**Memorandum**

**To:** City Council

**From:** Ben Cowan

**Date:** 6/23/2016

**Re:** Handbook Revisions, Standby Policy and Disciplinary Guidelines

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Please find attached the final version of the Employee Handbook with recommended changes from the Mountain States Employers Council as well as the many discussions with the Management Staff. It has been reviewed by the Employment Law Services and Human Resource Services departments for employment law and human resource considerations.

Below is a quick synopsis of the significant changes.

1) **DISCLAIMER:** The reference to part-time and temporary agreements has been removed from the Disclaimer. One of the major premises of the employee handbook is that employment at the City is at-will. Referencing employee agreements is not advisable because the Handbook shouldn't be construed as an agreement or contract of any kind. This change does not affect our ability to enter into other agreements as appropriate, but they have no bearing on these policies.
2) **SECTION 1, 1.4, B. EEO/HARASSMENT COMPLAINT PROCEDURE:** Reports of Equal Employment Opportunity/Harassment complaints can only be received by Human Resources or those specifically trained in the protocol for investigating these types of claims. If "Department Head" is left in the policy, we will need to ensure all department heads have been put through the Equal Employment Opportunity Commission's Training Institute on EEO laws, for a fee.
3) **SECTION 2, 2.2 HIRING, PROMOTION, AND TRANSFERS:** The City Manager, as Personnel Director, should ensure that best practices are followed in acquiring a qualified candidate pool and ultimately attaining the most qualified candidate.
4) **SECTION 2, 2.4 PERFORMANCE APPRAISAL:** The word "will" has been removed because we don't always appraise employees at six months. If someone was disciplined or terminated, they could argue that the supervisor failed to perform that requirement. This change doesn't preclude a supervisor from performing a six-month evaluation if desired.
5) **SECTION 2, 2.5 DRUG FREE WORKPLACE:** This wording is suggested by MSEC as a shorter statement leading to a longer stand-alone policy still under review. That policy was last reviewed by an attorney in 1989. Under certain circumstances, the Colorado Employment Security Act provides that employees who test positive for drugs or alcohol in their system during working hours are disqualified from receiving benefits upon discharge. For this provision of the statute to apply, the employer must have a written policy with a testing provision or be required to test by statute or regulation. A good reason to make the drug testing policy a stand-alone document is the importance of providing notice to employees that the employer may require a drug test in certain situations. Because of the invasive aspect of

drug testing, a stand-alone policy, acknowledged by the employee, goes further toward proving notice than a policy buried in the middle of a lengthy handbook.

6) **SECTION 2, 2.8 REPORTING ACCIDENTS:** When you can require an employee returning from an injury to submit to a medical examination is only allowed in very certain circumstances. The ADA only allows these types of examinations if it is job related and consistent with business necessity, which means that you have evidence indicating the employee is (1) unable to perform the essential functions of the position, or (2) the employee will be a direct threat to himself or others.
7) **SECTION 2, 2.9 WORKERS' COMPENSATION PROCEDURES:** Gunnison Valley Family Physicians is no longer accepting workers' compensation patients, and thus can no longer be listed as a designated provider. A stand-alone policy to satisfy Return to Work guidelines that allow for reduced workers' compensation insurance premiums is being developed. The shorter verbiage in this handbook simply states modified duty will be provided when available.
8) **SECTION 3, OVERTIME COMPENSATION:** This is one of two substantive changes in the proposed amendments that will affect departments in a tangible way. The current policy allows for vacation leave, sick leave, or other paid leave used prior to a requested call-in will be calculated towards overtime. Leave after a call-in is not eligible for overtime. This causes a great deal of confusion since there are arguments about what is considered a "call-in" and why does someone taking a vacation before getting "called in" get overtime, whereas someone taking a vacation afterward in the same period does not. The new policy simplifies the calculation of overtime based on the type of leave rather than the timing of leave and simply states, "Vacation, compensatory time used and personal leave will be considered hours worked for overtime calculation purposes".
9) **SECTION 3, 3.5 PAYCHECKS, 3.9 ELIGIBILITY FOR BENEFITS & APPENDIX A**: These items change frequently and, rather than constantly having the plan out-of-date, the suggested verbiage provides blanket verbiage that will be more generic and enduring.
10) **SECTION 4, 4.2 ACCRUAL OF PAID LEAVE:** Employees hired prior to 1991 are already at the maximum rate of accrual, so the grandfathering verbiage became unnecessary in 2011. There are no longer any part-time employees that were hired prior to 2012 that require the grandfathering clause for prorated accruals. Only employees working 30 hours or more are eligible for leave benefits.
11) **SECTION 4, 4.5 PAID HOLIDAYS:** Paying employees at 1.5 times their regular rate when working on a designated holiday is not overtime, it is simply differential pay during a holiday. Using the overtime language causes confusion.
12) **SECTION 4, 4.11, C. HAZMAT PAY**: The City does not have a choice of whether an employee will be paid at overtime rates if working over 40 hours in the pay period. The city <u>must</u> pay at 1.5 times the regular rate of pay if an employee works overtime.
13) **SECTION 4, 4.12 A. FUNERAL LEAVE:** This change brings the policy in alignment with current practice. Many close relatives do not have a formal funeral, but the employees are still given leave to be present at the time of death or visit for a last goodbye. The overall leave is still limited to 3 days (or 5 in special circumstances).
14) **SECTION 5, DISCIPLINARY ACTION:** Spelling out the disciplinary action procedures as a part of policy for employees can expose the City to legal damages if a step was inadvertently missed. It can also imply that that someone will be counseled, reprimanded etc…prior to termination which may not be true. The removed sections will be retained as separate guidelines.
15) **SECTION 5, 5.5 RESIGNATION**: Requesting an amount of time when employees resign can constitute an employment agreement and negate the at-will status.
16) **SECTION 5, 5.8 RETURN OF PROPERTY:** This verbiage is not sufficient. A signed authorization must be gathered in advance of issuing employees' property, advance wages etc. for a payroll deduction to be legal.

17) **SECTION 8, 8.2 EMPLOYMENT OF RELATED PERSONS:** This change is the second of the two substantive changes to the Handbook. The requested change aligns the policy with the language in the Charter. The current policy differs from the Charter by not including spouses or relations by virtue of adoption in the consideration of nepotism. The Handbook is also currently more restrictive in defining the policy based on all employees, not just employees with the authority to hire, fire or supervise their relatives. The policy includes some additional language to express the purpose of the policy as well as how to handle the situation when a change in position occurs or when current employees marry.
18) **SECTION 8, 8.3 OUTSIDE EMPLOYMENT:** This verbiage notifies the employee that working through a temporary agency is still considered employment with the City of Gunnison and can't be used as a method to avoid paying overtime or determining eligibility for healthcare. The verbiage retains the avoidance of conflicts of interest and interference with the employee's job.
19) **SECTION 8, 8.11 B. SEARCHES**: As a public employer, the City's ability to search an employee is governed by the 4th Amendment protections against unreasonable searches and seizures. Conducting searches at any time for any reason may violate this protection depending on the situation, so the additional language further lowers an employee's expectation of privacy and avoid any issues if a search is necessary. Any time a search is conducted, MSEC should be contacted for guidance.
20) **SECTION 8, 8.14 2. REQUESTED TRAINING:** The City does not have discretion in paying employees for requested training. Employees attending training is compensable unless the training meets the four included criteria, which is rare because employees usually do not request training that is unrelated to their work.

In addition to these Handbook changes, we would like the Council to consider the adoption of the following stand-alone policies:

1) **Standby Policy** – This policy was removed from the Handbook years ago since it only applies to a few water and electric division employees. The policy is still in use, but we would like to have it formally included as a reference for those employees it affects.
2) **Disciplinary Guidelines** – There is no change from the Disciplinary Policy that was removed from the Employee Handbook (see above comments on #13). This language is still helpful for department head use, but should not be stated in the form of a policy.

We are currently in the process of updating the Drug and Alcohol Policy. The suggested policy is quite lengthy compared to what we currently have since it was last updated in 1989. It will require some discussion time and potentially some training, so it will be brought forward at a later date.

Finally, staff will be requesting a future review of a Return to Work Policy, currently in draft form. Most departments already offer light duty to injured workers, but we would like to adopt a formal policy to receive a variety of benefits from this policy for both the City and employees.

**REQUESTED ACTION:**

1) A motion to adopt the revised City of Gunnison Employee Handbook, dated this 28th day of June, 2016, and replace all previous versions of the City of Gunnison Employee Handbook.

2) A motion to adopt the City of Gunnison Standby Policy, dated this 28th day of June, 2016.

3) A motion to accept the City of Gunnison Disciplinary Guidelines, dated this 28th day of June, 2016.

# Employee Handbook

Adopted by City Council June 28, 2016

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## Welcome to our City from the City Manager

Dear Employee,

Welcome to the City of Gunnison. We're excited you have decided to join us and hope our association will be mutually beneficial and rewarding. Our intent is to provide a safe, positive and productive workplace. Employees of our organization are the heart and soul of the services we provide. Creating a professional environment allows us to be successful. This Handbook provides a summary of the City of Gunnison guidelines for the workplace.

It is important that all employees know our personnel guidelines. The Handbook introduces you to the City of Gunnison and acquaints you with the policies and benefits which apply to our employees. One of your first responsibilities will be to read this Handbook. By doing so, you will become familiar with our guiding principles more quickly. We also hope the Handbook will become a useful reference for you, and we encourage you to keep it handy while you are getting to know the City.

The City of Gunnison's success depends upon the quality of our relationships with our peers, our citizens, our policy makers and the general public. Our citizens' impression of the city is greatly influenced by the people who serve them. In other words, you are our ambassadors! The more goodwill you promote, the more our citizens will respect and appreciate you and our beautiful city. Our expectations of each employee are:

- Act professionally and treat the public in a courteous and respectful manner. We are a customer oriented business and expect our behavior to reflect this priority.
- Follow up on questions promptly, provide businesslike responses to requests and perform your duties in a helpful manner.
- Ensure you maintain a safe work environment for yourself and others around you.
- Always treat your co-workers with courtesy, dignity and respect.
- Finally, take pride in your work and enjoy doing your very best.

I wish you the very best for your success and happiness in your employment with the City of Gunnison. The City encourages your individual achievement. You are now part of a team that you can be proud you have joined. It is an honor for us to call you a City of Gunnison employee. Thank you for taking this step in serving our community.

Sincerely,

Mark Achen
Interim City Manager

## *****IMPORTANT NOTICE and DISCLAIMER ******

**EMPLOYMENT WITH THE CITY OF GUNNISON IS AT-WILL. NEITHER THE EMPLOYEE NOR THE EMPLOYER IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION. THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT AT ANY TIME, FOR ANY REASON. NO REPRESENTATIVE OF THE CITY OF GUNNISON, OTHER THAN THE CITY MANAGER, HAS AUTHORITY TO ENTER INTO A CONTRACT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD.**

**THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. THE ORGANIZATION RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET OR CHANGE ANY OR ALL GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY OF GUNNISON. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.**

# SECTION 1 FEDERAL EMPLOYMENT MANDATES

## 1.1 AMERICAN'S WITH DISABILITIES ACT (ADA) AND RELIGIOUS ACCOMMODATION

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

## 1.2 UNLAWFUL EEO HARASSMENT

A. The City of Gunnison is dedicated to the principles of Equal Employment Opportunity Act. We prohibit unlawful discrimination against applicants or employees on the basis of age over 40, race, sex, color, religion, national origin, disability, or any other applicable status protected by federal, state or local law.

B. 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. Actions based on an individual's race, color, national origin, religion, disability, or any other legally protected characteristic will not be tolerated. Prohibited behavior includes but is not limited to the following:

   (1) Written form such as cartoons, e-mail, posters, drawings, or photographs.

   (2) Verbal conduct such as epithets, derogatory comments, slurs, or jokes.

   (3) Physical conduct such as assault, or blocking an individual's movements.

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

## 1.3 SEXUAL HARASSMENT

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

B. The City of Gunnison 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:

(1) Submission to such conduct is made explicitly or implicitly a term or condition of employment;

(2) Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment;

(3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

C. 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:

(1) Written form, such as cartoons, posters, calendars, notes, letters, e-mail;

(2) 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;

(3) Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

## 1.4 EEO / HARASSMENT COMPLAINT PROCEDURE

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

B. Report the incident to Human Resources who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to any of these individuals with your complaint, you should report the incident to the City Manager.

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

D. The City of Gunnison prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If you perceive retaliation for making a complaint or your participation in the investigation, please follow the complaint procedure outlined below. The situation will be promptly investigated.

# SECTION 2 PERSONNEL ADMINISTRATION

## 2.1 PERSONNEL DIRECTOR

In keeping with the terms and conditions of the City of Gunnison Municipal Home Rule Charter, the City Manager is the Chief Administrative Officer of the City, and acts as Personnel Director of the City. With City Council's approval, the City Manager establishes appropriate personnel rules and regulations governing officers and employees of the City.

## 2.2 HIRING, PROMOTION, AND TRANSFERS

A. The Hiring Process, in the City's sole discretion, consists of an application review, oral interview, written testing, practical testing, background investigation, or a combination thereof intended to determine whether or not the applicant meets the minimum qualifications for appointment and the degree to which the applicant exceeds the minimum qualifications. The minimum qualifications are the combination of knowledge, experience, skills, abilities, education, and/or certifications specified in the job description for the position applied for that constitute the minimum requirements for that position. The hiring process applies to full-time employment opportunities. Vacancies, not filled by promotion or transfer, are announced internally and publicly at the same time. The Department Head will be responsible for establishing the range of advertising, (local, area, state, and regional). Closure for applications must be a minimum of one week after publication of the announcement. Internal applicants (current full-time, part-time, or temporary employees) who meet the minimum qualifications established in the job description may be included in the interview process. Department heads are responsible for the written development and implementation of the selection process, subject to the City Manager's approval. Department heads may elect to hire directly from a previously established list provided the list is not more than six months old.

B. At times, there may be position openings within the City that allow employees the opportunity to advance their careers by being promoted. A promotion is defined as the movement of a full or part-time employee from a position of one class to a position of another class having greater or increased responsibilities and higher entry level compensation. If an employee meets the qualifications in the job description and has demonstrated the necessary combination of knowledge, experience, skills, abilities, education and/or certifications through past work history with the City of Gunnison, the employee may be considered for a promotion, upon the approval of the City Manager. Vacancies are advertised within the City for a minimum of five working days. All candidates for promotions are required to participate in an application review, oral interview, written testing, practical testing, background investigation, or combination thereof. Promotion does not affect the promoted employee's benefits accrual. If the position is not filled through the promotion process, then the hiring process, as outlined in Section 2.2. A. will be followed.

It should be noted that if the employee held a position prior to promotion that provided a special benefit(s) and the new appointment does not provide for that benefit(s), the employee will be informed of the benefit(s) loss prior to the appointment.

All persons promoted will be subject to the residency requirements as applicable and as stated in Section 8.4 of this Handbook.

C. A transfer is defined as the movement of a full or part- time employee from a position of one class to a position of another class having a similar level of responsibilities and/or entry level compensation. At times there may be position openings within the City that allow employees the opportunity to transfer. If an employee meets the qualifications in the job description and has demonstrated the necessary combination of knowledge, experience, skills, abilities, education and/or certifications through past work history with the City of Gunnison, the employee may be considered for a transfer. Vacancies are advertised within the City for a minimum of five working days. All candidates for transfer are required to participate in an application review, oral interview, written testing, practical testing, background investigation, or combination thereof. Transfer does not affect the transferred employee's benefits accrual. If the position is not filled through the transfer process, the hiring process, as outlined in Section 2.2.A, will be followed.

It should be noted that if the employee held a position prior to transfer that provided a special benefit(s) and the new appointment does not provide for that benefit(s), the employee will lose such benefit(s) prior to the appointment.

All persons transferred are subject to the residency requirements as applicable and as stated in Section 8.4 of this Handbook.

## 2.3 PERFORMANCE APPRAISAL

All employees serve at will. Supervisors will continually observe the employee's job performance. Communication between the employee and the employer is a key element in the successful operation of the City government. Supervisors and employees shall meet and discuss expectations, needed resources, and job performance. New hires and transfers may be evaluated after six months in the position. All other employees will be regularly evaluated a minimum of once per year. The timing of this process is critical as it is related to the pay plan. Regular evaluations need to be completed during the last quarter of the year.

## 2.4 RE-EMPLOYMENT

An employee who has separated with a good work record may be considered for re-employment. The City Manager may require the interested employee participate in a selection procedure. This procedure may include any of the screening, testing, and selection

techniques normally utilized by the City. The applicant may be denied consideration if it is determined that he/she is not qualified for the position applied for. The re-employed person's salary will be determined under the existing guidelines of the City's Pay Plan. Re-employed persons are considered new employees for the purpose of determining pay and benefits.

## 2.5 DRUG FREE WORKPLACE

A. The City of Gunnison is committed to a safe, healthy and productive work environment for all employees, free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances alters employee judgment resulting in increased safety risks, employee injuries, and faulty decision-making.

B. To ensure a safe and productive work environment the City prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs or controlled substances on any City premises or worksites. This prohibition includes City owned vehicles, or personal vehicles being used for City business or parked on City property.

C. No employee shall report to work or be at work with alcohol or with any detectable amount of prohibited drugs in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing.

D. Employee shall, when drugs are prescribed by a medical professional, inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the employee's ability to safely perform the employee's job duties. If the answer from the medical professional is yes, the employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The employee shall present that statement to his or her supervisor prior to going on duty.

E. 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 in the City's ability to meet its responsibilities.

F. See the City of Gunnison Drug and Alcohol Policy for more policy details.

## 2.6 SMOKING

It is our objective to provide a smoke-free work environment within our organization. In compliance with the Colorado Clean Air Act, smoking is prohibited within all areas of City owned buildings, vehicles and equipment. This restriction applies to all employees and visitors, at all times, including non-business hours.

## 2.7 HEALTH AND SAFETY

It is the City of Gunnison's goal to maintain a high standard of employee health and safety. To achieve these high standards, we try to maintain a safe, healthy, efficient, and productive work environment. Toward this end, we provide training, safeguards, and programs to prevent accidents, to prevent damage to property, and to promote safety.

Employees are responsible to abide by all applicable safety rules and regulations contained in the City of Gunnison's Safety Manual. We expect employees to do their job in a manner that ensures their personal safety and the safety of fellow employees.

## 2.8 REPORTING ACCIDENTS AND INJURIES

Employees who suffer work-related injuries or illnesses, despite how minor, must report them immediately to their supervisors. The supervisor in turn should submit any injury information to the City's Finance Department within 24 hours of the occurrence of the injury. To ensure Worker's Compensation eligibility, proper reporting procedures must be followed. Any employee who suffers any work-related injury must also, at the sole discretion of the City, submit to and undergo a medical examination in order to return to work if the employee is (1) unable to perform the essential functions of the position, or (2) the employee will be a direct threat to himself or others. With reasonable suspicion, alcohol testing may be performed, and a drug test may be required within 24 hours of the incident at a medical care provider selected by the City. Any employee failing or refusing to do so may face disciplinary action up to and including termination. The City will arrange and pay for the examination and testing as well as the reasonable costs of transporting the injured or sick employee to a physician or hospital, if required.

## 2.9 WORKERS' COMPENSATION PROCEDURES

A. Within 24 hours of a work-related accident or injury (emergencies and traumas excepted) the employee must file an "Employee's Written Notice of Claim" form with a supervisor, manager, or the finance department. These forms are available in each department office. *Failure to file the signed and dated claim form with the City within 4 working days will cause benefits to be reduced for each day the report was not filed.* Any injury should be reported immediately, even if it seems very minor. Should complications arise and a claim has not been filed on a timely basis, benefits may be reduced.

B. As soon after the accident as possible, the supervisor must fill out an "Accident Investigation" form. This form should be filed at the time the claim is filed with the finance department. However, a claim will not be delayed because the accident investigation form has not been received.

C. Immediately upon notification to the City of a work related injury, the Finance Department will file an "Employer's First Report of Injury" form, with the City of Gunnison's workers' compensation insurance carrier. Copies of all forms will be filed in the employee's personnel file with the City Clerk's office upon initial notification to the insurance carrier.

D. Any work-related accident needing medical attention must be addressed through the City of Gunnison's designated medical provider. The designated medical providers for the City of Gunnison are:

**Gunnison Valley Health Family Medicine Clinic**
707 N. Iowa St.
Gunnison, Colorado 81230
(970)641-2843

**Lake City Area Medical Center**
700 N. Henson
Lake City, Colorado 81235
(970) 944-2331

**Town Clinic of Crested Butte**
214 6th St., Ste. 1
Crested Butte, Colorado 81224
(970) 349-6749

If a designated provider is not seen first, medical expenses will not be paid until a designated provider has been seen. (Exceptions will be granted for emergency and trauma situations, along with "after hours" injuries when only the emergency room is available.) Should the injury require specialized medical attention, the designated provider or "primary physician" can refer the patient to the appropriate specialist.

E. Wages during work-related injury:

(1) The first three scheduled shifts that an employee is not able to work due to a work-related injury will be paid by the City of Gunnison at 100% of regular wages (i.e. - regular hourly rate).

(2) Subsequent shifts will be compensated by the City's workers' compensation insurance provider at a rate of 66 2/3% of the regular wage.

F. Return to Work – Modified Duty

(1) The City of Gunnison will make an earnest attempt to establish modified job duties, when feasible, for an employee with a work-related injury. The employee, supervisor, department head and human resources technician will work with the designated provider physician to approve tasks that meet medical restrictions.

(2) See the City of Gunnison Return to Work Policy for details.

# SECTION 3 EMPLOYEE STATUS - COMPENSATION – PAYROLL

## 3.1 EMPLOYEE STATUS

The City of Gunnison has various classifications of employees. Each particular classification depends upon the number of hours an employee is regularly scheduled to work each workweek, the nature of the duties, tasks, and authorities assigned, and the amount and method of payment for the work performed. For administrative purposes, the City classifies employees as follows:

A. **Full-time Employee** - Full-time employees are those who are hired and regularly scheduled to work 30 or more hours each workweek and 52 workweeks each year. Any full-time employee working 40 or more hours per week is currently eligible for Discretionary Benefits as outlined in this Handbook. Any full-time employee working less than 40 hours per week is currently eligible for Discretionary Benefits as outlined in this Handbook on a prorated basis according to the number of hours budgeted per year.

B. **Part-time Employee** - Part-time employees are those who are hired and regularly scheduled to work less than 30 hours per week. Part-time employees are not eligible for Discretionary Benefits as outlined in this Handbook.

C. **Temporary Employee** - Temporary employees are persons hired to perform an irregular schedule and who agree to work on an as-needed or on-call basis. Temporary employees may work either full-time or part-time depending upon the requirements of the assignment. Temporary employees are not eligible for City Discretionary Benefits as outlined in this Handbook, except as otherwise required by the Patient Protection and Affordable Care Act (PPACA).

D. **Exempt Employee** - Exempt employees are those employees not eligible for overtime pay. Employees classified as exempt receive a salary that constitutes full compensation for all hours worked.

E. **Non-exempt Employee** - Non-exempt employees are generally paid by the hour and do not meet the exclusion criteria of exempt employees. Employees classified as non-exempt are eligible for overtime pay equal to 1½ times their regular rate of pay for each hour worked in excess of forty (40) hours in a workweek, with the exception of law enforcement and fire protection personnel covered by the Fair Labor Standards Act's section 207(K), who are eligible for overtime pay equal to 1 ½ times their regular pay rate for each hour worked in excess of eighty (80) hours in a work period.

## 3.2 PAY PERIODS AND BASIC WORK WEEK/PERIOD

A. Pay periods are two week periods, extending from 12:01 A.M. Saturday through 12:00 Midnight the second Friday, inclusive.

B. A basic work week is a fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods, beginning at 12:01 a.m. Saturday through 12:00 Midnight the following Friday, except for Police Department law enforcement officers and fire protection personnel covered by the Fair Labor Standards Act's section 207(K).

C. A basic work period for Police Department law enforcement officers and fire protection personnel covered by the Fair Labor Standards Acts' section 207(K) begins with the first full shift of the pay period, (Saturday day shift), and continues fourteen (14) consecutive days.

## 3.3 OVERTIME COMPENSATION AND COMPENSATORY TIME

A. Work is organized so that overtime is avoided whenever possible, and then should be kept to a minimum. Overtime must be approved in advance 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. Timesheets that include overtime must have signed approval by the department head or their designee.

B. The City has the authority to pay overtime, within the provisions of the adopted budget, at the rate of time and one-half in monetary consideration or at the rate of time and one-half in leave with pay (compensatory time) at the employee's discretion. Employees may accrue a maximum of 40 hours of compensatory time.

C. It is the responsibility of the employee and the department head to insure that all compensatory time is "zeroed out" by the 15th day of December each year. Compensatory time off may not be carried over into the next year. It must be used or paid.

D. Overtime pay will be calculated as follows:

(1) Excluding exempt employees, law enforcement officers and fire protection personnel, any hours worked in excess of 40 hours in the work week will be paid at one and one-half (1.5) times the employee's regular rate of pay. The work week begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday.

(2) For police department law enforcement officers and fire protection personnel covered by the Fair Labor Standards Acts' section 207(K), any hours worked in excess of 80 hours during the 14-day work period will be paid at one and

one-half (1.5) times the employee's regular rate of pay. The work week begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday.

(3) Vacation, compensatory time used and personal leave will be considered hours worked for overtime calculation purposes. Sick time, holiday time and any other leave not otherwise included above (funeral, jury duty, etc.) is not considered hours worked when calculating overtime and will only be paid at the employee's regular rate of pay. If employees have questions about overtime calculation, they should contact Human Resources for additional information.

For example, an employee may schedule 8 hours of vacation time and work 35 additional hours in a workweek; the employee would receive one and one-half (1.5) times the regular rate of pay (i.e. "overtime") for three hours.

As another example, an employee may use 8 hours of sick time and work an additional 35 hours in a workweek. The employee will receive the regular rate of pay for 35 hours. The employee will have the choice to be paid for the 8 hours of sick time at their regular rate of pay or to reduce their sick leave request to 5 hours.

## 3.4 PAYROLL DEDUCTIONS

Only authorized and/or mandatory payroll deductions will be made from the employee's payroll check. If you believe an improper deduction has been made, you should immediately report this information to Human Resources.

## 3.5 PAYCHECKS

A. Paychecks reflect compensation for regular and overtime hours, standby pay, holiday pay, vacation pay, sick leave pay, and compensation for other paid and unpaid leaves of absence.

B. Employees are paid every other Wednesday. If the regular payday occurs on a holiday, the payday is the last working day prior to the holiday.

C. Paychecks are normally issued no later than 3:00 P.M. the Wednesday following the end of the pay period.

D. When a payday occurs on a holiday, paychecks are normally issued no later than 3:00 P.M. on the preceding day.

E. On each payday, employees receive a statement showing gross pay, deductions and net pay.

F. Automatic deductions such as additional tax withholding, contributions to voluntary benefit plans and individual savings plans may be arranged through the Finance Department.

G. Employees may choose the option of having paychecks automatically deposited to the employee's bank account(s).

H. Paychecks that are lost or destroyed by the employee may be reissued once the employee has reimbursed the City for any stop-payment fees.

## 3.6 REPORTING AND RECORD KEEPING

With the exception of exempt status employees, the City is required by law to keep a record of regular hours worked, overtime, standby, sick leave accrual and usage, vacation accrual and usage, personal day accrual and usage, and holidays. Employees are required to know their departmental procedures for time sheet reporting and collection. The department head submits completed payroll time sheets to the Finance Department no later than 10:00 a.m. on the Monday following the end of each pay period.

Information for the payroll time sheets will be obtained from time cards or departmental hourly records which are to be initialed by the appropriate employee, supervisor, and department heads. Employees are responsible for completing the time cards by accurately reporting all hours worked, and all holiday, vacation hours and absences from work. Falsification of time cards will not be tolerated and may result in disciplinary action.

## 3.7 MEAL PERIODS

A. Meal periods are currently provided to relax and refresh the employee for the day's work. Since each department's and employee's needs are different, employees should ask their supervisor for the meal schedules for the department.

B. Generally, meal periods are 30 - 60 minutes in length and are counted as unpaid work time.

C. Meal periods must be taken.

## 3.8 REST PERIODS

A. Employees may receive a fifteen (15) minute rest period for each four (4) hour period of continuous work.

B. Rest periods are part of the paid work shift. An employee is not compensated in additional money or time off for not taking a scheduled rest period.

C. Rest periods are to be scheduled by the department head or supervisor.

D. Employees must be at their assigned work area at the beginning and end of the rest period.

## 3.9 ELIGIBILITY FOR BENEFITS

Full-time employees are currently eligible for medical, dental, optical and life insurance; City retirement contribution; City's 457 deferred compensation plans; Section 125 “cafeteria plan”; or any other City-sponsored benefit available through the payroll deduction plan. Eligibility for the insurance plan begins on the first day of the month following the full-time employee’s hire date. See Human Resources for plan details.

# SECTION 4 LEAVE

## 4.1 PAID VACATION LEAVE

A. Full-time employees are eligible for paid vacation leave. Full-time employees who work an average of at least thirty hours per week are eligible for paid vacation leave as outlined in Section 4.2, Accrual of Paid Vacation Leave. Temporary employees are not eligible for paid vacation leave.

B. Vacation is only available with the approval of the employee's supervisor and/or department head. Such approval may be based on scheduling needs of the department.

C. For exempt and non-exempt employees, vacation leave is granted in not less than quarter-hour units.

## 4.2 ACCRUAL OF PAID VACATION LEAVE

Paid vacation leave accrual begins on the employee's most recent hire date.

(1) For full-time employees who are regularly scheduled to work an average forty-hours per week, the following vacation accrual applies:

(a) In the <u>first year through the fifth year</u> of continuous employment, vacation accrues monthly every two weeks at a regular rate that provides one-hundred twenty (120) hours of vacation per year (4.62 hours per pay period).

(b) In the <u>sixth year through the tenth year</u> of continuous employment, vacation accrues every two weeks at a regular rate that provides one-hundred thirty-six (136) hours of vacation per year (5.23 hours per pay period).

(c) In the <u>eleventh year through the fifteenth year</u> of continuous employment, vacation accrues every two weeks at a regular rate that provides one-hundred sixty (160) hours of vacation per year (6.16 hours per pay period).

(d) In the <u>sixteenth year through the twentieth year</u> of continuous employment, vacation accrues every two weeks at a regular rate that provides two-hundred (200) hours of vacation per year (7.70 hours per pay period).

(e) After <u>twenty years</u> of continuous employment, vacation accrues every two weeks at a regular rate that provides two-hundred sixteen (216) hours of vacation per year (8.31 hours per pay period).

(2) For full-time employees who are regularly scheduled to work an average thirty-hours per week, the following vacation accrual applies:

(a) In the second year through the fifth year of continuous employment, vacation accrues every two weeks at a regular rate that provides ninety (90) hours of vacation per year (3.47 hours per pay period).

(b) In the sixth year through the tenth year of continuous employment, vacation accrues every two weeks at a regular rate that provides one hundred and two (102) hours of vacation per year (3.93 hours per pay period).

(c) In the eleventh year through the fifteenth year of continuous employment, vacation accrues every two weeks at a regular rate that provides one hundred thirty-two (132) hours of vacation per year (5.08 hours per pay period).

(d) In the sixteenth year through the twentieth year of continuous employment, vacation accrues every two weeks at a regular rate that provides one-hundred fifty (150) hours of vacation per year (5.77 hours per pay period).

(e) After twenty years of continuous employment, vacation accrues every two weeks at a regular rate that provides one-hundred sixty-two (162) hours of vacation per year (6.23 hours per pay period).

## 4.3 LIMITS OF ACCUMULATION OF VACATION

Vacation may be accrued to a limit of one and one-half (1-1/2) times the amount of actual vacation earned in the previous twelve (12) month period. Thereafter, vacation will not accrue until the employee is below the maximum allowable amount of accrued vacation.

## 4.4 VACATION PAY AT TERMINATION

Upon termination, eligible employees will be paid for any accrued but unused vacation.

## 4.5 PAID HOLIDAYS

A. Full-time employees working an average of forty hours per week are currently eligible for paid holiday leave. Full-time employees who work an average of at least thirty hours per week are eligible for prorated paid holiday leave. Temporary employees are not eligible for paid holiday leave.

B. All City departments will be open for business with enough personnel scheduled to work so that the department can handle routine services except for the following days which have been designated as official paid holidays:

| | |
|---|---|
| New Year's Day | Columbus Day |
| Martin Luther King Jr. Day | Veteran's Day |
| President's Day | Thanksgiving Day |
| Memorial Day | Day-After Thanksgiving |
| Independence Day | Christmas Eve Day |
| Labor Day | Christmas Day |

C. A holiday is defined as an eight-hour day for full-time employees working an average of forty hours per week, and a six-hour day for full-time employees who work an average of thirty hours per week.

D. Changes in this schedule will be authorized only by the City Council.

E. 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 shift workers who will take the holiday as it falls.

F. Official holidays commence at the beginning of the first shift of the holiday and continue for twenty-four (24) hours.

G. Calculation of holiday pay:

(1) When an eligible employee works on an official holiday, the employee will be paid at one and one-half (1.5) times the employee's regular rate of pay. Holiday hours may be scheduled off during the work week/work period earned.

(2) When an ineligible employee is scheduled to work on an official holiday, the employee will be paid straight time for the hours worked.

(3) When an employee is sick on an official holiday, the time will be considered a holiday.

(4) When an official holiday falls during a paid absence, the day will be considered a holiday.

(5) Holiday pay is available to full-time employees only provided the employee is in pay status the last regular shift to which the employee would have been assigned prior to the holiday and the first regular shift to which the employee would have been assigned following the holiday.

(6) When an official holiday falls on a rotating shift-worker's regularly scheduled day off, the employee will receive holiday time. Holiday time will calculate toward total number of hours worked in the work week/work period and will

be calculated as any extra hours worked per overtime calculations. Holiday hours may be scheduled off during the work week/work period earned.

## 4.6 PAID SICK LEAVE

A. Sick leave is available to full-time employees. Temporary employees are not eligible for sick leave.

B. Sick leave accrual starts on the employee's most recent hire date. Full-time employees may utilize their accrued sick leave from their initial date of hire.

C. Sick leave accrual figures are determined by each full-time employee's decision regarding personal days. If the personal day option is chosen, the sick leave accrual is 10 days (80 hours) per year for full-time employees working an average of 40 hours per week, and 7.5 days (60 hours) per year for full-time employees working an average 30 hours per week. If the personal day option is not chosen, sick leave accrual is 12 days (96 hours) per year for full-time employees working an average of 40 hours per week, and 9 days (72 hours) per year for full-time employees working an average 30 hours per week.

D. Maximum accrual for sick leave is 720 hours.

E. For exempt and non-exempt employees, sick leave is granted in not less than quarter-hour units.

F. Sick leave does not accrue during a leave of absence without pay or during suspension.

G. Sick leave may not be borrowed from anticipated future accrual.

H. Authorization of Sick Leave:

(1) Department heads are responsible for authorizing sick leave. A department head may authorize sick leave for the following reasons:

(a) Sickness or injury of the employee to the extent that such employee is unable to perform his/her duties.

(b) Dental, ocular or doctor appointments which are of necessity and cannot be scheduled during non-working hours.

(c) Serious illness in the immediate family. "Immediate family" will mean spouse, children, mother, father, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparent, grandchild, niece, nephew, aunt, uncle, stepfather, stepmother, stepchild, stepbrother, stepsister, legal guardian, or a person with whom the employee shares a household in a personal relationship. "Serious illness" will be of such

a nature as to require the attendance of another person in charge. If the length of illness is 3 days or more, a physician's statement, explaining the condition of the person under the employee's care and projected time to recovery, may be required by the department head.

(2) In order for sick leave to be authorized, an employee must personally contact his/her supervisor within one-hour prior to or one hour after the start of the employee's scheduled shift. If the supervisor is not available, the employee must personally speak with and leave the information with the department head or another supervisor. Notifying a fellow employee or leaving messages is not sufficient. For late arrivals, the employee must indicate when he/she expects to arrive for work. If the employee is unable to call in themselves because of an illness, emergency or for some other reason, he/she must have someone call on his/her behalf. If the department head determines that it was not possible for the employee to make contact in the allotted time, the department head may still authorize the sick leave.

(3) The employee must keep the department head advised of the illness at least on a daily basis unless otherwise approved by the department head.

(4) In the event an employee is absent for more than three (3) days, written medical verification from a health provider may be required to be presented to the department head upon return to work.

(5) Prior to an employee's return to work from a sick leave, the department head may request a physician's statement verifying the employee's fitness to return to work.

(6) Compensation for Sick Leave:

(a) One hour of sick pay is equal to one hour at the employee's regular hourly rate of pay.

(b) Sick leave pay is reflected on the paycheck issued for the pay period in which the sick leave was used.

(c) While on scheduled vacation or utilizing a personal day, an eligible employee may claim sick leave instead of vacation or personal day if all the provisions of a normal sick leave are met and a doctor's certificate is provided.

(d) While using compensatory time off an employee may not claim sick leave.

(e) During an unpaid leave of absence, an employee may not claim sick leave.

(f) After all accrued sick leave is utilized; vacation leave may be used according to the provisions of the vacation leave.

(g) Accumulated sick leave will have no cash value at the time of termination of employment, will not be considered wages or other compensation, and will not be paid.

(h) When an employee has maximum accrual in their sick leave bank and does not utilize sick leave during a quarter of the year the employee may request eight hours of pay, to be deposited in a Deferred457 plan, as a bonus for non-accrual of sick leave.

1. A quarter will be defined as January thru March, April thru June, July thru September, and October thru December.

2. The bonus will be paid on the first pay period following the quarter the bonus is awarded.

(7) Whenever an employee requests paid sick leave or is absent because of illness or injury, the City may take whatever steps are necessary to confirm the nature and extent of the illness or injury. The City reserves the right to require employees to substantiate and/or document their need for sick leave absences. The City also reserves the right to evaluate requests for, and extensions of, sick leave and medical leaves of absence by consulting with the employee's physician, with the employee's written permission, or with the City's own medical consultants, and retains the right to request that the employee seek a second opinion of the illness/disability from a physician of the City's choice. The City may also request the employee provide medical certification from the employee's personal physician and/or from a doctor of the City's choice at the City's expense. Employees are expected to return to work based upon information provided to the City by the employee's attending physician and may require the employee to submit to a medical examination by a physician designated by the City upon his/her return.

(8) When time off from work for a medical, dental or optical appointment is unavoidable, the employee must check with his/her supervisor in advance to determine the least disruptive time to be absent. Employees may be asked to postpone or reschedule non–emergency appointments, depending upon the work schedule or requirements as identified by the appropriate supervisor.

(9) False claims for sick leave, or failure of an employee to return to work or telephone personally (unless physically incapacitated) his or her supervisor as required, will not be tolerated.

I. Hardship Bank:

An employee may be granted, when all his/her sick, vacation, personal days and comp time has been exhausted, additional sick days from the City's hardship bank upon a

written recommendation from the supervisor and an approval of the City Manager. Sick and vacation time will not accumulate while utilizing this bank. Any holidays that occur while this bank is being used shall be considered a normal working day. The sick leave hardship bank is comprised of 100 days (800 hours) per year, renewed to that level January 1st of each year.

## 4.7 MEDICAL AND/OR FAMILY LEAVE OF ABSENCE WITHOUT PAY (FMLA)

A. The City provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

(1) Incapacity due to pregnancy, prenatal medical care, or child birth.

(2) To care for the employee's child after birth, or placement for adoption or foster care.

(3) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.

(4) Serious health condition that makes the employee unable to perform the employee's job.

B. Military Family Leave Entitlements

(1) 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.

(2) FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member 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.*

(3) *The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition.”

C. Benefits and Protections

(1) 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 Company for payment of insurance premiums during leave.

(2) 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.

(3) 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. Vacation leave, sick leave, holidays, funeral leave, or employer’s jury duty pay are not granted on unpaid leave.

D. Eligibility Requirements

Employees are eligible if they have worked for this City for at least 12 months, for 1,250 hours over the previous 12 months, and if they work at a work site with at least 50 employees within 75 miles.

E. Definition of Serious Health Condition

(1) 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.

(2) 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

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

(2) 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.

(3) 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

(1) 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 Company's normal call-in procedures.

(2) 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 Company if the requested leave is for a reason for which FMLA leave was previously taken or certified.

(3) 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 their supervisor and/or department head at least two days before their first day of return.

I. The City's Responsibilities

(1) 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.

(2) 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:

(1) Interfere with, restrain, or deny the exercise of any right provided under FMLA.

(2) 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.

K. Enforcement

(1) An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City.

(2) 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.

## 4.8 DOMESTIC VIOLENCE LEAVE

A. C.R.S. §24-34-402.7 requires that employers, including political subdivisions of the State of Colorado, who employ more than fifty employees, permit an employee who has been employed for twelve months or more to take up to three working days of leave from work in any twelve-month period if the employee is the victim of domestic abuse, stalking, or sexual assault, or any other crime that involves domestic violence.

B. The time off of work must be used in seeking a civil protection order, obtaining medical or mental health counseling for the employee or a member of the family, making the home secure from the perpetrator of the domestic abuse or seeking a new home to

escape the perpetrator, or seeking legal assistance to address issues arising from the domestic violence.

C. This leave is allowed without pay.

D. Any information related to the employee's leave for domestic violence reasons is to be kept confidential.

## 4.9 MILITARY LEAVE

A. If you are a member of the U.S. Armed Forces Reserve, National Guard, or performing other protected uniformed service, you are granted an unpaid leave of absence when called for active or inactive duty training.

B. This time is granted in addition to earned vacation time. However, if you desire to use your vacation time for this purpose, you may voluntarily do so if you make a request in writing.

C. If you are called to serve in a branch of the U.S. Armed Forces for an extended period, upon returning to the City after separation from military service, you may be reinstated in accordance with the provisions of the law.

D. The City of Gunnison prohibits retaliation against any employee for taking time off under this policy. If you believe there has been a violation of our retaliation standard, please contact the Human Resources Department.

## 4.10 COMMUNITY VOLUNTEERING

A. Serving as Volunteer during Non-duty Hours. Volunteering is a personal choice when it occurs during non-working hours and on the employee's own time. Volunteering that interferes with the proper and effective performance of the employee's official duties will not be tolerated. Employees who serve as volunteers in their off-duty time must report for their next regularly scheduled shift for duty with the City unless the absence that results from volunteering is approved, in advance, by the employee's supervisor.

B. Serving as Volunteer during Work Hours. Leaving work to serve as a volunteer is permitted only with the prior permission of the supervisor. An employee serving as a volunteer is not on duty with the City of Gunnison. Such time away from work is without pay. At the supervisor's discretion, the employee may be able to make up the lost time from the job or the employee may use accrued vacation leave, accrued personal leave or accrued compensatory time.

## 4.11 HAZARDOUS MATERIALS RESPONSE TEAM DUTY

A. The City of Gunnison has established a Hazardous Materials Response Team (HazMat) in order to comply with applicable law requiring communities to respond to hazardous material spills within their jurisdiction. The City's team membership is voluntary, limited, and consists of a Primary Team and a Secondary Team. Employees may apply for Primary Team membership only. Employee applications require written approval of his/her immediate supervisor and department head. Employee applications are reviewed and final recommendation for membership is determined by the HazMat Team Leader, the Emergency Services Coordinator and other team members, prior to submittal for final approval of HazMat team membership to the City Manager. The City Manager must approve all appointments of employees to the HazMat team and final approval is at the discretion of the City Manager.

B. Response to a HazMat call-out while off-duty is at the discretion of the HazMat team member. Response to a HazMat call-out while on the job is permissible only with the employee's immediate supervisor's approval. Response to a HazMat call-out while on standby is not permitted. No City vehicle will be used by a HazMat team member for call-outs outside the City limits except under the auspices of an authorized mutual aid agreement.

C. HazMat response time served will be recorded on the employee's time sheet as hours worked. Hours worked will be paid at the employee's regular rate of pay, unless such HazMat time results in overtime in accordance with the City's Overtime Policy. When the HazMat response time served results in overtime, the overtime for HazMat response work willbe paid at one and one-half (1.5) times the employee's regular hourly rate. All HazMat response time will be charged to the HazMat Department's budget.

## 4.12 OTHER LEAVES OF ABSENCE WITH PAY

A. Funeral Leave

(1) The City may grant employees up to three (3) days and in special circumstances up to a maximum of five (5) days leave of absence with pay to attend the impending passing, passing, and/or funeral of the employee's spouse, parent, child, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparent, grandchild, niece, nephew, aunt, uncle, stepfather, stepmother, stepchild, stepbrother, stepsister, legal guardian, or a person with whom the employee shares a household in a personal relationship.

(2) The purpose of this listing is to give the employee and supervisor guidance. It is not meant to be all inclusive. Special circumstances may be considered. The employee must request a funeral leave of absence at the earliest possible date, no later than the start of the employee's scheduled shift. The department head will be responsible for authorizing this type of leave of absence.

(3) After five days of funeral leave are expended, the department head may grant up to an additional five days of funeral leave to be drawn from the employee's accrued sick leave.

B. Voting

Voting is an important responsibility we all assume as citizens. The City encourages you to exercise your voting rights in all municipal, state, and federal elections. Under most circumstances, it is possible for employees to vote either before or after work. If it is necessary to arrive late or leave work early to vote in any election, arrangements should be made with the supervisor no later than the day prior to Election Day.

C. Non-Job Related Court Witness/Juror By Subpoena

(1) We believe jury duty is a civic responsibility. Employees receiving a jury summons should present a copy of the summons to their supervisor as soon as possible. Employees called to jury service will receive their regular rate of pay for the first (3) three days of jury duty. For each day of service thereafter, the employee will be paid by the State of Colorado pursuant to law. Any jury service compensation received from the court or the State of Colorado may be kept by the employee.

(2) A full time employee will be paid while serving as a trial witness for City of Gunnison matters at the employee's rate of pay. Employees will turn in all subpoenaed witness compensation to the finance office upon receipt of payment for court related leaves.

(3) To obtain time off for jury duty or to be a trial witness, the employee must submit a written request for a leave of absence to the department head at the earliest possible date. The department head is responsible for notifying the City Manager to arrange a leave of absence.

(4) Employees who, on their own time, consult and act as expert witnesses in criminal or civil trials will not be compensated for court time and will be expected to use vacation or unpaid leave for such circumstances.

D. Personal Leave

All full-time employees who work an average of forty hours per week have the option of either accruing twelve (12) paid sick days (96 hours) a year or accruing ten (10) paid sick days (80 hours) a year with two (2) paid days to be used as personal leave days. All full-time employees who work an average thirty hours per week have the option of either accruing nine (9) paid sick days (72 hours) a year or accruing seven and one-half (7.5) paid sick days (60 hours) a year with one and one-half (1.5) paid days (12 hours) to be used as personal leave days. The employee's choice is documented on the

personnel action form at the beginning of each year, and must be designated prior to January 1st of each year. Personal leave days are not available in the first year of employment for employees hired after the first pay date of the year.

(1) Personal days must be used prior to December 15th within each calendar year.

(2) Personal days do not carry over into subsequent years and carry no monetary value at the time an employee terminates from City employment.

(3) To take a personal day, the employee must give his/her supervisor at least three days prior notice.

(4) To use a personal day for an emergency, the employee must notify his/her supervisor. Granting of a personal day in this instance will be at the supervisor's discretion.

(5) Personal days are granted at the supervisor's discretion.

(6) Personal days taken are not included as hours worked in calculating overtime pay.

(7) A personal day is defined as an eight-hour day for full-time employees working an average of 40 hours per week, and a six-hour day for full-time employees working an average of thirty hours per week. Partial days may not be taken.

(8) For employees working four ten-hour shifts, the employee may need to use two hours of comp time or vacation in addition to the personal day.

# SECTION 5 DISCIPLINARY ACTION AND SEPARATION

## 5.1 GENERAL

A. Good working relationships require a professional approach by everyone. All employees have responsibilities to act ethically with the City as an organization, themselves, and their coworkers.

B. Occasionally, performance or other problems fall short of our standards and/or expectations. When this occurs, management takes action which, in its opinion, is deemed appropriate.

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

D. Employees must at all times comply with the City's expectations for work performance and conduct. Failure to do so may result in any or all of the following actions, as the City deems appropriate.

E. Discipline need not be conducted in any particular order or progression, nor will the imposition of discipline alter or modify the employment relationship between the City and its employees. The City reserves the right, in every case, to decide when discipline is appropriate and to determine the severity of the discipline to be imposed, up to and including immediate termination. Management will decide in its judgment which of these actions would most effectively resolve the problem.

F. The fact that the City has or has not utilized any of these actions does not set any precedent and should not be relied upon in future disciplinary situations by an employee.

## 5.2 SUSPENSION

A. A supervisor may suspend an employee under that supervisor's jurisdiction without pay as a disciplinary measure when the supervisor deems a suspension to be appropriate. Prior to a suspension, the supervisor will consult with the department head and the City Manager. Upon City Manager approval, written notification of the suspension will be given to the employee. A copy will be submitted to the department head and to the City Manager, along with a copy for the personnel file, describing the circumstances preceding and specific reasons for the suspension. The actual day(s) of the suspension will be set by the employee's supervisor. An employee who receives a suspension for disciplinary purposes does not have the option of working on a day off in lieu of receiving a suspension day without pay. Exempt employee's suspension without pay must be in one week increments.

B. When, in the judgment of a supervisor, an employee's mental, emotional, physical condition or conduct is such that the employee's presence on the job or operation of equipment or a motor vehicle potentially endangers the employee, other employees or the public safety and welfare, the supervisor may suspend the employee immediately. The provisions specified in these rules will then be followed as soon thereafter as practicable. The department head may review the suspension. If the department head determines that all or part of the suspension is unwarranted, the employee may receive pay for days previously suspended according to the final decision rendered.

## 5.3 DEMOTION

A supervisor may demote any full-time or part-time employee under the supervisor's jurisdiction for the good of the City or as a disciplinary measure when the supervisor deems it appropriate. Prior to initiating a demotion, the supervisor will consult with the department head and the City Manager. Upon City Manager approval, the supervisor will give written notification of the demotion to the employee and will submit a copy to the department head and the City Manager, describing the circumstances preceding and the specific reason for the demotion.

In the event of a demotion, the effected employee shall begin their years of service within the new classification upon the date of demotion. All benefits will continue to accrue based on total years of service with the City.

## 5.4 DISMISSAL

A. A supervisor may, after consultation with the department head and the City Manager, dismiss temporary, seasonal/instructor, part-time and full-time employees in accordance with the provisions of this Handbook.

B. The supervisor will give written notification of the dismissal to the employee and a copy to the department head and the City Manager, describing the circumstances and specific reasons for the dismissal.

C. Failure to follow these procedures is grounds for disciplinary action of supervisory or administrative personnel but does not affect the validity of the underlying dismissal action.

## 5.5 SEPARATION OF EMPLOYMENT

We request that employees who wish to resign their positions notify the City of their anticipated departure date and go over the "check out" procedures at separation (conversion of insurance, return of property, delivery of final paycheck, etc.) with Human Resources.

Employees may be considered for re-employment provided they qualify for the position of interest and while they were employed with the City maintained satisfactory performance and attendance.

## 5.6 EXIT INTERVIEWS

In instances of voluntary termination of employment, the City encourages the discussion of reasons for leaving and other impressions the employee may have about the City. Upon deciding to leave, employees are asked to grant the City an exit interview. During the exit interview, employees are encouraged to express themselves freely. It is hoped that this exit interview will provide insights into possible improvements the City can make.

## 5.7 RETURN OF CITY PROPERTY

Any City property issued to employees, such as keys, purchase cards, policy manuals, tools 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 or damaged items. The value of any property issued and not returned may be deducted from the employee's final paycheck.

## 5.8 TERMINATION

Employees, who are laid-off or discharged from their job at the volition of the City, will receive their final pay on their discharge date. If not picked up personally, the employee's final check will be mailed "immediately" (within 24 hours of his/her final workday) to his/her last known address. Employees who quit or resign their employment with the City will receive their final pay on the next regularly scheduled pay date after their termination date. On that date, the employee may pick up his/her check or the City will mail the check to his/her last known address.

For pay purposes, terminations are effective on the last day worked, unless otherwise specified in writing by the City Manager. Final pay will include wages or compensation for labor or service earned and unpaid at the time of discharge, including any accrued but unused vacation leave. Accrued but unused sick and personal leave will be forfeited and not compensated in final pay. Normal tax withholding and applicable deductions will be withheld from final pay as will any lawful charges or indebtedness the departing employee owes to the City. No final check may be released without the permission of the City Manager.

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# SECTION 6 DISPUTE RESOLUTION & PROBLEM SOLVING POLICY

## 6.1 OPEN COMMUNICATION

The City of Gunnison encourages all employees and managers to use open and effective communication skills. Consistent effective communication is an ongoing requirement to maintain employment. The City recognizes that conflict is inherent in any organization, and therefore offers processes to assist employees in problem-solving and dispute resolution.

## 6.2 JOB RELATED PROBLEMS

Employees who disagree with a City of Gunnison practice should promptly discuss the matter with their immediate supervisor, where appropriate. Normally this discussion should be held within 3 – 5 days of the incident in question, or a timely basis. Discussions held in a timely manner will enhance the ability to resolve concerns while fresh in everyone's mind. The majority of misunderstandings can be resolved at this level.

## 6.3 CHAIN OF COMMAND

If the solution offered is not satisfactory, or if it is inappropriate to go to the direct supervisor, employees are encouraged to take the problem to the supervisor's boss. If the problem still cannot be resolved, or if it is inappropriate to go to the supervisor's boss, employees may submit a written complaint or explanation to the City Manager for review. The City Manager will investigate the circumstances of the issue; determine appropriate actions and make a final decision about the situation.

The decision of actions to be taken, that are deemed appropriate by the City Manager, are final and no further internal remedy is available to effected parties.

# SECTION 7 ACCESS TO PERSONNEL FILES

## 7.1 FILE CONTENT AND LOCATION

Personnel file content is the sole property of the City of Gunnison. Open Records requests to view the file will be kept in the employee's personnel file.

## 7.2 ACCESS TO FILES

A. Generally, personnel files are only available to the person in interest and the duly elected and appointed officials who supervise such person's work.

B. The following persons are authorized to access personnel files:

(1) The employee (his/her own file only);

(2) The employee's direct supervisor (on a need-to-know basis only);

(3) The department head of the employee;

(4) The City Manager (unlimited access);

(5) The Finance Director, Human Resource Technician, City Clerk, and Deputy City Clerk in the course of updating basic data only;

(6) Persons with a valid court order.

C. An employee wishing to review his/her file should contact the Human Resources office to make arrangements. A date and hour will be set within 3 working days at which time the records will be available for inspection.

D. To make changes or corrections to a personnel file, the employee must submit a request in writing to the City Manager, describing the nature and explanation for the change or correction. If the request for a change or correction is turned down, the employee can then request that his or her statement of disagreement with the personnel files be placed within the file. That statement of disagreement is to be a permanent part of information in the personnel file. The following changes should be submitted to the Human Resources office: name change, marital status change, dependent change, address and/or telephone number change, beneficiary designation change, emergency notification change and social security number correction.

E. Requests from any external source (i.e., individuals or companies outside the City) for information from an employee's personnel file should be directed to the City Manager. As an employee or a former employee of a public employer, records regarding your personnel file may be open to the public as mandated by law or the Colorado Open Records Act. The only exception to this policy is verification of employment requests about current employees.

# SECTION 8 OTHER POLICIES AND PRACTICES

## 8.1 OPEN RECORDS

The City of Gunnison 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, there are some records that the law provides 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; and trade secrets, privileged information and confidential commercial and financial data. Open records requests are processed through the City Clerk.

As a City of Gunnison employee, employees 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. Your employment with the City assumes you will maintain the confidentiality of all such non-public information and secrets, together with the documents and materials upon which it is displayed, even after you leave our employ. In other words, you must not, except in the proper performance of your duties as an employee of the City of Gunnison, 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. If you have 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, please contact the City Manager for direction.

## 8.2 EMPLOYMENT OF RELATED PERSONS

A. The purpose of this policy is to establish uniform practices regarding the employment of regular full-time, part-time and temporary employees of relatives by the City of Gunnison. The intent of this policy is to prevent the appearance of partiality in the hiring, promotion, demotion, reassignment, and transfer of employees, thereby limiting the negative effect on employee morale and the appearance of impropriety to the public.

B. The following relatives of any officer, employee, or elective official of the city who has the authority to hire, fire, or supervise employees, or of his spouse, shall not be hired by any officer, employee or elective official of the City of Gunnison without the prior consent of the City Council: spouse, child, parent, brother, or sister. All relationships shall include those arising from adoption.

C. Without prior consent of the City Council an employee shall not be assigned, transferred or promoted, if such action will violate this policy. City Council consent is required even though consent may have previously been granted to the employee(s) involved.

D. When two employees marry or partner in a civil union pursuant to the "Colorado Civil Union Act," pursuant to Title 14, Article 15 of the Colorado Revised Statutes and such marriage or union results in a violation of the policy above, the City of Gunnison will

attempt to arrange a transfer to a similar position in another department for one of the employees, ordinarily the one in the more junior job classification. There is no guarantee that the new position will be within the same classification or at the same salary level. Where a transfer cannot be arranged or is not accepted by the employee(s), then one of the affected employees shall be separated from city service. Such separation shall be accomplished either by voluntary resignation of one of the affected employees or, in the event neither of the affected employees voluntarily resigns, by the termination of the less senior employee through a non-disciplinary separation from city service.

## 8.3 OUTSIDE EMPLOYMENT

Other employment outside the City must not interfere with your present job, or involve a conflict of interest, or give that appearance. If you work for the City, you cannot work through a temporary agency in a second job here.

## 8.4 RESIDENCY REQUIREMENTS

If an employee is provided with a City vehicle, or is part of an emergency response team (Police and Fire), he/she will be required to live within a (20) twenty minute drive time to the city limits of Gunnison. The (20) twenty minute drive time will be base-lined when the streets are dry, with a vehicle driving the legal speed limit. The department head shall ensure that the roadway is of such quality as to not significantly impact the wear and tear of the city-owned vehicle. City snow removal crewmembers serving in an on-call status and standby personnel will respond to their assigned duty station within (30) thirty minutes of being called out.

## 8.5 ATTENDANCE

A. 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 he/she is going to be unavoidably late or absent, he/she must personally notify his/her supervisor within one hour prior to or one hour after the start of the employee's scheduled shift. If the supervisor is not available, the employee must personally speak with and leave the information with the department head or another supervisor. Notifying a fellow employee or leaving messages is not sufficient. For late arrivals, the employee must indicate when he/she expects to arrive for work. If the employee is unable to call in themselves because of an illness, emergency or for some other reason, he/she must have someone call on his/her behalf. Failure to call in may lead to disciplinary action up to and including termination.

B. Assignment of scheduled working hours 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 absence and failure to be at the employee's appointed work station at the start of the work period will not be tolerated.

## 8.6 POLITICAL ACTIVITY

Political beliefs, activities and affiliation will be a private matter to the employees of the City of Gunnison. 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. 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 the provisions of the Colorado Campaign Reform Act.

## 8.7 CITY PROPERTY

Employees, who use or have City property in their possession, are expected to treat it with the same care as they would their own property. All City tools and equipment are to be returned in good condition, ordinary wear and tear excepted. Property lost, damaged, or destroyed due to the employee's carelessness, will be replaced at the employee's expense.

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 Gunnison. This includes inventions, works of authorship, improvements, designs, developments, and discoveries which relate in any manner to the present or prospective activities or business of the City.

## 8.8 OPERATION OF CITY OR PRIVATE VEHICLES

If an employee is authorized to operate a City owned vehicle or a personal vehicle for business use, the employee must have a valid Colorado Driver's License and liability insurance for the vehicle, wear a seat belt at all times and obey all traffic rules. Any unsafe or unlawful driving is a potential liability to the City and will not be tolerated. Driving while intoxicated or under the influence of a controlled substance or marijuana constitutes grounds for immediate termination of employment.

## 8.9 COMMUNICATION SYSTEMS

A. Systems

(1) The City of Gunnison's computer network, access to Internet, email 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

of Gunnison. All information regarding access to the City of Gunnison's computer resources, such as user identifications, modem phone numbers, access codes, and passwords are confidential City of Gunnison information and may not be disclosed to non-City of Gunnison personnel.

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

(3) Computer equipment should not be removed from the City of Gunnison premises without written approval from a department head. Upon separation of employment, all communication tools must be returned to the City of Gunnison.

B. 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 of Gunnison prohibits the display, transmittal, or downloading of material that is in violation of City of Gunnison guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory or otherwise unlawful at any time.

C. Software and Copyright

The City of Gunnison 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 of Gunnison facilities.

D. Unauthorized Use

Employees may not attempt to gain access to another employee's personal file or 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 of Gunnison communication systems in ways that management deems to be inappropriate.

If you have any question whether your behavior would constitute unauthorized use, contact your immediate supervisor before engaging in such conduct.

E. Email

(1) Electronic mail is to be used for business purposes. While personal email is permitted, it is to be kept to a minimum. Personal electronic mail should be brief and sent or received as seldom as possible. The City of Gunnison 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 electronic mail or anywhere else on City of Gunnison premises at any time. Management may monitor email from time to time.

(2) Employees are prohibited from unauthorized use of encryption keys or the passwords of other employees to gain access to another employee's email messages.

F. Voice Mail

The City of Gunnison voice mail system is intended for transmitting business-related information. Although the City of Gunnison does not monitor voice messages as a routine matter, the City of Gunnison 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.

G. Telephones/Cell Phones

(1) 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.

(2) Confidential information should not be discussed on a cell phone. Cell/camera phones should not be used in a way that violates other City of Gunnison guidelines such as, but not limited to, EEO/Sexual Harassment and Confidential Information.

(3) The City of Gunnison telephone lines should not be used for personal long distance calls.

H. Cellular Telephone Policy

The City of Gunnison provides cellular telephone service to City employees for official City business. Management staff members will determine if individual employees require cell phones to provide effective and efficient service. City-owned cellular phones are intended for City business only.

The City of Gunnison will contract with one cellular provider through the City's purchasing policy. All City departments shall obtain their cellular service from the

designated provider. The City of Gunnison will provide multiple plans to fit the unique requirements of the individual user or department whenever possible.

Use of City-owned cellular phones shall be subject to the following:

(1) All City-owned cell service/equipment shall be purchased through the City's designated provider.

(2) Authorized communications are those made or received for the purpose of conducting City business. If charges exceed the plan allowances, charges for personal communications will be the responsibility of the employee.

(3) Supervisors shall review City-owned cellular phone bills to ensure compliance with this policy. Employees will be required to pay for any unauthorized calls by the end of the current pay period after the employee has been notified of the amount due. If payment is not received, the amount due the City will be deducted from the employee's next pay check.

(4) When other means of communication are unavailable, employees who have City-owned cellular phones shall keep their phones activated during all work shifts, including on-call and standby shifts.

(5) For safety reasons, employees are prohibited from the use of city issued or personal cell phones while driving any city vehicle and/or operating any piece of equipment, unless using a hands free device. Employees must park whenever they need to use a cell phone. Generally, stopping on the shoulder of the road is acceptable.

(6) Upon separation from City employment, employees shall return City-owned cellular phones to the appropriate Department Supervisor. The employee is responsible for all calls until the phone is returned.

(7) Employees who violate this policy will lose their City-owned cellular phone privileges and will be subject to disciplinary action, as outlined in Section 5 of the City's Personnel Manual.

I. Use of Headphones

(1) The use of headphones to listen to music or other recorded media is prohibited while operating a vehicle or equipment on City streets or rights of ways.

(2) At the discretion of department heads, employees may use headphones while performing other functions during the course of conducting city business.

## 8.10 NETWORK ACCESS POLICY FOR ELECTRONIC DEVICES & REMOVABLE STORAGE MEDIA

The City promotes the use of portable electronic devices and removable storage media to the level and extent that the employee performance is enhanced.

A. Definitions

(1) Portable electronic device is defined as any electronic communications having the capability to access by any means the city network. IE: lap tops, cell phones, PDAs, I-pods, etc.

(2) Removable storage media is defined as any portable electronic device, thumb drive, USB drive, portable hard drive, removable disk, flash card or other object capable of storing electronic data in any fashion.

(3) Remote access is defined as any method that allows access to the city network or data from anywhere but an established city owned desktop computer.

(4) Employee applies to all paid, volunteer and elected officials in the city who may need access to any portion of the city network.

(5) Personal Data refers to information relevant to an individual's name, date of birth, address, social security number, account numbers, etc.

B. The city network and related electronic files and data need to be secure from theft and tampering. Network security is required for the protection of personal and/or proprietary information held by the city and for compliance with state and federal regulations, including but not limited to, the red flag policy to prevent identity theft and HIPPA. See also City Policy related to records retention, and public information open records act.

(1) Only persons authorized by a department head may have remote access from any electronic device.

(2) Network security will be maintained for remote access over the Internet through physical security, (the use of firewalls, etc.) and through city policy.

(3) Only persons authorized by a department head may copy any file, containing personal information, from any computer or electronic storage device in the city network to removable storage media and remove that data from their work place.

(4) Devices and storage media, where available, will have security features to protect the data if device or media is lost or stolen.

(5) Any lost device with network access rights or protected data will be reported to the department head immediately.

(6) Department heads will immediately notify IT Personnel of any lost device so that steps may be taken to minimize any threat to City network.

(7) All devices will be operated only with current antivirus software installed, where applicable.

(8) Public access points in the city will be secured so as to not allow access to the private network side.

(a) Network outlets in public areas of city facilities will be disabled except when needed.

(b) Where public access is allowed to city network, City file security will be maintained through the use of hardware and/or programming restrictions.

(9) Contractors with access to city network should provide confidentiality agreements prior to being granted access. All access by contractors should be coordinated with IT personnel to insure network integrity and security.

(10) All access to the City computer network will be password and login protected. Access to network resources will be limited by login authorization with department head or City Manager's approval.

C. Records retention

(1) Files copied to a device/media must conform to records retention and discovery standards.

(2) Employees must be aware that some files accessed through an electronic device may subject the device and or files to review in a public records disclosure request. Under some circumstances this may apply to personally owned devices and files as well.

(3) All files/data on the network is the property of the city and subject to open records law.

(a) The City treats all information transmitted through or stored in the system, including E-mail messages, as business information. An employee or anyone else using the City's computer has no expectation of privacy in the use of that computer. The City has the capability and retains the right to access, review, copy, modify and delete any or all such business information for any purpose and to disclose it to any party (inside or outside the City) it deems appropriate or as required by law.

(b) Those files containing personal information of any employee as a result of the employee making incidental use for personal purposes, including transmission of personal E-mail messages will be treated no differently than other business files and information. Accordingly, employees should not use the computer system to send, receive or store any information that they wish to keep private.

D. Wireless networks will only be installed with department head approval.

E. All wireless access points will use WPA encryption or higher.

F. Costs associated with establishing remote access are addressed through the City Policy on Cell Phones where applicable.

G. Access to all city computer systems is by authority of the Department Head and/or City Manager. Access will be denied for violations of city or department policy; internal, civil and criminal investigations; or while on suspension and separation from city employment. The Department Head and/or City Manager may elect to have access continue based on the benefit to the City.

## 8.11 ANTI-VIOLENCE POLICY

A. Threats and Anti-Violence

(1) The City's goal is to strive to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying illegal weapons onto City of Gunnison property, or any other act, which, in management's opinion, is inappropriate to the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated.

(2) Employees who feel they are subjected to any of the behaviors listed above should immediately report the incident to their direct supervisor or other management personnel. Complaints will be investigated by the management team. Based upon the results of the inquiry, action will be taken which management feels is appropriate.

(3) Employees who observe or have knowledge of any conduct listed above should immediately report it to their supervisor. Employees should contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

B. Searches

The City of Gunnison reserves the right to conduct searches and inspections of any employee or City of Gunnison property without further notice. Any employee who

refuses to submit to a search will be subject to disciplinary action up to and including termination.

Employees on the City's premises are subject to questions and search at the City's discretion. The City reserves the right to inspect personal items, such as lunch pails, toolboxes, thermoses, purses, etc., carried by individual employees. If you have personal items that you would not like subjected to such inspection, these items should not be brought onto City premises. A search can also include City property such as, City vehicles, lockers, desks, filing cabinets, computer files, e-mail, and voice mail.

## 8.12 GRATUITIES

Employees will not directly or indirectly solicit/accept any gift with a monetary value of greater than $50.00 whether it is money, services, loan, travel, entertainment, hospitality or any other form under the following circumstances:

A. It could be reasonably expected that the gift was intended to influence them in the performance of their official duties; or

B. The gift was intended to serve as a reward for any future official action on their part.

## 8.13 CONFLICT OF INTEREST

Employees exercising influence in connection with a City contract, purchase, payment or any other financial or monetary transaction and who has a substantial personal interest in the transaction will give seventy-two (72) hours written advance notice of the conflict to the City Manager. If an employee has any question whether a situation is a conflict of interest, they will discuss the matter with their direct supervisor. If there is disagreement, the matter is referred to the City Manager for final determination. Failure to disclose a conflict may result in immediate termination.

## 8.14 EMPLOYEE DEVELOPMENT

A. The City encourages employees in professional and technical development.

Employees may request to attend school, seminars, workshops, or conferences if the training will be of mutual benefit to the City and the employee. This is called requested training. Requested training must be approved by the department director in advance of attendance. The City may also require that employees attend special training to stay proficient in their job. This is called required training. Required training must be approved by the department director in advance of attendance.

(1) Required Training. The City may require that employees attend special training to meet City needs. Employees will be notified of required training in writing by their department head. The department will make all necessary work

schedule adjustments to accommodate required training. Travel to and from, and time spent at required training is compensable time. For required training and travel time of less than eight (8) hours duration (ten (10) hours for employees working four (4) - ten (10) hour shifts), employees will return to work to complete the eight (8) or ten (10) hour shift, make up the time during the pay period, or use appropriate leave time.

(2) Requested Training. Employees may request seminars, schools, workshops, or conferences when the training will be of mutual benefit to the employee and the City. Requested training must be approved by the department head in advance of the session. Travel to and from, and time spent at requested training may be compensable time depending on the particular training. Requested training time will not be compensable if (1) attendance is outside the employee's regular working hours, (2) attendance is in fact voluntary, (3) the course, lecture, or meeting is not directly related to the employee's job, and (4) the employee does not perform any productive work during such attendance. Schedule adjustments to accommodate requested training are not guaranteed. Transportation, lodging, and meals will be in accordance with the City Travel Policy.

B. City payment for approved voluntary attendance at conferences, workshops, seminars or other training sessions will be based on:

(1) The direct benefit to the employee and the City.

(2) Budgetary considerations.

(3) Relevance to current municipal affairs.

C. When sufficient funds are available, full-time employees may be eligible for educational reimbursement. Courses must be job related and pre-approved according to your department’s procedures prior to enrollment.

D. All approved courses must be satisfactorily completed to be eligible for reimbursement. Reimbursement will be made for tuition, registration, fees, and laboratory fees only. "Satisfactory completion of course" will mean a grade of "C" 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:

(1) he/she has successfully completed the course;

(2) shows the date of completion;

(3) shows the final grade; and

(4) indicates the number of units or hours earned.

# CITY OF GUNNISON

## ACKNOWLEDGMENT OF RECEIPT

I HAVE RECEIVED A COPY OF OUR EMPLOYEE HANDBOOK DATED JUNE 28, 2015.

I UNDERSTAND THAT NEITHER I NOR THE CITY IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT WITH THE CITY OF GUNNISON IS AT-WILL. BOTH I AND MANAGEMENT HAVE THE RIGHT TO TERMINATE THIS EMPLOYMENT AT ANY TIME FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION.

I UNDERSTAND THAT NO REPRESENTATIVE OF THE CITY OF GUNNISON, OTHER THAN THE CITY MANAGER, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE CITY MANAGER AND ME. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

FURTHER, I UNDERSTAND THAT THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT, THE CITY RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY OF GUNNISON. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

_____
Printed Name

_____ _____
Signature Date

# Standby Pay Policy

Adopted by City Council June 28, 2016

## EMPLOYEES' STANDBY COMPENSATION

A. Employees serving as scheduled standby personnel for the Electric and the Water/Wastewater Departments shall be compensated at the following rate:

(1) Electric crew standby are paid $50.00 per day and will be compensated at time and one-half for time actually worked, with a one-hour minimum per call.

(2) Water/Wastewater crew standby are paid $75.00 per day and will be compensated at time and one-half for time actually worked, with a one-hour minimum per call.

(3) In addition, employees serving as scheduled standby personnel on one of the twelve (12) designated City holidays will receive eight (8) hours of compensatory time per holiday covered.

(4) There may be employees asked to provide services for parks coverage, snow plowing or other duties during regular work week off hours. There is no standby compensation other than overtime pay, if applicable, for these services rendered.

# Disciplinary Action Guidelines

Accepted by City Council June 28, 2016

## DISCIPLINARY ACTION

A. Supervisory and administrative personnel have the authority to take whatever disciplinary actions that they deem necessary, provided that provisions on suspension, demotion, or dismissal are closely adhered to and that any action taken is not inconsistent with the provisions of these rules or departmental policies and regulations. Employees will be required to cooperate with administrative staff in any investigation involving problematic employee conduct.

B. When information received by the supervisor indicates the possible need to administer a suspension, demotion, or dismissal, the supervisor will initiate such discipline by notifying the employee with a summary of the information. No sooner than twenty-four (24) hours after the employee has received notification the supervisor will meet with the employee involved, present the information that has come to the supervisor's attention, and give the employee an opportunity to admit or deny the charge or present written information regarding mitigating circumstances.

C. It is not intended that this meeting constitute a formal hearing but only provide the employee notice of the charges and give the employee an opportunity to meet and exchange information with the supervisor. No other formal procedural requirements will be required for this meeting including employee representation, meeting recordation, or witness examination. If the employee wishes, the employee may submit a written explanatory statement to the supervisor which will be attached to and kept with a copy of any disciplinary action. The supervisor's determination of the action to be taken will be based upon the information obtained from circumstances of the case.

D. When the supervisor authorizes a disciplinary action, official notification of such action will be provided to the employee in writing by the immediate supervisor or the person taking the disciplinary action, and a copy thereof will be provided to the affected department head and the City Manager. This notification will describe the specific reasons and circumstances surrounding the disciplinary action. The record of a written reprimand or more severe disciplinary action will be filed with the employee's personnel records. The City Manager may investigate and review any disciplinary action to assure compliance with the provisions of these rules. All decisions by the City Manager in Personnel Actions are final and not subject to employee review.