



# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	May 17, 2023

## **ITEM**

Employee Handbook Update

## **BACKGROUND**

Each year staff reviews the City's Employee Handbook to identify any needed updates based on new legislation, employee concerns or necessary clarifications. This year, the Assistant City Administrator work with Employers Council, the Employee Engagement and Safety Committees and the City Attorney to update the document.

Three notable additions to the handbook are included in this memo:

### **2.6 Compensatory Time Off**

*Nonexempt employees may request compensatory time off be given in lieu of cash payment or overtime for up to a maximum of 40 compensatory hours. The City may pay out any compensatory time due as it sees fit. The compensatory time balance is payable to the nonexempt employee at separation. An employee request for payment at any other time must be approved by the City Administrator. Employees must indicate on their timesheets if they are accruing compensatory time or requesting overtime pay. Either must be approved by a supervisor. Compensatory time will accrue hour for hour. For example, three additional hours worked will result in four and one-half hours of compensatory time. This time does not carry over at the beginning of the new year.*

### **3.8 FMLI Participation**

*FAMLI benefits provide partial income protection for eligible employees who are temporarily unable to work due to their or a family member's qualifying medical or legal reason, specifically, for the care of a newborn, adopted child, or fostered child; to care for a family member with a serious health condition; for the employee's own serious health condition; for qualifying military exigency leave; or to address safety needs or the impact of domestic violence and/or sexual assault. FAMLI provides up to 12 weeks of partially paid leave or up to 16 weeks under certain circumstances related to pregnancy and childbirth.*

*As a participating agency, the City remits the full 0.9% of employee wages to the FAMLI fund in accordance with the law and regulations. For more information about this state-facilitated program, including eligibility, required documentation, and process, please see [famli.colorado.gov](https://famli.colorado.gov). Contributions begin January 1, 2023, and benefits become available January 1, 2024.*

### **Section 3.12 Volunteer Time**

*The purpose of this program is to support activities that enhance and serve the community in which we live and work and the issues that impact quality of life. The intention is to offer the opportunity to participate in giving back and supporting our community and to allow City employees to share in that effort.*

*At the same time, the City of Salida recognizes that participating in these sorts of activities enriches the lives of its employees. By volunteering, our employees demonstrate commitment to our community.*



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*This policy shall apply to all employees holding a regular full-time or special full-time paid position.*

*Employees can take up to 12 hours of paid time off during each calendar year to participate in their chosen volunteer activity. The pay rate will be the employee's current base salary on the day(s) the time is taken. On January 1st of each year, each eligible person employed by the City as of December 31st of the preceding year shall receive 12 hours of Volunteer Time Off to be used during the calendar year and before December 31st. This time is refreshed on January 1st of each year, unless the program is amended or discontinued, and does not accrue from year to year. Usage of this time or lack thereof does not affect PTO accrual or usage. Employees will not be paid for any unused VTO time upon separation from the City.*

*Eligibility.* *All regular full-time and special full-time employees are eligible to participate in this program, provided that such employee does not exceed the total scheduled number of hours in any work week. Special full-time employees can participate at a prorated share of the 12 hours. VTO can be taken as an individual employee or may be coordinated amongst work units, divisions or departments.*

*Employees are ineligible to participate in the program if any of these apply:*

- a. The employee's employment with the City terminates for any reason.*
- b. The employee has been suspended from employment during the period for which the employee wants to volunteer.*
- c. The employee is on sick leave.*
- d. The employee has been assigned to light duty, or is currently receiving Worker's Compensation benefits.*
- e. The employee is on a Performance Improvement Plan.*
- f. The program is discontinued.*

*Approval Process.* *Employees must request VTO in writing to their supervisor at least one week before the requested time off. Approval of the time off is at the discretion of the employee's supervisor. The form must be submitted to HR as documentation of the time away from work, for payroll purposes. The City reserves the right to amend or terminate this program at any time without prior notice. The City reserves the right to revoke approval to participate in the Program if in the discretion of the employee's supervisor it is believed that the employee is misusing the Program.*

*Approved Agencies and Organizations.* *It is important to the City that volunteer time be used by employees to forward the mission of the City and to represent the City in the most positive way. For those reasons, VTO cannot be used to participate in political activities or on activities outside of the state. Employees can choose to volunteer for an organization listed on the viachaffee.org website or request approval of a different organization.*



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### **FISCAL NOTE**

Compensatory Time Off – no additional fiscal impact

FAMLI Participation – Costs associated with the FAMLI Program have previously been approved by Council.

Volunteer Time Off – Costs associated with this program are minimal.

### **STAFF RECOMMENDATION**

Staff recommends approval of the modified Employee Handbook updated to reflect its new effective date of May 17, 2023

### **SUGGESTED MOTION**

A City Councilmember should state, "I move to approve the updated City of Salida Employee Handbook, dated May 17, 2023", followed by a second and a roll call vote.

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## **Employee Handbook**

**Adopted by the Salida City Council  
Effective May 17, 2023**

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## INTRODUCTION

Welcome to the City of Salida!

### IMPORTANT INFORMATION ABOUT THE EMPLOYEE HANDBOOK

**THIS HANDBOOK [AND ANY APPLICABLE STATE SUPPLEMENT] IS DESIGNED TO ACQUAINT EMPLOYEES WITH THE CITY OF SALIDA AND PROVIDE SOME INFORMATION ABOUT WORKING HERE. THE HANDBOOK IS NOT ALL-INCLUSIVE, BUT IS INTENDED TO PROVIDE EMPLOYEES WITH A SUMMARY OF SOME OF THE CITY'S GUIDELINES AND OUR EXPECTATIONS REGARDING YOUR CONDUCT. THIS EDITION SUPERSEDES AND REPLACES ALL PREVIOUSLY ISSUED EDITIONS AND ANY INCONSISTENT VERBAL OR WRITTEN POLICY STATEMENTS ISSUED PRIOR TO THIS HANDBOOK.**

**EXCEPT AS MAY BE REQUIRED BY STATE LAW, EMPLOYMENT WITH THE CITY OF SALIDA IS AT-WILL. EMPLOYEES HAVE THE RIGHT TO END THEIR WORK RELATIONSHIP WITH THE CITY, WITH OR WITHOUT ADVANCE NOTICE, FOR ANY REASON. THE CITY HAS THE SAME RIGHT. THE LANGUAGE USED IN THIS HANDBOOK, ANY BENEFIT PLAN, AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED; NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF THE ORGANIZATION OTHER THAN THE ELECTED OFFICIAL OR AGENCY HEAD HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY ELECTED OFFICIAL OR AGENCY HEAD AND THE EMPLOYEE. NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE HANDBOOK, EMPLOYEES WHO HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE HUMAN RESOURCES DEPARTMENT. IN ADDITION, THE NEED MAY ARISE TO REVISE, DELETE, OR ADD TO THE PROVISIONS IN THIS HANDBOOK [AND ANY APPLICABLE STATE SUPPLEMENT]. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE COMPANY RESERVES THE RIGHT TO MAKE SUCH CHANGES WITH OR WITHOUT PRIOR NOTICE. NO ORAL STATEMENTS OR REPRESENTATIONS CAN CHANGE THE PROVISIONS OF THIS EMPLOYEE HANDBOOK.**

## **SECTION 1 – EMPLOYMENT PRACTICES**

### **1.1 Equal Employment Opportunity and Unlawful Harassment**

The City is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race (including traits historically associated with race, such as hair texture and length, protective hairstyles), sex, color, religion, national origin, disability, military status, genetic information, or any other status protected by applicable state or local law.

### **1.2 ADA and Religious**

The City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the City or cause a direct threat to health or safety. The City will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the City.

### **1.3 Pregnancy Accommodation**

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the City will engage in a timely, good faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City's business operations.

The City may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the City Administrator.

The City will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

### **1.4 EEO Harassment**

The City strives to maintain a work environment free of unlawful harassment.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mails, texts, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, defamation of character, gossiping about sensitive or personal information, slurs, or jokes.
- Physical conduct such as assault, or blocking an individual's movements.

This policy applies to all employees including supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

### **1.5 Sexual Harassment**

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the City believes it warrants separate emphasis.

The City strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:



- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy, includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

## **1.6 Complaint Procedure**

If you believe there has been a violation of the EEO policy or harassment based on a protected class, including sexual harassment, please use the following complaint procedure. The City expects employees to make a timely complaint to enable the City to investigate and correct any behavior that may be in violation of this policy.

Employees should report the incident to their supervisor, Department Head, or the City Administrator who will investigate the matter and take corrective action. Employee complaints will be kept as confidential as practicable. Employees who would prefer not to go to any of these individuals with their complaint should report the incident to the Mayor.

The City prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If an employee perceives retaliation for making a complaint or their participation in the investigation they should follow the complaint procedure outlined above. The situation will be investigated by their supervisor, Department Head, the City Administrator or the Mayor.

If the City determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

## **1.7 Anti-Violence in the Workplace**

Employees must not engage in intimidation, threats or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons on to City property, or any other act, which in the City's opinion is inappropriate to the workplace. In addition, employees must refrain from making bizarre or offensive comments regarding violent events and/or behavior. Employees are expected to report any prohibited conduct to the City. Employees should directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

The City prohibits the possession or use of unconcealed weapons and the use of concealed weapons on City property, regardless of whether or not the person is licensed to carry the weapon. This guideline applies to all employees, contract and temporary employees, visitors and customers on City property, regardless of whether or not they are licensed to carry a concealed weapon.

Concealed weapons for which the individual has a permit must be unloaded or properly disarmed so as to render them un-dischargeable or unusable while on City property. Further, the individual with the concealed weapon who has a permit must report to the Chief of Police that they are carrying a concealed weapon

while on City property, must show the Chief of Police the permit, and must provide the Chief of Police the weapon for inspection. Additional precautions may be taken depending upon the circumstances.

“Employer property” covered by this guideline includes all Employer-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways, and parking lots under the Employer’s ownership or control. This guideline also applies to all Employer-owned or leased vehicles and all vehicles that come onto Employer property.

“Weapons” include, but are not limited to, handguns, firearms, explosives, and knives. If employees have a question regarding whether an item is covered by this guideline, they should call Human Resources. Employees have the responsibility to make sure that any item not specifically listed above that is possessed by the employee is not prohibited by this guideline.

### **1.8 Search and Inspection**

The City of Salida may conduct searches after notice is given and with the employee’s consent of employees’ personal effects. This may include, but is not limited to, lunch bags, boxes, purses, personal computers, packages, or vehicles.

The City may conduct searches of the above items without employee consent if we have a reasonable suspicion to believe that illegal activity is taking place and after obtaining a warrant to do so. Any illegal and unauthorized articles discovered may be taken into custody and will be turned over to law enforcement representatives.

Employees do not have a reasonable expectation of privacy in lockers, desks, cabinets, or file drawers, all of which are keyed by the City and copies of those keys are kept by the City.

### **1.9 Open Records and Confidentiality**

The City of Salida is governed by the Colorado Open Records Act (See C.R.S. 24-72-201 et seq.) which states that it is the public policy of the State of Colorado that all public records will be open for inspection by any person at reasonable times. Notwithstanding that general policy, the law provides that some records are not open to public inspection and are to be kept confidential. Examples of such “non-public” records include but are not limited to: individual medical and mental health records; employee personnel files and reference letters; deliberative work product information; law enforcement investigation and intelligence records; privileged information and confidential commercial and financial data.

Employees of the City of Salida may work with, have access to, or gain knowledge of records or information that belongs to the City, its employees, citizens and/or suppliers and which is not open to public inspection. City employees shall maintain the confidentiality of and shall not use, disclose or in any way make available to anyone else, either outside or within the City, any confidential, non-public records or information at any time, except as directed by the City Administrator and/or in the proper performance of duties as an employee of the City of Salida. If an employee has any doubt or concern as to whether a particular record or item of information is open to the public or whether a particular disclosure is appropriate, the employee should contact the City Administrator for direction.

### **1.10 Personnel Records**

The City maintains a personnel file on each employee. Personnel files are the property of the City, but every existing employee can inspect and review their own personnel file upon request to the City Administrator. The following persons are also authorized to access personnel files:

- The employee’s direct supervisor or Department Head

- The City Administrator
- The Assistant City Administrator
- The City Attorney
- Administrative personnel in the course of updating basic data; and
- An employee's designated representative, with a written and signed authorization by the employee.

An employee who wishes to review their personnel file should submit a written request to the custodian of the personnel files. An appointment will be scheduled within three (3) working days at which time the records will be available for inspection.

Other than as required by the Colorado Open Records Act, C.R.S. § 24-72-102 *et seq.*, no documents shall be released from a personnel record without a consent from the employee designating the documents to be released, the person or entity to which the release is to be made, and indemnifying and holding harmless the City from any liability, claims, and demands resulting from such release.

Each employee must provide written notice to the City Administrator of any changes to the employee's legal name, marital status, insurance changes, tax exemptions, residence, telephone, emergency notification, and other relevant information within 30 days of the change.

### **1.11 Performance Appraisals**

On-going communication between the City and employee is a key element in the successful operation of the City government. Additionally, assessing employee job performance and providing feedback is an important factor in making employment-related decisions.

To that end, performance management is an ongoing process. Contact your supervisor for information regarding our review process.

### **1.12 Attendance and Work Schedule**

Regardless of what position an employee holds, punctuality and regular attendance are essential to the effective operation of the City. Regular and reliable attendance is an essential function of each and every position at the City. If an employee knows in advance they are going to be unavoidably late or absent, they must personally notify their supervisor according to the provisions set forth in section 3.3 or 3.5.D of this manual. Departments may have additional specific procedures for such notification.

Assignment of scheduled working hours and location will be made by the employee's Department Head or supervisor. Likewise, scheduled working hours may change at the discretion of the employee's Department Head or supervisor. Employees are to be present at work during all scheduled hours, unless arrangements in accordance with the leave policies have been made. Unexcused absences and failure to be at the employee's appointed workstation at the start of the work period will not be tolerated.

Employees who are absent for two consecutive working days without notifying the employer will be terminated.

### **1.13 Separation**

Employees desiring to end their employment relationship with the City should notify their supervisor as soon as possible of the intended separation. Notice generally allows sufficient time to transfer work, cover shifts, return City property, review eligibility for continuation of insurance, and make arrangements for final pay.

Employees who plan to retire are asked to provide sufficient advance notice so the City can timely process any pension forms or other retirement benefits to which an employee may be entitled.

## SECTION 2 – WAGE AND HOUR PRACTICES

### 2.1 Pay Status and Classifications

- A. Employee Type. For administrative purposes and to determine eligibility for fringe benefits, like vacation and holidays, the City classifies personnel as follows. These classifications do not determine eligibility for participation in the City's group health plan.
1. Full-time (FT) - Persons who are normally scheduled to work 40 hours (or more in the case of firefighters) each workweek and 52 workweeks each year are full-time employees and are eligible for all legally mandated benefits as well as City discretionary benefits outlined separately in a benefits overview document.
  2. Special Full-time (FT-S) - Persons who are normally scheduled to work 30 hours or more but less than 40 hours each workweek and at least 50 workweeks each year are special full-time employees and are eligible for all legally mandated benefits as well as participation in City discretionary benefits, that may be limited or pro-rated, as outlined separately in a benefits overview document.
  3. Part-time Benefitted (PT-B) - Persons who are regularly scheduled to work 20 hours or more but less than 30 hours each workweek and at least 50 workweeks each year are part-time benefitted employees and are eligible for all legally mandated benefits as well as participation in a sub-set of City discretionary benefits outlined separately in a benefits overview document, subject to limitations in plan documents. To the extent such documents differ from this policy, the plan documents will control eligibility.
  4. Part-time Non-benefitted (PT) - Persons who are regularly scheduled to work less than 20 hours per week are part-time employees. Part-time employees are not eligible for the City benefits except where required by law.
  5. Seasonal (S) - Workers performing duties of a seasonal nature, typically not to exceed 26 weeks of continuous service, are seasonal employees and are not eligible for the City benefits except where required by law.
  6. Temporary (T) - Persons who are hired in a job established for a temporary period or for a specific assignment. Temporary employees may work either full-time or part-time depending upon the requirements of the assignment. Temporary employees working less than 30 hours per week are not eligible for the City benefits as outlined in the benefits overview document except where required by law.
  7. Elected Officials (E) - The mayor, council members, and treasurer who are elected are not considered employees. Elected officials are not subject to the provisions of this Manual and are not eligible for the City discretionary benefits. The City does not pay unemployment insurance for these individuals.
- B. Employee Classification. Employees whose jobs are governed by the Fair Labor Standards Act (FLSA) are either "exempt" or "non-exempt." Non-exempt employees are entitled to overtime pay. Exempt employees are not.
- A. Non-exempt Employee - Non-exempt employees are generally paid by the hour and do not meet the exclusion criteria of exempt employees. They are eligible for overtime compensation in accordance with the FLSA and Section 2.5, *Overtime Compensation*.
  2. Exempt Employee - Exempt employees are persons who hold positions considered to be executive, administrative, or professional as defined by the FLSA. Employees classified as

exempt will receive a salary that will constitute full compensation for all hours worked and are not eligible for overtime pay or compensatory time off.

## **2.2 Pay and Paydays**

Employees are paid on a bi-weekly basis on alternating Fridays. Time sheets must be submitted to department supervisors for review and approval no later than the Tuesday prior to payday. A summary of the timesheets for each department is provided to the Finance Department on the Wednesday prior to payday covering the previous two-week period. In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

## **2.3 Recording and Record Keeping**

Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Non-exempt employees must accurately record the time they begin and end their work, as well as the total number of hours worked during the day, within the City's timekeeping system. The beginning and ending time of any split shift or departure from work for personal reasons must also be recorded.

Altering, falsifying, tampering with time records, or recording time on another employee's time record is strictly prohibited and will not be tolerated.

These records are used by the City to calculate employee pay and paid time off balances. It is very important that they are accurate and complete. Nonexempt employees are expected to submit accurate and complete time records reflecting all hours worked. Employees who also chose to keep their own personal time records must provide them to the City if they find a discrepancy between the City's records and their records. Employees should contact their supervisors with any questions about how their pay is calculated. Employees must promptly notify their supervisors of any mistakes in their time records or pay. Employees also must notify Human Resources if they perceive that anyone is interfering with their ability to record their time accurately and completely. All reports will be investigated and appropriate corrective action will be taken. The City will not tolerate retaliation against employees for making a report or participating in an investigation.

## **2.4 Standby Compensation**

Non-public-safety non-exempt employees working a seven-day standby rotation will be paid standby compensation at a rate of two (2) hours of regular pay each day for the seven-day standby period, plus two (2) additional hours of regular pay on a scheduled holiday. Employees will receive two (2) times their regular hourly rate, a minimum of one (1) hour, for unscheduled call-outs requiring the employee to report to their workplace. Employees must respond to their workplace within one (1) hour from being contacted. Call-out response that can be handled via communications not requiring the employee to report to their workplace shall be included as part of the standby compensation. Employees may elect to receive compensatory time in lieu of paid compensation if approved in advance in writing by the employee's Department Head or supervisor. See section 2.6.

## **2.5 Overtime Compensation**

The FLSA requires that employees classified as non-exempt (other than police officers and firefighters who are covered by different provisions in the FLSA) are eligible for overtime pay equal to one and one-half (1½) times their regular rate of pay for each hour worked in excess of forty (40) hours in a workweek. The City's work week for FLSA purposes generally runs from Wednesday 12:00 AM to Tuesday 11:59 PM. The work week for FLSA purposes for the fire department runs from Wednesday 7:30 AM to the following

Wednesday 7:30 AM. Police officers are eligible for overtime pay after working 86 hours in a 14-day pay period, and firefighters are eligible for overtime pay after working 106 hours in a 14-day pay period. Exempt employees are not covered by the FLSA's overtime pay provisions. Hours worked in excess of the normal work schedule before reaching 86 hours for police and 106 hours for firefighters in a 14-day cycle are considered "straight-time" overtime and are compensated at the employee's regular rate of pay.

Work will be organized so that overtime is avoided whenever possible, and then should be kept to a minimum. Any overtime must be coordinated by the Department Head. This may take the form of direct consent each time or, alternatively, consistent application of guidelines approved by the Department Head. Sick, vacation, bereavement leave and holidays are not counted for the purpose of computing overtime.

## **2.6 Compensatory Time Off**

Nonexempt employees may request compensatory time off be given in lieu of cash payment or overtime for up to a maximum of 40 compensatory hours. The City may pay out any compensatory time due as it sees fit. The compensatory time balance is payable to the nonexempt employee at separation. An employee request for payment at any other time must be approved by the City Administrator. Employees must indicate on their timesheets if they are accruing compensatory time or requesting overtime pay. Either must be approved by a supervisor. Compensatory time will accrue hour for hour. For example, three additional hours worked will result in four and one-half hours of compensatory time. This time does not carry over at the beginning of the new year.

## **2.7 Flex-time**

In instances where a nonexempt employee is needed to work additional hours during a shift, they may, with permission from their supervisor adjust hours for the remaining work week to ensure no overtime or compensatory time is accrued. This time can not be accrued and used in future weeks.

In the event an employee is unable to work a regularly scheduled shift due to the closure of a facility, the city will compensate the employee at their regular hourly wage, once per pay period. The city will make every effort to cover shifts to ensure city facilities remain open.

## **2.8 Wage Deductions**

- A. Required Deductions. The City shall automatically take the legally required deductions (e.g. FICA, income tax withholdings) from gross wages. Deductions for insurance premiums and other benefits shall require the prior written authorization from the employee, except in cases of court order or where otherwise permitted by law.
- B. Deductions for Property Not Returned At Termination. Employees are entrusted during their employment with property that belongs to the City and that has value. Employees are responsible for returning this property to the City upon request or at the time of termination of employment, whichever is first. The City has the right to withhold an employee's final pay check for up to 10 days in order to audit the return of all property and to determine the value of any property not returned or returned in a damaged condition.
- C. Deduction from Pay Check. The City will deduct from employee's pay check the value of any of the City's property that is not returned within this 10-day audit period or that is returned in a damaged condition, to the fullest extent permitted by law.
- D. Damages and Penalties. Employees are responsible for paying to the City the balance of any amount owed for property not returned to the City or returned to the City in a damaged condition. Employees who convert or steal the City's property may be liable to the City for

three times the value of the property not returned, plus the City's costs and attorney's fees incurred in obtaining a judgment for the damages and penalties, pursuant to Colorado's civil theft statute (§18-4-405).

- E. Salary for Exempt Employees. It is the City's guideline to comply with the salary basis requirements of the FLSA. Therefore, the City prohibits all supervisors and Department Heads from making any improper deductions from the salaries of exempt employees. Deductions from salaries that are permissible:
1. Personal absences. The City may deduct for partial or full day absences for personal reasons other than sickness or disability.
  2. Absences for illness or injury. The City may deduct for partial or full day absences due to illness or injury if bona fide sick pay/disability plans are in place.
  3. Absences for FMLA Leave. The City may deduct for full day absences taken as FMLA leave and partial day absences for hours taken as intermittent or reduced FMLA leave.
  4. Offsets. The City may offset employees' pay for amounts received by the employee for jury fees, witness fees, or military pay.
  5. Infractions of safety rules. The City may deduct for penalties imposed when salaried employees violate safety rules of major significance.
  6. Infractions of workplace conduct rules. The City may suspend exempt employees without pay for full days for infractions of written workplace conduct rules. This deduction is meant to cover only suspensions for "serious workplace misconduct" such as sexual harassment or drug and alcohol violations.
  7. First or last weeks of employment. The City may make partial week payments during an employee's first or last weeks of employment.

Employees believing that an improper deduction has been made to their salary should immediately report this information to the City Administrator. Reports of improper deductions will be promptly investigated by the City Administrator. If it is determined that an improper deduction has occurred, employees will be promptly reimbursed.

## **2.9 Differential Pay for Temporary Assignment**

Employees who are temporarily assigned to higher grade position for a minimum of 30 days may be awarded a differential pay increase for the duration of the assignment, with a range of 5-25% (depending on circumstances) of their pay rate. Requests for Differential Pay shall be submitted to and approved by the City Administrator. Differential Pay for an Acting City Administrator and other special circumstances outside of the parameters within this paragraph require City Council approval.

## SECTION 3 – EMPLOYEE BENEFITS AND LEAVES

### 3.1 Employee Benefits

As part of its compensation strategy, the City offers a number of different insurance plans for eligible employees. Employment benefits vary according to the position and status of the employee. To receive certain benefits, eligible employees may be required to meet participation requirements and pay required premiums and other contributions. The City complies with all applicable federal and state laws regarding the provision of benefits to same-sex spouses, domestic partners and couples in a civil union.

Benefit plans offered by the City are defined in legal documents such as insurance contracts and summary plan descriptions. In the event information in this Handbook or other employee communication conflicts with the actual terms and conditions of coverage, the plan documents will control. Benefits described in this Handbook, including the types of benefits offered and/or the requirements for eligibility of coverage, may be modified or discontinued from time to time at the City's discretion as permitted by law. The City and its designated benefit plan administrators reserve the right to determine eligibility, interpretation and administration of issues related to benefits offered by the City.

Employees will have an opportunity to make changes to their benefit selections during the City's annual open enrollment period. Employees who experience a qualifying life event such as marriage, divorce or the birth of a child will also be allowed to make a change in their benefit selection when that event occurs, in accordance with the terms of the plan document. In the event you take a personal or other leave of absence, please consult Human Resources to determine the impact the leave may have upon your benefits, including eligibility and/or making any required premium payments.

The City currently offers these plans:

Employee Benefit Offering	Employee Type		
	FT	FT-S	PT-B
1. Medical Insurance	X	X	
2. Life Insurance	X	X	X
3. Accidental Death and Dismemberment	X	X	X
4. Short-term Disability	X	X	
5. Long-term Disability	X	X	
6. Tele-doctor Service	X	X	X
7. Dental Insurance	X	X	X
8. Supplemental Accident and/or Critical Illness	X	X	X
9. Free Swimming at Salida Hot Springs Aquatic Center for employee	X	X	X
10. Free Swimming at Salida Hot Springs Aquatic Center for immediate family members (all pool employees eligible)	X	X	
11. Discounted golf pursuant to the most current agreement with the facility operator	X	X	
12. Personal Time Off	X	X	X
13. Paid Holidays	X	X	
14. Retirement Savings – 457 deferred savings plans	X	X	X
15. Retirement Savings – 401(a) or FPPA plans	X		
16. Section 125 Cafeteria Plan	X	X	

Part-time employees who work less than 20 hours or more per week, seasonal employees and temporary



employees are not eligible for the City discretionary benefits except for a free individual pool pass to the Hot Springs Aquatic Center, and except where required by law. Elected officials are eligible to receive free family swimming at the Hot Springs Aquatic Center.

A summary of the insurance benefits and cafeteria plan can be found at the ADP portal at <https://portal.adp.com/public/index.htm>. For more detailed benefit information, contact the Assistant City Administrator.

### **3.2 Workers' Compensation**

The City provides Workers' Compensation Insurance as required by law for employees who suffer job-related injuries or diseases. Employees must verbally report the injury or disease to the Department Head as soon as they are able and report in writing within 10 days after the injury.

Colorado workers' compensation law requires that employees are treated by a treating physician selected from a list of physicians designated by the City. The department head shall provide the injured employee with a list of designated treating physicians. The injured employee is responsible for arranging an appointment with a designated treating physician.

The injured employee's treating physician may recommend that they return to work on limited duty. In such event, the City may require the employee to return to work performing duties within the medical restrictions even if such work is different than the employee's regular job duties.

### **3.3 Personal Time Off**

Unless different provisions are agreed upon through the hiring process, the following Personal Time Off benefits shall apply for all employees.

- 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 all employees to use for vacations; a mental or physical illness, injury, or health condition that prevents them from working; preventive medical care, or to get a medical diagnosis, care, or treatment of any mental or physical illness, injury or health condition; care for a family member who has a mental or physical illness, injury, or health condition or who needs care, medical diagnosis, or treatment of same; the employee or the employee's family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or due to a public health emergency, a public official having closed either the employee's place of business or the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child. PTO is provided in an amount of hours and with sufficient pay, for all the same purposes, and under all the same conditions as the Colorado Healthy Families and Workplace Act (HFWA) and applicable rules. This includes, but is not limited to, accrual, use, payment, annual carryover of unused accrued leave, notice and documentation requirements, and anti-retaliation and anti-interference rights. Additional HFWA leave will not be provided if an employee uses all of their available PTO for non-HFWA-qualifying reasons (for example, vacation), except when a public health emergency is declared after usage of PTO, requiring supplemental leave.
- B. Eligibility Criteria:
  - 1. Effective on appointment, all employees will accrue Personal Time Off on a bi-weekly basis for 26 pay periods each year according to the following schedule:

	Full Time Regular – 40 Hours		Full Time Special – 30+ Hours		Part Time Benefitted – 20+ Hours		Part Time Non Benefitted – Less than 20 Hours		Firefighting Personnel	
Years of Service	Hours per Pay Period	Annual Accrual Days	Hours per Pay Period	Annual Accrual Days	Hours per Pay Period	Annual Accrual Days	Hours per Pay Period	Annual Accrual Days	Hours Per Pay Period	Annual Accrual Days
0 through 3	6.15	20	4.62	15	3.08	10	*	**	7.90	25.75
4 through 5	6.77	22	4.92	16	3.31	10.75	*	**	8.70	28.25
6 through 7	7.08	23	5.31	17.25	3.54	11.50	*	**	9.10	29.5
8 through 10	7.69	25	5.54	18	3.69	12.00	*	**	9.88	32.25
11 through 14	8.00	26	6.00	19.50	4.00	13.00	*	**	10.28	33.5
15 or more	8.92	29	6.69	21.75	4.46	14.50	*	**	11.46	37.25

\*Accrue at a rate of 1 hour of Personal Time Off for every 30 hours worked.

\*\*Not to exceed 4.33 days, or 48 hours, annually.

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" benefitted 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 their 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.

	Full Time Regular – 40 Hours	Full Time Special – 30+ Hours	Part Time Benefitted – 20+ Hours	Part Time Non Benefitted – Less Than 20 Hours	Firefighting Personnel
Years of Service	Maximum Accrual Hours	Maximum Accrual Hours	Maximum Accrual Hours	Maximum Accrual Hours	Maximum Accrual Hours
0 through 3	210	157.5	105	48	270
4 through 5	225	168.75	112.5	48	290
6 through 7	240	180	120	48	308.5
8 through 10	260	195	130	48	334
11 through 14	270	202.5	135	48	347
15 or more	300	225	150	48	385.5

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 Heads, exercise in the scheduling of time off.
  - a) Scheduled Use: Every effort will be made to accommodate the employee's requested dates for PTO. To schedule leave, a Request for Leave form must be submitted in advance of the use of the leave to the supervisor or Department Head no less than five (5) days prior to the usage of leave unless otherwise directed by the employee's Department Head.
  - b) Unscheduled Use: In the event the employee is unable to work due to unforeseen personal illness or injury, or for any reason listed in 3.3.A. other than vacation, the following provisions will apply:

- 1) Notification – If unable to report to work for any reason, employees should personally communicate this fact to the supervisor or designee as early as possible. Such notification should be made each time a scheduled work shift will be missed.
  - 2) In the event of an unplanned absence of four or more consecutive workdays, reasonable medical or legal documentation/certification is required as soon as the employee can provide it after returning. This documentation should indicate that the employee was unable to work due to one of the reasons listed in 3.3.A., as well as the length of time this restriction lasted.
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.

D. Compensation:

1. 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.
  - 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 Administrator.
  - 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. The City Administrator has the authority to give years of service credit for previous similar employment for PTO accrual purposes during compensation negotiations at the time of hire.
6. The conversion rate for sick leave to PTO is 4:1. Any employee who has sick leave and is promoted to a position which accrues PTO will have their sick leave balance converted to PTO.

F. Public Health Emergency Leave:

1. Definition of "Public Health Emergency." Act of bioterrorism, pandemic or epidemic for which an emergency is declared by a federal, state or local public health agency; an

emergency declared by the governor; or a highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.

Employees must notify the Company of their need for leave as soon as it is practical when the need for leave is foreseeable, and the Company's place of business has not been closed. Supplemental leave is granted one time during the entirety of public health emergency. Unused supplemental leave is forfeited four weeks after the termination or suspension of the public health emergency.

2. **Public Health Emergency Leave Use.** On the date that a public health emergency is declared, the City will supplement your accrued PTO/paid sick leave with an additional grant of leave up to combined maximum of 80 hours for full-time employees (prorated for part-time employees). This leave may be used when an employee:
  - (1) needs to self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
  - (2) seeks diagnosis, treatment, or care (including preventive care) of such an illness;
  - (3) is excluded from work by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, such an illness (whether or not actually diagnosed with the illness);
  - (4) is unable to work due to a health condition that may increase susceptibility or risk of such an illness; or
  - (5) is caring for a child or other family member who is in category (1), (2), or (3), or whose school, child care provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.
3. The City cannot require the use or exhaustion of PTO prior to the use of public health emergency leave.

### 3.4 Paid Holidays

- A. **Eligibility.** Only full-time and full-time special (FT-S) employees are eligible for paid holiday leave or holiday premium pay, unless on an unpaid leave of absence. Full-time special employees would receive holiday pay or holiday premium pay only if their normal work schedule falls on a holiday and their pay would be limited to the number of hours normally scheduled.
- B. **Recognized Holidays.** Except for those employees in departments that run seven-day operations, full-time employees shall receive Holiday Pay for the following days, which have been designated as official paid holidays when department offices are closed. Changes in the holiday schedule will be authorized by City Council:

#### List of Recognized Holidays:

New Year's Day	Independence Day	Thanksgiving Day
Martin Luther King Day	Labor Day	Day after Thanksgiving
Presidents' Day	Cabrini Day	Christmas Eve
Memorial Day	Veterans' Day	Christmas Day
Juneteenth		New Year's Eve

- C. **Holiday Pay.** Holiday Pay is an eight-hour day, eleven-hour day for firefighters, at regular pay rate. When a holiday falls on a Saturday, the previous Friday will be designated as the official holiday. When a holiday falls on a Sunday, the following Monday will be designated as the

official holiday, except for non-essential hourly non-exempt workers who will take the holiday as it falls. Official holidays commence at the beginning of the first shift of the holiday and continue for twenty-four (24) hours.

D. Holiday Pay for Non-Exempt Workers:

- When a non-exempt employee works on an official holiday, the employee will receive premium holiday pay at time and one-half regular pay for the hours worked, plus Holiday Pay.
- When a non-exempt employee has the holiday as a regularly scheduled day off, the employee will be paid Holiday Pay.
- When an employee is sick on an official holiday, the time will be considered a holiday.
- When an official holiday falls during a paid absence, the day will be considered a paid holiday.

E. Personal Floating Holiday. In addition to the designated holidays, every full-time employee is eligible for one personal floating holiday. The personal floating holiday is one shift off to be scheduled with a Department Head just as vacation time is scheduled. New employees hired after June 1<sup>st</sup> of each year are not eligible for the personal floating holiday within the same calendar year. The Personal Floating Holiday must be used within the calendar year and does not roll over.

### 3.5 Leaves of Absence

- A. Jury Duty. If an employee is served with a summons to jury duty, the employee must inform their Department Head by the next regular work day and provide a copy of the summons. The employee will receive leave for jury duty. Non-exempt employees will be paid their regular wages for the first three days of jury duty that they would otherwise have been scheduled to work. Beginning the fourth day and thereafter, employees, as jurors, are paid \$50.00 per day by the State of Colorado for state district or county court jury duty. Jury duty leave beyond this time is without pay from the City. Exempt employees will receive their regular salary during jury duty but must remit to the City any pay (not including expense reimbursement) received from the government for jury duty that covers the same period for which the exempt employee is receiving pay from the City. The City has no obligation to pay wages for jury duty until and unless the employee tenders to the City a juror service certificate provided by the court confirming that the employee was on jury duty during that period. Employees are expected to return to work on any day or portion of a day they are released from jury duty.
- B. Voting Leave. Employees who are eligible electors entitled to vote at an election shall be entitled to two hours off, with pay, for the purpose of voting on the day of the election during the time the polls are open, if they advise their Department Head of the leave of absence prior to the day of election and if they have less than three hours between the time of opening and the time of closing of the polls during which they are not required to be on the job for the City. The City may specify the hours during which the employee may be absent.

Military Duty. Employees will be allowed leave of absence for military duty in compliance with applicable Federal and State laws. Exempt employees will be paid their salary, unless no work is performed for the City during the pay period, and subject to reduction for wages received from the Military for the same period.

Employees granted a military leave of absence are re-employed and paid in accordance with the laws governing veteran's re-employment rights. The City pays for the first 15 days of leave. After that time, leave is without pay.

Emergency Volunteer Service Leave. Regular full-time and part-time (i.e., non-temporary) employees who are qualified volunteers will be allowed time off if called into service by a volunteer organization during a disaster, so long as they provide proof of their status as a qualified volunteer. For purposes of this policy, employees will be considered a qualified volunteer if the:

- Employee is a member of a volunteer organization that enters into a memorandum of understanding with a county sheriff, local government, local emergency planning committee or state agency;
- Employee is called to service through the volunteer organization under the authority of the county sheriff, local government, local emergency planning committee, or state
- Leave under this policy will not exceed 15 work days in any calendar year and will be unpaid.

Employees, upon completion of the volunteer emergency service and return to work, will be restored to the same or similar position as they held prior to the leave. Taking leave under this policy will not affect an employee's rights to vacation, sick leave, bonus, advancement or other employment benefits or advantages relating to and normally to be expected for the employee's particular employment.

Employees must return to their employment position as soon as practicable after being relieved from service.

Leave may be denied if more than 20 percent of the City's employees on any work day request such leave. Leave may also not be available for essential employees, defined as those employees the City deems essential to the operation of the Company's daily enterprise, whose absence would likely cause the City to suffer economic injury, or whose duties include assisting in disaster recovery for the City.

### **3.6 Domestic Violence Leave**

The City provides leave to employees who are the victims of domestic violence or abuse, stalking, sexual assault, or a crime found by the court to include an act of domestic violence. To be eligible for this leave, an employee must be employed for at least 12 months preceding 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 working days of leave in any 12-month period. The 12-month period will be measured forward from the date the first domestic violence leave begins.

Leave is unpaid although employees may use personal time off. Employees must use the leave to

- Seek a civil protection order to prevent domestic abuse
- Obtain medical care or mental health counseling for themselves or for their children to address physical or psychological injuries resulting from the domestic abuse, stalking, sexual assault, or other crime involving domestic violence
- Make their home secure or seek new housing to escape the perpetrator
- Seek legal assistance and prepare for and attend court-related proceedings arising from acts of domestic violence

Employees must contact Human Resources to request leave. The Company requires appropriate documentation to approve this leave. Appropriate documentation may include police reports, court orders, confirmation of court appearances, or documentation from medical and other professionals.

### 3.7 Family and Medical Leave of Absence

- A. Eligibility. To be eligible for FMLA leave, an employee must have been employed for at least 12 months (total, but not necessarily continuous) by the City, must have worked at least 1,250 hours for the City during the 12 months before leave is to be taken, and must be employed at a work-site where the City employs at least 50 employees within 75 miles.
- B. FMLA Benefit. Eligible employees shall be granted a total of 12 weeks of FMLA leave for one or more of the following:
- Incapacity due to pregnancy, prenatal medical care, or child birth.
  - To care for the employee's child after birth, or placement for adoption or foster care.
  - To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
  - Serious health condition that makes the employee unable to perform the employee's job.
- C. Military Family Leave Entitlements. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

*\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition."*

- D. Benefits and Protections. During FMLA leave, the City maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of insurance premiums during leave.

Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer's jury duty pay are not granted on unpaid leave.

- E. Definition of Serious Health Condition. A serious health condition is an illness, injury,

impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

- F. Use of Leave. The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the City, or 26 weeks as explained above. The City uses the 12-month period measured forward from the first day of an employee's leave.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the City's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

- G. Substitution of Paid Leave for Unpaid Leave. The City requires employees to use accrued paid leave while taking FMLA leave. Paid leave used at the same time as FMLA leave must be taken in compliance with the City's normal paid leave policies. If an employee's leave of absence does not constitute paid leave as defined in the City's paid leave policies, the employee cannot use accrued paid leave, but can take unpaid leave. FMLA leave is without pay when paid leave benefits are exhausted.
- H. Employee Responsibilities. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The City may require second and third medical opinions at the City's expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the City's attendance guideline. Employees on leave must contact the Human Resource Coordinator at least two days before their first day of return.

- I. The City's Responsibilities. The City will inform employees requesting leave whether they are



eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility. The City will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

J. Unlawful Acts. FMLA makes it unlawful for the City to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

L. Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

### **3.8 FAMILI Participation**

FAMILI benefits provide partial income protection for eligible employees who are temporarily unable to work due to their or a family member's qualifying medical or legal reason, specifically, for the care of a newborn, adopted child, or fostered child; to care for a family member with a serious health condition; for the employee's own serious health condition; for qualifying military exigency leave; or to address safety needs or the impact of domestic violence and/or sexual assault. FAMILI provides up to 12 weeks of partially paid leave or up to 16 weeks under certain circumstances related to pregnancy and childbirth.

As a participating agency, the City remits the full 0.9% of employee wages to the FAMILI fund in accordance with the law and regulations. For more information about this state-facilitated program, including eligibility, required documentation, and process, please see [famli.colorado.gov](https://famli.colorado.gov). Contributions begin January 1, 2023, and benefits become available January 1, 2024.

### **3.9 Personal Leave of Absence**

The City may grant full-time or part-time employees an unpaid personal leave of absence of up to 30 days for compelling reasons other than illness, disability, vacation or a leave of absence otherwise protected under federal or state law, subject to the following.

- A. Request for Leave. Requests for personal leave must be made in writing at least two weeks before the leave is to begin, except in an emergency situation. The request must indicate: the reason for the leave, the date the leave is to commence, the expected duration of the leave, and the employee's address and telephone number while on the leave. Requests will be considered in light of expected department work requirements and business needs for the period of time of the leave, the employee's performance history and other factors. Personal leave is granted at the sole and absolute discretion of the employee's Department Head.
- B. Employees should consult human resources to determine the impact of any approved leave on an employee's eligibility for group benefits and required premium payments. Employees must use all paid leave available before starting a personal leave of absence and do not accrue, or are not eligible for, the following fringe benefits while on leave: vacation, sick leave, PTO, holiday pay, jury duty pay, paid bereavement leave.

- C. Return from Leave. An employee on personal leave of absence must notify the City, in writing, of their intention to return to work at least one week in advance. Every effort will be made to reinstate an employee returning from an approved leave of absence, on schedule, into the same or substantially similar position as the one they left before the leave, but this cannot be guaranteed. Failure to accept the offered position will be considered a termination of employment, effective immediately.

### **3.10 Bereavement Leave**

In the event of a death in an employee's immediate family, the City Administrator may authorize paid leave of up to five (5) days for full-time employees to manage family affairs and attend the funeral. Part-time employees may be granted up to (5) days of leave without pay by the Department Head. The employee shall submit a written request to their Department Head, who shall recommend to the City Administrator an approval, denial or reduction of the leave requested by the employee. Consideration is given to the distance to be traveled and personal demands placed on the employee in authorizing any requests for bereavement leave. "Immediate family" includes spouse, child, parent, parent in-laws, sibling, brother or sister-in-law, grandparent, grandchild, stepparent, stepchild, stepbrother, stepsister, legal guardian, or a person with whom the employee shares a household in a personal relationship. Should additional leave be required, employees may use their available personal time off with the approval of the Department Head.

### **3.11 Breastfeeding and Milk Expression Breaks**

The City of Salida encourages and supports employees in their efforts to combine working and breastfeeding, for up to 2 years after the child's birth. Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive milk expression breaks, a place to express milk and staff support. A private space will be provided, and time will be permitted, for nursing mothers to express milk during the workday. The time permitted typically will not exceed the normal time allowed for lunch and breaks. If additional time is needed above and beyond normal breaks/meal time, the supervisor and employee will agree upon a plan which might include the employee using annual leave/vacation time, arriving at work earlier, or leaving later.

Employees requiring additional accommodation should contact their supervisor or Department Head.

### **3.12 Volunteer Time**

The purpose of this program is to support activities that enhance and serve the community in which we live and work and the issues that impact quality of life. The intention is to offer the opportunity to participate in giving back and supporting our community and to allow City employees to share in that effort.

At the same time, the City of Salida recognizes that participating in these sorts of activities enriches the lives of its employees. By volunteering, our employees demonstrate commitment to our community. This policy shall apply to all employees holding a regular full-time or special full-time paid position.

Employees can take up to 12 hours of paid time off during each calendar year to participate in their chosen volunteer activity. The pay rate will be the employee's current base salary on the day(s) the time is taken. On January 1st of each year, each eligible person employed by the City as of December 31st of the preceding year shall receive 12 hours of Volunteer Time Off to be used during the calendar year and before December 31st. This time is refreshed on January 1st of each year, unless the program is amended or discontinued, and does not accrue from year to year. Usage of this time or lack thereof does not affect PTO accrual or usage. Employees will not be paid for any unused VTO time upon separation from the City.

Eligibility. All regular full-time and special full-time employees are eligible to participate in this program, provided that such employee does not exceed the total scheduled number of hours in any work week. Special full-time employees can participate at a prorated share of the 12 hours. VTO can be taken as an individual employee or may be coordinated amongst work units, divisions or departments.

Employees are ineligible to participate in the program, if any of these apply:

- a. The employee's employment with the City terminates for any reason.
- b. The employee has been suspended from employment during the period for which the employee wants to volunteer.
- c. The employee is on sick leave.
- d. The employee has been assigned to light duty, or is currently receiving Worker's Compensation benefits.
- e. The employee is on a Performance Improvement Plan.
- f. The program is discontinued.

Approval Process. Employees must request VTO in writing to their supervisor at least one week before the requested time off. Approval of the time off is at the discretion of the employee's supervisor. The form must be submitted to HR as documentation of the time away from work, for payroll purposes. The City reserves the right to amend or terminate this program at any time without prior notice. The City reserves the right to revoke approval to participate in the Program if in the discretion of the employee's supervisor it is believed that the employee is misusing the Program.

Approved Agencies and Organizations. It is important to the City that volunteer time be used by employees to forward the mission of the City and to represent the City in the most positive way. For those reasons, VTO cannot be used to participate in political activities or on activities outside of the state. Employees can choose to volunteer for an organization listed on the [viachaffee.org](http://viachaffee.org) website or request approval of a different organization.

#### **SECTION 4 – EMPLOYEE DISCIPLINE/DISCHARGE**

Occasionally performance or other behavior falls short of the City's standards and/or expectations. When this occurs, the City takes action, which in its opinion, seems appropriate.

Disciplinary actions can range from a formal discussion with the employee about the matter to immediate discharge. Action taken by the City in an individual case does not establish a precedent in other circumstances.

## SECTION 5 – EMPLOYEE DEVELOPMENT

The City encourages and assists in the professional and technical development of all employees.

### 5.1 Required Training

The City may require that employees attend special training to stay proficient in their jobs and to meet City needs. Required training must be approved by the Department Head in advance of attendance. Employees will be notified of required training in writing by their Department Head. The Department Head will make all necessary work schedule adjustments to accommodate required training. Travel to and from, and time spent at required training will be compensated in accordance with the FLSA. For required training and travel time of less than the normal work hours, employees will return to work to complete the shift, make up the time during the pay period, or use appropriate leave time.

### 5.2 NIMS Training

All full-time employees must have National Incident Management System (NIMS) training and certification to comply with Homeland Security Presidential Declaration 5.

The following guidelines apply to City personnel:

All Department Staff	IS 700 and ICS 100
Supervisors	All courses above plus ICS 200
EOC Staff (Department Heads)	All courses above and ICS 300 and IS 800
Emergency Managers, Select Department Heads with multi-agency coordination system responsibilities	All courses above and ICS 400
Mayor and Council Members	G402

In order to stay within compliance, all new full-time employees must gain their NIMS certifications within 90 days of employment for internet-based courses and within one year for courses requiring attendance. Copies of certifications are maintained in personnel files for any auditing that may occur. The City tracks the certifications each employee has completed.

### 5.3 Requested Training

Employees may request to attend school, seminars, workshops, or conferences if the training will be of mutual benefit to the City and the employee. Requested training must be approved by the Department Head and City Administrator in advance of attendance. Approval of requested training is at the discretion of the City Administrator. Travel to and from, and time spent at requested training is generally not compensable time, except that the Department Head may accept such time as duty time when it falls during a regularly scheduled shift. For requested time and travel of less than the normal work hours, employees will return to work to complete the shift, make up the time during the pay period, or use appropriate leave time. Schedule adjustments to accommodate requested training are not guaranteed. Transportation, lodging, and meals will be in accordance with City policy:

- A. City payment for approved voluntary attendance at conferences, workshops, seminars or other training sessions will be based on:
  - The direct benefit to the employee and the City;
  - Budgetary considerations; and
  - Relevance to current municipal affairs.
- B. When sufficient funds are available, full-time employees may be eligible for educational

reimbursement. Courses must be job-related and approved prior to enrollment.

- C. All approved courses must be satisfactorily completed to be eligible for reimbursement. Reimbursement will be made for tuition, registration, fees, and laboratory fees only, at a rate equivalent to the cost of Colorado Mountain College (CMC). "Satisfactory completion of course" will mean a grade of "B-" or better, if the course is graded, or a satisfactory completion if no grade is given. Upon completion of approved course(s), the employee will submit an appropriate verification that:
- The student has successfully completed the course;
  - Shows the date of completion;
  - Shows the final grade; and
  - Indicates the number of units or hours earned.

## **SECTION 6 – OTHER POLICIES**

### **6.1 Conflict of Interest**

Employees exercising influence in connection with a City contract, purchase, payment or any other financial or monetary transaction and who have a substantial personal interest in the transaction will give seventy-two (72) hours written advance notice of the conflict to the City Administrator. Failure to disclose a conflict will not be tolerated.

### **6.2 Personal Gain**

No employee shall request, use or permit the use, whether directly or indirectly, of any publicly owned, or publicly supported equipment, vehicle, facility, labor service, supplies (new, surplus, scrap, or obsolete) or any found property for the personal convenience or the private advantage of said employee or any other person. Any employee who witnesses another employee who they believe is in violation will report the matter to their supervisor. Any employee who finds unattended property of value will contact their supervisor for instructions.

### **6.3 Gratuities**

Any effort to realize personal financial gain through public office, including employment by a public entity, other than compensation provided by law, is a violation. Under the Colorado constitutional gift ban, solicitation, acceptance, or receipt of a thing of value is a violation. Colo. Const. art. XXIX, § 3. Such items include, but are not limited to gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment or special discounts.

### **6.4 Employment of Related Persons**

The following relatives of any officer, employee or elected official of the City who has the authority to hire, fire, or supervise employees, or of his/her spouse, will not be hired by any officer, employee, or elected official of the City of Salida without the prior consent of the City Administrator: spouse, child, parent, brother or sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, or a person with whom the employee shares a household in a personal relationship. All relationships will include those arising from adoption and common-law rules. No appointing authority shall participate or vote on decisions related to hiring, retention, promotion, or determination of the salary level of a member of his or her family.

### **6.5 Employment of Relatives**

The City may employ relatives of current employees except in the following situations:

- Relatives would be in a position to supervise another relative.
- Relatives have access to confidential information including payroll and personnel records.
- Relatives audit, verify, receive, or are entrusted with money handled by the other relative.

In cases of marriage or the formation of a civil union between two employees, if the above guidelines apply, one must transfer.

These guidelines apply to all categories of employment, including full-time, part-time, and temporary classifications. They also apply to all relatives and individuals who are not legally related, but who reside with another employee.

### **6.6 Romantic Relationships**

If a romantic relationship develops between two people at work where one is in a supervisory position over the other, the relationship interferes with either employee's work duties; both parties are responsible for reporting the relationship to their supervisor or Department Head. Such relationships can be disruptive to

the work environment, create a conflict of interest or the appearance of a conflict of interest, and lead to complaints of favoritism, discrimination, or sexual harassment. Steps may be taken to change the work relationship to avoid any conflict of interest.

## **6.7 Outside Employment**

Employees involved in or contemplating outside work should discuss the issue with their supervisor. Despite any outside employment or business venture, employees are still required to perform their duties with the City.

Any conflicts with a second job will not be acceptable excuses for not meeting expectations or attendance requirements, including any overtime work.

Any outside work must not create or appear to create a conflict with the City's business interests. For example, any outside work must not compete with any current or planned products or activities at the City. Employees are not permitted to use any of the City's equipment or paid time off benefits for purposes related to an outside job.

## **6.8 Political Activity**

Political beliefs, activities and affiliation are a private matter to the employees of the City of Salida. No employee or applicant will be required to divulge political beliefs as a requirement of employment, nor participate in, nor make or withhold contributions to, political parties or groups. At the same time, employees will not engage in encouraging candidates to run or openly and actively support any political candidate or issue during scheduled work hours. All City employees are subject to and will comply with the provisions of the Colorado Campaign Reform Act. The following types of political activity are restricted, but are not intended to restrict an employee's freedom to express opinions or exercise their right to vote while off-duty:

- A. No employee, either full-time or part-time, shall campaign for or against or publicly support or oppose any City Council or other candidate while on duty.
- B. No City employee, either full-time or part-time, while on duty or in a uniform which identifies him/her as an employee of the City shall:
  - Canvass on behalf of any candidate, political party, or political issue,
  - Display any political media whether it is campaign related or supportive of an elected official's view,
  - Circulate any petition,
  - Participate in petitioning activities focused on public service issues presented by the general public (non-City Officials), or
  - Serve as a City election judge.
- C. No employee shall place or allow to be placed any political media on a City vehicle.
- D. Any active, full-time or part-time regular employee who is announcing candidacy for an elected office may choose to continue their regular work schedule with the City if no interferences or conflicts of interest are present. If and when a potential conflict of interest or interference is present, the employee will be asked to take a leave of absence, to become effective with the date the candidacy is officially registered. This leave of absence will continue during the total campaign period unless candidacy is withdrawn. After the election, the successful candidate shall be asked to resign their position with the City if the elected office has any dealing whatsoever, with the City.



## **6.9 City Property**

Employees who use or have City-owned property, equipment, or materials in their possession are expected to treat it with the same care as they would their own property. All City tools, material, property and equipment are to be returned in good condition, ordinary wear and tear excepted. It is not only unethical, but also unlawful, for an employee to use or permit the unauthorized use of City-owned equipment, materials or property for personal convenience or profit. It is the responsibility of every employee to check with their supervisor before using or permitting the use of City-owned assets for personal use, including, but not limited to, the use of electronics and the internet.

Whether or not performed on the City's premises, work which employees perform and are paid for by the City is the property of the City of Salida. This includes inventions, works of authorship, improvements, designs, developments, and discoveries that relate in any manner to the present or prospective activities or business of the City.

Any City property issued to employees, such as keys, policy manuals, tools, firearms, or uniforms, must be returned at the time of termination or resignation, or whenever requested by the supervisor. Employees are responsible to pay for any lost, destroyed or damaged items.

## **6.10 Operation of City or Private Vehicles**

- A. Valid Driver's License. Employees who do not have a valid Colorado driver's license or who are not insured against liability for driving, as required by state laws, are not authorized to drive any vehicle during the course of performing work duties or scope of their employment with the City. An employee's driving record must be acceptable to the City's insurance carrier or the employee is not deemed authorized to drive in the course or scope of employment.
- B. Change in Driver Status. If an employee's job duties include driving, then any change in the employee's driver's license status, driving record or insurance coverage must be reported in writing by the employee to their Department Head by the next business day.
- C. Safety. Safe and lawful driving practices must be used by employees at all times while driving a City-owned vehicle or personal vehicle on City business. Seat belts must be worn at all times while traveling in a City-owned vehicle or a personal vehicle on City business. It is the employee-driver's responsibility to ensure that all passengers buckle-up before beginning to operate the vehicle.

A Motor Vehicle Record (MVR) for prospective and current employees whose job duties require them to routinely operate a City vehicle will be obtained and reviewed in accordance with the City's current operating procedures.

- D. Alcohol. Employees are not allowed to drink alcohol while on City business. Open containers of alcohol are not allowed in vehicles being used for City business.
- E. Liability. Property damage to vehicles that occurs while an employee is driving the vehicle or is in control of the vehicle is the employee's responsibility. The City has no obligation to pay for damage to an employee's vehicle that occurs while the vehicle is on the City's premises or while it is being used for job-related purposes unless the damage is caused by the City's negligence and is not due to any negligence by the employee.
- F. Accidents during travel. Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate Department Head. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.

## 6.11 Alcohol and Drug-Free Workplace

- A. Purpose. The City is committed to a safe, healthy, and productive work environment for all employees that is free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision making. This includes working after the apparent use of marijuana, regardless of marijuana's legal status. Furthermore, working after the use of alcohol, a controlled substance or abuse of any other substance is prohibited.

In accordance with the Drug-Free Workplace Act of 1988, the City prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during work time, on City premises, or other work sites. Any employee who is convicted, or pleads guilty or no contest under a criminal drug statute for a violation occurring in the workplace must notify the City within five days of such conviction or plea. Testing is an important element in the City's efforts to ensure a safe and productive work environment.

- B. Scope. This policy applies to all employees. The type of testing is contingent upon whether the employee is considered "safety sensitive." A "safety sensitive" employee is defined as any employee whose duties involve risk of injury or harm to the general public, and includes all drivers required to hold a commercial driver's license ("CDL") in order to perform their job for the City.

- C. Alcohol and Controlled Substances Prohibited. The following conduct by employees is prohibited on any premises owned, leased or used by the City for performing the City's services, or any place while an employee is performing services for the City: 1) alcohol possession or use; 2) the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance; 3) having detectable amounts of alcohol or controlled substances in the employee's system or; 4) smelling of alcohol on the job, regardless whether the employee is under the influence.

1. "Drugs" or "controlled substances" means a controlled substance listed in Schedules I through V of 21 U.S.C. 812 and as further defined by federal regulations (21 CFR Section 1300.11 through 1300.15). This list includes but is not limited to marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP). It does not include over-the-counter medications taken in accordance with the manufacturer's instructions, or drugs prescribed by a physician for the employee when taken in the manner, combination and quantity prescribed, unless possession or use is illegal despite a prescription. Employees who are using over-the-counter or medically prescribed drugs that could adversely affect their ability to perform work in a safe manner must notify their Department Head prior to starting work. The employee may be required to provide a physician's certification that it is safe for the employee to perform the essential job functions while using the medications as a condition of continuing to work.
2. Illegal use of drugs off-duty and off City premises or work sites is not acceptable. It can affect on-the-job performance and the confidence of the public and our citizens in the City's ability to meet its responsibilities.

- D. Basis for Testing. Testing will be required as a condition of employment under the following circumstances:

1. Post-Offer of Employment. Offers of employment may be contingent upon the new employee submitting to and passing a drug test. Also, existing employees may be required to pass a drug test as a condition of an offer of a specific job or project assignment.
2. Reasonable Suspicion Testing. If the employee's supervisor has reasonable suspicion that

an employee is in violation of this policy, the employee may be required to submit to testing for alcohol and/or controlled substances. "Reasonable suspicion" is defined as facts and circumstances that would lead a reasonable person to believe that another individual is under the influence of drugs, alcohol or controlled substances. Some of the circumstances that might provoke reasonable suspicion testing are evidence of repeated errors on the job, sleeping on the job, slurred speech, uncharacteristic appearance or behavior, or unsatisfactory time or attendance patterns, if coupled with specific events that indicate probable drug/alcohol use. Reasonable suspicion for testing may also exist if other individuals have first-hand knowledge relating to an employee's violation of this policy and report this to the City.

3. Post-Accident Testing. An employee in a "safety sensitive" position who is involved in an on-the-job accident may be subject to an alcohol and drug test if the employee's own conduct could possibly be a contributing cause of the accident or injury. In addition, any employee who is involved in a serious on-the-job accident may be subject to an alcohol and drug test.
    - a) An "accident" for purposes of this policy is defined as an incident or occurrence in which:
      - a. A person dies or requires medical treatment; or
      - b. Property damage is estimate at greater than \$1,500; or
      - c. It involves use of a City vehicle; or
      - d. It involve and employee in a personal vehicle accident who as a regular condition of his/her employment is required to drive a non-City vehicle.
    - b) An employee who is involved in an accident must immediately report the accident to his or her supervisor/manager. If injuries do not allow the employee to immediately report the accident, then the employee must report the accident to his or her supervisor/manager as soon as practicable.
    - c) Whenever a supervisor/manager observes or is notified of an accident as defined above, the supervisor/manager will initiate drug and alcohol testing. The supervisor/manager will order the employee to submit to a drug and/or alcohol test. The supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.
    - d) The employee will continue in a paid status pending the receipt of the drug testing results by the City of Salida.
  4. Return to Duty and Follow-Up Testing. An employee who has failed a drug/alcohol test, at the sole discretion of the City, may be allowed to return to duty or be rehired after the employee submits to return-to-duty testing and tests negative for alcohol and controlled substances. Any employee who tested positive during the past twelve (12) months is subject to unannounced, follow-up testing from the date of return.
  5. Random Testing. All "safety sensitive" employees are subject to random testing for alcohol and controlled substances during work hours. Random testing is not based on reasonable suspicion of use.
    - a. If the randomly selected employee is at work the day of testing, the employee must submit to a drug and/or alcohol test at the scheduled time.
    - b. The randomly selected employee is not required to be present for the required random drug and/or alcohol test if the employee is absent due to prescheduled leave.
- E. Consequence of Violation. Any violation of this policy will result in disciplinary action, including

termination.

F. Refusal to Submit to Testing. The following behavior constitutes a 'refusal' to take a test:

1. Express refusal to take the test.
2. Failure to provide sufficient quantities of breath or urine to be tested without a valid medical explanation for the failure, or engaging in conduct that clearly obstructs the testing.
3. Tampering with, or attempting to adulterate the specimen or collection procedure.
4. Not reporting to the collection site in the time allotted.
5. Leaving the scene of an accident without a valid reason and not submitting to the test as required in this policy.

Refusal to submit to mandated testing is considered a violation of this policy and the consequences will be the same as though there has been a positive test result.

G. Testing Facility and Safeguards. Testing will generally be by urinalysis. Results of blood tests or Breathalyzer (for alcohol) may also be relied upon by the City. The testing will be performed by an approved lab and administered by a qualified testing facility.

H. Employment at Will. Nothing in this policy changes the fact that all employment with the City is at will and can be terminated at any time by the employee or the City with or without cause or prior notice. Nothing in this policy requires the City to test before terminating an employee for violation of this policy.

## **6.12 Communications Systems**

The City's computer network, access to Internet, e-mail, and voice mail systems are business tools intended for employees to use in performing their job duties. Therefore, all documents and files are the property of the City. All information regarding access to the City's computer resources, such as user identifications, modem phone numbers, access codes, and passwords are confidential City information and may not be disclosed to non-City personnel.

All computer files, documents, and software created or stored on the City's computer systems are subject to review and inspection at any time. Employees should not assume that any such information is confidential, including e-mail either sent or received.

Computer equipment should not be removed from the City premises without written approval from a Department Head. Upon separation of employment, all communication tools should be returned to the City.

- A. Personal Use of the Internet. Some employees need to access information through the Internet in order to do their job. Use of the Internet is for business purposes during the time employees are working. Personal use of the Internet should not be on business time, but rather before or after work or during breaks or lunch period. Regardless, the City prohibits the display, transmittal, or downloading of material that is in violation of City guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time.
- B. Software and Copyright. The City fully supports copyright laws. Employees may not copy or use any software, images, music, or other intellectual property (such as books or videos) unless the employee has the legal right to do so. Employees must comply with all licenses regulating the use of any software and may not disseminate or copy any such software without authorization. Employees may not use unauthorized copies of software on personal computers

housed in City facilities.

- C. Unauthorized Use. Employees may not attempt to gain access to another employee's personal file of e-mail messages or send a message under someone else's name without the latter's express permission. Employees are strictly prohibited from using the City communication systems in ways that supervisors and Department Heads deem to be inappropriate. Employees with questions whether a behavior would constitute unauthorized use should contact their supervisor or Department Head before engaging in such conduct.
- D. E-mail. E-mail is to be used for business purposes. While personal e-mail is permitted, it is to be kept to a minimum. Personal e-mail should be brief and sent or received as seldom as possible. The City prohibits the display, transmittal, or downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time. No one may solicit, promote, or advertise any outside organization, product, or service through the use of e-mail or anywhere else on City premises at any time. The City may monitor e-mail from time to time. Employees should be aware that emails might be public records and subject to public disclosure.

Employees are prohibited from unauthorized use of encryption keys or the passwords of other employees to gain access to another employee's e-mail messages.

- E. Voice Mail. The City voice mail system is intended for transmitting business-related information. Although the City does not monitor voice messages as a routine matter, the City reserves the right to access and disclose all messages sent over the voice mail systems for any purpose. Employees must use judgment and discretion in their personal use of voice mail and must keep such use to a minimum.
- F. Telephones/Cell Phones/Mobile Devices. Employee work hours are valuable and should be used for business. Excessive personal phone calls can significantly disrupt business operations. Employees should use their break or lunch period for personal phone calls.

Confidential information should not be discussed on a cell phone or mobile device. Phones and mobile devices with cameras should not be used in a way that violates other City guidelines such as, but not limited to, EEO/Sexual Harassment and Confidential Information.

For safety reasons, employees should avoid the use of cell phones and mobile devices to make calls while driving. Employees must park whenever they need to use a cell phone. Generally, stopping on the shoulder of the road is not acceptable. Employees are prohibited from using a cell phone or other device to text while operating a motor vehicle. Texting is permitted only where the vehicle is at rest in a shoulder lane or lawfully parked.

The City telephone lines should not be used for personal long distance calls.

- G. Postage. The use of City postage for personal correspondence is not permitted.

### **6.13 Residency Requirements**

City employees need not reside within the limits of the City, with the exception of the following:

- A. City Administrator. The City Administrator is required to be a resident of the City within thirty (30) days of their first day of employment.
- B. Emergency Response Team. Key employees who are part of the City's emergency response team are required to respond to an emergency within thirty-five (35) minutes travel time by passenger vehicle from where they live to their primary work location as timed during normal traffic conditions using a commonly accepted mapping application (eg. Mapquest, Google

Maps, Traveltime, etc.). Employees may request an exception to increase such travel time up to 45 minutes from the City Administrator who shall make a determination based upon the particular facts and circumstances of each situation.

The City's emergency response team includes employees who hold positions of responsibility within the Fire, Police and Public Works Departments and excludes administrative assistants and the code enforcement officer. Employees living outside this response time area when hired must relocate to a location meeting the requirements within six months of their starting date. The City Administrator may approve one three-month extension due to special circumstances.

Any employees hired before adoption of this manual are not required to move, but cannot move further away from the City if they currently reside outside the distance outlined in this policy.

#### **6.14 Open Door/Whistleblower Policy**

The City is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion or question receives a timely response. The City recognizes that conflict is inherent in an organization and therefore offers processes to assist employees in problem-solving and dispute resolution.

This policy outlines a procedure for employees to report actions reasonably believed to violate a law, or regulation or to constitute fraudulent accounting or other unethical practices. It is intended to encourage employees to report such actions should they ever suspect or witness an actual occurrence of illegal, unethical or inappropriate behaviors or practices without fearing retribution.

- A. Employees should promptly report the suspected or actual event to their immediate supervisor. If the employee is uncomfortable or otherwise reluctant to make the report to his/her supervisor, then the employee should report the event to the next highest level of supervision or to the Police Chief, City Administrator, Finance Director or Mayor.
- B. The employee can report anonymously.
- C. The employee shall receive no retaliation or retribution for a report that was provided in good faith – in other words, it was not done primarily with malice to damage another employee, official or the City.
- D. The employee who makes a report that is not done in good faith is subject to discipline, including termination or other legal means to protect the reputation of the City and members of its governing body and staff.
- E. Anyone who retaliates against the employee who reported an event in good faith will be subject to discipline, including termination.
- F. The supervisor, Department Head or elected official who receives a report of illegal, unethical or inappropriate behaviors or practices must promptly act to investigate and/or resolve the issue.
- G. The employee who made the report (unless done so anonymously) shall receive a report promptly following the completion of the investigation and disposition/resolution of the issue.
- H. If the investigation of a report, that was done in good faith and investigated by internal personnel, is not to the employee's satisfaction, then they have the right to report the event to the appropriate legal or investigative agency.

- I. The identity of the employee, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement, in which case members of the City are subject to subpoena.

## **6.15 Ethics**

Employees at the City must be committed to the highest ethical standards in the execution of their duties and responsibilities. Employees feeling they are being asked to violate City guidelines should address their concerns with their supervisor, Department Head or the City Administrator.

Employees are expected to report perceived ethical violations. The City expects employees to make a timely report to enable the City to investigate and resolve any behavior that may be in violation. Any report will be kept as confidential as practicable. The City prohibits retaliation against an employee for filing a report or for assisting in an investigation.

## **6.16 Job Related Problems**

Employees who disagree or are dissatisfied with a City practice should promptly discuss the matter with their immediate supervisor, where appropriate. Normally, this discussion should be held within three to five days of the incident, or in a timely manner. Discussions held in a timely manner will enhance the City's ability to resolve concerns while they are fresh in everyone's mind. The majority of misunderstandings can be resolved at this level.

If the solution offered is not satisfactory, or if it is inappropriate to go to the supervisor, then employees are encouraged to take the problem to their Department Head. If the problem still cannot be resolved, employees may submit a written complaint to the City Administrator for review and final decision about the situation. Also see the EEO/Harassment Complaint Procedure.

## **6.17 Smoking**

Smoking is prohibited within all areas of City buildings and in City vehicles. Smoking includes the use of any tobacco product, as well as vaporizers, vape liquids, electronic or e-cigarettes, and electronic or vapor smoking accessories. Employees may smoke in designated outdoor areas. This restriction applies to all employees and visitors, at all times, including non-business hours.

## **6.18 Data Disposal Policy**

During the course of employment, the City will collect certain information that is classified as "personal identifying information," or PII, under applicable laws. Such information may include, but is not limited to:

- The employee's first and last name or initials;
- Username(s) and password(s);
- Social security number;
- Driver license or other identification card number;
- Medical documentation;
- Biometric data;
- And more.

The City may keep these records in paper and/or electronic format.

When such documentation is no longer needed, pursuant to records retention requirements and best practices, the City will either (a) destroy the records or (b) arrange for their destruction, e.g. by shredding, erasing, or otherwise modifying the personal identifying information in such a manner as to render it unreadable or indecipherable through any means.

## **6.19 Employee Use of Social Media**

Social media can sometimes blur the line between an employee's professional and personal lives and interactions. Statements intended as personal opinion can be mistaken for official expressions of the City's policy or position. As such, care must be taken to ensure that personal use of social media does not create the appearance of official use of social media, such as by the use of a City title or position in a manner that would create an appearance that the City sanctions or endorses one's activities or statements. All social media postings on behalf of the City must be preapproved and sent by authorized employees.

When using social media, exercise good judgement. The City requests that employees be respectful of the City, other employees, and our residents. Avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, disparaging to other employees or residents, or that might constitute harassment or bullying. Examples of such conduct include inflammatory posts meant to intentionally harm someone's reputation or harassing posts that contribute to a hostile work environment.

Social media is not the ideal place to make an employment-related complaint regarding alleged discrimination, unlawful harassment, or safety issues. Complaints to the City regarding these concerns should be made in accordance with the complaint process outlined in this personnel manual so that the City can promptly address them. Further, nothing in this social media policy is intended to interfere with employees' right under federal law to engage in protected and concerted activity, including employees' ability to discuss the terms and conditions of their employment.

## **6.20 Travel and Expense Reimbursement**

In general, the City will pay or reimburse the cost of certain expenses incurred by employees in the course of their employment. These expenses (e.g., travel, meals, etc.) should be reasonable and customary and must be related to the conduct of official business or attendance at professional meetings, conferences, or training sessions which promote overall job knowledge. To be considered for payment, adequate appropriations must be available, the expenses must be authorized in advance, and the employee must comply with the procedures identified in this section.

- A. **Advance Approval.** All expense reimbursements must be approved by the relevant Department Head or City Administrator prior to incurring the expense.
- B. **Expense Reports.** Employees must completely fill out an expense report, along with any necessary documentation (receipts, explanations, etc.), in order for reimbursement to occur. Obtaining sufficient documentation is the responsibility of the employee, and lack of documentation may be grounds for denial of reimbursement from the City. Expense reports must be submitted to the relevant Department Head or City Administrator no later than thirty (30) days after the expense was incurred.
- C. **Meals.** The City will reimburse employees for reasonable expenses for meals and beverages, excluding alcoholic beverages, while away on City business. Employees will not be reimbursed for meals when otherwise covered in conjunction with the cost of the seminar, conference, or training being attended.
- D. **Alcohol.** The City will not reimburse employees for the purchase of alcohol, including any alcohol purchased with a meal. If an employee desires to consume alcohol with a meal for which they are expecting reimbursement, the employee must request separate checks for reimbursable meals and non-reimbursable alcohol purchases. Employees should be mindful that their conduct while traveling reflects on the City and of the "Alcohol and Drug-Free Workplace" policy contained within this personnel manual.



- E. Lodging. Overnight reservations should be made at a hotel or motel that is reasonably convenient to the place where your business is to be transacted or the conference designated hotel, whenever possible. Accommodations should be reasonable for the circumstances and similar to what you would occupy if you were on a personal trip. If a spouse accompanies an employee on the trip, the City will pay no more than the single occupancy rate for the room and the employee or spouse must pay the difference in the room rate actually charged.
- F. Excess Charges. If costs or charges are incurred in excess of reasonable levels in relation to the approved expense, the employee will be responsible for any excess charges. The City may decline reimbursement of any excess costs.

**ACKNOWLEDGMENT OF RECEIPT**

**I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED MAY 1, 2023. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:**

**EMPLOYMENT WITH THE CITY OF SALIDA IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE CITY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE CITY HAS THE SAME RIGHT.**

**THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF THE CITY ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.**

**THE HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF SOME OF THE CITY'S GUIDELINES.**

**THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE CITY OF SALIDA THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.**

**NO REPRESENTATIVE OF THE CITY OF SALIDA, OTHER THAN THE CITY COUNCIL, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE MAYOR OR CITY ADMINISTRATOR AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.**

\_\_\_\_\_  
**Employee's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Employee's Name**