.8. Equal Opportunity Policy..... 1-2

1.9. Employee Committees..... 1-2

1.10. Privileges Reserved..... 1-2

1.11. Compliance..... 1-2

1.12. Severability..... 1-2

1.13. Defense and Indemnification of Public Employees..... 1-3

SECTION 2 RECRUITMENT, SELECTION, EMPLOYMENT

2.1. Purpose..... 2-1

2.2. Citizenship..... 2-1

2.3. Nepotism..... 2-1

2.4. Method of Filling Vacancies..... 2-1

2.5. Application..... 2-1

2.6. Selection Process..... 2-1

2.7. Ineligibility or Disqualification..... 2-2

2.8. Employment Lists..... 2-2

2.9. Classes of Appointments..... 2-3

Temporary Appointment 2-3

Temporary Re-Assignment..... 2-3

Reappointment..... 2-3

Transfer..... 2-3

Promotion..... 2-3

Demotion..... 2-3

2.10.	Appointment of Applicants.....	2-4
2.11.	Trial Service Period.....	2-4
2.12.	Orientation of Employees.....	2-4
2.13.	Payment for Travel for Interview Purposes.....	2-4
2.14.	Relocation Expenses.....	2-4

SECTION 3 EMPLOYER PRACTICES & EXPECTATIONS

3.1.	Employee Courtesy.....	3-1
3.2.	Hours of Work.....	3-1
3.3.	Attendance.....	3-1
3.4.	Pay Periods/Pay Days.....	3-1
3.5.	Automatic Deposit.....	3-1
3.6.	Deductions.....	3-1
3.7.	Attire and Appearance.....	3-2
3.8.	Smoking/Tobacco Policy.....	3-2
3.9.	Periodic Physical Examinations.....	3-3
3.10.	Computer & Electronic Media Usage.....	3-3
3.11	Purchasing Policy.....	3-4
3.12	Employment Verifications/References.....	3-4

SECTION 4 EMPLOYEE ETHICS AND PERSONAL ACTIVITIES

4.1.	Purpose.....	4-1
4.2.	Incompatible Personal Activities of City Employees.....	4-1
4.3.	Employee’s Personal Financial Affairs.....	4-1
4.4.	Off-Duty Employment.....	4-1
4.5.	Employee Political Activities.....	4-1
4.6.	Solicitation of Employees.....	4-1
4.7.	Personal Mail and Use of City Telephones.....	4-2
4.8.	Employee Privacy.....	4-2
4.9.	Conflict of Interest.....	4-2

SECTION 5 BENEFITS, PROGRAMS AND LEAVES

5.1.	Guidelines.....	5-1
5.2.	Employee Assistance Program.....	5-1
5.3.	Retirement.....	5-1
5.4.	Official Holidays.....	5-2
5.5.	Religious Holiday Observance.....	5-3
5.6.	Personal Time Off (PTO)	5-3

5.7.	Extended Sick Leave (ESL)	5-5
5.8.	Shared Leave	5-6
5.9.	Family & Medical Leave.....	5-7
5.10.	Domestic Violence Leave.....	5-9
5.11.	On-the-Job Injury.....	5-9
5.12.	Disability Leave.....	5-11
5.13.	Maternity Leave.....	5-12
5.14.	Military Leave.....	5-12
5.15.	Educational Leave.....	5-13
5.16.	Exempt Status Leave	5-13
5.17.	Administrative Leave	5-14
5.18.	Suspension of Leaves.....	5-14
5.19.	Court Appearance.....	5-14
5.20.	Time Off for Voting.....	5-14
5.21.	Unauthorized Leave.....	5-15
5.22.	Leave Without Pay.....	5-15
5.23.	Closure of City Facilities.....	5-16

SECTION 6 COMPENSATION

6.1.	Pay Practice.....	6-1
6.2.	Pay Adjustments.....	6-1
6.3.	Employment Rate for New, Rehired, or Re-appointed Staff.....	6-1
6.4.	Pay Upon Additional Responsibilities (Interim Pay).....	6-1
6.5.	Simultaneous Personnel Actions.....	6-2
6.6.	Change in Status.....	6-2
	Promotion.....	6-2
	Reclassification.....	6-2
	Demotion.....	6-2
	Lateral Change.....	6-2
	Reversion While in Trial Service Period.....	6-3
6.7.	Performance Appraisals.....	6-3
6.8.	Performance Recognition.....	6-3
6.9.	Overtime and Compensatory Time.....	6-4
6.10.	Incident Response Pay – (Call-Back & On-Call)	6-5
6.11.	Multiple City Positions.....	6-5
6.12.	Provisions Applicable to Department Directors & City Manager.....	6-5

SECTION 7 CLASSIFICATION

7.1. Classification Policy..... 7-1

7.2. Preparation and Maintenance..... 7-1

7.3. Classification Plan Review..... 7-1

7.4. Classification Specification Review..... 7-1

7.5. Reclassification Results..... 7-2

7.6. Request of a New Classification..... 7-2

7.7. Establishment of a New Classification..... 7-2

7.8. Classification of Temporary Employees..... 7-2

7.9. Classification of Emergency Employees..... 7-3

7.10. Unauthorized Positions..... 7-3

SECTION 8 EDUCATIONAL PROGRAMS & WORK-RELATED TRAVEL

8.1. Policy Statement..... 8-1

8.2. Educational Programs and Tuition Reimbursement..... 8-1

8.3. Training Programs Established by the City..... 8-1

8.4. Conferences, Workshops, Special Training or Seminars..... 8-1

8.5. Work-Related Travel..... 8-2

8.6. Tuition Assistance Program..... 8-3

SECTION 9 SUBSTANCE ABUSE POLICY

9.1. Purpose..... 9-1

9.2. Policy..... 9-1

9.3. Drug-Free Work Place..... 9-1

9.4. Drug & Alcohol Testing..... 9-2

Definitions..... 9-2

Prohibited Conduct..... 9-3

Circumstances Requiring Tests..... 9-4

Refusal to Submit to a Required Test..... 9-5

9.5. Testing Policies..... 9-6

9.6. Training..... 9-6

9.7. Corrective Action..... 9-6

9.8. Employee Assistance Program/Voluntary Referral..... 9-6

SECTION 10 SAFETY POLICY, EQUIPMENT, ACCIDENTS & INJURIES

10.1. Safety Statement..... 10-1

10.2. Required Driver’s Licenses..... 10-1

10.3. Use of City Vehicles and Property..... 10-2

10.4.	Use of Private Vehicles.....	10-2
10.5.	Vehicle Equipment Accident & Damage & Employee Injuries.....	10-3
10.6.	Reporting of Work-Related Injuries and Illnesses.....	10-3
10.7.	City-Designated Medical Facility.....	10-3
10.8.	Alternative Duty.....	10-4
10.9.	Safety Equipment.....	10-4
SECTION 11	DISCIPLINARY/CORRECTIVE ACTION & APPEAL PROCEDURE	
11.1.	Discipline or Corrective Action.....	11-1
11.2.	Application of Discipline/Corrective Action.....	11-1
11.3.	Definitions.....	11-1
11.4.	Types of Discipline or Corrective Action.....	11-1
11.5.	Non-Appealable Actions.....	11-2
11.6.	Reasons or Grounds for Disciplinary and/or Corrective Action.....	11-2
11.7.	Authority to Take Disciplinary and/or Corrective Action.....	11-4
11.8.	Disciplinary or Corrective Action Procedure	11-4
11.9.	Appeals.....	11-5
11.10.	Time Limits.....	11-5
SECTION 12	DEPARTURES FROM EMPLOYMENT	
12.1	Purpose.....	12-1
12.2	At-Will Employment.....	12-1
12.3.	Resignation Process.....	12-1
12.4.	Lay-Off.....	12-1
12.5.	Disciplinary Action.....	12-2
12.6.	Retirement.....	12-2
12.7.	Termination Based on Position Requirements.....	12-2
12.8.	Exit Interview.....	12-2
12.9.	Final Pay.....	12-2
12.10.	Optional Continuation of Medical/Dental Coverage (COBRA).....	12-3
SECTION 13	PROBLEM SOLVING PROCEDURE	
13.1.	Purpose.....	13-1
13.2.	Open-Door Guideline.....	13-1
13.3.	Problem Solving Procedure.....	13-1
13.4.	Time Limits.....	13-1
13.5.	Appeal for Complaints of Discrimination	13-2

SECTION 14 EMPLOYEE PERSONEL SERVICES

14.1. Purpose..... 14-1

14.2. Personnel Records and Files..... 14-1

14.3. “Official” Public Employee Personnel File..... 14-1

14.4. Confidential Files..... 14-2

14.5. General Personnel Records..... 14-3

14.6. Review of Official Employee Files..... 14-3

14.7. Release of Official Employee File Information..... 14-3

14.8. Changes in Personnel Data..... 14-4

14.9. Destruction of Records..... 14-4

SECTION 15 ANTI-HARASSMENT AND WORKPLACE VIOLENCE

15.1. Prohibiting Harassment..... 15-1

15.2. Workplace Violence..... 15-2

SECTION 16 WHISTLEBLOWER POLICY

16.1. Whistle Blowing..... 16-1

16.2. Protection from Retaliatory Actions..... 16-2

16.3. Whistleblower Responsibilities..... 16-2

DEFINITIONS

ADA: Americans with Disabilities Act, is Federal legislation which protects the rights of qualified persons with disabilities.

ACCRUED PERSONAL TIME-OFF (PTO) LEAVE: The hours of leave a regular (benefited) employee has earned from their anniversary date to a particular month that has not yet been added to the employee's records.

ACCUMULATED PERSONAL TIME-OFF (PTO) LEAVE: The hours of leave an employee has in their records.

ADMINISTRATIVE AUTHORITY: The official or officials with the primary administrative responsibility for a department or unit within the City service as delegated by the City Manager.

ADMINISTRATIVE GUIDELINES: Written guidelines, procedures, departmental guidelines or operating procedures established by the City Manager to clarify or supplement portions of the Personnel Policies or other day-to-day operations of the City. In the event of any conflict between any such Administrative Guidelines and the terms, explicit or implicit, of these Policies, the terms of these Policies shall control.

ADMINISTRATIVE LEAVE: A paid leave as approved by the City Manager for a variety of reasons to include: 1) When retention of an employee at the work site may be detrimental to the interests of the City or injurious to the employee, fellow workers, or the general public; 2) Emergency conditions where no other leave option exists; 3) Resolve situations that cannot be addressed under existing workforce policies; When it is deemed necessary to remove an employee from the work place while an investigation or review ensues.

ADVANCEMENT: A salary increase within the limits of the pay range established for a classification.

ALLOCATION: The official assignment of an individual position to the proper classification according to the duties performed and authority exercised.

ANNIVERSARY DATE: The date of initial hire or reinstatement of regular employment in a budgeted City position and the date from which PTO leave, extended sick leave (ESL), and longevity will be computed.

APPEAL: The employee's challenge to a decision made by a level of authority with prescribed procedures as outlined in the Personnel Policies.

APPEAL PROCEDURE: The established procedure to follow when an employee files an appeal.

APPLICANT: A person who has completed and submitted the material/documents required for City employment consideration.

APPOINTING AUTHORITY: The City Manager, or the City Manager's designated representative who has the authority to make appointments to fill positions.

APPOINTMENT: The offer to and acceptance by a person for a position according to this Policy Manual.

APPOINTMENT DATE: The date on which an employee is placed in the position which the employee is holding.

APPRAISAL DATE: The date, as established in the Performance Review System in force, an employee is scheduled to receive a written review of his/her work performance, (also referred to as "Evaluation Date").

ALTERNATIVE DUTY: A reassignment of duties, as a result of injury and/or illness, established within the conditions set forth by a physician and subject to the availability of prescribed duties.

ARMED FORCES: Includes the Army, Navy, Marine Corps, Coast Guard, Air Force and their auxiliaries.

AT WILL EMPLOYMENT: A condition where an employment relationship may be terminated at any time by either party, with or without cause or notice.

BEREAVEMENT LEAVE: Personal time off from work granted to an employee to attend funeral services and other activities connected with the death of an immediate family member.

BUDGETED POSITION: A position that is funded in the City's annual budget.

BUREAU/DIVISION: A major unit of a department with the City organization.

BUSINESS DAY: A daily period of time that commences at 8:00 am and concludes at 5:00 pm on any day of the week with the exception of Saturday or Sunday.

CANDIDATE: An applicant who is participating in the recruitment for a position.

CANDIDATE LIST: A roster of persons who have successfully completed portions of a recruitment process, (e.g., qualifying examination, panel review, etc.) but have not totally completed the full selection process, hence are not fully "qualified" for final placement.

CERTIFIED EMPLOYEE: An employee who has successfully completed a trial service period and is, therefore, certified to serve in the position which he is holding.

CHILD: A person younger than 18 years of age or a person older than 18 years of age and incapable of self care due to a mental or physical disability. An employee's child includes a biological, adopted, foster, or step-child for whom the employee has day-to-day responsibility.

CITY: The City of Wheat Ridge, Colorado.

CITY COUNCIL: The City Council of the City of Wheat Ridge.

CITY DEPARTMENT: A major functional subdivision of City government that is accountable through the Department Director to the City Manager.

CITY MANAGER: The chief administrative officer of the City or his/her designee during his/her absence.

CITY SERVICE: The performance of official duties and responsibilities for the City.

CIVILIAN PERSONNEL: Employee(s) not serving in the capacity as defined in Law Enforcement Personnel.

CLASS or CLASSIFICATION: A grouping of positions or jobs sufficiently similar in duties, authority and responsibilities that, a) the same descriptive titles can be used; b) the same aptitude or proficiency tests can be used for selection and appointment; c) the same pay range can be applied to all positions within the class.

CLASSIFICATION TITLE: A name assigned to a position that indicates a particular level of rank and specific duties and responsibilities.

CLASSIFIED EMPLOYEE: All employees of the City except those holding positions as listed in the Unclassified Section.

CLASSIFIED SERVICE: The aggregate of all positions under the City of Wheat Ridge other than those specifically excluded under the scope provisions of these Policies and Procedures.

COBRA: The Consolidated Omnibus Budget Reconciliation Act of 1985, which provides for an employee or eligible dependent to continue group health care coverage for a specific period of time at his/her expense, following termination of coverage for reasons other than the employee's termination from his/her position for gross misconduct.

COMPENSATION: The salary/wage, and all other forms of valuable consideration earned by, or paid to, any employee in remuneration for services in any position.

COMPENSATION SCHEDULE: The array of pay ranges applying to classifications.

COMPENSATORY TIME: Authorized time off granted to certain qualifying employees, in lieu of overtime pay, for hours worked above the standard work schedule.

CONTROLLED SUBSTANCE: A drug or other substance or an immediate precursor which is defined as a controlled substance under the Colorado Controlled Substance Act, Colorado Revised Statutes. Includes, but is not limited to, marijuana, marijuana concentrate, cocaine, and any scheduled drugs as defined by the DEA and/or Statute.

CORRECTIVE ACTION: An action taken by the disciplinary authority against an employee that may include but not be limited to, training, re-training, placement in a Return to Trial Service status.

COVERED EMPLOYEE: A person in a position covered by the overtime provisions of the Fair Labor Standards Act, also referred to as a “non-exempt” employee.

DEMOTION: Changing an employee from one class of work to a different class having less responsible duties, lower qualifications, and a lower maximum rate of pay.

DEPARTMENT DIRECTOR: The individual responsible for the operation/administration of a City department as appointed by the City Manager or Council. The term Department Director shall also include the City Clerk and the City Treasurer.

DEPARTMENT GUIDELINES: Guidelines issued by a Department Director and approved by the City Manager designed for specific types of activities within a department’s operation.

DEPENDENCE: Habituation to, abuse of, and/or addiction to a drug, including alcohol.

DISABILITY: A physical/mental impairment that substantially limits one or more major life activities to include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

DISCIPLINARY ACTION: An action taken by the disciplinary authority against an employee that may include but not limited to, either individually or in combination, an official reprimand, disciplinary probation, suspension, salary reduction, demotion or discharge.

DISCIPLINARY AUTHORITY: The person having the authority to impose disciplinary action on an employee.

DISMISSAL AND/OR DISCHARGE: A disciplinary termination of employment.

DIVERSITY MANAGEMENT: The policy of the City that seeks equality in employment opportunities and access to services and programs for all applicants and employees regardless of race, religious creed, ancestry, gender, age, marital status, physical or mental disability, national origin, or any other protected status, and that honors and supports cultural and other work force differences as an enhancement to productivity and service.

DIVISION/BUREAU: A major unit of a department within the City organization.

DOMESTIC PARTNER: An unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes), with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses.

DRINK OR DRINKING: The consumption or ingestion of any beverage containing any alcoholic content whatsoever, except for the reasonable ingestion of medications containing alcohol, which ingestion shall be subject to the restrictions set forth in these Policies.

DRUG: Any substance which is recognized as a drug in the official United States pharmacopoeia or a supplement thereof; intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animal; and other than food, is intended to affect the structure of any function of the body of man or animal.

DRUG USE: The ingestion or consumption of any drug, whether prescription or non prescription, or any legal, or illegal, controlled substance.

EFFECTIVE DATE: The date at which a personnel action (change in pay, reclassification, change in job title, etc.) is to occur.

ELIGIBILITY LIST: A roster of persons who have been found fully qualified, (no further process is necessary) through a testing procedure for appointment to a specific position or classification.

EMPLOYEE OR INCUMBENT: A person legally occupying a position in the City service.

EMPLOYEE (POSITION) STATUS:

- **REGULAR FULL-TIME:** An hourly or salaried position designated as such by the City budget, that has been registered for work at a minimum of forty (40) hours per week on a year-round basis. A full-time employee will receive benefits as outlined in the Personnel Policies.
- **REGULAR PART-TIME:** An hourly position which is classified or advertised as such, that has been assigned a consistent number of work hours per week, not to exceed 39 or less than 20 hours per week on a year-round basis. An employee in such status will be eligible for benefits on a pro-rated basis, as outlined in the Personnel Policies. Regular part-time employees are paid at the equivalent full-time hourly rate of the range in the classification to which they are appointed.
- **INTERMITTENT/PART-TIME:** Designated to an employee who works an irregular number of hours as needed by the employment unit or whose standard workweek is less than twenty (20) hours per week, on a year-round basis. The employee is not eligible for City benefits except those required by law.
- **TRIAL SERVICE:** All hired or promoted employees will serve in an initial "Trial Service" period in which they must prove their ability to perform the duties of the appointed position. For all employees serving in the capacity of sworn police personnel, the trial service period is 12 consecutive months; for employees serving in the capacity of civilian personnel, the trial service period is six (6) consecutive months. A Return to Trial Service status may be issued to an employee who has received an unsatisfactory evaluation, (see Trial Service Period).
- **SEASONAL/TEMPORARY** - A temporary position that is advertised as such, that is needed to supplement the work force for a part of a calendar year or until completion of a project. The employee is not eligible for City benefits except those required by law.
- **EMERGENCY EMPLOYEE:** A person employed to meet emergencies for a temporary period in a position not specifically authorized or funded in the budget.
- **CONTRACTUAL** - A position established by a written agreement between the employee and the City Manager and/or City Council for which funds may or may not be budgeted. Independent contractors shall not be considered contractual employees of the City.
- **FEDERALLY, STATE, OR SPECIALLY FUNDED** - A position that is federally, state, or specially funded. Employees may or may not be eligible for benefits as determined by program specifications and as required by law.
- **INTERN** - Such positions may be made available to individuals on a paid or unpaid basis for the benefit of acquiring practical work experience in municipal government and performing services for the City. Employees in said status are not eligible for City benefits except those required by law.

EMPLOYMENT-AT-WILL: See the definition for "At-Will".

EVALUATION DATE: The date, as established in the Performance Review System in force, an employee is scheduled to receive a written review of his/her work performance, (also referred to as "Appraisal Date").

EXEMPT EMPLOYEE: A person in a budgeted position exempt from the overtime provisions of the Fair Labor Standards Act as an executive, administrative, or professional employee.

EXEMPT STATUS LEAVE: Leave approved for employees in positions exempt from the Fair Labor Standards Act to compensate for unusual, non-customary work demands.

FAIR LABOR STANDARDS ACT (FLSA): A federal law, enacted by the United States Congress in 1938, which sets minimum wage, overtime pay, equal pay, record keeping, and child labor standards for employees who are covered by the Act.

FAMILY MEDICAL LEAVE ACT (FMLA): A law enacted on February 5, 1993, which entitles qualified employees up to 12 weeks of unpaid leave per a twelve (12) month period for the birth, adoption or placement for foster care of a child, to care for a spouse or an immediate family member with a serious health condition, or when unable to work because of a serious health condition.

FINAL EARNED RATING: The final percentage score attained by a candidate in an examination for a budgeted position, computed by adding the percentages earned in each part of the examination.

FRINGE BENEFITS: All benefits authorized by the City other than the direct salary paid to a given employee such as Personal Time-Off leave, Extended Sick leave, paid holidays, insurance coverage, etc.

GENDER: Males or females as a group, a sex-based category. Note: the terms of this Personnel Policy apply in the same manner to both men and women.

GRIEVANCE: A complaint initiated by an employee concerning working conditions.

HIS OR HER: Whenever the masculine or feminine is used in these Policies, such designation isn't intended to reflect a specific gender, but is used only for administrative conveniences.

HUMAN RESOURCES: A major unit/division of the organization assigned with the responsibilities of interpreting and administering the philosophies, personnel policies, procedures and practices related to the management of the work force within the organization.

IMMEDIATE FAMILY MEMBER: Those individuals related to an employee as follows: spouse or domestic partner; biological, step-, adopted, or foster: children, grandchildren, parent(s), grandparent(s), brother(s), and sister(s), or other relative who is residing in the same household as the employee.

INJURY LEAVE: Leave granted to an employee who has suffered a job-related injury or illness as determined by the City, its worker's compensation or other insurance carrier.

IN-RANGE HIRING: The authorization to hire an employee at a rate of pay higher than the entry level in the pay range assigned to the position.

INSUBORDINATION: An action demonstrating non-submittal or compliance to authority, insolence, defiance, disobedience or display of rebelliousness

INTERIM APPOINTMENT: An interim appointment made to fill a job vacancy due to a position that is temporarily vacant.

INTERIM PAY: Compensation that may be paid to an employee who serves in an interim appointment.

INTERMITTENT LEAVE SCHEDULE: Leave, taken by an employee in conformance with an approved leave schedule under the Family and Medical Leave Act, that results in a reduction in the regular hours worked by the employee on an intermittent basis over a consecutive 12-month period. An employee on an intermittent leave schedule will work some portion of his/her regular work hours during the consecutive 12-month period.

INTOXICATION (IMPAIRMENT): A condition an employee is in when unable to perform or is hindered in the performance of his/her duties because the employee has been drinking.

JOB DESCRIPTION: See Position Description.

JOB VACANCY: A position currently not occupied which the City Manager had determined should be filled.

LAW ENFORCEMENT PERSONNEL: An employee meeting the following criteria:

1. The employee is a uniformed or plain-clothed member of a body of officers and subordinates who are empowered by statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury and to prevent and detect crimes;
2. The employee has the power to arrest; and
3. The employee is presently undergoing or has undergone or will undergo on-the-job training and/or a course of instructions and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, medical aid and ethics.

LAY-OFF: The separation of a regular or regular part-time employee from City service without fault or delinquency on the employee's part. Reorganization, privatization, the lack of work, or the lack of funds may result in the placement of the employee's name on a layoff list.

LAY-OFF LIST: An eligibility list of names of persons arranged in accordance to policy who have had regular employment and have been separated from City service.

LEAVE WITHOUT PAY OR ABSENCE WITHOUT PAY: A leave or absence from work for which no pay is due unless otherwise provided by these Policies.

MANAGER: An employee who has been placed with the responsibility of managing multiple programs and supervises professional and support staff in a major unit/division within a City department and who is directly responsible to a Department Director.

MARKET RATE OF PAY: A rate or range of pay for specific positions as defined by a study of a specific labor market as determined by the City Manager.

MAY: As used in these Personnel Policies, “may” is permissive.

MILITARY DUTY: Training and service performed by an inductee, enlistee, reservist, or any entrant into any of the Armed Forces of the United States and their auxiliaries.

MILITARY LEAVE: Leave from an employee’s job to fulfill military obligations.

NON-EXEMPT EMPLOYEE: See Covered Employee.

NOLO CONTENDERE: A plea that does not admit guilt but is subject to punishment as though a guilty plea had been made.

OCCASIONAL DUTIES: Tasks an individual may infrequently be required to perform in cases of emergency or under conditions as the need arises and in the discretion of the Supervisor.

OPEN EXAMINATION: An examination open to all qualified persons including City employees.

ORAL BOARD: An interviewing board composed of persons who are experienced either in the field of work for which the examination is being conducted or in the technique of evaluating and rating candidates.

PARENT: Biological or adoptive parent, or a stepparent.

PAY RANGE: The official range of pay established by the compensation schedule for a classification.

PERFORMANCE APPRAISAL OR EVALUATION: An appraisal or evaluation of the quality, quantity, effectiveness, and efficiency of work performed. The appraisal/evaluation is to communicate with the employee about performance, expectations, department standards, provide positive feedback, define specific areas needing improvement, and to develop a specific growth plan to address learning needs. At minimum, informal appraisals/evaluations are encouraged frequently; formal appraisals/evaluations are made annually.

PERSONNEL: All persons employed in City Service.

PERSONNEL MANAGEMENT: The process of defining and proposing policies for managing City staff and the implementation of those policies in collaboration with responsible managers and supervisors.

POLICY: An approved course of action established by the City Manager or other appropriate authority.

POSITION: The official rank within a given classification and held by an employee with a descriptive title.

POSITION CLASSIFICATION AND COMPENSATION PLAN: The City’s official plan that classifies budgeted positions and sets compensation rates.

POSITION DESCRIPTION: A detailed statement about the general responsibilities, essential functions, specific duties, and minimum qualifications of a specific position within a given classification, as well as, decision-making responsibilities, level of supervision received and exercised, working conditions, and equipment operated.

PRIMARY DUTIES: Those tasks that an individual is required to perform on a regular basis which constitutes the major portion of the job.

PROBATIONARY PERIOD: See Trial Service Period.

PROBLEM SOLVING: A procedure established whereby an employee may formally submit a complaint to management if he/she believes an aspect of his/her work environment has developed which adversely affects his/her working conditions. This does not include disciplinary action, contents of a performance review; establishment of classification, pay or fringe benefits, or general City policy or procedure. See Section 13.

PROMOTION: Advancement in rank, grade, or position whereby an employee vacates their position to receive the employment status in a higher classification with a higher rate of pay and increased responsibility. Promotions must involve a definite increase in duties and responsibilities, conform to the compensation pay principles, and shall not be made merely to affect an increase in the employee's compensation.

PROMOTIONAL EXAMINATION: An examination for an unfilled budgeted position within the City that is open only to active employees of the City that are not serving in a Trial Service status, (initial or as a "Return").

PROMOTIONAL LIST: A list of employees who have been successfully tested for promotion to a more responsible position or positions.

PUBLIC EMPLOYEE: An officer, employee, or servant of the public entity, whether or not compensated, elected, or appointed, but does not include an independent contractor or any person who is sentenced to participate in any type of useful public service.

RANGE: The distance between the minimum and maximum rates of pay within a given classification.

RATE OF PAY: See Compensation.

REAPPOINTMENT/REINSTATEMENT: The rehire, within one (1) year, of a former employee who was involuntarily dismissed because of lack of work, lack of funds, or reorganization, or exhaustion of paid leave to his former classification or comparable classification having the same or lower pay level without examination, or the rehire of an employee who has been dismissed for disciplinary reasons and whose dismissal has been rescinded.

RECLASSIFICATION: The reassignment of an individual job or position from one class of work into a different class of work as a result of a classification review (audit) and/or amendments to the classification plan based on changes in duties and responsibilities, excluding any action which is disciplinary in nature.

REHIRE: The appointment to the City service of a former employee of the City in any classification.

RELATIVE: Any person related to the employee including spouses, children, brothers, sisters, half-brothers and sisters, stepbrothers and sisters, parents, stepparents, aunts, uncles, nephews, nieces, first cousins, grandparents, grandchildren, and the spouses of the above.

REPRIMAND: An oral or written notice to an employee informing the employee of an action or course of conduct on their part that is cause for disciplinary action.

RETIREMENT: Official retirement from a budgeted position and City service when the requirements of the employee's retirement system are met. The definition for Retirement may be expanded in accordance with Administrative and/or Departmental Guidelines.

SALARY DATE: The date on which an employee's rate of pay becomes effective and on which advancements within the pay plan are based.

SALARY/PAY: As used in these Policies and Procedures, the use of "salary" also means "pay" and "pay" means "salary".

SECTION: A specialized or administrative branch of an organization generally self-contained within a department or division.

SECTION SUPERVISOR: An employee who is charged with the responsibility of planning, organizing, and supervising an operational section of a department or division and who is directly responsible to a Manager or Department Director.

SELECTION TECHNIQUES: Methods by which the suitability of job applicants are compared in order to determine whether to appoint any of the applicants, and if so, which applicant or applicants to appoint.

SENIORITY: Total length of continuous time served in an employee's current position during which there has not been a break in service due to a resignation (excluding military), dismissal or retirement.

SEPARATION DATE: The last day of an employee's work in City service, after which no PTO leave or extended sick leave (ESL) is accrued or used.

SEXUAL HARASSMENT: Unsolicited or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.

SHALL/WILL: As used in these Policies and Procedures, "shall" and "will" are mandatory and generally reserved for policies governed by federal or state laws.

STAFFING PATTERN: Number of positions authorized for a department or division thereof, the classification, pay range and title of each position.

STANDARD WORK SCHEDULE: The standard work schedule for full-time employees shall be forty (40) hours per week except City police officer whose hours shall be regulated pursuant to the emergency personnel provisions of the Fair Labor Standards Act and except for employees who are exempt from the Fair Labor Standards Act. The work period for non-exempt City police officers shall be twenty-eight (28) days consisting of one hundred and seventy-one (171) hours.

STAND-BY STATUS: An employee required during impending need to be available by a pager or telephone number known to the employee's immediate supervisor and/or the Police Department. Such an employee is prepared to report for duty within a time limit, as established by their department, and is considered to be on stand-by duty until relieved by the employee's supervisor.

SUPERVISOR: An employee who has been delegated to direct, control, and evaluate the work of one or more employees and who, in the interest of the employee, has the authority to recommend to hire, promote, suspend, dismiss, lay-off, recall, or discipline other employees, or has the responsibility to direct such actions.

SUSPENSION: The temporary separation of an employee from his/her position, with or without loss of pay, for pending disciplinary action, disciplinary action, or for another reason as determined necessary by the employee's supervisor, and for a defined period of time.

SWORN PERSONNEL: See Law Enforcement Personnel

TENURE: Status of an employee, after a trial service period indicating the position or employment is regular.

TERMINATION OR SEPARATION: Either voluntary or involuntary separation of an employee from his/her position with the City resulting from death, dismissal, lay-off, resignation, retirement, or disability.

TERMINATION DATE: The last day of an employee's work in City service. No PTO or ESL is accrued or used from that date forward.

TRAINING, EDUCATION, AND DEVELOPMENT: The training and educational programs as established or budgeted by Department Directors or the City Manager for personnel in City service. Training and educational programs give opportunities for employees and volunteers to gain knowledge, skills, and abilities to perform more effectively in City service.

TRANSFER - Movement of an employee from one position or class of work to a different position or class of work at the same pay range, or changing an employee from one position or class of work to a different department or division in the same pay range.

TRIAL SERVICE PERIOD:

- Initial Assignment - A working test or orientation period during which an employee demonstrates, by actual performance, the employee's suitability for the duties of the position to which the employee has been appointed. The trial service period is for a minimum of twelve (12) consecutive months for sworn police personnel and the personnel responsible for processing emergency/non-emergency calls in the Police communications Center, (dispatch), and six (6) consecutive months for all other employees, following original appointment or promotion; or a period not to exceed six (6) consecutive months following an unsatisfactory evaluation for all employees. A new employee serving in a Trial Service period does not have access to the disciplinary/corrective action and appeal procedure.

- **Return to Trial Service** - An employee, regardless of exempt status, whose performance is failing and is not meeting the department's expectations may be placed in a Return to Trial Service status. During this period, the employee does not accrue time for compensation review or promotion; is not allowed to compete in a promotional selection process; and may be denied movement through the pay plan until improvement is shown. This period is not less than three (3) months and should not exceed six (6) months duration.

UNAUTHORIZED LEAVE OF ABSENCE: Failure of an employee to notify and receive permission from their immediate supervisor in advance of absence or failure of an employee to report for work at the beginning of their next regularly-scheduled work period. An unauthorized leave of absence includes all or any portion of a workday for which notice and approval have not been provided.

UNCLASSIFIED POSITION: Seasonal, temporary, volunteer, Federal/State or specially funded intern positions; positions in a trial service status; and, high level, administrative positions are exempted from certain provisions of the Policies and Procedures concerning appointment, disciplinary action and appeal, tenure and separation. The administrative positions include: Elected officials, Department Directors, City Manager, Municipal Court Judges.

UNDER THE INFLUENCE OF A DRUG OR ALCOHOL (IMPAIRED): An employee who is unable to perform or is hindered in the performance of his/her duties because of the ingestion or consumption of alcohol or any drug or controlled substance, whether or not prescribed by a physician.

VETERAN: A person who has served in the active armed forces of the United States and who has been released or separated from such service other than by dishonorable discharge.

WAR VETERAN: Any person who has received the Armed Forces, Marine Corps, or Navy expeditionary medal for opposed action on foreign soil. This person may belong to any branch of the Armed Forces of the United States. A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the US Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of Congress. (RCW 41.04.005)

WEIGHT: The fixed numerical value given to each part of a recruitment examination for an unfilled budgeted position. Such a value sets the relative worth of each part and is used in computing a general average.

WORKER'S COMPENSATION: The insurance or benefits statutorily required to be provided to employees injured on the job.

WORKDAY: An employee's scheduled daily hours of employment.

WORKWEEK: An employee's schedule of work hours within an appointed week.

SECTION 1: GENERAL PROVISIONS

Section(s) Revised: 1.8.1.

Approved by Council: November 28, 2005

1.1. PURPOSE

The purpose of these Policies and Procedures is to set forth personnel policies and procedures to promote harmonious relations between the employer and the employees; establish a reasonable and peaceful procedure for the resolution of differences; insure efficient, responsive service to the citizens of Wheat Ridge, Colorado; prevent political involvement in employment; and, promote employee morale, job stability and career incentives. To these ends there is established a personnel system for the employees of the City of Wheat Ridge, Colorado.

1.2. SCOPE OF APPLICATION

In the interest of the City of Wheat Ridge employees and citizens, the City adopts policies and procedures to promote full communication between the City, as the employer, and its employees. The City also sets reasonable methods to resolve disputes about wages, hours, and other terms and conditions of employment and to continuously improve personnel management and employer-employee relations.

1.3. PERSONS COVERED

The Personnel Policies shall apply to all employees of the City of Wheat Ridge, Colorado, unless otherwise specified in the code, by written agreement, or within these policies.

1.4. AUTHORITY OF CITY MANAGER

The City Manager, as appointing authority, has general control and supervision over the affairs of the City. The City Manager has the authority to establish policies, procedures, and guidelines necessary for the control and supervision of the affairs of the City. The City Manager has the authority to appoint employees of all City departments and has the authority to remove employees. The City Manager may delegate the authority to appoint or remove employees to the Department Directors.

1.5. ADMINISTRATION OF POLICIES AND PROCEDURES

The City Manager shall be responsible for the proper administration and observance of these Policies. In the event a conflict of duties arises that precludes Human Resources, Department Directors, Supervisors, or the City Manager from performing a function outlined in these Policies and Procedures, the City Manager is granted the authority to modify the Policy to ensure the spirit of the process is preserved. Any modification that is foreseen to continue indefinitely would require an amendment to these Policies and Procedures.

1.6. AMENDMENT AND REVISION

Any employee may suggest an amendment, change, or revision by submitting suggestions in writing to the City Manager. If the City Manager determines that the suggestion has merit, he/she shall present a copy of the proposed rule amendment(s) to the City Council. Once adopted by the City Council, in a manner they deem appropriate, these Policies, or any amendments to these Policies supersede previous editions on the effective date thereof.

1.7. ADMINISTRATIVE GUIDELINES AND REGULATIONS

The City Manager is authorized to issue additional administrative policies as may be necessary to carry into effect this Personnel Policy, except as otherwise provided by ordinance. The City Manager is authorized to approve supplementary departmental personnel guidelines not in conflict with these Policies.

Department Directors may create guidelines more specific to their respective department operations. Department guidelines or directives will not conflict with or supersede any provisions of this Personnel Policy. In the event of any conflict, the City Personnel Policies prevail, unless otherwise determined by the City Manager.

1.8. **EQUAL OPPORTUNITY POLICY**

The City of Wheat Ridge is committed to developing a work force which reflects the diversity and composition of the community we serve, honors and respects the differences and abilities of all the employees and residents, and provides employees with the necessary opportunities, tools, and support to achieve their maximum potential.

Equal employment opportunity provides a level playing field for City job applicants and must be linked with a commitment to non-discriminatory management of a diverse work force. Diversity complements organizational values that stress teamwork, leadership, empowerment, and quality service. Diversity means striving to maintain an environment in which managers value the differences in their employees and take steps to ensure that all employees know they are welcomed and included.

To achieve workplace equity and inclusion, the City observes the practices outlined below:

1. The City will ensure that it does not discriminate in employment on the basis of race, color, religion, national origin, gender, age, disability, marital status, creed, ancestry, sexual orientation, medical condition, political ideology or any other protected status.
2. The City will strive to make employment decisions based on job-related criteria and provide opportunities for entry and promotion to nontraditional jobs.
3. The City will ensure a workplace free of all forms of unlawful harassment.
4. The City has developed a procedure for prompt, thorough, and impartial investigations of discrimination or harassment complaints and will take appropriate measures to provide remedy or relief to individuals who have been victims of illegal discrimination or harassment.

Measures to ensure accountability for managing diversity will be incorporated into the performance management system for supervisors and managers. The City Manager will evaluate the effectiveness of the City's diversity policies and programs. By creating a workplace where everyone can work toward their maximum potential, the City will strive to retain quality, productive employees who will provide excellent services to the residents.

1.9. **EMPLOYEE COMMITTEES**

When deemed necessary by the City Manager, employee committee(s) may be formed to study, discuss, or formulate recommendations or proposed courses of action regarding items of interest or concern to the employees. The City Manager shall decide: composition, purpose, scope, length of service, and authority of such committee(s).

1.10. **PRIVILEGES RESERVED**

It is recognized that, except as expressly stated herein, the City Manager shall retain whatever rights and authority as are necessary to operate and direct the affairs of the City in all of its various aspects, including, but not limited to, the right to direct the working forces; to plan, direct, and control all the operations and services of the City; to determine the methods, means, organization, number of personnel by which such operations and services are to be conducted; to assign and transfer employees; to schedule working hours; and to assign overtime; to revise, eliminate, combine, or establish new jobs and classifications; to establish compensation plans and programs; to determine whether goods or services should be made or purchased; to hire, promote, evaluate, demote, suspend, discipline, dismissal or relieve employees from duty; to make and enforce reasonable regulations; and to change or eliminate existing methods, equipment or facilities.

1.11. **COMPLIANCE**

In accepting employment with the City of Wheat Ridge, each employee is expected to follow these Personnel Policies, administrative guidelines and procedures established by the City Manager, and the guidelines and directives of the department in which they are employed. Volunteers, while performing their duties in City service, follow the same guidelines of conduct as City employees.

1.12. **SEVERABILITY**

If any chapter, section, paragraph, sentence, clause, phrase or portion of these Policies is, for any reason, held invalid or unconstitutional by a final and unappealable decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the remaining portions hereof.

1.13. DEFENSE AND INDEMNIFICATION OF PUBLIC EMPLOYEES

The City Council of the City of Wheat Ridge hereby adopts the following policy of defense and indemnification of elected officials, public employees and volunteers in the event legal action is brought against said persons:

- A. The City of Wheat Ridge, as well as, its “public employees” (as that term is defined in C.R.S. 24-10-103(4) to include “an officer, employee, servant or authorized volunteer of the public entity, whether or not compensated, elected, or appointed... authorized volunteer means a person who performs an act for the benefit of a public entity at the request of and subject to the control of such public entity) are, collectively, protected from liability for “all claims for injury which lie in tort or could lie in tort...” pursuant to the provisions of the “Colorado Governmental Immunity Act,” C.R.S. 24-10-101, et seq. (the Act).
- B. The City hereby specifically designates member of boards, commissions, citizen advisory committees or groups, and task forces and citizens performing duties and activities for the benefit of the City under any City authorized and supervised volunteer program as “public employees” for purposes of protection by the provisions of the Act, provided that the members of said boards, commissions, advisory committees or task forces are appointed by the Mayor and/or City council pursuant to an ordinance, resolution, or motion, and any such volunteers operate in a City initiated and/or sanctioned program.
- C. The City hereby asserts that the City of Wheat Ridge shall define and indemnify any “public employee” as defined in the Act and, within and subject to the limitations of the Act.
- D. The City specifically asserts that the assumption of the duties of defense and indemnification undertaken hereby are expressly conditioned upon the occurrence of the following acts:
 - 1. The “public employee” shall notify the City Clerk, in writing, within fifteen (15) calendar days of receipt of any notice of claim, summons and complaint, or other legal document of the existence of the claim/co-plaint/action;
 - 2. The “public employee” shall thereafter cooperate in the defense of said action; and
 - 3. The “public employee” shall not compromise or settle any claim without the consent of the City.

SECTION 2: RECRUITMENT, SELECTION, AND EMPLOYMENT

Section(s) Revised: 2.3.A., 2.9.E., 2.11.B.

Approved by Council: November 28, 2005

2.1. PURPOSE

The City is dedicated to providing its citizens with superior services, as well as, the most economical use of its revenues. To that end, the City endeavors to recruit and hire the most talented and qualified employees it can find.

2.2. CITIZENSHIP

Natural or legal citizens of the United States are provided an equal employment opportunity with the City of Wheat Ridge. Non-citizens shall meet federal and state employment eligibility requirements before being accepted as an employee of the City.

2.3. NEPOTISM

The following applies to the employment of relatives of City employees and City officials. For the purposes of this section, "relatives" include spouse, children (biological, step-, adopted or foster), brothers, sisters, half-brothers and sisters, step-brothers and sisters, parents, step-parents, aunts, uncles, nephews, nieces, first cousins, grandparents, grandchildren, and the spouses of the above.

- A. Employees will not be appointed, transferred, promoted, demoted, or work in any position where a relative would be: a supervisor of or give continuous, (not sporadic), oversight to the employee; or responsible for auditing or monitoring work of the employee; or where other circumstances place the employee and relative in a situation of actual or possible conflict of interest.
- B. If employees marry and the marriage creates a violation of the above paragraph, every effort will be made to transfer either employee to a position so no violation will exist. If no suitable position is available and a transfer is not possible, one of the two spouses may be terminated. The decision as to which employee may be terminated is left to the employees involved, unless business necessity requires the City to decide.

2.4. METHOD FOR FILLING VACANCIES

All vacancies in City service filled by transfer, demotion, promotion, or appointment follow the recruitment process outlined in the Personnel Procedures Manual. A temporary appointment may be made under the provisions of this Policy Manual.

2.5. APPLICATION

The City Employment Application form and its contents are established by the City Manager. All candidates for employment must file, with the Human Resources Office, an employment application form for each position they are interested in. All statements made on an employment application must be true, accurate and complete. Additional information such as a resume, cover letter, and supplemental questionnaire may be requested of applicants. Unless otherwise specifically requested in writing by the applicant, or as otherwise provided by the Open Records Act, the names of all applicants and all applications for City employment including all appointed officials of the City shall be public records. Applications placed on a departmental candidates list for appointment shall be retained at least for the life of the candidate's list. Upon the expiration of the candidate's list, the application shall be retained for the balance of a two (2)-year period.

2.6. SELECTION PROCESS

- A. The selection process may consist of a variety of recognized testing techniques. Initially, employment applications are reviewed for essential conformity to the published minimum requirements. Further screening of the remaining applicants may include, but is not limited to, personal interviews, achievement tests, aptitude tests, examination of work samples, physical agility tests, written tests, polygraphs, and investigations of personal background and references. Selection techniques are reasonable and impartial and relate to those areas that, in the opinion of those involved in the selection process, fairly show the candidate's qualifications and abilities to execute the duties and responsibilities of the position to which the candidate seeks appointment.
- B. Upon completion of an impartial selection process, as determined by the relative department and the Human Resources Manager, the City Manager makes an appointment from the final candidates based on the results of testing and other relative considerations. An appointment is usually made upon the recommendation of the Department Director of the department in which the new appointee is assigned and becomes effective only after all necessary documents have been signed by the proper City officials.

- C. The Human Resources Manager or designee has the authority and responsibility to conduct relative reference inquiries, make all conditional and/or final offers of employment, and process all appropriate paperwork.
- D. Pre-Employment Testing – The City may require a candidate to pass a medical examination, submit to drug testing and/or psychological examination after a conditional offer of employment has been made and prior to the candidate’s appointment.
- E. Test materials shall be confidential and shall be so handled by all personnel having legitimate access to this material. All examination records which may include applications, test papers for each examinee, names of oral examiners, summary data on number applying for and passing an examination, and such other information as deemed pertinent shall be maintained in Human Resources. Test records may be destroyed two (2) years after establishment date of eligibility list.

2.7. INELIGIBILITY OR DISQUALIFICATION

- A. The City Manager may withdraw anyone from consideration whose appointment is considered contrary to the interests of the City. Reasons for disqualification may include, but will not be limited to, the following:
 - 1. Lack of any of the requirements established for the examination or position for which the candidate applied;
 - 2. A physical or mental disability that makes the applicant unable to perform the essential functions of the position to which appointment is sought with or without reasonable accommodation;
 - 3. The misuse of intoxicating beverages;
 - 4. The misuse of prescription drugs or use of illegal drugs and/or controlled substances;
 - 5. Conviction of a felony;
 - 6. An unsatisfactory employment record;
 - 7. Deception or fraud in completing the position application;
 - 8. The applicant’s request to withdraw from consideration;
 - 9. Failure to reply within a reasonable time, as specified by the City Manager, about the candidate’s availability for employment;
 - 10. Disqualification or unsuitability for employment as specified in any City or departmental rule.
- B. Exceptions - Lesser or alternative qualifications may be accepted if the Department Director and Human Resources Manager determines that it has not been possible to satisfactorily fill a position at the salary authorized in a reasonable length of time by a person who meets the qualifications as specified.

2.8. EMPLOYMENT LISTS

- A. Establishment of Lists - After the completion of an examination, the Human Resources Manager shall establish an employment list as a means of recommending qualified individuals to fill existing or future vacancies. These lists shall be of three (3) types:
 - 1. **Employment Candidate’s List** - include the names of persons who have taken a Qualifying Examination and received a passing score, or who have successfully completed one or more phases of the review process, but have not totally completed the process, hence are not fully “qualified” for placement.
 - 2. **Employment Eligibility List** - include applicants who have been interviewed (examined, background completed, references verified, etc.) for a job in City service, are found totally qualified for a position but who were not employed in favor of another qualified applicant and/or are awaiting a vacancy to occur.
 - 3. **Re-employment Eligibility List** – the Human Resources Manager shall establish and maintain a re-employment eligibility list which shall include the names of employees who were terminated for lack of work, lack of funds, non-disciplinary or reorganization reasons.
 - 4. Maintenance of Lists - A person shall be carried on an Employment Candidates, Eligibility, or Re-employment Eligibility list for no longer than twelve (12) months. Maintenance of established lists may be extended for an additional period, at the discretion of the Human Resources Manager. If there are three (3) or less names remaining on a candidate’s or eligibility list, a new list may be certified or new candidates may be added to an existing list.
 - 5. Use of Lists - The appointing authority may appoint a person on the appropriate list in accordance with the guidelines used to establish the list. A person shall be appointed from a current Candidates and/or Employment Eligibility List without further examination, except, if required: a medical examination, which may include a psychological, drug test, physical, and polygraph; the cost shall be borne by the City and administered by a doctor selected by the City.

2.9. CLASSES OF APPOINTMENTS

- A. Temporary Appointments – Whenever a City department requires help because of a special project, a temporary increase in workload, or the absence of a regular full- or part-time employee, temporary appointments may be made for the duration of such work. The period of this service is not counted as part of the trial service period if the employee is later appointed to another position, unless such time served is acceptable to the Department Director concerned.
- B. Temporary Re-Assignments – During an emergency or period of unusual workloads, the City Manager or a Department Director may temporarily reassign City personnel within the Department Director's department for a period not to exceed six (6) months. City personnel may be temporarily reassigned from one department to another within the City. Requests for personnel are approved by both the Department Director for the department to which the employee had been assigned and the Department Director to which the employee is reassigned. Interdepartmental changes are not made for employees so assigned. Department Directors control and coordinate programs for training City employees to assure the maximum use of employees during periods of temporary reassignment.
- C. Reappointment – Any regular full-time or regular part-time employee who has separated from City service in good standing may be considered for reappointment to a position in the same or similar classification in City service. A written request for consideration must be submitted. The employee may be considered within one (1) year of the employee's termination. A reappointment may be made without benefit of a new recruitment. In no way is it mandatory for any appointment authority to reappoint a former employee should the appointment authority desire not to do so.
- D. Transfer – An employee may be transferred by the appointing authority, at any time, to a position in another comparable classification if they meet the minimum qualifications. The transfer must be approved by the City Manager. For transfer purposes, the definition of "comparable class" is a classification that compensates at the same minimum and maximum pay rates, similar duties are assigned, and requires substantially the same minimum qualifications.
1. A regular full-time or regular part-time employee may be transferred from one department to another department with consent of the employee and approval of the affected Department Directors. The City Manager may order the transfer for purposes of economy and efficiency.
 2. Return to Former Position – If the performance of an employee who is transferred is unsatisfactory in the new position, or if the new position is eliminated and the employee's performance in the original position had been satisfactory, the employee may be transferred back to their original position, if vacant, or a similar position that is not occupied. This return transfer is allowed only within a reasonable amount of time, generally within six (6) months of the effective date of transfer.
 3. The transfer of an employee will not be used to effect a promotion, demotion, advancement, or reduction. Each may be accomplished only as provided in this Personnel Policy.
- E. Promotion – It is the policy of the City of Wheat Ridge to encourage the professional development of personnel within City service. Promotions must involve a definite increase in duties and responsibilities, conform to the compensation pay principles as cited in 6.6.A., and shall not be made merely to affect an increase in the employee's compensation. Promotional selection for vacancies is conducted as the needs of the City require. Regular employees, who meet the requirements of the classification for which an examination is to be held, are considered eligible to compete in such an examination. However, employees currently serving in a Trial Service, (initial or as a return), may not apply for promotion. This restriction does not apply to employees on promotion lists. Exceptions to this may be made by the City Manager upon the recommendation of the Department Director or his/her designee. The City Manager shall have final authority with respect to approval of all promotions.
- F. Demotion – The City Manager may demote an employee reasons or conditions to include, but not be limited to:
1. The employee's performance of required duties falls below commonly accepted standards;
 2. Disciplinary reasons as set forth in Section 11.6. (Reasons or Grounds for Disciplinary Action);
 3. An employee's position is eliminated;
 4. An employee requests such demotion;
 5. A departmental reorganization that affects employee positions;
 6. No employee is demoted to a classification for which the employee does not have the minimum qualifications. Written notice is given an employee at least ten (10) business days before the effective date of the demotion.

2.10. APPOINTMENT OF APPLICANT

Once the selection procedures have been completed, the results shall be reviewed and a recommendation made to the appointing authority regarding the applicant best suited for the position. The recommendation may consist of one (1) applicant or a number of applicants who are eligible for appointment to the position. For the purposes of these Policies, the City Manager has delegated to the Department Directors, the authority to recommend appointment of employees to their respective departments. The Human Resources Manager or designee has the authority and responsibility to conduct relative reference inquiries, make all conditional and/or final offers of employment, and process all appropriate paperwork.

2.11. TRIAL SERVICE PERIOD

A. Purpose – The trial service period is a time to observe closely the employee's performance in order to achieve an effective match and/or adjustment of the employee to his/her position. During this period, the employee is on trial to demonstrate his/her ability to perform the requirements of the position at a level that meets City and departmental expectations and standards.

B. Length of Period –

1. **Original and Promotional Appointments** - are conditional and subject to a trial service period from the time of appointment. This initial trial service period is for a minimum of twelve (12) consecutive months of actual service for sworn police personnel and the personnel responsible for processing emergency/non-emergency calls in the Police Communications Center, (dispatch), and six (6) consecutive months for all other employees. The City Manager, upon written request from a Department Director, may grant an extension of the trial service period up to a maximum of six (6) additional months. The completion of a trial service means the employee has been appraised and found capable of meeting the performance expectations of the position during the trial service period.

2. **Return to Trial Service** - If an employee's performance is failing and he/she is not meeting the expectations of the department, the employee's supervisor, with the approval of the Department Director, may place the employee on a Return to Trial Service status. During this period, the employee does not accrue time for compensation review or promotion; is not allowed to compete in promotional examinations or recruitment; and may be denied movement through the pay plan until improvement is shown. This action places the employee in a review status, for a period of not less than three (3) months and should not exceed six (6) months duration. The employee should be reviewed at least every thirty (30) days. If the supervisor determines further extension is appropriate, approval must be received by the Department Director and the employee must be informed of the extended date, as well as, the reasons for the further extended review period.

C. Employee Status – During the trial service period, a trial service employee may be suspended, demoted, or terminated at any time by the City Manager. The Department Director gives the City Manager a written appraisal of the employee's performance, as well as, any written recommendation for the employee's suspension, demotion, or rejection. A copy of the notification of suspension, demotion, or rejection is given to the trial service employee. Rejection of a trial service employee becomes effective only after approved by the City Manager. An employee's rejection is not subject to appeal.

2.12. ORIENTATION OF NEW EMPLOYEES

All new or rehired employees shall receive City Employment Orientation through Human Resources as a prerequisite for position and budget control, and to ensure all essential and required forms have been completed. The orientation may include, but isn't necessarily limited to: an explanation of fringe benefits and these Guidelines (excluding department regulations); applicable Administrative Guidelines; an overview of the City and its departments; and other items of interest to new employees. Orientation meetings for new employees shall be coordinated with the schedule of Human Resources, new employee, and the relevant department.

2.13. PAYMENT FOR TRAVEL FOR INTERVIEW PURPOSES

The City Manager may authorize the payment or reimbursement for all travel, meals, and lodging expenses incurred by applicants traveling to the City to be interviewed for department or division director positions. Payments shall be made from the Human Resource's budget.

2.14. RELOCATION EXPENSES

After authorization by the City Manager, relocation expenses may be reimbursed to newly appointed Department Directors, provided such funds are available. Such expenses shall be limited to the moving of household goods of the newly appointed Department Director. Payments shall be made from the appropriate departmental budget.

SECTION 3: EMPLOYER PRACTICES & EXPECTATIONS

Section(s) Revised: 3.10.E.2.

Approved by Council: 11/27/06 Effective: 01/01/07

3.1. EMPLOYEE COURTESY

All employees must treat all customers, clients, guests, visitors, volunteers, and other employees with the greatest degree of respect, courtesy, kindness and caring. The City is in the "people business," and it is of the utmost importance that employees maintain a friendly, courteous and cooperative atmosphere on the premises.

3.2. HOURS OF WORK

A. For full-time employees, the standard workday for employees may range between eight (8) hours and ten (10) hours and the standard workweek is forty (40) hours. Law enforcement personnel, as defined in the Fair Labor Standards Act (FLSA), may be assigned a work period, rather than a workweek, as described in FLSA. The standard workweek begins on Saturday 12:01 a.m. and ends on the following Friday at 12:00 mid-night. However, the City reserves the right to alter the workweek and work schedules for the purpose of promoting efficient operations or other reasons found to be for the good of the service. Such changes, as recommended by the Department Director, must be approved by the City Manager.

B. Meal/Rest Periods

1. Meals - Non-exempt employees should take a minimum one-half (1/2) hour lunch break (without compensation) when working at least five (5) consecutive hours.
 2. Breaks - Employees may take one 15-minute break (with compensation) for every four (4) hours worked. Break rooms with vending machines at various City facilities are provided for employee's use during their breaks. For liability reasons, employees must stay on the premises/work site during their breaks. Exceptions must be approved by an employee's respective Department Director.
 3. The granting of meal and rest periods shall depend on the constraints of working conditions within each department. Regulations shall be set forth by the Department Director of the respective department and any exceptions must be prearranged with the Department Director or designee.
 4. Rest periods shall not be considered to accumulate if they are not taken and shall not be used to shorten the normal workday or to alter the assigned lunch period.
- C. Department Director may change an employee's work period with at least five (5) days notice, except in an emergency, in order to be consistent with the needs of the City.

3.3. ATTENDANCE

Employees report for their work assignments at the times and places established by their supervisors. Each department prepares attendance records for all employees on the form approved by the City Manager.

3.4. PAY PERIODS/PAY DAYS

The City is on a bi-weekly payroll system with the pay period beginning on Saturday 12:01 a.m. and ending on the second Friday following at 12:00 mid-night. Disbursement of paychecks or statements occurs every other Friday, by a method established by the City Manager. If a new employee is hired after the deadlines established for payroll, payment will be made on the following payday. Exception to this will be determined by the City Manager after review of a written request submitted by the appropriate Department Director.

3.5. AUTOMATIC DEPOSIT

Employees have the option of having their paychecks deposited directly into any bank or credit union via an electronic fund transfer. Forms may be obtained in Human Resources. Automatic Deposits typically take effect the second payroll cycle after receipt of your request. An employee's payroll check may be removed from direct payroll deposit at any time that the employee's pay needs to be adjusted to account for leave without pay, suspensions, terminations, where no pay is due for all or a portion of the payroll period and where the employee has resigned or owes money to the City.

3.6. DEDUCTIONS

Deductions from employees' pay include, but not limited to:

- Deductions required by law and contracts, which include federal withholding tax, state withholding tax, Social Security tax (where applicable), state retirement systems, health care insurance co-payments.
- Deductions can be arranged for the credit union, United Way, deferred compensation, and other deductions as approved by the City Manager. These types of deductions are arranged only upon receipt of the written authorization from an employee.

3.7. **ATTIRE AND APPEARANCE**

Although the City of Wheat Ridge wishes to encourage individual freedom with respect to an employee's choice of attire, the City should be known as an organization where employees exhibit a professional image, enjoy their work, and create extraordinary results. The amount of public contact and the "setting" of the contact should be a determining factor in what to wear - the more formal the setting, the more professional the wear.

It is recognized the City of Wheat Ridge employees work in a wide range of environments that will have different standards for suitable clothing. However, regardless of the work area:

- Wearing apparel must be stain-free, neat, clean and in good repair.
- Personal appearance, including personal hygiene and fragrances, hair style/color, tattoos and body piercing must project a non-offensive, professional image as it relates to the job duties.
- Attire that creates a safety hazard for the public or employee will not be allowed.

Casual Fridays - Normally, each Friday, is designated as "casual day", when the employees who are not assigned a specific uniform, may wear casual business attire. Although the attire is more casual on this day for those employees, they should still wear clothing that communicates a professional image. Casual Friday is recognized on the day after each Thursday and is not to be interpreted as a day where an employee's "Friday" may be on another day of the week, (e.g., a 4/10 schedule and Thursday is the employee's last day of their workweek).

For specific acceptable attire, please refer to the applicable Administrative Guideline, as established by the City Manager and your departmental policies or operating guidelines.

3.8. **SMOKING/TOBACCO PRODUCTS**

A. Purpose - The object of this policy is to provide a healthy and productive work environment for all City employees. The policy responds to the growing medical and scientific evidence showing the detrimental effects of smoking and/or tobacco by-products on personal health and work performance; to public laws related to smoking in public facilities; and, to the strong desire of many City employees to work in a tobacco-free environment. This policy intends to provide a tobacco-free work environment for all employees. It does not intend to infringe upon the personal right and decision of an employee to smoke or use tobacco products.

B. Definitions:

1. Smoking or to Smoke: Inhaling, exhaling, or carrying any burning tobacco or other plant matter. This includes, but is not limited to, cigarettes, cigars, or pipes.
 2. Enclosed Work Area: An area enclosed by a roof and walls with at least one opening for ingress and egress. The area is owned, leased, or rented by the City with intended use by officers and employees of the City.
 3. Common Area: Included, but is not limited to, employee lounges, lunchrooms, conference rooms, stairways, elevators, hallways, and rest rooms.
 4. Tobacco Debris: Includes, but is not limited to, smoke, ash, or any other residue resulting from using tobacco products and also includes cigarette or cigar butts, cigarette paper, or products packaging tobacco.
 5. City Facility: An enclosed facility, including any automobile, that is owned, leased, or operated by the City and that is frequented by the public or represents the workstation of an employee.
 6. Automobile: Any City car, truck, pickup, or other equipment or vehicle.
- C. Uniform Smoking/Tobacco Product Policy – Tobacco use is prohibited twenty-four (24) hours of the day, every day, in all enclosed work and common areas, facilities, and automobiles. Tobacco use is permitted in outdoor areas unless the smoke could be drawn into a workplace or common area. All employees who elect to use tobacco products in outdoor areas are responsible for the proper maintenance and/or removal of all associated debris. The City-wide smoking/tobacco product policy applies to all City work and common areas, whether in an individual or shared office space, or an automobile. The policy also applies to all persons who visit enclosed work and common areas during all hours and days of the year. These persons include all officers, employees, contractors, and members of the general public.
- D. Violations - Discipline may be imposed, in accordance with the Personnel Policy, on any employee who violates the City smoking/tobacco product policy. The primary objective of discipline is to correct the behavior in violation of the policy, not to punish employees who partake.

3.9. **PERIODIC PHYSICAL EXAMINATIONS**

Periodic physicals may be required for certain employees, as directed by the Department Director, to ensure their ability to perform the position. Such physical examinations will normally be conducted while the employee is on duty. If a non-exempt employee is required to submit to examination other than during normal duty hours, the employee shall be paid for all time required for the examination. The City shall pay the cost of the initial examination required by this section. If, as a result of the initial examination, further follow up tests and/or treatment are required, the costs incurred shall be submitted to the employee's insurance company for payment.

3.10. **COMPUTER AND ELECTRONIC MEDIA USAGE**

- A. Purpose - The intent of this policy is to ensure that privacy, security, and legal issues concerning the City's personal computers, computer networks, and computing systems, Internet, Intranet, and other forms of electronic media including voice mail, E-mail, fax, bulletin boards, and other electronic communication forums are addressed, and that a guideline is formally established to define appropriate use of these tools.
- B. Scope - This guideline applies to all City Employees, contractors, consultants, their assigns, or other persons authorized by the City to access and utilize its electronic media systems. A person's use of the City's electronic media systems constitutes agreement by such person to abide by the terms of this guideline. The use of electronic media files shall comply with the requirements set forth herein and other ordinances, guidelines, or procedures promulgated by the City or other authoritative body.
- C. Usage
1. Only software that has been authorized and/or purchased by the City should be loaded or used on any City computer and once installed, may not be disabled or circumvented in any way without authorization. Any software or files downloaded via the Internet into the City network become the property of the City.
 2. Employees must comply with copyright and licensing laws for materials, software, and other media, as well as, any other federal, state, or local law, ordinance, or regulation.
 3. No employee may knowingly use City facilities to download or distribute pirated, unlicensed, or stolen software or data. Employees with Internet access may not use City Internet facilities to download entertainment software or games, or to play games against opponents over the Internet. In addition, video or audio streaming and downloading are prohibited except when directly work-related.
 4. Employees must obtain appropriate approval prior to making information available via Internet service, Intranet, E-mail, or other forms of electronic media. Files containing sensitive City data that are transferred in any way across the Internet must be encrypted.
 5. The City's electronic mail and other information systems will not be used in a way that could be discriminatory, harassing, disruptive or offensive to others. The viewing or displaying of any kind of sexually explicit image or document on any City system, unless directly work-related, is prohibited. In addition, sexually explicit material may not be downloaded, archived, stored, distributed, edited, or recorded using City resources. If you find yourself connected inadvertently to a site that contains sexually explicit or offensive material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.
 6. The communication systems and Internet utilized by the City are intended solely for business use. Employees should use the computer and electronic media systems to accomplish job responsibilities more effectively and for business and work-related communication. Usage to solicit others for commercial ventures, religious or political causes, outside organizations or other non-job related solicitations are prohibited. Employees may, however, use their Internet facilities for non-business research or browsing during mealtime or other breaks, or outside of work hours, provided that all other usage practices are adhered to.
 7. Computer equipment, software, or documentation shall not be removed from the City premises without the prior permission of the Department Director nor should software be given to any outside third party.
 8. No employee may use the City's Internet facilities to deliberately propagate any virus or other malicious code.
 9. In general, employees have an obligation to use their access to the Internet, Intranet, E-mail, Voice Mail, Fax, and other electronic media in a responsible and informed way, conforming to network etiquette, customs and courtesies, and representing the City in a positive manner.
- D. Password Use - Log-on and other passwords may not be shared with any third party, nor may they be shared with another employee other than their Department Director and the network administrator. All passwords or changes in passwords must be approved and documented through the network administrator. The network administrator or designee may override password controls when adjustments are needed in the system or retrieval of information is required to conduct City business.

- E. Privacy - Employees should have no expectation of privacy in either sending or receiving electronic messages and other information on the Internet, Intranet, or other electronic media and should be aware that any and all records, files, communications and software stored by employees on the City's computer system are the property of the City. E-mail messages, Intranet, and Internet records are to be treated like shared paper files, with the expectation that anything in them is available for review by authorized City of Wheat Ridge representatives. Employees should be aware that regular system backups are conducted and that copies of information thought to be deleted may be included in system back-up files.
1. The City reserves the right to access, monitor and disclose the contents of employee E-mail messages, Intranet, or Internet records without notification to or permission from the employees sending or receiving the messages. The City may disclose the contents of electronic media sent to or received by City employees and elected officials and may use information regarding the number, sender, recipient and addresses of messages sent over the electronic media systems for any purpose. Furthermore, such data may be discoverable in litigation.
 2. Persons who receive misaddressed e-mail shall return, if possible, such e-mail to the original sender with a message stating the e-mail was misaddressed. The receiving party shall not save the misaddressed e-mail. A person receiving misaddressed e-mail that the receiver believes violates this guideline or any other ordinance, guideline or procedure, shall forward the e-mail to the sender's Department Director or the Deputy City Manager for appropriate action instead of returning the misaddressed e-mail.
 3. The network administrator or designee shall be responsible for preserving all electronic public records, either on or off the system for a length of time consistent with the City ordinances and Colorado statutes.
 4. Communications dealing with real property acquisitions, legal actions, municipal security, personnel matters, negotiations, and criminal records shall not be accessible by the public in accordance with public records policies.
 5. Employees should be aware that under the Colorado Open Records Act, members of the public may have access to e-mail and voice mail messages.
- F. Retention - Employees are responsible for retaining documents sent via the e-mail system in accordance with retention schedules and guidelines established by the City Manager.
- G. Violations and Discipline - Employees are required to comply with the provisions included in this policy, as well as those in other policies that relate to the topics included in this document. Violations of any provisions of this policy may cause the employee to be personally liable for monetary damages, criminally liable, and/or to be subject to disciplinary action up to and including dismissal.
- H. Employment Separation
1. The Department Director or designee shall be responsible for notifying the network administrator upon the termination of an employee assigned to their department. This action shall be taken to ensure the removal of all necessary access codes and passwords for security purposes.
 2. All computer hardware, software, and manuals shall be returned to the employee's immediate supervisor or to Human Resources at the employee's exit interview.

3.11. **PURCHASING POLICY**

The purchasing function of the City, involves the procurement of all goods and services at the best value, consistent with the quality needed for effective use. For specific procedures and approval levels, refer to the internal administrative purchasing policy. Violations of the purchasing policies and procedures will be subject to disciplinary action up to and including dismissal.

3.12. **EMPLOYMENT VERIFICATIONS/REFERENCES**

To protect the City and staff from potential legal claims related to information released about current and former employees, all verifications, references, and inquiries regarding current and former employees must be referred directly to Human Resources. A Letter of Employment Recommendation may be given to an employee if a signed written release is first obtained by said employee and the written recommendation, prior to its release, is reviewed and approved by Human Resources.

SECTION 4: EMPLOYEE ETHICS AND PERSONAL ACTIVITIES

Section(s) Revised: ALL

Approved by Council: August 12, 2002

4.1. PURPOSE

The City expects its employees to subscribe to the highest set of ethics, values, and principles in providing service to all customers, both inside and outside of City employment. The City expects employees to be fair, honest, and committed to high levels of customer service and professionalism. Anyone who fails to live up to such ethical standards reflects negatively on the entire City work force. Working for a government entity requires that employees also adhere to standards unique to employment in the public sector. This section delineates some of those issues.

4.2. INCOMPATIBLE PERSONAL ACTIVITIES OF CITY EMPLOYEES

A. Examples of prohibited activities include, but are not limited to:

1. The use of City time, facilities, equipment, or supplies for private gain or advantage;
2. The use of the badge, uniform, prestige, or influence of an employee's position for private gain or advantage;
3. The direct or indirect solicitation or acceptance of gratuities, loans, gifts, merchandise, meals, beverages, or any other thing of value in connection with or resulting from an employee's official position. Nor will employees use their official position, badges, or identification cards to obtain privileges not otherwise available to them;
4. The performance of an act when an employee is off duty that may later be subject to direct or indirect control, inspection, review, audit, or enforcement by that employee of the City in the exercise of their City duties.

B. During an employee's workday, an employee is expected to devote his/her time, attention, and efforts to the duties and responsibilities of the employee's position in City service and personal business should be taken care of during lunch and break periods as much as possible.

4.3. EMPLOYEE'S PERSONAL FINANCIAL AFFAIRS

Employees need to make every effort to arrange their personal financial affairs so that credit and collection agencies do not have to make use of the offices of the City or City staff members to make collections.

4.4. OFF-DUTY EMPLOYMENT

An employee may engage in off-duty employment provided the employee receives written approval from the Department Director. Such employment shall be granted if the outside employment is consistent, compatible, not in conflict with the employee's duties in City service and will not negatively affect the performance of the employee while in City service. The Department Director determines which activities are acceptable or not in accordance with the preceding guidelines.

4.5. EMPLOYEE POLITICAL ACTIVITIES

A. There are no restrictions on the right of an employee to participate in off duty political activities to the same extent as any citizen.

B. The employee may not, however:

1. Disturb employees during their work periods or work days to solicit support for a candidate or issue;
2. Use public facilities for political activity;
3. Use the employee's position to influence another person or persons for political purposes.

4.6. SOLICITATION OF EMPLOYEES

Employees, other persons, or firms desiring to sell or deliver items or services to employees, or solicit charitable donations, may meet solicited employees during time approved by the supervisor or lunch/break periods, providing such action is not disruptive to the work environment.

4.7. PERSONAL MAIL AND USE OF CITY TELEPHONES

- A. Telephone - With the exception of emergency situations, personal phone calls should be made during breaks, lunch period, or before or after work hours. All charges incurred by employees using City phones, inclusive of cellular phones, for personal business shall be the responsibility of the employee and must be paid in full by the employee upon receipt of the billing.
- B. Mail - Employees may utilize the established mail system. However, employees must not use City stationery, City postage, or the City mailing address for their personal use. Exceptions to this guideline must be pre-authorized by the employee's Department Director or designee.

4.8. EMPLOYEE PRIVACY

The City does not assume responsibility for any theft or damage to the personal belongings of City employees. Therefore, the City encourages its employees to avoid bringing private articles or property to work. Employees are also advised that searches of employee personal property that is on the City's property may be conducted without advance notice and with probable cause. Employees may not use a personal lock on company property, unless authorized by management. The City retains a copy of the key or combination to all locks that are provided for use by employees in the work place. Employees who do not consent to the inspections described above may be disciplined up to and including immediate termination. In addition, employees should have no expectation of privacy with regard to their computer files and electronic messages (see Section 3.10.), and contents of all city computer, telephonic, and other electronic equipment.

4.9. CONFLICT OF INTEREST

An employee who has a direct or indirect financial interest, or a personal or private interest, in any contract with the City, in any matter before the City Council or its boards and commissions, in any sale of land, material, supplies or services to the City, or to a contractor supplying the City, shall make known that interest to the City Manager, as provided by state law, and refrain from participating as a City employee in such sale, in the award and administration of such contract, or in any such matter before the City Council or its boards and commissions. Any deviation from this guideline, concealing an interest or failure to disclose any relevant interest in a timely fashion, whether or not intentionally will not be tolerated.

SECTION 5: BENEFITS, PROGRAMS, AND LEAVES

Council Approval: 01/14/08

Sections Revised: 5.6.D.1.d., 5.7.A., 5.16., 5.17., 5.19.B., 5.23.E., 5.23.F.

Effective: 01/14/08

5.1. GUIDELINE

The City Manager, subject to budgetary limitations set by the City Council, may provide fringe benefits to employees. Such benefits may be enumerated and explained to Employees through these Policies, meetings, orientation, memoranda, booklets, etc.

- A. Except as may be governed by law or written agreement, benefits may be increased, decreased, eliminated, changed or modified from time to time as deemed necessary or appropriate by the City Manager and approved by the City Council. The City will make a reasonable effort to provide employees with a minimum of thirty (30) calendar-day notice prior to the effective date of any benefit change which results in a reduction of benefits.
- B. Leave and holiday time off as described in this section, excluding work breaks, may be requested and approved in increments of at least 1/4 hour. Leave and holiday time used, if less than 1/4 hour, will be charged as 1/4 hour used.
- C. Some of the following benefit programs are described in greater detail in benefit plan documents that may be reviewed in Human Resources. None of the following Policies is a summary plan description under the Employee Retirement Income Security Act, as amended or under any other statute, regulation or rule. In the event of any conflict between the following summaries and the terms of any employee benefit plan, the terms of the employee benefit plan will control. Employees may review copies of any applicable summary plan description or benefit plan by contacting the Human Resources Office.

5.2. EMPLOYEE ASSISTANCE PROGRAM

- A. The following policy reflects the City of Wheat Ridge's concern for the well being of its employees as well as its dedication to the efficient accomplishment of its organizational goals. The City recognizes that an employee or member of his or her immediate family may have personal problems and various emotional problems and such problems may adversely affect the employee's job performance. The City believes resolution of these problems is in the best interest of both the employee and the City. Therefore, the City of Wheat Ridge has contracted to make available to all employees and their families a free counseling and referral service.
- B. The City encourages any employee who is experiencing any personal problem to seek assistance, either by contacting a manager or the Human Resources Manager, or through outside service organizations.
 - 1. Self-Referral - The City encourages any employee who is experiencing a personal problem to seek assistance, either by contacting his or her supervisor, Department Director, the Human Resources Manager, or through outside service organizations.
 - 2. Supervisory-Referral - When a supervisor becomes aware of a developing pattern of unsatisfactory job performance which has not been corrected through the City's standard disciplinary procedures or the employee's own efforts, and when the supervisor believes it can be improved by participation in the program, the supervisor may recommend or require the employee seek assistance.
- C. It is not the role of any supervisor or manager to attempt to diagnose or resolve any employee's personal problems. However, it is the responsibility of the supervisor to be clear about the job performance expectations of employees, to document specifically any deviations from these expectations, both positive and negative, and to take appropriate corrective action in the event the employee's job performance fails to meet acceptable standards.
- D. Only documentation relating to job performance may be placed in the employee's personnel file; however no reference to suspected personal problems will be included, only when those personal problems directly relate to the performance problem(s).
- E. The City will not discriminate against any employee in terms of job security or promotional opportunities based in any part on the voluntary use of the services discussed herein. Neither will participation in an assistance program alter the job performance requirements of any employee.
- F. Personal problems are the responsibility of the employee and, beyond the initial assessment and referral from the employee assistance program will be the responsibility of the employee to bear the cost, in conjunction with insurance.

5.3. RETIREMENT

Participation in a Retirement Plan is mandatory for all employees. Determination as to which plan will be used will be in accordance with regulations established by the City. Details of plans are available in Human Resources.

5.4. OFFICIAL HOLIDAYS

The City Personnel Policies authorize holiday pay or time-off for regular full-time and regular part-time employees each year. A "Holiday" is worth eight (8) hours for regular full-time employees and is pro-rated for regular part-time employees, based on the number of hours they are registered to consistently work on a weekly basis.

A. OFFICIAL HOLIDAYS

1. The following holidays are recognized as municipal holidays for pay purposes. Regular full-time and regular part-time employees have these days off with pay:

New Year's Day	Memorial Day	Veterans' Day	Christmas Day
Martin Luther King Jr. Day	Independence Day	Thanksgiving Day	
Presidents' Day	Labor Day	Day after Thanksgiving Day	
2. Official City holidays which fall on Sunday will generally be observed on the following Monday. Those which fall on Saturday will generally be observed on the preceding Friday.
3. During Official Holidays, most City departments will be closed. Exceptions are those departments responsible for providing public safety/emergency services and the recreation center. Department Directors have the discretion of determining who may work on an Official Holiday.

B. ELIGIBILITY CRITERIA

1. The total number of Official Holidays hours a regular employee is eligible for (based on their status, FT or PT) will be available to them at the first of each year and may be utilized as approved by the relative Department Director. The total number of Official Holiday hours granted to the employee each year must be utilized during said year and will not carry over to the next year.
2. DURING AN EMPLOYEE'S FIRST YEAR OF EMPLOYMENT, the number of holiday hours available will be pro-rated, based on the employee's date of hire.
3. Employees currently on unpaid leave (and not under Family or Medical Leave) will not earn holidays or receive holiday pay.

C. UTILIZATION/COMPENSATION

1. Non-exempt employees who are required to work on official holidays, will be entitled to their regular rate of pay for all hours worked on the holiday in addition to holiday pay (8 hours or pro-rated as applicable) or equivalent time off, with the approval of the employee's supervisor.
2. When the holiday falls on an employee's regular day off, they may be permitted to work their normal schedule and take the holiday at a later time.
3. All employees, regardless of exemption status, will be required to complete a payroll time sheet during a payroll period in which a holiday occurs to denote whether the holiday was taken or not. In addition, anytime holiday hours are used, the employee must complete a payroll time sheet in order for the hours to be withdrawn from his/her holiday bank.
4. Holidays may be used in any increments of time, as approved by the relative Department Director.
 - a. If the employee, however, chooses to use less holiday hours than they are normally scheduled to work, the difference in hours must be taken from another leave bank such as compensatory time; PTO; or leave without pay, (if no other leave is available) or the employee may, if pre-approved by his/her supervisor, work the difference on another day of the week in which the holiday occurs.
 - b. If the payroll timesheet is not completed properly and payroll has to determine what hours will be used, hours will be deducted from the employee's leave accruals in the following order: holiday leave first; compensatory time second; PTO time last.
5. Upon termination, the employee's final paycheck will be adjusted to reflect the appropriate number of holiday hours they would normally be eligible for based on when the holidays occur.
 - a. If there is an insufficient amount in the employee's final paycheck to deduct for overpayment of holiday hours, the employee will be required to make restitution in a manner mutually agreed upon by the City and employee.
 - b. The actual termination date will be the last day of active employment and will not be extended with unused holiday leave unless pre-authorized by the City Manager.

5.5. RELIGIOUS HOLIDAY OBSERVANCE

An employee who wishes to be excused from work in observance of a religious holiday will request approval of the absence from the Department Director. If approved, the time off is charged against Personal Time-Off leave or compensatory time.

5.6. PERSONAL TIME-OFF LEAVE (PTO)

A. PURPOSE

Recognizing the varying work schedules of City employees and employee’s diverse needs for time away from work, the City provides a general Personal Time-Off (PTO) leave program for its employees. Personal Time-Off is accrued by regular employees to use for vacations, medical/dental appointments, personal business, child care problems, bereavement, family emergencies, off-the-job injury, incidental illness, incidental care for family members, and all other absences not covered under another plan.

B. ELIGIBILITY CRITERIA

1. Effective on appointment, all Regular employees will accrue Personal Time-Off on a bi-weekly basis for 26 pay periods each year according to the following schedule:

Bi-Weekly Hours are rounded and do not reflect the full rate

Years of Service	40-HOUR STATUS		35-HOUR STATUS		30-HOUR STATUS		25-HOUR STATUS		20-HOUR STATUS	
	Bi-Week Hrs.	Annual Accrual Days								
0 through 5	6.15	20	5.38	17.50	4.62	15.00	3.85	12.50	3.08	10.00
6 through 10	7.08	23	6.19	20.00	5.31	17.25	4.42	14.00	3.54	11.50
11 through 15	8.00	26	7.00	22.75	6.00	19.50	5.00	16.25	4.00	13.00
16 or more	8.92	29	7.81	25.00	6.69	21.75	5.58	18.00	4.46	14.50

2. Personal Time-Off accruals will increase to the next level beginning on the first full pay period following the employee’s appropriate anniversary date, (date of hire with the City as a “regular” benefited employee).
3. PTO will continue to accrue during periods of absence while the employee remains in an active pay status. However PTO accrual will be discontinued during periods of Short Term Disability (STD) and Long Term Disability (LTD) unless the employee uses PTO hours to supplement his/her disability payment in order to receive 100% of their normal base pay.
4. Maximum Accumulation - The maximum accumulation of Personal Time-Off will be limited as shown in the following chart. An employee who reaches the maximum accrual limit will not be credited with further Personal Time-Off until their accruals are reduced below the limit.

Years of Service	40-HOUR STATUS	35-HOUR STATUS (.875)	30-HOUR STATUS (.75)	25-HOUR STATUS (.625)	20-HOUR STATUS (.50)
	Maximum Accrual Hrs.	Maximum Accrual Hrs	Maximum Accrual Hrs	Maximum Accrual Hrs	Maximum Accrual Hrs
0 through 5	210	183.75	157.50	131.25	105
6 through 10	240	210.00	180.00	150.00	120
11 through 15	270	236.25	202.50	168.75	135
16 or more	300	262.50	225.00	187.50	150

C. UTILIZATION

1. Scheduling Personal Time-Off - Scheduled PTO is distinguished from unscheduled PTO by the degree of control or discretion the City, through its Supervisors and Department Directors, exercise in the scheduling of time off.
 - a. Scheduled Use - Every effort will be made to accommodate the employee’s requested dates for PTO, however, the scheduling of time off will be at the discretion of the Supervisor and/or Department Director based upon operational considerations. To schedule leave, a Request for Leave form must be submitted in advance of the use of the leave to the Supervisor or Department Director no less than five (5) days prior to the usage of leave unless otherwise directed by the employee’s Department Director.

b. Unscheduled Use - in the event the employee is unable to work due to unforeseen personal illness or injury, or for other unforeseen reasons, the following provisions will apply:

- 1). Notification – If unable to report to work for any reason, employees must personally communicate this fact to the Supervisor or designee as early as required by the individual's operating department. Such notification must be made each time a scheduled work shift will be missed unless his/her supervisor has pre-authorized otherwise. Employees failing to comply with this provision (except for a showing of good cause as determined by the Department Director), will not be paid for an unscheduled absence and will be subject to disciplinary action.
- 2). Verification of Need for Unscheduled Leave – The employee may be required to furnish medical verification or other proof that unscheduled use of PTO was unavoidable. Such proof may be requested by the employee's supervisor, Department Director or the Human Resources Manger.
- 3). The unscheduled use of Personal Time-Off on seven (7) or more occasions within a calendar year will be documented to the employee's personnel file by the employee's supervisor and may reflect negatively on the employee's annual evaluation. All consecutive work day absences for the same reason will be considered as one occasion for the purpose of this policy. The unscheduled use of PTO on seven or more occasions or as otherwise found to be excessive by the supervisor and Department Director may be subject to discipline.
- 4). In the case of any unscheduled use of PTO leave due to personal illness or injury, the employee may be required to obtain, at his/her expense, medical confirmation that he/she was unable to perform work during said leave. The City reserves the right to require that such confirmation be obtained from the City's health care provider. If the employee is required to obtain confirmation from the City's health care provider, said confirmation will be at the City's expense.

2. Emergency Donation of Accrued but unused PTO – Employees may donate accrued but unused PTO to be used by other employees who have exhausted all of their available leave time, (see 5.8. Shared Leave).

D. COMPENSATION

1. Buy-Back Provisions

- a. Regular employees may, in a calendar year, exchange up to a maximum of 120 hours of accrued but unused Personal Time-Off at a 1.5 for 1 ratio.
- b. Employees wishing to exercise this City buy-back option may not reduce their PTO leave balance below a minimum level of 120 hours.
- c. Employees may use the buy-back provision two (2) times in a calendar year and requests must be submitted on a form provided by the Human Resources Division for such purpose.
- d. Employees exercising the buy-back provision may not be paid for more than 80 hours, (120/1.5) of unused PTO unless they have used 80 hours of PTO within the calendar year in which the buy-back provision is used.

2. Payment for Personal Time-Off at Separation – Upon termination, retirement or death, payment will be paid, at the employee's base rate of pay, for unused PTO time up to the maximum accrual amount the employee is allowed, (see Section 5.6.B.4. Maximum Accumulation).

- a. The official separation date will be the last day of active employment and will not be extended with unused PTO leave unless pre-authorized by the City Manager.
- b. Upon the death of an employee, compensation of applicable unused accrued PTO leave will be paid to the estate of the deceased employee.

E. OTHER PROVISIONS

1. PTO may be taken in quarter-hour increments and must be accurately reported on time sheets. PTO hours will be charged against the employee's accrued PTO for only those hours the employee is regularly scheduled to work. An employee may not take more PTO leave than they have accrued as of the date the leave is used.
2. Designated holidays which occur during PTO leave will not be charged against PTO time.
3. PTO will not be counted as time worked for the purposes of computing overtime.
4. Forfeiture of accrued PTO leave as a disciplinary action will not be authorized and no employee will lose accrued PTO leave when promoted, demoted, or transferred.

5.7. **EXTENDED SICK LEAVE (ESL)**

A. **PURPOSE**

Extended Sick Leave is established for regular full-time and regular part-time employees, to provide for paid leave that extends beyond forty (40) work hours, (prorated for regular part-time employees based on status), for the employee’s mental or physical illnesses; off-the-job injuries or disabilities; situations that qualify under the Family and Medical Leave Act (FMLA) as noted in Personnel Policy 5.9.; and, when the care of an immediate family member is necessary, (“immediate family member” is described in the Definition Section). The “work” hours do not need to be consecutive, however, if non-consecutive, they must be related to the same event and only work hours within a 90 calendar day period from the initial event may apply.

B. **ELIGIBILITY CRITERIA**

1. Extended Sick Leave hours will be credited to regular employees on a bi-weekly basis, each pay day in accordance with the following schedule:

40-Hour/Week Status	35-Hour/Week Status	30-Hour/Week Status	25-Hour/Week Status	20-Hour/Week Status
1.54 hours	1.35 hours	1.15 hours	.96 hours	.77 hours

2. ESL will continue to accrue during periods of absence while the employee remains in an active pay status. However ESL accrual will be discontinued during periods of Short Term Disability (STD) and Long Term Disability (LTD) unless the employee uses PTO hours to supplement his/her disability payment in order to receive 100% of their normal base pay.

C. **UTILIZATION**

1. ESL may be used to satisfy the waiting period for, and supplement, Short-term Disability (STD) or Long-Term Disability (LTD). However, under no circumstances will an employee receive a combination of ESL and STD or LTD pay that exceeds 100% of the employee’s normal base pay. ESL may not at anytime be used to supplement Worker’s Compensation benefits, if applicable.
2. In order to receive ESL, an employee must make application. In cases of planned ESL, employees are required to request said leave, in writing on a Request for Leave form and submit to his/her supervisor in advance. It is requested that, if possible, ten (10) days notification be given prior to the scheduled leave. In situations where ESL is used for unexpected reasons, the employee must notify his/her supervisor or Department Director in accordance with the unscheduled leave notification policy, Section 5.6.C.1.b.1. In the event individuals are not able to request hours for themselves, the employee’s Department Director or the City Manager may submit a request.
3. If application for ESL has not been received, the hours an employee is absent will be charged to the employee’s Personal Time-Off bank. Once application for ESL is received through the Request for Leave form and verification that the absence has exceeded the forty (40) required work hours and that the circumstances qualify as an ESL event, the hours used for the ESL event will be reimbursed to the employee’s PTO account and subsequently be withdrawn from the employee’s ESL account.
4. For all absences charged to ESL that qualify under the Family and Medical Leave Act, the Request for Leave form will serve as the application for Family and Medical Leave and as such, all stipulations outlined in Personnel Policy 5.9. will apply.
5. The City reserves the right to require a doctor’s certification for any period of ESL when used for off-the-job illness or injury; disability; or, qualifying event under FMLA. Further, at any time during the absence of the employee as a result of the employee’s illness, the Human Resources Manager may require the employee to submit to an examination by a City hired licensed health care provider to verify the employee is unable to perform the required duties.
6. At anytime ESL is utilized as a result of the employee’s personal off-the-job illness or injury, before the employee may return to work, the employee will be required to provide a doctor’s certification stating he/she may return to duty. This certification will be utilized to show the employee is able to perform the essential functions of the position or list any restrictions or accommodations necessary to assist in the City’s final determination of the employee’s ability to return to duty. Employees may be required to work in a Limited Duty capacity if a return to work with limitations is issued by a duly licensed health care provider.
7. Where the balance in the ESL is not sufficient to cover the amount of time missed, employees will be able to use PTO time and after depletion, apply for Shared Leave until such time that they return to work or if applicable, Short Term Disability would be available, whichever comes first.

8. Employees may maintain a balance in the ESL account of up to 480 hours for regular full-time employees and prorated for regular part-time employees based on status. Once an employee has reached this balance, accruals will cease until the balance has been reduced.

40-Hour/Week Status	35-Hour/Week Status	30-Hour/Week Status	25-Hour/Week Status	20-Hour/Week Status
480 hours	420 hours	360 hours	300 hours	240 hours

9. Activities Incompatible with Extended Sick Leave (ESL) - Any employee who is absent after requesting ESL may not engage in work or other activities that are in conflict with the reasons he/she provided in order to use ESL. While on ESL, an employee must not engage in any activity which would hamper his/her ability to return to work.

D. OTHER PROVISIONS

1. All regularly scheduled work hours that are used for ESL purposes must be recorded on the employee's time sheet. Designated holidays that occur during the employee's ESL will be charged against Holiday time and not ESL. ESL will not be counted as time worked for the purposes of computing overtime.
2. ESL may not be donated to another employee and at no time may an employee borrow from future accruals of ESL.
3. Forfeiture of ESL as a disciplinary action will not be authorized and an employee will not lose ESL accruals when promoted, demoted, or transferred.
4. ESL may not be used once you have submitted your resignation from City Service and is not payable upon termination of employment or at any other time.

5.8. SHARED LEAVE

Periodically throughout the year, Human Resources will request donated unused compensatory time Personal Time Off leave hours to be placed in an account reserved for future use as needs arise. This reserved account will be used to donate to regular employees who have exhausted all available paid leave; have a history of judicious use of leave prior to the need for donation; and, are in a need to take leave for medical or family emergencies.

A. Recipient Provisions

1. The employee in need of donation must make the request to the Human Resources Manager through completion of a "Request for Leave Donation" form and must provide appropriate medical justification and documentation of the necessity for the leave, as well as, the length of time the employee expects to be absent due to the condition.
2. An employee may not receive more than eighty (80) hours of shared leave per occurrence. If the need continues, the applicant may re-apply, but will be limited to accepting no more than a total of one hundred sixty (160) hours of donated time. The Human Resources Manager will monitor the use of shared leave to ensure equal treatment of all City employees and will determine when shared leave is no longer needed. To the extent possible, shared leave is to be used in a consecutive and continuous basis.
3. While on shared leave, an employee continues to be classified as a City employee and is eligible for all compensation (salary and benefits) they would be otherwise receiving if using paid leave.
4. PTO donations may not be applied to absences resulting from an on-the-job injury for which the employee is receiving Workers' Compensation benefits nor may they be used to supplement STD or LTD Disability or Workers' Compensation benefits.

B. Donation Provisions

1. Unused compensatory time and only Personal Time-Off leave hours that have already been accrued may be donated and the contribution of PTO hours may not reduce the employee's PTO leave balance below a minimum of eighty (80) hours. To donate, a "Request to Donate Leave" form must be submitted to the Human Resources Office at any time throughout the year.
2. Donated PTO will be issued on an hour for hour basis with no fixed cash value associated with it.
3. PTO contributions will start at a minimum of two (2) hours and continue in increments of at least whole hour increments.
4. Donated leave will be paid at the recipient's hourly rate.

C. Other Provisions

1. In the event that the recipient employee does not need all of the leave hours donated, the unused donated leave hours will remain in the reserved account.
2. An employee who submits his/her resignation from City service while receiving shared leave will not be paid for any donated and unused shared leave from the point of his/her notification.

5.9. **FAMILY AND MEDICAL LEAVE**

A. Purpose – In accordance with the Federal Family and Medical Leave Act (FMLA), the City grants job protected, unpaid family and medical leave to eligible employees for up to twelve (12) weeks per twelve (12) month period for any of the following reasons:

1. The birth of and care for a newborn child, or the placement of a child with an employee in the case of adoption or foster care. Leave for these reasons will expire at the end of the 12month period beginning on the date of such birth or placement.
2. In order to care for an immediate family member (spouse, child, or parent) if that family member has a serious health condition.
3. An employee's own serious health condition that makes the employee unable to perform the essential function(s) of his/her position.

B. Eligibility – An employee must have worked for the City for at least twelve (12) months for at least 1250 hours in the prior twelve (12) months.

C. Intermittent or Reduced Leave – An employee may take FMLA leave on an intermittent (a few days or few hours at a time) or on a reduced leave schedule as a result of the birth of a child and for the placement of a child for adoption or foster care if the City and the employee agree to such a schedule or when medically necessary. Employees are required to schedule intermittent leave that is foreseeable.

D. Part-time employees who work variable hours will have the FMLA entitlement calculated on a prorated basis. A weekly average of the employee's hours worked over the twelve-week period before the beginning of the family and medical leave will be used for calculating the employee's normal workweek.

E. Definitions

Twelve-Month Period – A rolling twelve-month period measured backward from the date family and medical leave is first taken. The period continues with each additional family and medical leave day taken.

Spouse – Either member of a legally-married pair. If both spouses work for the City, they are entitled to a combined total of 12 weeks of leave if the leave is taken for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. If each spouse uses a portion of the 12 weeks of leave for the purposes specified above, each would be entitled to the difference between the amount they had taken and 12 weeks of FMLA leave for a different purpose. Example: If each spouse took 6 weeks of leave as a result of the birth of a child, each could use an additional 6 weeks due to his or her own serious health condition.

Child – A person younger than eighteen (18) years of age, or a person older than eighteen (18) years of age and incapable of self-care due to a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility. A "child" includes a biological, adopted, foster, step-child, legal ward, or a child of a person standing in *loco parentis*, (in place of a parent).

Serious Health Condition – An illness, injury, impairment, or a physical or mental condition involving inpatient care or continuing treatment by a *health provider*. Continuing treatment involves:

1. A period of incapacity of more than *three (3) consecutive calendar days (not working days)* and subsequent treatment including either two visits to a health care provider or one visit followed by continuing treatment under the health care provider's supervision;
2. A period of incapacity due to pregnancy or for prenatal care;
3. Treatment for chronic serious health conditions such as asthma and diabetes which (1) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity; and,
4. Treatments for serious conditions such as cancer that may not be incapacitating but without treatments would result in a period of incapacity of more than three (3) consecutive days.

Health Care Provider – Any health care provider that is recognized by the City or accepted by the City's group health plan. This may include physicians, dentist, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives and clinical social workers.

“Medically Necessary” Leave - Involves a medical need for leave and that can best treat the need through an intermittent or reduced leave schedule. The City may request certification from the health care provider of the employee or family member of the medical necessity of the intermittent leave schedule and expected duration.

- F. Notice Requirements - An employee must provide the City with at least thirty (30) days advance notice before FMLA leave is to begin, if the leave is foreseeable. Said notice will be given by completion of a Pre-Authorization for Leave form. Failure to provide the notice will give the City the right to delay the taking of leave until at least 30 days after the date the employee provides notice to the City of the need for FMLA leave. If 30 days notice cannot be provided, notice must be given as soon as practicable. Verbal notification should be provided within 1 to 2 business days when the need for leave becomes known to the employee. Subject to health care provider approval, when possible, the employee will consult with the City and make a reasonable effort to schedule the leave so as not to “unduly disrupt the City’s operations.
- G. Certification Requirement
1. If the employee’s leave is to care for the employee’s seriously ill family member (5.9.A.2.), or due to the employee’s own serious health condition, the request must be supported by a certification issued by the employee’s or family member’s health care provider. When the leave is foreseeable and a 30 days notice has been provided, the medical certification should be provided before the leave begins. The City will allow at least 15 calendar days for the employee to comply with the request for medical certification.
 2. *Second Opinion* – The City may require a 2nd medical opinion (at the City’s expense). Pending receipt of the 2nd opinion, the employee is provisionally granted leave. The City may also request periodic reports on the employee’s status and intent to return to work, or a fitness-for-duty report from the employee’s attending physician advising when the employee can return to work.
 3. *Third Opinion* - If the opinions of the employee’s and City’s designated health care providers differ, the City may require a 3rd opinion (at City’s expense). The 3rd health care provider will be designated or approved jointly by the City and employee. The 3rd opinion is final and binding. The City will reimburse an employee or family member for any reasonable travel expenses incurred to obtain the 2nd and 3rd opinions.
- H. Confidentiality – All documentation related to the employee’s or family member’s medical condition is held in strict confidence and maintained in the employee’s confidential medical file in the Human Resources Office.
- I. Payment of Group Health Premiums - Any portion of group health plan premiums which the employee has paid before starting an FMLA leave must continue to be paid by the employee during the leave. Any changes to premium rates and levels of coverage or other conditions of the plan that apply to other active employees also applies to eligible employees on FMLA leave. Payments for insurance will be deducted through the payroll process if possible. If payroll deductions are not possible, the employee will be required to remit payment by the time designated by the City. The City’s obligation to maintain group health benefits ends after a premium payment is more than 30 days late. If coverage should lapse while the employee is on FMLA leave, equivalent coverage will be restored upon return to work and he/she will not be required to meet any qualification requirements imposed by the health care plan. If the employee is able, but does not return to work after the expiration of leave, the employee will be required to reimburse the City for applicable payment of insurance premium(s) incurred during the FMLA leave.
- J. Rights Upon Return to Work
1. *Early Return* – Since an employee may only be required to take FMLA leave for reasons that qualify and may not be required to take more leave than necessary, the employee may be promptly restored if the employee requests reinstatement earlier than originally scheduled, but should where foreseeable, give the City reasonable advance notice, generally at least two working days.
 2. Upon the return to work, an employee who has been out on leave due to a serious health condition, must provide a medical certification release stating the employee can resume work and perform the essential functions of the position with or without reasonable accommodation(s).
- K. Substitution of Paid Leave - An employee must apply all available accrued leave for the period of time in which the employee is entitled under FMLA. No leave without pay can be taken until all accrued leave is used.
- L. Employment Protection - Except as otherwise provided by the FMLA, employees returning from FMLA leave will be restored to the same position held before the leave, or an equivalent position. The City does not guarantee any position to an employee who does not return to work after the twelve (12) work week Family Leave period (which includes any PTO, ESL, holiday, or compensatory leave used by the employee while on Family Leave).

- M. Effect of Family Leave Upon Seniority and Continuity of Service - An employee is not entitled to seniority or benefit accruals during periods of unpaid family and medical leave. However, an employee does not lose seniority or benefits accrued prior to family and medical leave. In addition, the next date of performance appraisal will be adjusted by the amount of time in accordance with Section 6.7.
- N. Failure to Return from Leave - An employee who fails to return from Family Leave will be terminated after three (3) days of no report. An employee who is unable to return from leave at the time scheduled should contact Human Resources at least two (2) weeks in advance to request an extension of leave. If an employee fails to return from leave, the City may recover insurance premiums for any period of time that an employee was on Family Leave without pay in accordance with FMLA regulations.

5.10. **DOMESTIC VIOLENCE LEAVE**

- A. An employee must have been with the organization for at least twelve (12) months preceding the commencement of the leave. Upon reasonable advance notice, (except in cases of imminent danger to the health or safety of an employee), an employee may take up to three (3) working days leave from work in any 12-month period. This leave applies to employees who are victims of the following statutorily-defined events:
- domestic violence or abuse
 - stalking
 - sexual assault, or
 - a crime found by a court on the record to include an act of domestic violence.
- B. The employee must use the leave from work to protect himself/herself by:
- seeking domestic violence shelter services, program, or rape crisis center because of domestic violence;
 - seeking a civil restraining order to prevent domestic abuse;
 - obtaining medical care or mental health counseling for himself or herself or for his/her children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, sexual assault or other crime involving domestic violence;
 - making his/her home secure from the perpetrator or seeking new housing to escape the perpetrator;
 - seeking legal assistance, attending/preparing for court-related events arising from domestic violence acts.
- C. Employees need to contact Human Resources to request a Domestic Violence Leave. The following documentation will serve as certification for consideration of Domestic Violence Leave:
1. A police report indicating that the employee was a victim of domestic violence;
 2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
 3. Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.
- D. Leave under this policy will not exceed three (3) days in a 12-month period. The 12-month period will be measured forward from the date the first Domestic Violence Leave begins.
- E. An employee may take available Personal Time-Off leave or compensatory time for this leave. If the employee has no paid leave available, he/she may take domestic abuse leave unpaid.
- F. The City will make reasonable efforts to maintain the confidentiality of all information related to an employee's leave pursuant to this policy.

5.11. **ON-THE-JOB INJURY LEAVE**

An employee injured on the job must report the injury within twenty-four (24) hours and, in conjunction with the supervisor, determine if immediate medical attention is required. If so determined, the employee will report to the appropriate facility and a worker's compensation claim form is initiated immediately.

A. Granting of Injury Leave

1. A regular employee who is injured or develops a work-related illness in the line of duty will be granted injury leave with pay for a period of ninety (90) calendar days, if the illness or injury is determined to be compensable under worker's compensation as defined by the worker's compensation law.
2. While on injury leave, the employee is required to maintain contact with his/her supervisor and provide medical information as requested. Failure to maintain contact, provide requested medical information or submit to an examination by a City-selected physician, if requested, may result in disciplinary action up to and including dismissal. Exceptions to this policy may be made when an employee is unable to communicate due to the nature of the injury/illness.

3. In accordance with C.R.S. 8-52-104, the compensation paid to any employee by the City or its worker's compensation insurance carrier during the period of total disability whose injury is caused by any one of the following, will be reduced by fifty percent 50%:
 - Willful failure to obey any reasonable rule adopted by the employer for the safety of the employee;
 - Willful failure of the employee to use safety devices provided by the employer; or
 - Intoxication of the employee.
 - a. If Worker's Compensation Insurance contests or denies liability for an employee's claim for benefits for a work-related injury or illness, that employee may request paid PTO leave during the period of disability due to injury or illness. However, such PTO leave request may require a physician's documentation and must be approved by the supervisor and Department Director as provided by these Policies.
 - b. Any payments received by the employee from Worker's Compensation Fund Insurance for loss of work will be deducted from the employee's pay.
4. For the duration of the Injury Leave, the City will maintain the employee's insurance benefits. The employee is required to continue to pay the employee portion of insurance premiums (when applicable) while on Injury Leave, as long as the employee remains in paid status and provided such continuation is not prohibited by the group insurance contract. Should the employee revert to an unpaid leave status, the employee will be required to pay the full costs to include the City's portion and the employee's portion, for continuation of insurance coverage. This includes all insurance premiums with the exception of disability.

B. Limitations of Disabled Employees

1. If the injured employee is unable to return to work at the end of the ninety (90) calendar day period, and an extension is granted, said employee will be required to utilize PTO leave. While in a paid status, the employee will continue to accrue PTO and ESL hours. However, at the end of the ninety (90) calendar day period or when all accrued leave is exhausted, whichever comes first, and the employee is unable to return to work, said benefits will not continue to accrue.
2. If it is determined that an employee is capable of performing limited duties prior to the release to normal duties, he/she may be assigned duties within the conditions set forth in their physician's certificate, if such duties are available. The employee must comply with the procedures as stipulated in Section 10.9.
3. Any employee who believes that a health condition has rendered him or her unable to perform the essential functions of his or her job will promptly report that condition to his or her supervisor, and request all specific forms of accommodation that the employee believes will permit him or her to perform those essential functions.

C. Return to Work

1. Employees able to return to work within the ninety (90) calendar day period of a disability will be restored to their former position or to a comparable position at the same rate of pay and benefits. The employee's seniority date with the City and any benefits that are based upon length of service will be adjusted to offset the period of time that Injury Leave was taken without pay. In addition, the next date of performance appraisal will be adjusted by the amount of time in accordance with Section 6.7.
2. The employee will notify the Department Director of an estimated return to work date. In addition, the employee must provide a written release from the attending medical provider as approved by the Worker's Compensation Insurance Company. The Department Director is responsible for notifying Human Resources of the employee's date of return.

D. Termination of Disabled Employees

1. Injury Leave will be terminated when, providing accommodation(s) cannot be made without undue hardship, one of the following first occurs:
 - a. When the employee is declared incapable of performing his/her regular duties by a physician; or
 - b. When a report is issued by a physician finding a permanent disability that disqualifies the employee for his/her position; or
 - c. When, after ninety (90) calendar days from the date of injury has lapsed, the Department Director determines a continued vacancy would adversely impact the department's operation.

2. At such time the employment relationship is severed, the employee will receive full payment for all remaining accrued leave as applicable; may, if approved, utilize the City's disability insurance; and, will be given the opportunity to continue to participate in the group insurance program(s) through COBRA. The employee may, if approved and accepted, utilize the City's disability insurance and/or Worker's Compensation provisions.
3. The employee will be placed on the Re-Employment Eligibility List for a period of 12 months. When the employee is available to work, he/she will be considered for the first vacancy to a position for which he/she possesses the qualifications. It will be the responsibility of the employee to contact Human Resources for consideration of employment.

5.12. **DISABILITY LEAVE**

A. Granting of Disability Leave

1. Employees eligible for Disability benefits who, are unable to perform the functions of their job due to a qualifying non-work related injury or illness, may be granted Disability Leave, for a period typically not to exceed ninety (90) calendar days, provided the necessity for leave time is verified by a physician, in writing, a reasonable accommodation cannot be made, and the Department Director determines that an extension of other leave cannot be provided.
2. An employee on Disability Leave will be required to utilize all accumulated leave. Should the injury/illness be such that the employee is unable to return to work after exhausting all accrued leave, said benefits will not continue to accrue and the employee will be placed in an unpaid leave status. All leave time utilized through this policy will be applied to Family Medical Leave as outlined in Section 5.9.
3. For the duration of the Disability Leave, the City will maintain the employee's insurance benefits. The employee is required to continue to pay the employee portion of insurance premiums (when applicable) while on Disability Leave, as long as the employee remains in paid status and provided such continuation is not prohibited by the group insurance contract. Should the employee revert to an unpaid leave status, the employee will be required to pay the full costs to include the City's portion and the employee's portion, for continuation of insurance coverage. This includes all insurance premiums with the exception of disability.

B. Return to Work

1. Employees able to return to work within ninety (90) calendar days of a disability will be restored to their former position or to a comparable position at the same rate of pay and benefits. The employee's seniority date with the City and any benefits that are based upon length of service will be adjusted to offset the period of time that Injury Leave was taken without pay. In addition, the next date of performance appraisal will be adjusted by the amount of time in accordance with Section 6.7.
2. The employee will notify the Department Director of an estimated return to work date and provide a written release from the attending medical provider. The Department Director is responsible for notifying Human Resources of the employee's date of return.

C. Limitations of Disabled Employees

1. Employees who are unable to return to work after ninety (90) calendar days of a disability will not be guaranteed reinstatement to their former or comparable position at the same rate of pay.
2. If it is determined that an employee is capable of performing limited duties prior to their release to normal duties, the employee may be assigned duties within the conditions set forth in the physician's certificate, subject to the availability of the established duties. A reassignment of duties will be reviewed and compensation will be established based on a labor market study of said duties, the employee's experience, qualifications and longevity.
3. Any employee who believes that a health condition has rendered him/her unable to perform the essential functions of his or her job will promptly report that condition to their supervisor, and request all specific forms of accommodation the employee believes will permit him or her to perform those essential functions.

D. Termination of Disabled Employees

1. Disability Leave will be terminated when, providing reasonable accommodations cannot be made without undue hardship, one of the following first occurs:
 - a. When a report is issued by a physician finding a permanent disability that disqualifies the employee for his or her position; or
 - b. When the employee is declared capable of performing their regular duties by a physician; or
 - c. When, after ninety (90) calendar days from the date of injury has lapsed, the Department Director determines a continued vacancy would adversely impact the department's operation.

2. At such time the employment relationship is severed, the employee will receive full payment for all remaining applicable accrued leave; may, if approved, utilize the City's disability insurance; and, will be given the opportunity to continue to participate in the group insurance program(s) through COBRA.
3. The employee will be placed on the Re-Employment Eligibility List for a period of 12 months. When the employee is available to work, he/she will be considered for the first vacancy to a position for which he/she possess the qualifications. It will be the responsibility of the employee to contact Human Resources for consideration of employment.

5.13. **MATERNITY LEAVE OF ABSENCE**

Maternity leave is leave granted an employee for the period of disability related to pregnancy and childbirth. The time taken as maternity leave is considered an off-the-job disability until the employee's physician releases her for work. Maternity leave provisions are outlined in the Family and Medical Leave Policy. The City will continue its contribution towards the employee's health care insurance as long as the employee remains in paid status. Should the employee go on a leave of absence without pay, the employee would be responsible for both the City and employee's portion of the health care premiums, except if the employee is on Family and Medical Leave in which case the City will pay its portion of the insurance premium for a maximum of 12 weeks (3 months).

5.14. **MILITARY LEAVE**

A. Granting of Military Training Leave

1. Upon presenting proper military orders for military training, an employee who is a member of the National Guard, Army, Navy, Marine Corps, Air Force or Coast Guard Reserve will be granted a leave with pay up to a maximum of fifteen (15) calendar days in any calendar year, plus four (4) days for travel time.
2. Military training leave will commence the first working day the employee is on military training leave from his/her City job and terminate on the last calendar day of the military training status, as evidenced by a copy of the military orders covering the leave period.

B. Computation of Pay - State law requires the payment of full City salary during authorized military training leave or active military service for a period not to exceed fifteen (15) calendar days in any calendar year. Employees granted military leave for required training or active service will be entitled to receive both their military pay and City pay up to fifteen (15) calendar days per calendar year, in accordance with state statutes.

C. Military Leave Without Pay During War Or Other Emergencies - Any employee who enlists, is inducted or is appointed into the military service of the United States in the time of war or other emergency declared by the President of the United States and/or Congress will be granted military leave without pay for the duration of such war or other emergency or until expiration of such war or other emergency or until expiration of enlistment, induction or appointment period, and for 1 year and ninety (90) days thereafter.

1. Employees granted wartime military leave will be entitled to all rights and benefits granted such employees under any applicable federal laws and statutes or rules of the State of Colorado.
2. The employee may use accrued annual leave or accrued holiday leave while on military duty.

D. Peacetime Military Leave

1. Any employee who enlists, is inducted or is appointed into military service of the United States for initial period of obligated service, will be granted peacetime military leave without pay for the period of initial contractual or obligated service or until discharged, whichever occurs first, and for 1 year and ninety (90) days thereafter.
2. An employee who fails to return at the end of the three (3) months or who voluntarily extends his military service beyond that obligated or originally contracted, will be deemed to have voluntarily resigned, effective as of his last day of active duty with the City.

E. Pension Rights Retained - Any employee receiving a leave of absence in accordance with this section and participating in a City pension plan will retain all rights accrued up to the time of taking such leave and will have all rights subsequently accruing under such plan as if he/she had been actually employed during the time of such leave. Any increase in the amount of money benefits accruing with respect to the time of such leave is dependent upon the payment of any contributions or assessments, and the right to such increase is dependent upon the payment of such contribution or assessments within the period of time equal to three times the actual military leave not to exceed 5 years after the termination of such leave and upon such terms as the authorities in charge of the system may prescribe. (C.R.S 28-3-606)

F. Health Insurance - For military leave without pay of longer than ninety (90) calendar days, the employee, if continuation of coverage is desired, will be responsible for expenses necessary to pay the premiums. Continuation of coverage at the City's group rate may not exceed eighteen (18) months from the date military leave begins.

G. Reinstatement

1. Employees will be reinstated in the position they would have obtained had he not gone on military leave, if military service did not exceed 90 days; or if military service exceeds 90 days, the employee will be reinstated as per above or to a position of like seniority, status, and pay at the same rate of pay which would have been received without such leave. The following conditions apply:
 - a. The position has not been abolished; (C.R.S. 28-3-604)
 - b. The employee is not physically or mentally disabled from performing the duties of such position. The City will make "reasonable efforts", as long as these efforts do not pose any undue hardships, to accommodate any service-connected disability.
 - c. The employee submits an honorable discharge or other form of release by proper authority indicating that his/her military service was satisfactory.(C.R.S. 28-3-604)
 - d. The employee requests reinstatement to the appointing authority within ninety days after discharge from hospitalization or medical treatment which immediately follows the termination of and results from such service, but such application will be made within one year and ninety (90) days after termination of such service, notwithstanding such hospitalization or medical treatment;
 - e. For military service of 30 days or less, an employee must report to his/her supervisor on the first scheduled workday following the military service. For service from 31 to 180 days, application for reinstatement must be made within 14 days after completion of the service. For military training or service of 181 days or more, application for reemployment must be submitted within 90 days after completion of the period of service.
2. Upon such reinstatement, the employee will have the same rights with respect to accrued and future seniority status, efficiency rating, PTO, ESL, and other benefits as if he/she had been actually employed during the time of such leave. No employee so reinstated will be removed or discharged within one year thereafter, except for cause and after notice and hearing; but this will not operate to extend a term of service or office limited by law. (C.R.S. 28-3-604)
3. Regardless of length of service, all applicable accrued leave and compensatory will be paid an employee who has been granted wartime and military leave before placed on leave without pay.

5.15. **EDUCATIONAL LEAVE**

When recommended by the Department Director and approved by the City Manager, a regular employee may be granted educational leave without pay for a period not to exceed ninety (90) days. The City Manager will determine whether the education is sufficiently related to the employee's work, thereby enabling the employee to perform his/her duties more efficiently and effectively, to merit an unpaid educational leave.

5.16. **EXEMPT STATUS LEAVE**

A. PURPOSE

1. FLSA-Exempt employees are not paid overtime or given compensatory time off, however, they may be authorized time off with pay if unusual demands require excessive hours of work beyond the normal forty (40) hour workweek:
 - a. Recurring meetings outside of normal working hours
 - b. Special projects with deadlines that require substantial time beyond normal working hours to complete
 - c. Seasonal activities requiring extensive time to meet established deadlines beyond normal work hours
 - d. Frequent appearances before civic/community groups outside of normal working hours.
2. FLSA Exempt employees who do not work beyond the normal forty-hour workweek are not eligible to take Exempt Status Leave time off.

B. UTILIZATION

1. Exempt Status Leave is not intended to compensate employees on an hour-for-hour basis (8 hours extra worked does not equal 8 hours time-off).
2. FLSA exempt employees are **not** to track nor report actual hours worked.
3. Exempt Status Leave may be taken in increments of no less than the number of hours the employee is normally scheduled to work in one day.
4. Exempt Status Leave requires prior approval of the Department Director, Division Manager or City Manager, as appropriate, through the completion of the Request for Leave Form.

C. COMPENSATION

1. Exempt Status Leave is limited to a maximum of forty (40) hours per calendar year. When executive, administrative, and professional employees are hired, they will be limited to ten (10) hours of Exempt Status Leave for each full quarter of the year remaining in the year in which they were hired.
2. This regulation expressly precludes any claim for compensation associated with Exempt Status Leave not taken, as Exempt Status Leave:
 - does not accrue;
 - cannot be converted to cash;
 - cannot be carried over from year to year; and,
 - will not be compensated upon employment termination.

5.17. **ADMINISTRATIVE LEAVE**

A. PURPOSE

Administrative leave is a general term for temporary removal from a job assignment, initiated to manage special circumstances where it is in the City's best interest to retain the employee relationship for a period of time to be determined by the City; or, provide options not otherwise available.

B. UTILIZATION

A regular employee may be placed on Administrative Leave at the request of the supervisor and Department Director or Human Resources Manager and with approval from the City Manager for the following purposes:

1. When retention of an employee at the work site may be detrimental to the interests of the City or injurious to the employee, his/her fellow workers, or the general public;
2. Emergency conditions where no other leave option exists;
3. Resolve situations that cannot be addressed under existing workforce policies;
4. When it is deemed necessary to remove an employee from the work place while an investigation or review ensues. For the purpose of conducting an investigation for alleged misconduct, the following will apply:
 - a. Administrative Leave will be granted with pay and benefits up to thirty (30) days with extensions available if granted by the City Manager.
 - b. Should the investigation require the employee's absence beyond the thirty (30) days and an extension has not been granted, the employee may utilize accrued Personal Time-Off leave, holiday, and/or compensatory leave, if available.
 - c. Placing an employee on administrative leave for investigative purposes is not a disciplinary action and cannot itself be used as proof of wrongdoing. An employee who is cleared of wrongdoing should not feel any lasting consequences related to his/her job.
 - d. On the other hand, if the City reprimands or otherwise disciplines an employee based on the underlying allegations that led to the administrative leave, it might reflect on the employee's performance evaluation or future employment. If the employee is found to have engaged in wrongdoing that results in his or her discharge from City employment, the City reserves the right to retrieve all or part of the moneys paid to the employee during the period of the initial thirty (30) days paid Administrative Leave.

- C. While on Administrative Leave, the employee must follow any directive's given regarding duties or assignments and will be expected to be available during regular work hours.

5.18. **SUSPENSION OF LEAVES**

The City Manager or Department Director reserves the right to postpone all leaves that are not medically required for employees or recall employees from leave in the event City operations require such action.

5.19. **COURT APPEARANCE**

A. Jury Duty

1. A regular employee required to report for jury duty during the employee's workday receives full pay from the City for the time served on the jury, provided the employee remits to the City, all fees for jury duty as soon as the duty fees are received. Compensation for mileage when the employee uses their own vehicle and the subsistence allowance is not to be considered as fees and are retained by the employee. When the employee is traveling in a City-owned vehicle, the employee remits all mileage fees to the City.

2. The employee must give their immediate supervisor a copy of the summons to serve on a jury.
3. An employee released from jury duty or serving as a witness is required to return to work.

B. Subpoena or Witness – Work Related

1. An employee who is subpoenaed to appear in court as a witness in a matter arising from his/her job-related duties with the City:
 1. Receives regular pay when the employee is appearing during his/her workday.
 2. Receives overtime pay or compensatory time when appearance is during his/her off-duty time.
2. Compensation received by the employee for witness or subpoena fees, and for mileage when traveling in a City-owned vehicle is remitted to the City. Compensation for mileage, when traveling in a private vehicle, is retained by the employee.

C. Subpoena or Witness – Non-Work Related

If an employee is subpoenaed to appear in court as a witness in a matter not arising from their job-related duties with the City, they will use accumulated leave and provide a copy of the subpoena to their immediate supervisor. The employee will retain compensation for witness or subpoena fees, mileage, and subsistence.

5.20. TIME OFF FOR VOTING

The Department Director may grant up to two (2) hours off with pay, if required, for the purpose of allowing employees (who are duly qualified and registered) to vote in federal, state, local or special district elections. Request for such leave will be made prior to the Election Day. Such absence will not be charged to Personal Time-Off leave, holiday, or compensatory leave.

5.21. UNAUTHORIZED LEAVE

Unauthorized leave of absence consists of those workdays, or portions of a workday, when an employee was scheduled to work but did not actually work or receive authorization for the absence. The employee's pay is deducted by an amount equivalent to the time the employee was absent during the workday. An unauthorized leave of absence may be cause for disciplinary action, up to and including termination of employment.

5.22. LEAVE WITHOUT PAY

- A. A leave of absence is not a right, but a privilege. Leaves of absence may be granted without pay in cases of emergency and/or when a leave of absence would not be contrary to the best interests of the City. A leave of absence may be granted only upon written request by an employee who presents the reason for the leave. Written approval will be made according to the following:
 1. A request for a leave of absence without pay for one (1) week or less may be granted by the Department Director, depending on the merit of the individual case.
 2. A request for a leave of absence without pay in excess of one (1) week may be granted by a Department Director with the approval of the City Manager, depending on the merit of the individual case.
- B. Leave without Pay will not be granted until all leave allowed pursuant to these Policies have been exhausted.
- C. An employee may be granted leave without pay for justifiable personal reasons not to exceed ninety (90) calendar days when recommended by the Department Director and approved by the City Manager.
- D. If such leave is for family and/or medical reasons, the employee will be required to apply for and use all approved FMLA leave as described in Section 5.9.
- E. During a leave of absence of more than thirty (30) calendar days, benefits (i.e., Personal Time-Off leave and ESL) will not accrue, nor will service time for step increases be credited.
- F. For a Leave Without Pay of more than 30 days, the employee may continue to participate in the group insurance program(s), provided the employee reimburses or prepays the City the sum necessary to pay the total monthly costs of any premiums due for the group insurance benefits the employee wishes to continue, and provided such continuation is not prohibited by the group insurance contract. For partial unpaid leaves, the employee will be required to pay the insurance costs on a pro-rated basis.
- G. During an employee's leave of absence, his/her position may be filled with a temporary employee or an acting appointment. Upon the expiration of the leave of absence, the employee will be reinstated to his/her position, providing he/she is physically and mentally able to perform all of the duties required in the position with or without a reasonable accommodation for any ADA defined disability and provided the position still exists.

5.23. CLOSURE OF CITY FACILITIES

- A. The City Manager, at times, will close offices due to inclement weather or other reasons, however, certain employees may be expected to report to work. During these times, it is the employee's responsibility to call his/her supervisor and inquire if he/she is expected to work.
- B. Employees who work in positions which are non-essential and were scheduled to work, but not required to report to work, will be paid for the hours the City is closed as declared by the City Manager.
- C. Employees who work in positions that are essential for snow or other emergencies (emergency preparedness, street crews, some office staff, maintenance supervisors, police, for example) will be required to report to work if reasonable effort will enable them to travel safely to the work site.
- D. Any essential services employee who cannot make it to work will contact his/her immediate supervisor. The employee and the supervisor will jointly decide whether non-attendance is justified and, if it is, the employee will be paid for the hours the City is closed as declared by the City Manager. If the supervisor deems the employee's non-attendance to be unjustifiable, the employee's absence will be charged to accrued leave. If leave time is not available, the employee's non-attendance may be charged as leave without pay.
- E. For employees on approved leave during the unexpected closing of City business the "closed" hours are not to be charged against their approved leave time.
- F. Non-exempt essential service employees who are able to report to work will be paid, at their regular rate of pay, for the number of hours the City is closed, as declared by the City Manager. Said payment may be made in the form of cash or time off as approved by the Department Director. In addition, the employees will be paid at their regular rate of pay, for the hours they actually worked. If the hours actually worked are overtime hours for the week, (excess of forty (40) hours), then compensation will be at overtime rates.

SECTION 6: COMPENSATION

Approved by Council: 01/14/08

Section(s) Revised: 6.9., 6.12

Effective: 01/14/08

6.1. PAY PRACTICE

It is the City's aspiration to provide compensation for employees that is competitive within an established labor market, is within the City's ability to pay, and is comparable among positions in the City's Pay and Classification Plan. Salary ranges for employee classification levels may be published in the City's annual budget.

6.2. PAY ADJUSTMENTS

- A. The City Council shall periodically authorize City Administration to undertake a survey of the pay scales of similar cities within the Denver metropolitan area for the purpose of determining what wages are generally prevailing in these surveyed cities for similar work performed (without regard to title, but only with regard to duties and responsibilities attendant to the position surveyed).
- B. Salaries shall be annually established by the City Council, in the exercise of its legislative discretion.

6.3. EMPLOYMENT RATE FOR NEW, REHIRED OR REAPPOINTED EMPLOYEES

- A. New Employees – Normally, new employees will be compensated at the entry level of the pay range assigned to the class to which they are appointed. However, providing funds are available, new employees may be hired above the entry level of the range due to unusual qualifications or other unusual conditions. The Human Resources Manager, at the recommendation of the Department Director, shall determine whether a new employee's salary shall exceed the entry level of the range.
- B. Rehired Employees - An employee who is rehired shall be compensated at the entry level unless otherwise recommended and justified under this Policy. The appointment date and performance appraisal date for a former employee who is rehired shall be defined as the date of rehire with the City.
- C. Re-appointed Employees - An employee so re-appointed is considered a new appointee. The employee has no vested interest in or is entitled to any benefits accrued during any previous employment with the City, except retirement system benefits. The re-appointed employee will be subject to the requirements of the proper retirement system of which the employee was previously an active member.
- D. Rescinded Dismissal - The appointment date of an employee who was dismissed for disciplinary reasons and whose dismissal has been rescinded, shall be the date in effect at the time of separation from employment. However, accumulation of PTO leave and ESL shall commence with the date of reinstatement, unless otherwise provided by court order or settlement agreement.
- E. Other - When an occupied, unclassified position is brought into the classified service, the salary of the incumbent shall be established at the closest rate of pay at or above their present salary, except that if the incumbent's salary exceeds the maximum rate for the class the maximum rate shall be assigned.

6.4. PAY UPON ADDITIONAL RESPONSIBILITIES

- A. When an employee is deemed, by the Department Director and Human Resources Manager, to be qualified for and is assigned the full authority, duties, and responsibilities of a position allocated to a higher classification that is vacant within the City on an interim basis, that employee will receive a pay rate within the higher salary range at a salary commensurate with his/her qualifications as mutually determined by the Department Director and Human Resources Manager. Such payments shall be made only during the time that the employee is actually performing the higher level duties and will commence on the day as appointed by the City Manager. The provisions of this paragraph will not apply when performing the duties of the position allocated to a higher classification for the purpose of training.
- B. With the approval of the City Manager, additional compensation for individuals temporarily performing additional tasks and/or special assignments may be in the form of lump sum payments with no increase in benefits.
- C. When an employee returns to his or her regular position, he or she shall be paid at a level appropriate for the regular position.

6.5. SIMULTANEOUS PERSONNEL ACTIONS

When two or more actions affecting pay occur on the same effective date, the new pay range and rate shall be computed in the following sequence as applicable:

- A. If more than one personnel action occurs on the date an employee's performance increase is effective, the performance increase, if warranted, shall first be applied before other pay adjustments are made.
- B. If the employee is promoted or demoted, the appropriate pay adjustment shall apply along with any pay range adjustments effective the same date.

6.6. CHANGE IN STATUS

- A. Promotion - When an employee receives a promotion and is appointed to fill a higher position, the employee will receive a salary commensurate with the employee's qualifications as mutually determined by the Department Director and Human Resources Manager. The employee's promotional pay rate shall be within the pay range for the position to which he/she has been promoted to and under no circumstances will the pay amount exceed the new salary range maximum. The performance appraisal period will be the date in which the promotion becomes effective as determined by the Department Director and approved by the Human Resources Manager and the employee will be placed in the applicable trial service period. Time worked in an interim status immediately prior to the promotion may be credited toward the evaluation date.
- B. Reclassification
 1. **Market Study** - A reclassification established due to a market study of the City's Classification Plan which determines a position to be improperly compensated shall result in the following:
 - The effective date shall be determined by City Council; the performance appraisal date of the employee affected by such reclassification shall not change; and, the pay rate received shall reflect the length of time the employee has been in said position if the reclassification results in a higher pay level. If the reclassification is a downward movement, Section 6.6.(C).2. applies.
 2. **Organizational Change** - A reclassification received due to a change of structure in the organization but not as a result of an addition to staff shall result in the following:
 - The effective date shall be when such change goes into effect as approved by the City Manager. The performance appraisal date will be affected in accordance with the provisions in this policy. If the reclassification results in a higher pay level, the pay rate received shall reflect the length of time the employee has been in said position or a rate closest to the amount the employee is currently earning, whichever is greater. If the reclassification is a downward movement, Section 6.6.(C).2. applies; if the result is neither a higher nor lower pay level assignment, Section 6.6.(D) applies.
 3. **Change in Job Duties and Responsibilities** - When the duties and responsibilities of a job appear to have significantly changed, the following may result:
 - The effective date and performance appraisal date for this type of reclassification shall be determined by the Department Director and approved by the City Manager. However, in no case will the reclassification date be established prior to the last date the employee was scheduled to receive a performance appraisal. If the reclassification results in a higher pay level, the pay rate received shall reflect the length of time the employee has been in said position or at a rate closest to the amount the employee is currently earning, whichever is greater. If the reclassification is a downward movement, Section 6.6.(C).2 applies; if the result is neither a higher nor lower pay level assignment, Section 6.6.(D) applies.
- C. Demotion - An employee may be demoted to a position of lower grade for which he/she is qualified. The decision to demote and to determine whether an employee is qualified for a lower-grade position resides in the discretion of the City Manager and the relevant Department Director. All demotions must receive the approval of the City Manager and Department Director concerned.
 1. Disciplinary reasons - A pay rate within the position's pay range will be determined by the City Manager.
 2. Non-disciplinary reasons - The employee's pay shall be placed within the new pay range to the point closest to his/her current salary. In the event the current salary is higher than the new range maximum, the salary will be frozen until such time as the new range exceeds the frozen salary, excluding cost of living increases, at which time the rate will conform to the top step of the new range.
 3. The performance appraisal period will be the date in which the demotion becomes effective as determined by the Department Director and approved by the Human Resources Manager.
- D. Lateral Change - When an employee transfers to a position that is considered similar in responsibilities, knowledge, skills and abilities, in the same pay range, the evaluation date and pay rate will remain unchanged.

- E. Reversion of Employees in Trial Service Period - When an employee in a trial service period reverts to a class to which he/she is certified or to another class at the same level, the pay shall be determined as though he/she had remained in the class to which he/she is certified and the performance appraisal date shall not change. When a trial service employee is demoted for non-disciplinary reasons or accepts appointment in a lower class, the pay shall be determined as though he/she were originally appointed in the lower class.

6.7. **PERFORMANCE APPRAISALS**

- A. The City recognizes the importance of accurate employee evaluation. Performance appraisal is designed to provide two-way communication between the supervisor and the employee and to identify an employee's level of performance. The City's evaluation process recognizes the importance of developing goals for each employee in a joint process between the supervisor and the employee.
- B. A written performance appraisal will be completed for each employee by the immediate supervisor and approved by the Department Director in accordance with administrative regulations and at any other time a supervisor deems appropriate. Increases for satisfactory performance will be awarded in accordance with the merit system in place.
- C. Performance Appraisal Date - An employee's performance appraisal date is established in accordance with the Performance Review System in force and shall remain at that date until one of the following:
1. Promotion & Demotion - When an employee is promoted to a higher class or demoted to a lower class, the employee's performance appraisal date shall become the new performance appraisal date.
 2. When an employee's position is reclassified, see Section 6.6.B. for the appropriate assignment.
 3. The performance appraisal date, regardless of whether the employee maintaining a regular position is in a non-exempt or exempt status, shall change in the event of extended leaves, regardless of paid or unpaid, in excess of ninety (90) calendar days, (consecutive), upon which the total days absent will be added to their current performance appraisal date, e.g.:
 - Employee is out 79 days = evaluation date of June 1 remains unchanged
 - Employee is out 105 days = evaluation date of June 1 changes to September 15
 4. An employee receiving an Indeterminate or Unacceptable Performance Appraisal or is placed in a Return to Trial Service status should be re-evaluated at least every thirty (days) days until such time that the employee meets satisfactory performance or is determined, by the supervisor, unable to meet the expectations as expressed. This in no way limits the number of documented counseling sessions to be held during this period. However, this extended review period should not exceed six (6) months. Further extension must be approved by the Department Director and the employee must be informed of the extended date, as well as, the reasons for the further extended review period. If a review is extended for said reasons, the effective date for any attached pay adjustment will reflect the date upon which a satisfactory review is effective.
- D. Employees should always feel free to discuss their performance with their supervisors at any time. Supervisors may, from time to time, initiate such discussions. It is the responsibility of the supervisor to conduct performance evaluations in a timely manner. If at any time any employee believes his/her performance evaluation is overdue, the employee should inquire to his/her supervisor.
- E. Only documentation relating to job performance may be placed in the employee's personnel file. There shall be no reference to suspected personal problems other than those that directly relate to the employee's performance.
- F. The employee who is dissatisfied with the content of a performance appraisal may not appeal pursuant to the Problem Solving Procedure, unless the employee makes a claim of harassment, retaliation, or discrimination. The reason for denying access to such procedure is that any appraisal of performance, by necessity, involves the discretionary application of criteria to an individual's job performance which is deemed a legitimate function and prerogative of supervisory personnel. The employee may, however, prepare a statement of his/her response to the evaluation conclusions in writing that will be retained in the employee's personnel file, together with the original evaluation.

6.8. **PERFORMANCE RECOGNITION**

- A. Employees who exhibit acceptable job performance may be recommended for a pay increase within the assigned salary range of the position in accordance with the budget and salary administration program. The pay increase shall be supported by a performance appraisal completed by the immediate supervisor and approved by the Department Director and Human Resources Manager. Said pay raise shall be effective on the employee's performance appraisal date, unless otherwise stipulated in the salary administration plan.

6.10. **INCIDENT RESPONSE PAY – (CALL-BACK & ON-CALL)**

- A. Certain incidents which may occur throughout an annual period, when determined by the Director of the responding department, require the work force to change their daily normal working hour schedule to a 24 hour incident response schedule. In that occurrence, the following “call-back” stipulations shall be enacted:
1. Compensation - When a non-exempt on-call employee performs work in a call-back status, he/she shall be compensated at an overtime rate for a minimum of one (1) hour or the actual time worked outside of his/her daily normal working hour schedule, whichever is greater.
 2. Safety – Whenever possible, no person should be required to report for duty within ten (10) hours of the end of the previous full and continuous shift worked. In this case, a full and continuous shift may last for a maximum of sixteen (16) hours.
 3. Travel Time – The employee will be paid at the overtime rate, for the travel time to and from the work site for unscheduled call-back, not to exceed a maximum of thirty (30) minutes. Travel time will not be paid if the unscheduled call-back extends into the employee’s regular work shift.
- B. On-Call status means the employee should be prepared to return to the workplace or a designated work site to perform specific job duties. The employee is obligated to ensure he/she remains available within the required response time and in a non-impaired condition, fully able to safely perform job duties. Since on-call status is restrictive and inhibits the employee’s personal activities, the following will apply:
1. The rate of pay for on-call status is equal to two (2) hours base pay for each twenty-four (24) hours the nonexempt employee is on-call.
 2. No On-Call time will accrue during the period the employee is working in a Call-Back status or during his/her normal working hour schedule.
- C. The Director or designee of the responding department shall determine when the incident has concluded and the daily normal working hour schedule is reinstated.

6.11. **MULTIPLE CITY POSITIONS**

Any employee may occasionally (not regularly) work in a different position for the City on a part-time basis or as a volunteer, without having those hours counted as hours worked for computing compensatory pay or overtime pay, provided that the work is not similar or related to the work usually performed by the employee, and so long as the employee requests and volunteers to work in the part-time job or volunteer position. If the employee is required and assigned by a supervisor to work in the part-time or volunteer position, those hours worked must be counted to determine the overtime or compensatory time due for the work week.

6.12. **PROVISIONS APPLICABLE TO DEPARTMENT DIRECTORS AND THE CITY MANAGER**

As stated in Section 1.3, the Personnel Policies shall apply to all employees of the City of Wheat Ridge, Colorado, unless otherwise specified in City code, by written agreement, or within these policies.

- A. **Compensation** - The City Manager's salary shall be set at the prerogative of the City Council. The City Manager shall recommend salary ranges for Department Directors, except the City Clerk and Treasurer, based on relative responsibilities of work, comparability to prevailing rates for like work, and other pertinent economic data.
- B. **Benefits** – With the exception of the City Clerk and Treasurer, all fringe benefits and procedures relating to benefits outlined in these Policies and Procedures shall apply to Department Directors and the City Manager; however the City Manager may grant alternate or additional benefits to the Department Directors.
- C. **Performance Appraisal** - The Department Director’s work performance, with the exception of the City Clerk and Treasurer, shall be formally reviewed by the City Manager. The City Manager’s work performance will be formally reviewed at the discretion of the City Council.
- D. **Dismissal** - The City Manager may be dismissed only by the City Council. Any Department Director appointed by the City Manager may be dismissed only by the City Manager. All Department Directors, with the exception of the Treasurer and City Clerk, report to the City Manager. The Treasurer and City Clerk are elected positions. Any Department Director or officer of the City who is appointed by the City Council may be dismissed only by the City Council, either at its discretion or upon recommendation of the City Manager.

SECTION 7: CLASSIFICATION POLICY

Approved by Council: 01/14/08

Section(s) Revised: 7.4.B.1.- 3., 7.4.C.2.d. & e., 7.6.

Effective: 01/14/08

7.1. CLASSIFICATION OF POSITIONS

All positions in City service are assigned to a classification. The classification may include a single position or a group of positions. These positions are sufficiently alike in duties, functions, and responsibilities such that the positions can be identified by the same classification title, use the same classification specification, and be assigned the same rates of pay.

7.2. PREPARATION AND MAINTENANCE

Classification specifications for each City position are prepared and maintained in such a manner that they accurately describe the duties and responsibilities of the positions and classifications. Classification titles are set by the City Manager. The Human Resources Manager has the authority and responsibility to research, study, and propose necessary changes to the City Manager. The City recognizes that duties evolve and change in a dynamic work force, and that the classification system needs periodic reviews.

7.3. CLASSIFICATION PLAN REVIEW

A periodic compensation review that reflects changes to external comparables will be performed by the Human Resources office. The Human Resources office will research the compensation data and make recommendations based on their review.

7.4. CLASSIFICATION SPECIFICATION REVIEW

- A. Classification specifications may be reviewed for several reasons as outlined below, however, a specification audit will be conducted not more often than once per year.
- *Market Study* – A review of the market to determine if position(s) are classified properly. For changes to compensation as a result of a reclassification of this, see Section 6.6.B.1.
 - *Organizational Change* – A Department Director may request an audit when there is a need to restructure the Department. For changes to compensation as a result of this, see Section 6.6.B.2.
 - *Job Specification Change* – An audit may also be initiated by an employee or supervisor at any time when there has been a significant change in the employee's job responsibilities. For results in changes to compensation, see Section 6.6.B.3.
- B. Requests - As changes occur in the responsibilities of a position, it is appropriate to the classification review to determine whether changes in the classification of a position are justified. Such changes may result from gradual modifications and additions to the responsibilities of a position and/or from a departmental reorganization in efforts to meet the goals and objectives of the City's strategic plan(s). Because of the implications of a position reclassification, these basic Policies are followed:
1. A request for classification review begins only when the Department Director can clearly identify the changes in responsibilities that have occurred as a result of reorganization, enhanced job duties, or changes in work complexity.
 - a. The justification focuses on the content of the position which has changed. Increases in work volume, outstanding performance, or admirable behavioral traits of the incumbent, although valued and important, are not relevant to a classification audit.
 2. The Department Director, in consultation with Human Resources, determines whether or not the request meets the criteria and the changes are conducive toward meeting the goals and objectives of the City's strategic plan(s). Failure to meet the criteria may mean the Department Director does not support the request and may elect to change the duties back so the employee is properly working within the current classification.
 3. Position reclassifications have budgetary impacts. Therefore, the Department Directors must submit their requests to Human Resources by March 31st each year so the audits can be for implementation, if applicable, the next fiscal year.
 4. When the City determines that a new classification specification or reclassification of an existing classification is necessary, Human Resources will prepare a new/ revised classification specification and recommended salary range.

C. Audit Process - The reclassification of a position can be accomplished only upon the completion of a classification audit process, which follows the outline below:

1. **Reclassification Request** - Requests for reclassifications are submitted in writing to the Human Resources Manager through the employee's Department Director. The Human Resources Manager may request completion of part or all of the following:
 - A copy of the most recently-approved position description with a detailed listing of specific additions, deletions, or changes that have been made subsequent to the position's responsibilities with an explanation as to how these alterations assist in meeting the goals and objectives of the City's strategic plan(s);
 - Any additional background material considered to be appropriate to document the change in the position regarding its complexity, skills, or accountability, (e.g., activity log);
 - A Position Task Questionnaire available from the Human Resources Office.
2. **Classification Audit Process:** Upon receipt of the Department Director's written request, the Human Resources Manager conducts a classification audit involving the following steps:
 - a. Review of the specification changes that may include basic functions, examples of work, basic qualifications, knowledge, skills, and required training and experience;
 - b. Identifies what changes in responsibilities would or would not justify the need to place the position in a higher or lower classification and places a value to the classification as appropriate;
 - c. The information with a recommendation is forwarded to the relative Department Director for final action.
3. **Timeline** - Classification audits are accomplished in a timely fashion. The audit and the response explaining the recommended action are delivered to the appropriate parties within a reasonable time, generally within ninety (90) working days of receiving the request.

7.5. **RECLASSIFICATION RESULTS**

Upon approval of a reclassification, the position is assigned to the appropriate classification range. For results of changes in compensation changes, see Compensation Section 6.6.

7.6. **REQUEST FOR A NEW CLASSIFICATION**

Any request for a new position to be established before the succeeding fiscal year must be submitted initially by the Department Director to the City Manager or designee and the Human Resources Manager. The request must include the following:

- A full description of the duties, functions, and responsibilities of the position with suggested qualifications and title;
- A statement explaining the impact and relationship of the new position or classification upon existing positions and classifications;
- Explanation as to how the position(s) will assist in meeting the City's strategic plan(s); and,
- Other information that would justify the need for the new position or classification.

7.7 **ESTABLISHMENT OF A NEW CLASSIFICATION SPECIFICATION**

Requests for new classification titles, classification specifications, and position descriptions are submitted through the Department Director to the Human Resources Manager for consideration. Upon the City Manager's approval, the Human Resources Manager provides a new classification title, new classification specifications, or a new position description. The City Manager also directs the assignment of a proper classification range.

7.8. **CLASSIFICATION OF TEMPORARY EMPLOYEES**

For a temporary position, the Department Director may request a temporary title for the efficient operation of the department without a proper working classification title. The request is submitted to the Human Resources Manager and City Manager and includes appropriate justifications, classification specifications, a position description, a recommended classification range, and a recommended rate of pay. Upon approval by the City Manager, the Department Director may immediately fill the temporary position.

7.9. CLASSIFICATION OF EMERGENCY EMPLOYEES

Under emergency conditions that jeopardize public safety, the use of additional personnel not otherwise budgeted may be required. A Department Director, or the Department Director's designated representative, may employ the services of an emergency employee(s), with the prior approval of the City Manager or the City Manager's designated representative. An emergency employee is placed in a proper classification range and is provided with benefits as approved by the City Manager.

7.10. UNAUTHORIZED POSITIONS

No person may be hired as a regular employee in excess of the authorized number of positions as shown in the budget nor in pay ranges other than authorized in the compensation schedule.

SECTION 8: EDUCATIONAL PROGRAMS & WORK-RELATED TRAVEL

Section(s) Revised: 8.5.

Approved by Council: 11/27/06 Effective: 01/01/07

8.1. POLICY STATEMENT

The personal and professional development of employees is vital to the success of each employee and the City. As such, the City supports and encourages training, self improvement, and personal development programs for all employees through on-the-job training, educational programs, and certification.

8.2. EDUCATIONAL PROGRAMS AND TUITION REIMBURSEMENT

Planning an employee's individual development or learning plan is the joint responsibility of the employee and immediate supervisor, and occurs at least annually. All employees and managers are strongly encouraged to take advantage of advanced educational programs.

- A. Training may include demonstrations, reading assignments, lecture courses, workshops, seminars, teleconferences, or other methods that may be available to improve the effectiveness and broaden the knowledge of employees.
- B. Training is considered directly related to the employee's job if the employee's Department Director and Human Resources Manager determines it is designed to make the employee handle his/her job more effectively. Training is not considered directly related if it prepares the employee for another job, provides new or additional skills for advancement, or when it is not intended to make the employee more efficient in his/her current job, even though the course incidentally improves skills for performing his/her regular work.
- C. It is the responsibility of each department to project the number of employees participating in these programs within their department.
- D. Employees should be aware that, due to budgeting restraints, the City is under no obligation to approve all employee requests. Funds allocated to departmental budgets for these programs are divided in a fair and equitable manner.

8.3. TRAINING PROGRAMS ESTABLISHED BY THE CITY

- A. Training sessions and courses can be established by the Department Director where the employee would benefit from such training, or may be provided on a City-wide basis. In cases where City funding is unavailable or insufficient, or where the training opportunity provides a personal as well as a work-related benefit to the employee, the employee may be required to share in or pay the entire cost of such training opportunity if he/she desires to attend.
- B. Although operational considerations must be given first priority, supervisors and Department Directors are encouraged to make reasonable arrangements that will allow employees to attend such training opportunities. It will be the responsibility of Department Directors to initiate and promote in-service training of employees to improve the quality of personnel services.

8.4. CONFERENCES, WORKSHOPS, SPECIAL TRAINING COURSES, OR SEMINARS

- A. Employees are encouraged to attend professional seminars, conferences, workshops and other special training, providing such educational opportunities are directly or indirectly related to the employee's employment and moneys are available in the budget as specified in Section 8.2.
 - 1. When an employee represents the City at the request of his/her Department Director at a seminar, lecture or training session, all expenses incident to the training shall initially be paid by the City in accordance with policies. Training expenses are also paid by the City to maintain or improve skills required for the employee's position, provided all expenses are requested by the Department Director and moneys are provided in the department budget. All training programs must be approved by the Department Director or designee in advance. If the cost of the program is in excess of the amount allotted in 8.6.C.2. the employee may be required to comply with the stipulations as outlined in Personnel Policy 8.6.D.1.b. If the training session is required of the employee's position and a pass/fail or Grade is issued, reimbursement to the City of all or a portion of the expenses will be in accordance with Personnel Policy 8.6.C.3.a. through 8.6.C.3.d.
 - 2. In-state and out-of-state travel or conference registration expenses must have prior approval of the Department Director. Forms and procedures for employees wishing to attend conferences shall be provided by the City.

3. Attendance by covered employees at these seminars, conferences and training classes will not be treated as hours worked for FLSA purposes if all of the following criteria are met:
 - a. attendance by the employee is voluntary;
 - b. the seminar, conference or training is not directly related to the employee's job; and
 - c. the employee does not perform any productive City work during such attendance.

B. Attendance by covered employees is not considered voluntary if it is required by the City or if the employee is led to believe that his/her present working conditions or the continuance of their employment would be adversely affected by non-attendance.

8.5. WORK-RELATED TRAVEL

Employees required to travel on business for the City are paid a sufficient amount to cover expenses accrued in a reasonable manner. The following guidelines, (8.5.A.1-4), result from FLSA legal interpretations and apply only to employees in non-exempt positions.

A. Definitions

1. "Routine" Travel Time To and From Work

Travel time to and from work before and after the regular workday is not work time. This is true whether the employee works at a fixed location or at different job sites.

2. "Extraordinary" Travel Time To and From Work

In contrast, if an employee is given a **special** work assignment, inclusive of **required** attendance at a training function, in another city, this travel time is not regarded as ordinary home-to-work travel and would qualify as working time.

Example: An employee who works in Wheat Ridge, with regular working hours from 8:00 a.m. to 5:00p.m. may be given a special assignment in Colorado Springs with instructions to leave Wheat Ridge at 7:00 a.m. The employee arrives in Colorado Springs at 8:00 a.m., the special assignment is completed at 5:00 p.m. and the employee arrives back in Wheat Ridge at 6:00 p.m. The travel is not regarded as ordinary home-to-work travel because it is performed for the employer's benefit and at the employer's special request to meet the needs of the particular and unusual assignment.

However, not **all** the travel time involved must be counted as working time. Since, except for the special assignment, the employee would have had to report to their regular work site, the amount of time it would take the employee to travel between their home and the normal work site need not be counted as hours worked.

3. "Extraordinary" Travel Involving Overnight Travel

a. Required travel that keeps an employee away from home overnight is travel from home and is work time when it cuts across the employee's workday. The time is not only hours worked if it occurs during the employee's normal working day and working hours, but also if it occurs during the corresponding hours on nonworking days. Thus, as an example: employee regularly working Monday through Friday, from 8:00 a.m. to 5:00 p.m., travel time between 8:00 a.m. – 5:00 p.m. is work time if it occurs on Saturday and Sunday, as well as, on weekdays.

b. In contrast, time spent in travel away from the home but outside of regular working hours need not be counted as hours worked if the employee is a passenger, e.g. traveling by airplane, bus, car, or train. If the employee is a driver of a vehicle, all time spent driving in the vehicle to and from the assignment is regarded as working hours, except that if public transportation would have required less time, the City may count as hours worked the less time-consuming method of transportation. The employee is expected to choose the most economical and expedient mode of transportation in terms of time and cost.

4. Travel From Work Site to Work Site

Time spent traveling from one work site to another must be counted as hours worked. If an employee is required to drive a vehicle to transport tools, equipment, or other employees from the employer's place of business to the job site, that is considered work time. It makes no difference whether the vehicle is the employee's, the City's, or rented.

B. Travel Pay - Employees will be paid by an approved appropriation in a departmental budget. The appropriation will be in the best interest of the City and will be approved by the Department Director. For specific procedures, refer to the internal administrative Travel and Payment of Expenses policy.

8.6. TUITION ASSISTANCE PROGRAM

- A. Purpose - The Tuition Assistance Program is to encourage and assist employees to enhance their effectiveness through education and training, to improve their skills and knowledge, and to improve the ability to carry out their job duties. The City makes this investment in the employee with the expectation that it will improve the employee's productivity and the employee is committed to continued employment with the City.
- B. Eligibility - In order to be eligible for the reimbursement of tuition, registration, and books for approved courses taken when the employee is off duty, all of the items listed in the following 1-5 are required:
1. Employees must have completed their Trial Service Period and be certified to their "regular" (benefited) position;
 2. Courses taken are through an accredited and recognized educational or training institution;
 3. Criteria as outlined in Section 8.2 are met;
 4. The employee completes and submits the required material as outlined in Section 8.6.D Procedures; and
 5. The employee must demonstrate successful completion of all course work through receipt of a "C" grade or higher, or a pass in a pass/fail system; or provide documentation of successful completion of courses where no letter grade is given.
 6. Employees separating from City employment prior to the completion of an approved course are not eligible for reimbursement.
- C. Policy
1. Employees are responsible for tuition charges when the required course leading to a degree is not related to their employment, as determined by the Human Resources Manager and the employee's Department Director.
 2. The maximum reimbursement for full-time eligible employees is \$2,000 per employee per calendar year and for part-time eligible employees, this amount will be pro-rated.
 3. Employees who meet the criteria as set forth in this policy may be reimbursed for tuition, registration, and books subject to availability of funding in the City's annual operating budget. Reimbursement will be on the basis of the grade obtained for each course:
 - a. For a grade of "A" or "B", the employee shall be reimbursed for 100% of the above mentioned costs;
 - b. For a grade of "C", the employee shall be reimbursed for 50% of said costs;
 - c. 0% reimbursement for a grade of "D", "F", or an incomplete grade unless or until such course is completed with the requisite passing grade.
 - d. If a course is graded on a pass/fail basis, an employee who receives a grade of "pass" shall receive 100% reimbursement for the above costs and 0% reimbursement for a failing grade.
 - e. The Department Director may reduce the percentage reimbursed for tuition based on budgetary constraints.
 4. The Department Director may adjust an employee's work schedules so that they may attend degree and non-degree related courses under this policy. However, this adjustment shall be at the sole discretion of the Department Director.
- D. Procedure
1. Eligible employees who want to participate in the tuition assistance program must complete and submit for approval, prior to enrolling in such a program, the following two forms. To the degree possible, the forms are submitted to the employee's immediate supervisor during the budgeting process.
 - a. Tuition Assistance Request form – outlines course content, purpose of education, degree/certificate sought, total of semester/graduate hours for which reimbursement is desired and estimated completion date of program.
 - b. Agreement and Certification form – stipulates the employee will remain in City employment for a minimum of one (1) full year after completion of course approved for reimbursement; the employee agrees that if termination occurs prior to the one (1) year commitment period, repayment of the amount provided by the City for tuition assistance on a pro-rata basis will result; and, if other costs are incurred due to collection of delinquent sums, the employee will pay such expenses in addition to the portion of reimbursement.

2. The approval or disapproval for tuition reimbursement shall be the decision of the Department Director. The Department Director will indicate approval or disapproval on the Tuition Assistance Request form with an explanation for the determination.
3. The Department Director will forward both forms to Human Resources for final review. Human Resources will verify the forms are complete with all appropriate signatures and required information. Human Resources will be responsible for returning a copy of the final determination to the appropriate department.
4. It shall be the responsibility of the department to notify the employee as to the approval or disapproval of tuition reimbursement.
5. Within thirty (30) calendar days after published course completion date, the employee must forward an approved check request form along with evidence of satisfactory completion of the course(s) and a receipt for tuition, to the Administrative Services Department for payment.
6. Failure to submit appropriate documents within time limits indicated in this policy may result in denial of tuition reimbursement for course(s). Reimbursements are contingent upon compliance with requirements listed in this policy and availability of funds.

E. Limitation on Expenses

1. Books - If the City reimburses the employee for books, the City retains the books for a departmental library established for employees' use. If the employee wants to keep the books, then the City does not reimburse the employee for that cost.
2. Workbooks, special assessment fees, or late registration fees will not be considered reimbursable expenses.
3. If the employee pays for the tuition, registration or books on a credit card or installment plan, no service fees or financial charges are paid by the City.
4. If an employee receives assistance under federal or state government legislation, or other student aid programs, for tuition, registration, or books for an approved course, the City pays only the difference, if any, between the student aid and the actual costs for tuition, registration, and books.

SECTION 9: SUBSTANCE ABUSE POLICY

Sections Revised: 9.4.D.4.b., 9.5.D.3., 9.8.C.

Approved by Council: 11/27/06 Effective: 01/01/07

9.1. PURPOSE

The City considers its employees to be its most valuable asset and believes that professionalism in the delivery of public services can only be maintained within a drug-and-alcohol-free work environment. Further, the City believes that employees have a right to work in an environment free of drugs and alcohol and employees have the obligation not to place themselves or their co-worker in a situation where job performance is impaired by substance abuse. This policy has been developed in compliance with the Federal Drug-Free Workplace Act of 1988, regulations of the US Department of Transportation ("DOT"), the Federal Transit Administration ("FTA"), and other relevant authorities. It also incorporates the City's Drug Free Workplace Policy.

9.2. POLICY

It is the policy of the City of Wheat Ridge that employees and volunteers present themselves for duty, free of the influence of illegal drugs or other intoxicants. The use, sale, or possession of an illegal drug or alcohol in the work place may negatively affect the City's efficiency in providing service to its citizens and can have an adverse impact on how the public perceives the City of Wheat Ridge and its employees.

- A. The City intends to follow all applicable laws and regulations, including the Americans With Disabilities Act (ADA). The City reserves the right to obtain and consider information on an applicant's fitness for a given position. The information may include but is not limited to the applicant's obedience to law, including the use, sale, manufacture, transfer, and possession of controlled substances or alcohol.
- B. The City is a public entity and wishes to retain the confidence of the public in the services provided by the City's work force, therefore, the City will not knowingly hire or retain individuals who illegally buy, possess, use or sell controlled substances.

9.3. DRUG FREE WORKPLACE

- A. Policy Statement - The City recognizes that the maintenance of a drug-free workplace is essential to the safety and welfare of its employees. This policy establishes City programs and practices that promote and support a drug-free working environment and brings the City into compliance with the Drug-Free Workplace Act of 1988. The City wishes to educate its employees as to the dangers of drug abuse in the workplace, the City's commitment to a drug-free workplace, the penalties that may be imposed upon employees for drug violations in the workplace, and the City's commitment of support for employees undergoing treatment and rehabilitation of chemical dependencies.
- B. Provisions
 1. Controlled Substances -
 - a. The manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol in the workplace is prohibited, (conduct prohibited in accordance with 9.4.C.).
 - b. As a condition of employment, all employees must notify their Department Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) dates after such a conviction.
 2. Prescription or Over-the-Counter Drug Use – The use of prescription and over-the-counter drugs which compromise the safety in the workplace or the quality of the employee's work product is prohibited. It is the employee's responsibility to check with their physician as to whether or not a prescription drug will impair performance and to notify his/her supervisor of the physician's opinion. Employees are specifically required to notify their immediate supervisors of any restrictions, hazards or effects when they are taking medications with warning labels.
 3. Drug Use Away from the Workplace - The use of a controlled substance off the work site by an employee may be grounds for disciplinary action if it results in an adverse impact on job performance or the confidence of the public in the City as an employer.
 4. Employee Sanctions - It is the responsibility of every employee to be aware of the above provisions and to abide by them. Failure to observe these provisions will result in immediate disciplinary action against the employee, up to and including termination.
 5. Employee Assistance Program - The City is committed to supporting employees undergoing treatment and rehabilitation for alcohol or other chemical dependency. The City will provide information to employees on available drug counseling and rehabilitation programs.

6. Drug Abuse Education Program - The City will utilize all available City resources to educate employees as to the dangers of drug abuse.
7. Confidentiality - Confidentiality of all complaints and reported violations of the provisions of this directive will be maintained as strictly as possible, except as required by public disclosure laws or court order.

9.4. **DRUG AND ALCOHOL TESTING**

- A. This policy sets forth the City of Wheat Ridge's alcohol and drug testing program and the testing and reporting requirements as required by the United States Department of Transportation and the City. This policy applies to all employees as outlined in Section 9.4.D.

B. DEFINITIONS

Accident – means an occurrence involving a vehicle on a public road which results in:

- a fatality;
- bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
- One or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle;
- A citation for a moving traffic violation arising from the accident;
- Overall property/vehicle damage estimated at \$1,000 or more; or
- The employee can not be completely discounted as a contributing factor to the accident.

Alcohol Abuse - the ingestion of alcohol or alcoholic beverages, on or off duty, which adversely affects the employee's ability to perform his or her job duties.

Confirmation Test - Gas Chromatography/Mass Spectrometry (GC/MS) used to identify the specific substance present.

Driver – includes all employees whose positions may involve driving a commercial vehicle and that require the possession of a Commercial Driver's License.

Commercial Vehicle – one that either

- Has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds);
- Is designed to transport 16 or more persons, including the driver; or
- Is used to transport hazardous materials.

Drugs – for the purposes of this policy, in accordance with the applicable federal regulations, "drugs" refers to the following five categories of substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines.

Drug Abuse - use of any controlled substance as defined in Colorado Statutes Title 12, and any applicable amendments thereof, not pursuant to a lawful prescription.

EBT (Evidential Breath Testing) - device used to measure alcohol level.

HHS Policies - Department of Health and Human Services Mandatory Policies for Federal Workplace Drug Testing Programs - those Policies as printed in the April 11, 1988 Federal Register (53FR11970), as they may be amended from time to time.

Illegal Drug - any controlled substance as defined in Colorado Statutes, Title 12 as amended from time to time, not possessed or taken in accordance with a lawful prescription.

Impairment - any detectable level of an intoxicant in a person's system, including prescription medication.

Motorized Vehicle - on or off road motorized vehicle.

MRO (Medical Review Officer) - licensed physician with knowledge of drug abuse disorders.

Radioimmunoassay of Hair (RIAH) - a drug screening process which uses a small sample of human hair to detect whether an individual has used drugs.

Reasonable Suspicion - based on specific, objective facts derived from the surrounding circumstances from which it's reasonable to infer that further investigation is warranted.

Substance Abuse Professional (SAP) – may be a licensed physician or licensed or certified psychologist, social worker, or Employee Assistance Professional with knowledge of and clinical experience in the diagnosis and treatment of alcohol related disorders; or drug abuse counselors certified by NAADAC Certification Commission. The SAP is responsible for evaluating employees with positive test results.

Safety Sensitive Position – If an employee is performing any of these activities with respect to a City vehicle to which a C.D.L. applies or responsible for operating emergency vehicles, that person is considered to be performing a safety-sensitive function:

- Any time waiting to be dispatched on a vehicle;
- Any time spent inspecting equipment or inspecting, servicing, or conditioning a vehicle;
- All driving time;
- Any time in a vehicle, other than when resting in its sleeper berth, if any;
- All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, being ready to drive a vehicle, or giving or receiving receipts for shipments loaded or unloaded;
- All time spent by an employee following required procedures after being involved in an accident involving injury, death or property damage of any kind; and
- All time repairing, obtaining assistance for, or staying by a damaged vehicle.

Substances Releasing Toxic Vapors - use of any product as, defined in the City of Wheat Ridge Ordinance Section 75-96, for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled sense or nervous system. Also includes possessing, buying or using any such substance for the purpose of violating or aiding another to violate this section.

Working Hours - the time from when an employee arrives at the work place at the beginning of the work day until the time the employee leaves the workplace at the end of the work day, whether the regular shift, overtime, call back or other time worked.

Workplace - any facility, premise, parking lot, and/or work site of the City of Wheat Ridge including any place and/or function to which an employee is sent as a representative of the City. Workplace also refers to vehicles and equipment of the City, and to private vehicles used by the employee while on duty.

C. **PROHIBITED CONDUCT** - The following conduct regarding alcohol and drug use or abuse is prohibited

1. Alcohol Concentration – An employee may not report for or remain on duty while having an alcohol concentration of 0.04 or greater. Police Officers while on duty but not in uniform, may drink while performing in authorized undercover operations and/or when serving as the subject of an educational seminar or class that addresses alcohol use and/or intoxication.
2. Alcohol Possession and On-Duty Use of Alcohol – An employee may not possess or use alcohol while on-duty, including while operating a city vehicle or a personal vehicle on behalf of the City, with the exception of circumstances as described in Section 9.4.C.2.
3. Pre-Duty Use of Alcohol – An employee may not operate a commercial vehicle within four (4) hours after using alcohol. A stand-by employee who consumes alcohol within four (4) hours of being called in must acknowledge the use of alcohol and may not report for duty.
4. Alcohol Use Following An Accident – An employee required to take a post-accident alcohol test may not use alcohol for eight (8) hours following the accident, or until a post-accident alcohol test is given, whichever comes first.
5. Use of Drugs – An employee may not report for duty or remain on duty, when the employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively should provide written notice from their physician or pharmacist with respect to the effects of such substances.
6. Refusal to Submit to a Required Test – An employee may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or drug test as directed by this policy.
7. Positive Drug Test – An employee may not report for duty or remain on duty, for the performance of duties covered under this policy, if the employee tests positive for drugs or alcohol.
8. Tampering with a Required Test – An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy.
9. Possession, Transfer, or Sale – No employee may possess, transfer, or sell drugs or alcohol while on duty in any position covered by this policy.

- D. **CIRCUMSTANCES REQUIRING TESTING** - The City of Wheat Ridge will require tests for the presence of alcohol or illegal drugs under any of the following circumstances:
1. **Post-Hire Offer** - A candidate for employment considered to be a prospective appointee, shall be required to undergo pre-employment drug testing upon a conditional offer of employment and prior to his/her appointment as a City employee in the position of 1) armed police officer; 2) positions having access to police property evidence; 3) positions requiring the possession of a Commercial Driver's License or the operation of Commercial Vehicles as prescribed by state or federal regulations; and, 4) positions which require the operation of passenger vans and transportation of the public as a regular daily activity of the position. The City reserves the right to institute a City-wide program in which this policy will apply to all positions.
 - a. **Securing Information from Previous Employers** – If a person is to be hired into a position subject to this policy and during the previous two years has worked as a driver of a commercial vehicle, that person must authorize a request for all employers of the driver within the past two years to release information on positive alcohol or drug tests or if there was a refusal to be tested.
 - b. If the person has passed the pre-employment drug test but the requested information has not arrived by the applicant's anticipated start date, the person may be hired with the understanding that continuation of employment may be contingent upon obtainment of the requested information from the previous employers within 14 calendar days from date of hire. If the information has not been received within this time period, the person will not be permitted to drive commercial vehicles until the information has arrived.
 - c. If the information obtained from previous employer(s) indicates whether a positive test or a refusal to be tested occurred within the past two (2) years, that person will not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a Substance Abuse Professional was made and return to duty testing was administered.
 - d. If no such information was generated about the applicant or if the past employer(s) cannot be located or refuse(s) to cooperate, the supervisor will so document and send a report to Human Resources. Normal hiring may proceed when a memo documenting the lack of information has been sent to Human Resources.
 - e. Any applicant who tests positive for any controlled substance or for a prohibited concentration of alcohol (more than .02%) shall be deemed unfit for City employment and will be ineligible for employment opportunities with the City for six (6) months.
 2. **Annual Physical Examination** - As part of an employee's annual physical examination, if applicable.
 3. **Promotion or Transfer** - Whenever an employee is promoted or transferred to a position identified in 9.4.D.1. unless the employee is already serving in a position as described in 9.4.D.1.
 4. **Reasonable Suspicion** – Any employee shall submit to a drug and/or alcohol test when the City reasonably suspects that this policy (except the prohibitions against possession, transfer or sale of alcohol) may have been or are presently being violated. A referral for testing will be based on contemporaneous, articulate observations. Such referrals will be made by supervisory personnel or designee that have received training concerning the signs and symptoms of drug and alcohol use, and confirmed by a second trained supervisor. When reasonable suspicion exists, the affected employee will be questioned and observed. A decision to request a specimen will be based upon eye-witness reports, facts of the event and observed physical and behavioral characteristics of the affected employee. The employee will be interviewed in a private area.
 - a. **Verification** – A reasonable suspicion request will be documented in writing with a copy provided to the affected employee.
 - b. **Relief of Duty** – The employee will be placed on paid leave until the results of the drug and/or alcohol test are complete and verified. If the test results are negative, the employee will be compensated during the waiting period for all work time lost. If the test results are positive, employees will be allowed to use PTO, compensatory time, ESL or other paid leaves during the period of absence to eliminate any loss of income.
 - c. **Transportation Assistance** – At least one member of the City management team or designee and/or Human Resources staff will accompany the employee to the collection site and will provide the employee with transportation to his/her home after testing is completed. A City vehicle, whenever possible, should be used for transporting the employee. If the employer deems the employee's behavior is belligerent and/or the employee refuses and demands to drive his/her vehicle, the employer shall notify law enforcement.

- d. Alcohol testing for reasonable suspicion may only be initiated during the employee's working hours. If an employee is removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight (8) hours, the employee will not be allowed to perform or continue to perform their job until an alcohol test is administered and the breath alcohol concentration measures less than 0.02 or 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.
 5. Post Accident – Substance testing is required whenever an employee is involved in an accident while operating a City of Wheat Ridge vehicle or when operating his/her own vehicle while performing work for the City of Wheat Ridge which results in: a death; an injury that warrants outside medical attention; and/or equipment/vehicle is disabled.
 - a. Testing should occur as soon as possible, but may not exceed eight (8) hours after the accident for alcohol testing and thirty-two (32) hours after the accident for drug testing.
 - b. An employee involved in any accident that will or may result in a drug test must remain available for testing and may not take any action to interfere with testing or the results of testing.
 - c. Stipulations as outlined in 9.4.D.4.b. and c. will apply.
 - d. Drivers who do not comply with post-accident test requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test as provided in this policy.
 6. Return to Duty – Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and, who under the discipline policy, are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of 0.02. If an employee tests positive for drugs or has an alcohol test that indicates a blood alcohol level of .04 or greater from a random, reasonable suspicion, or post-accident test, or engages in prohibited conduct as outlined in this Policy, the employee will be immediately removed from duties. The employee will not be permitted to return to work unless he/she:
 - a. Has been evaluated by a qualified Substance Abuse Professional; and,
 - b. Has a verified negative result on a return-to-duty alcohol, (.02) and/or drug test; and,
 - c. If recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed. Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing in accordance with 9.4.D.8.
 7. Random Basis - As prescribed by City policy for employees performing safety-sensitive functions,
 - a. Testing must be either just before, just after, or during the safety-sensitive function.
 - b. Initial rate at testing must be equal to an annual rate of 50% of the employees performing safety-sensitive functions for drugs and 25% for alcohol. Selection is through a scientifically valid method, spread reasonably and unpredictably through the year.
 8. Follow Up – An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed sixty (60) months as directed by a Substance Abuse Professional and the City. The number and frequency of follow-up tests will be determined by the Substance Abuse Professional and the City, but will not be less than six (6) tests in the first twelve (12) months following the employee's return to duty.
 9. Re-Testing – Employees who test positive for drugs may request, at their expense, a second test of the remaining portion of the split sample within seventy-two (72) hours of notification of a positive test result by the Medical Review Officer.
- E. **REFUSAL TO SUBMIT TO A REQUIRED TEST** – No employee shall refuse to submit an alcohol or drug test as directed under this policy. Refusal to submit to a test shall be considered insubordination and shall be deemed the same as a positive test result. A refusal to submit shall include, but is not limited to:
1. A failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing in accordance with the procedures manual;
 2. Failure to provide adequate urine for drug testing without a valid medical explanation after the employee has received notice of the requirement for urine testing in accordance with the procedures manual;
 3. Engaging in conduct that obstructs the testing process
- F. **CONFIDENTIALITY AND RECORD RETENTION** – All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees. Only the employee or applicant may access the results of their test(s) if they make a request in writing.

9.5. TESTING POLICIES

- A. The City of Wheat Ridge shall pay the cost of any physical examination(s) and tests required by this section, unless otherwise indicated.
- B. Physical examinations and/or specimens required by this section will normally be obtained from an employee, while the employee is on duty. If an employee is required to submit to examinations or testing other than during normal duty hours, the employee shall be paid for all time required for the examination and testing.
- C. The decision to require a urinalysis, blood, breath or Radioimmunoassay of Hair test in the case of suspected drug and/or alcohol use, will require the approval of the City Manager or designee and the employee's Department Director or designee prior to any test taking place.
- D. All test samples will be collected at a designated facility as arranged through Human Resources. An appropriate chain of custody will be established and maintained to ensure the accuracy of test result. An employee may not tamper with, adulterate, alter, substitute, or otherwise obstruct any testing process required under this policy.
 - 1. Physical examinations and/or tests as described in this policy will be performed by medical personnel selected by the City of Wheat Ridge.
 - 2. Applicants and/or employees who are required to take the examination(s) as described in this section shall sign a release and consent form to permit such testing and analysis, and the release of test results to those individuals involved in the selection and hiring process with a need to know such test results. Refusal or failure to sign the release and consent form or submit to such testing and analysis, will result:
 - a. If an applicant - the candidate shall be ineligible and disqualified from City employment opportunity for six (6) months.
 - b. If an employee - the employee shall be subject to discipline, up to and including termination from City employment.
 - 3. With the exception of random testing, an employee will be removed from active duty and be placed on administrative leave while awaiting the results of the test(s) as described in this policy.

9.6. TRAINING

All City of Wheat Ridge supervisory employees shall receive training to ensure they understand their roles and responsibilities in implementing this policy. Such training shall include behavioral observation techniques for detecting reduced job performance and impairment or change in employee behavior; techniques for recognizing alcohol, drugs, drug paraphernalia, and the indications of the use, sale, or possession of alcohol and drugs; and the procedures.

9.7. CORRECTIVE ACTION

All employees, regardless of disciplinary action taken, will be advised of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.

- A. Any employee found to have possessed, used or been under the influence of illegal drugs or alcohol while on duty shall be subject to disciplinary action, up to and including termination from City employment. All employees, regardless of disciplinary action taken, will be advised of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.
- B. A controlled substance in an individual's system, during working hours, if not medically prescribed, of more than a trace (trace = less than 0.04% for intoxicating beverages) as evidenced by a drug or alcohol test administered pursuant to a statutory or regulatory requirement or a previously established written drug or alcohol policy of the employer and conducted by a medical facility or laboratory licensed to conduct such test, may disqualify the former employee from eligibility for unemployment compensation benefits.

9.8. EMPLOYEE ASSISTANCE PROGRAM/VOLUNTARY REFERRAL

- A. The City supports employees who volunteer for treatment of alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program. Any employee who comes forth and notifies the City of alcohol or drug abuse problems will be given assistance.
- B. Such a program may not interfere with the tests required by these rules. For example, a driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other policies of the City.
- C. ESL, PTO, or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. Insurance coverage for treatment will be provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.

SECTION 10: SAFETY POLICY, EQUIPMENT, ACCIDENTS AND INJURIES

Section(s) Revised: 10.4.A.

Approved by Council: 11/27/06 Effective: 01/01/07

10.1. SAFETY STATEMENT

The City of Wheat Ridge aspires to provide every City employee with safe and healthful working conditions, so far as reasonably possible.

- A. All employees have the duty to comply with the City's safety and health standards that are applicable to their own actions and conduct, and to notify their supervisor of any safety hazards or safety problems.
- B. It is the intent of the City to post safety rules and regulations and promote safety through a regular safety campaign.
- C. It is the responsibility of each employee to assist management to follow the intent of this rule. To this end, employees are expected to accept their own responsibilities for safe conduct, maintain safe conditions with orderly housekeeping, report unsafe conditions they cannot correct themselves, use tools and equipment properly, maintain tools and equipment in good condition and report defects as needed, and apply the safety practices and procedures in which they have been taught.
- D. Employees are required to report all injuries to their supervisors promptly as described in Section 10.7. Failure to do so may cause loss under the Worker's Compensation Act, and result in disciplinary action up to and including dismissal.

10.2. REQUIRED DRIVER'S LICENSES

- A. It is the City of Wheat Ridge's policy and requirement for employment that every employee position with driving duties requires a motor vehicle record (MVR) meeting the grading requirements outlined below. This MVR policy applies both to drivers of company owned vehicles, as well as, employees using personal vehicles in the course of company business.
- B. MVRs, on persons whose position requires a driver's license, will be examined prior to the start of employment and at least annually thereafter. Said applicant/employee will be required to sign a release form each time a driving history is requested. For a position with driving duties, any job offers or for continued employment shall be contingent upon an MVR meeting the required standards as outlined below:
 - 1. All operators must have a valid driver's license for at least three (3) years.
 - 2. In the past three (3) year period, driving records must contain no major violations and no suspensions for moving violations. All MVRs will be reviewed to complete the three (3) year driving history and the conviction date will be used to determine if the violation or suspension is in the three (3) year period.

MOTOR VEHICLE GRADING CRITERIA (last 3 years)

Number of MINOR Violations	Number of at-fault accidents			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor
Any MAJOR Violation	Poor	Poor	Poor	Poor
Minor Violation: Any minor violation other than a major except:		Major Violations		
<ul style="list-style-type: none"> ▪ Speeding (20 mph or less over posted – some states are 15) ▪ Motor vehicle equipment, load or size requirement ▪ Improper failure to display license plates ▪ Failure to sign or display registration ▪ Failure to have driver's license in possession (if valid license exists) 		<ul style="list-style-type: none"> ▪ Driving under influence of alcohol/drugs ▪ Failure to stop/report an accident ▪ Reckless driving/speeding contest ▪ Driving while impaired ▪ Mailing a false accident report ▪ Homicide, manslaughter or assault arising out of the use of a vehicle ▪ Driving while license is suspended/revoked ▪ Careless driving ▪ Attempting to elude a police officer 		

3. In reference to the table above, no new driver will be hired with a “borderline” or “poor” MVR as minimum requirements; and for continued employment in positions with driving duties, driving records must remain “acceptable” or “clear,” as outlined in the chart.
- C. These standards must be maintained to drive on City business. Any exceptions to these guidelines must be referred to senior management for written approval. The auto insurance carrier will be consulted on any/all MVRs not meeting the minimum criteria.
 - D. If moving from another State, a current Colorado license is required within thirty (30) days of hire.
 - E. Suspension, revocation, denial, or cancellation of license – In such circumstances, it is the responsibility of all employees, required by the nature of their position to possess a valid motor vehicle operator’s license, including a Commercial Driver’s License (C.D.L.), to notify their supervisor and Human Resources immediately upon the disqualification from driving. The employee must refrain from operating a City vehicle under these circumstances. Any deviation from this policy may result in discipline up to and including dismissal.
 1. Immediately upon notification of the suspension, revocation, cancellation, denial of an employee’s license or other disqualification, the employee shall be prohibited by the supervisor from driving or operating any City vehicle or equipment that requires the possession of a valid driver’s license.
 2. The supervisor, Department Director and the Human Resources Manager will examine the alternatives available for the re-assignment of the employee to an available vacant position not requiring a driver’s license for which the employee is qualified.
 - a. Should such a vacancy exist for which the employee is qualified, the employee may be offered the opportunity to transfer to the position at a rate of pay commensurate with the pay range of the other position classification but not necessarily at the same rate of pay the employee had attained in the previous position.
 - b. Except as provided to the contrary by the ADA, if there are no such other vacant positions available, or if the only available positions require the possession of a valid driver’s license, the employee shall be terminated from employment.
 3. If an employee has his/her driver’s license privileges restored, and is currently employed by the City, the employee may be returned to his/her former position if a vacancy exists. If no vacancy exists when the employee’s license is restored, the employee may reapply for the position previously held when the next available vacancy occurs. However, the employee is required to compete with any other applicants for the vacant position as described in Section 2 of these Policies and to undergo any testing as required by the selection procedures and requirements.

10.3. **USE OF CITY VEHICLES AND PROPERTY**

- A. Operation of a City-owned vehicle is restricted to official City business or City-authorized activities and functions and operation of said vehicle is restricted to City employees.
- B. Other City property shall not be used for private purposes without pre-authorization from the Department Director. No City employee shall use or permit the use of City vehicles for any private purposes unless specifically authorized, in writing, by the City Manager.

10.4. **USE OF PRIVATE VEHICLES**

- A. An employee who is authorized by the City Manager, Department Director, or supervisor to operate a private vehicle on official City business shall be reimbursed for mileage for such usage at a rate prescribed by the Deputy City Manager.
- B. If an employee becomes involved in an accident while operating his/her personal vehicle on City business, the employee’s personal auto insurance coverage is the primary policy.
- C. Traffic citations and parking tickets received while operating a vehicle on City business are the responsibility of the employee.

10.5. **VEHICLE EQUIPMENT ACCIDENTS & DAMAGE & EMPLOYEE INJURIES**

- A. If, while operating a City-owned vehicle or privately-owned vehicle in the performance of official City duties, an employee is involved in an accident resulting in personal injury or property damage, the employee shall:
1. Notify and report the accident to the appropriate law enforcement officials.
 2. Report the accident to his/her immediate supervisor as soon as possible, but no later than the next calendar day after the accident.
 3. Refrain from any discussion of the accident with anyone other than the representatives of the employee's own insurance company, (if personal vehicle is involved), the law enforcement, his/her supervisor, Department Director, and the person(s) responsible for the City's risk management.
 4. The employee, (or supervisor if employee is unable), shall file a Police Report as soon as is reasonably possible and not later than twenty-four (24) hours following the accident if it results in a personal injury, other than self, or damage to a City vehicle, equipment or property. In addition, documentation outlining the event, date, time, and names and addresses of all involved may be required to be submitted to the Administrative Services Department. Forms for completion may be obtained from the Department Director.
 5. The employee, (or supervisor if employee is unable), shall follow procedures as outlined if a work-related injury is sustained as a result of an accident.
- B. The City reserves the right to impose discipline and/or corrective action upon employees involved in incidents that result in property damage or personal injury. The City also reserves the right to seek recovery from such employees, any damages permitted by law relating to such losses.
- C. An employee will be required to take a drug and/or alcohol test in cases of death; an injury that warrants outside medical attention; and/or equipment/vehicle is disabled as a result of an accident, (refer to Section 9.4.D.5.).

10.6. **REPORTING OF WORK-RELATED INJURIES AND ILLNESSES**

The following procedures shall be followed to report work related injuries and illnesses. Failure to report an injury or illness as required by these procedures may result in loss of a day's compensation for each day's failure to report. Further, the employee's failure to report may result in the reduction or loss of worker's compensation benefits from the provider.

1. Employees are required to report work-related injuries and illnesses to their supervisor as soon as possible and not later than twenty-four (24) hours after an occurrence or knowledge of an occurrence. If the employee's condition does not permit this reporting, the supervisor shall be responsible for reporting as required by this section.
2. Employees who are injured on the job must report to the City-designated medical facility as described in Section 10.8. of these Policies.
3. Upon reporting an injury, whether medical attention is required or not, the employee and supervisor shall complete the "Employer's First Report of Injury" form provided by Human Resources. The form must be reviewed and signed by the employee's supervisor and Department Director.
4. The appropriate copies of the First Report of Injury shall be forwarded to Human Resources within forty-eight (48) hours of the reported injury or illness. A "Supervisor's Statement" must be submitted with an evaluation statement from the medical facility, if medical attention was rendered. Medical bills cannot be paid until receipt of this report.
5. Employees should forward all bills relating to the injury to Human Resources for processing and payment.

10.7. **CITY-DESIGNATED MEDICAL FACILITY**

- A. Employees must receive any necessary medical care for work-related injuries and illnesses from City-designated health care providers or facilities. Information for specific designated facility should be available at your work facility. For questions, contact Human Resources.
- B. In life-threatening emergencies or if the designated facility is closed, employees may receive care at the nearest emergency medical care facility as directed by attending medical personnel.
- C. Failure to use the City's designated medical provider, with the exception of 10.8.(B)., may result in a reduction or loss of City injury leave benefits and/or worker's compensation benefits from the provider.

10.8. **ALTERNATIVE DUTY**

- A. It is the City's policy to return employees to an active work status as soon as medically possible following an injury or illness. Human Resources is responsible for coordinating an employee's return to work.
- B. Employees who are on injury leave or sick leave are required to maintain contact with their supervisor and provide medical information as requested by Human Resources so that an evaluation of their fitness for duty can be made. An employee's failure to maintain contact, provide requested medical information or submit to an examination by a City-selected physician, if requested, may result in disciplinary action up to and including dismissal. Exceptions to this policy may be made when an employee is unable to communicate due to the nature of the injury/illness. For Injury Leave benefits, see Section 5 of these Policies.
- C. Human Resources, in conjunction with the Department Director, the employee's and/or the City's physician shall make a recommendation regarding the employee's fitness to return to regular duty. If the employee is unable to perform the essential functions of his/her regular position, but is qualified to perform other work, the Human Resources Manager may recommend alternative duty or make reasonable accommodations.
 - 1. A temporary alternative duty assignment will be made within the employee's regular department if such work is available as determined and approved by the Department Director. If such work is not available, the employee may be assigned work in another department.
 - 2. A reassignment of duties shall be reviewed and compensation will be established based on a labor market study of said duties, the employee's experience and longevity, as well as, the circumstances of the reassignment.
- D. Once it is determined that the employee is capable of performing in a temporary alternative duty capacity and such work is available, the employee shall not be eligible to receive injury or sick leave beyond the date of the determination.
- E. Temporary alternative duty assignments, if available, may last up to ninety (90) calendar days. Prior to or concurrent with the 90th day of alternative duty, a recommendation will be made by Human Resources after consultation with the appropriate Department Director(s) and physician(s) regarding the employee's future work status. Alternatives available to the City may include, but are not limited to:
 - 1. Placing the employee in a disability retirement status;
 - 2. Continuing the alternative duty assignment for a specified time;
 - 3. Returning the employee to his/her regular work assignment with or without reasonable accommodation(s);
 - 4. Transferring the employee to some other position in the City for which he/she is medically and occupationally qualified; or
 - 5. Terminating the employee from employment.

10.9. **SAFETY EQUIPMENT**

The City will provide safety equipment, as it deems necessary and appropriate, to employees whose positions require such safety equipment and may make its use mandatory in certain situations. Employees are required to report to their supervisor, at the earliest opportunity possible, any unsafe working condition that comes to their attention. Any failure to do so may result in discipline up to and including dismissal.

SECTION 11: DISCIPLINARY/CORRECTIVE ACTION AND APPEAL PROCEDURE

Section(s) Revised: 11.9.A.

Approved by Council: 01/14/08 Effective: 01/14/08

11.1. DISCIPLINE OR CORRECTIVE ACTION

The City expects all employees to perform their job duties to the highest professional and business standards at all times. Whether or not an employee's performance, conduct or behavior warrants disciplinary or corrective action is within the judgment and discretion of the City, as is the appropriate type of discipline or corrective in a particular instance. The City does not intend by this Policy to create any expectation that any employee will be assured of any particular form of action, such as warning or notice, or progressive discipline, prior to dismissal. The City therefore reserves the right, in all instances, to review each situation independently and make a decision on what it deems to be appropriate action in all cases, up to and including discharge. Action taken by management in an individual case should not be assumed to establish a precedent in other circumstances.

11.2. APPLICATION OF DISCIPLINE/CORRECTIVE ACTION

The Disciplinary/Corrective Action and Appeal Procedure applies to all classified employees and does not include: the City Manager, Elected Officials, temporary, seasonal, volunteer, Federal/State or specially funded intern employees, employees in a trial service status or as otherwise specified herein.

11.3. DEFINITIONS

- A. Disciplinary Authority – shall be the City Manager or his/her designee, Department Directors, Human Resources Manager, Division Managers, and Supervisors, within the limits of authority as set forth in 11.7.
- B. Disciplinary Action – refers to action taken by the disciplinary authority against an employee for cause, including, but not limited to, reprimand, suspension, demotion, or discharge.
- C. Corrective Action – refers to action taken by the disciplinary authority against an employee for cause, including, but not limited to training, re-training, or return to trial service.
- D. Business Day – for the purposes of this Policy, a time period of 8:00 am to 5:00 pm on a day of the week except Saturday or Sunday or City recognized holiday.
- E. Workday – An employee's scheduled daily hours of employment.

11.4. TYPES OF DISCIPLINE OR CORRECTIVE ACTION

- A. Consistent with the type and severity of reasons or grounds for disciplinary and/or corrective action, the disciplinary authority, to include the City Manager, Department Directors, Division Managers, and Supervisors may take the following actions or any other appropriate action affecting current pay, status, or terms of employment:
 - 1. Verbal Reprimand: Initial action may consist of the supervisor verbally warning the employee concerning his/her work performance and counseling the employee on how to improve. A record of this discussion is made by the supervisor and placed in the departmental employee's personnel record, (not the employee's Personnel file as maintained in Human Resources).
 - 2. Reprimand - Written: If a reprimand is in writing, a copy of the reprimand shall become a permanent record in the employee's personnel file as maintained in Human Resources. The employee shall be provided a copy of any written reprimand and shall be permitted to make a written response which shall be kept in the employee's Personnel file as maintained in Human Resources.
 - 3. Return to Trial Service Period: Generally deemed as a corrective action, if an employee's performance is failing and he/she is not meeting the expectations of the department, the employee's supervisor, with the approval of the Department Director, may place the employee, regardless of their status, on a Return to Trial Service status. During this period, the employee does not accrue time for compensation review or promotion; is not allowed to compete in promotional examinations or recruitment; and may be denied movement through the pay plan until improvement is shown. This action places the employee in a review status, for a period of not less than three (3) months and should not exceed six (6) months duration. The employee should be reviewed at least every thirty (30) days. If the supervisor determines further extension is appropriate, approval must be received by the Department Director and the employee must be informed of the extended date, as well as, the reasons for the further extended review period. An employee placed on Return to Trial Service may be discharged for failure to meet performance requirements.
 - 4. Suspension: A disciplinary authority may suspend an employee from employment, with or without pay.
 - a. Exempt employees may be suspended without pay for one (1) or more days in accordance with applicable law. A suspension without pay shall not exceed sixty (60) workdays.