



City of
Evans, Colorado

**Employee Policies
October 17, 2017**



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IMPORTANT NOTICE

THESE EMPLOYEE POLICIES ARE DESIGNED TO ACQUAINT EMPLOYEES WITH THE CITY OF EVANS AND PROVIDE SOME INFORMATION ABOUT WORKING HERE. THESE EMPLOYEE POLICIES ARE NOT ALL-INCLUSIVE, BUT ARE INTENDED TO PROVIDE YOU WITH A SUMMARY OF THE CITY'S GUIDELINES. THIS EDITION REPLACES ALL PREVIOUSLY ISSUED EDITIONS.

EMPLOYMENT WITH THE CITY OF EVANS IS CONSIDERED AT-WILL. EMPLOYEES HAVE THE RIGHT TO END THEIR WORK RELATIONSHIP WITH THE CITY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE CITY HAS THE SAME RIGHT. THE LANGUAGE USED IN THESE EMPLOYEE POLICIES AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESSED OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF THE CITY OF EVANS OTHER THAN THE CITY COUNCIL OR CITY MANAGER, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE CITY COUNCIL OR CITY MANAGER AND THE EMPLOYEE.

WHILE THESE EMPLOYEE POLICIES ARE DISTRIBUTED TO ALL EMPLOYEES OF THE CITY, CERTAIN EMPLOYMENT POLICIES AND PRACTICES MAY BE DIFFERENT AND WILL NOT APPLY TO PERSONS WORKING IN CERTAIN DEPARTMENTS OR POSITIONS. IN THE EVENT OF ANY CONFLICT BETWEEN THE PROVISIONS OF THESE EMPLOYEE POLICIES AND ANY DEPARTMENTAL POLICIES, STANDARD OPERATING PROCEDURES AND GENERAL ORDERS, THESE EMPLOYEE POLICIES SHALL CONTROL UNLESS AN EXCEPTION IS OTHERWISE APPROVED IN WRITING BY THE CITY MANAGER.

NO EMPLOYEE POLICIES CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THESE EMPLOYEE POLICIES, EMPLOYEES ARE ADVISED TO DIRECT QUESTIONS TO THEIR IMMEDIATE SUPERVISOR, DEPARTMENT DIRECTOR, THE HUMAN RESOURCES DEPARTMENT, OR THE CITY MANAGER. ALSO, THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THESE EMPLOYEE POLICIES. THE CITY THEREFORE RESERVES THE RIGHT TO INTERPRET OR CHANGE THEM WITHOUT PRIOR NOTICE.

1.0 GENERAL INFORMATION

1.1 Equal Employment Opportunity

This policy applies to all employees, including department directors, supervisors, co-workers, and non-employees such as citizens, contractors, vendors, consultants, etc.

STATEMENT OF POLICY:

The City is an Equal Employment Opportunity (EEO) Employer. The City is dedicated to the principles of equal employment opportunity in any term, condition or privilege of employment. The City prohibits unlawful discrimination against applicants or employees on the basis of age (40 or over), race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, physical or mental disability, veteran, Reserve or National Guard status, genetic information, or any other status protected by applicable state or local law. This commitment includes a mandate to recruit, employ, retain, promote, dismiss, and otherwise treat all employees and applicants on the basis of merit, qualifications, and competence. This prohibition includes unlawful harassment based on any of these protected classes.

The City prohibits retaliation against any employee for filing a complaint under this policy or for participating in a complaint investigation.

ADA, Religious, and Pregnancy Accommodation

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship to the City or cause a current direct threat to health or safety to employees or the public. The City will make a reasonable accommodation for employees whose work requirements interfere with a sincere religious belief or practice, unless doing so poses undue hardship on the City. The City will make reasonable accommodation to otherwise qualified employees due to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth absent undue hardship. Employees who need an accommodation are instructed to contact their supervisor or the Human Resources Department. Requests for accommodation are evaluated on a case-by-case basis. Employees are expected to participate fully in the interactive process to address their request. This participation may include, but is not limited to, providing medical documentation to support their request, meeting with medical professionals and other specialists, and identifying any restrictions and possible accommodations.

Harassment Prevention

It is the City's policy that all employees are entitled to work in an environment free of prohibited harassment. The City strongly opposes unlawful harassment and other inappropriate conduct, including, but not limited to, sexual harassment. Unlawful harassment includes unwarranted and unwanted verbal or physical conduct, which

has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. All employees are expected to conduct themselves in a professional and businesslike manner at all times.

Inappropriate conduct, such as bullying that could lead to a claim of harassment is also expressly prohibited by this policy. Such conduct includes, but is not limited to, implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mail; or,
- Verbal form, such as comments, jokes, language of a sexual nature, gossiping or questions about another's sex life or any other offensive requests; or,
- Physical gestures or other nonverbal behavior, such as unwelcome touching, grabbing, messaging, or brushing up against another's body.

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

- Submission to such conduct is made explicitly or implicitly a term or condition of employment; or,
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or,
- 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.

Equal Employment Opportunity/Harassment Complaint Procedure

This complaint procedure applies to EEO, harassment, and retaliation complaints. Any employee or applicant that believes there has been a violation of the EEO, retaliation, or harassment policies, including sexual harassment, shall use the following complaint procedure. The City expects employees to make a timely complaint so that the City may promptly investigate and correct any behavior that may be in violation of this policy.

An employee is encouraged to notify the alleged harasser, if comfortable in doing so, that such conduct is unwelcome and request that it stop immediately. If an employee is not comfortable addressing the conduct with an alleged harasser, the employee shall report the incident to the Human Resources and Risk Management Director, a supervisor, any department director, the City Manager or the City Attorney, as the employee chooses. It is expected that all City employees, especially those in a supervisory position, will report any potential incidents immediately. Upon receipt of a complaint, the City will promptly begin an appropriate investigation or retain a third party to investigate, at its discretion. To the extent practicable, complaints and

investigations will be handled in a confidential manner. Employees are expected to cooperate in any investigation commenced under these guidelines.

The City prohibits retaliation against an employee for filing a complaint under this policy or for participating in a complaint investigation. If an employee perceives there has been retaliation for making a complaint or because of participation in an investigation, the employee shall follow the complaint procedure outlined above, and the complaint will be promptly investigated.

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

1.2 Introduction and Administration of Employee Policies

These Policies describe the employee policies and benefits of the City of Evans. These Policies serve as a means for managing employee-related matters. It is the goal of the City to develop and maintain policies that provide an engaging, creative, and professional workplace in which all employees are treated with respect.

Any employee that needs assistance in the interpretation of policy should consult with their supervisor, their department director, or the Human Resources and Risk Management Director. The City Manager will make any interpretation should the need arise. In any event, good judgment, knowledge of and adherence to the Policies, and cooperation are everyone's professional responsibility.

The City Manager is ultimately responsible for the proper administration and observance of these Policies. In the event a conflict of duties arises that precludes supervisors, department directors, Human Resources staff, or the City Manager from performing a function outlined in these Policies, the City Manager has the authority to modify the Policies.

The Policies were developed with input from the Employee Review Team, the Employee Safety Team, Human Resources staff, the division managers, and the Management Team. The Policies that follow do not cover every situation that may arise. These Policies may be supplemented by additional policies, procedures, and guidelines. These can be in the form of administrative regulations established for departments by the department director, provided they are not in conflict with these Policies unless noted and they have been approved by the City Manager or designee prior to their effective date. The City retains the right and may change policies, procedures, and guidelines from time to time, for any reason.

1.3 Introduction to the City

The City of Evans was founded on November 22, 1869. It is named in honor of John Evans, the second Territorial Governor of Colorado.

The mission statement of the City is "To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community." The City provides many services ranging from the more traditional public works and public safety to other services that are more contemporary, such as community planning, and recreation programs and services.

The City of Evans believes that it is important to develop and maintain positive community relations. This is the collective and individual responsibility of all employees regardless of position within the organization. As a representative and valuable asset of the organization, the City depends on each employee to take pride in contributing and providing services in a quality and professional manner.

The quality of life in Evans and the surrounding region depends upon the range of services provided by the City, and the quality of the City's services depends on how well each employee performs his or her job.

The City Organization

The City of Evans operates under the Council-Manager form of government. The City Council is the legislative, policy-making body for the City of Evans. The City Council consists of a Mayor and six council members, elected by wards, except the Mayor who is elected at-large. The City Council is charged with the duty and responsibility of providing leadership and direction for the community.

The Council's major functions include:

- Adopting ordinances and resolutions;
- Adopting the annual budget;
- Entering into contracts;
- Making appointments to the various advisory boards and committees; and
- Adopting employment policies

Council meetings are currently held in the City Council Chambers at the Evans Community Complex on the first and third Tuesdays of each month. Except for the purpose of inquiry, Council and its members deal with City administration solely through the City Manager and do not give orders to any City employees, either publicly or privately.

The City Manager is the chief administrative officer of the City. The position is similar

to a president or chief executive officer of a private company. The powers and duties of the City Manager are outlined by the City Charter and generally include: a responsibility to the Council for the efficient administration of all departments of the City; to see that all laws and ordinances are enforced; to appoint directors of City departments; to monitor all contracts and agreements; to recommend an annual budget and administer the budget under Council policies; to act as purchasing agent for the City; and to perform other duties as the Council may deem necessary. The City Manager is also responsible for establishing clear-cut lines of authority and responsibility within the City and making sure that all employees are aware of what their jobs are, whom they report to, and the proper procedure for grievance and appeals.

The City organizational chart illustrates the flow of communication within the City and identifies the major functions within each department. A copy of the organizational chart is available from the Human Resources Department.

1.4 Employee Status

This policy applies to all employees.

STATEMENT OF POLICY:

Listed below are the employment status definitions for each type of position held by employees at the City of Evans. If a department finds that a position needs to work beyond its employment status designation, the department must request an upgrade of the position through the budget process.

Full-time Regular Employee – an employee regularly scheduled to work at least 40 hours a week, or 80 hours in a two-week pay period. Full-time employees are eligible for all City benefits.

Part-time Regular Employee – an employee regularly scheduled to work 30 to 39 hours per week or 60 to 79 hours in a two-week pay period on a year-round basis. Part-time Regular employees are eligible for certain City benefits on a pro-rated basis.

Part-time Employee – an employee regularly scheduled to work less than 30 hours per week, or less than 60 hours in a two-week pay period, on a year-round basis. Part-time employees are not eligible for City benefits except those required by law.

Seasonal Employee – an employee who is hired for a limited period of time, on a seasonal or emergency basis. Hours scheduled per week will fluctuate based on the needs of the City. Seasonal employees are not eligible for City benefits except those required by law.

Temporary Employee – an employee who is hired in a job established for a temporary period or a specific assignment or group of assignments. Temporary employment normally does not exceed 12 months. Hours scheduled per week will fluctuate based on the needs of the City. Temporary employees are not eligible for City benefits except those required by law.

Contract Full-time Employee – an employee who is hired in a job established for a specific period or a specific assignment and is scheduled to work at least 40 hours a week or at least 80 hours in a two-week pay period, but does not necessitate full-time regular employment. Contract full-time employees work under contract and are eligible for certain City benefits.

Contract Part-time Employee – an employee who is hired in a job established for a specific period or a specific assignment and is scheduled to work 30 to 39 hours per week or 60 to 79 hours in a two-week pay period, but does not necessitate part-time regular employment. Contract part-time employees work under contract and are

eligible for certain City benefits on a pro-rated basis.

Each position with the City is classified as exempt or non-exempt as defined by the Fair Labor Standards Act (FLSA).

Exempt Employee – an employee who is **not** eligible for overtime compensation or compensatory time under the Fair Labor Standards Act.

Non-exempt Employee – an employee who **is** eligible for overtime compensation or compensatory time under the Fair Labor Standards Act.

Please contact the Human Resources Department for benefit eligibility issues that may be affected by a change in employment status. Employment status upgrades do not change solely as the result of the number of hours or consecutive months worked, but must be authorized by the City Manager through the budget process.

1.5 Personnel Records and File

This policy applies to all employees.

STATEMENT OF POLICY:

The City maintains a personnel file as a record of an individual's employment. It is important for this record to be up-to-date and complete. Included in this file will be performance evaluations, recognition, and disciplinary actions. Maintaining current records enables the City to reach employees in an emergency, forward an employee's mail, and properly maintain an employee's insurance and other benefits. It also helps keep track of payroll deductions and many other things that concern employees as individuals.

Employees must notify the Human Resources Department immediately if they have changes in any of the following areas: Name, residence, telephone number, marital status, insurance changes, beneficiary changes, tax exemptions, emergency contact information, and other relevant personal information.

Employees may view their personnel file under the supervision of a Human Resources staff member or may request a copy of any or all documents contained in such file that may be disclosed under Colorado's open records law. Not every personnel document is releasable, e.g., test materials, certain investigation reports, etc.

2.0 COMPENSATION

2.1 Work Week, Time Sheets, Paydays, and Deductions from Wages

This policy applies to all employees.

STATEMENT OF POLICY:

Work Week: The City's standard work week for payroll purposes begins at 12:00 a.m. Monday and ends at 11:59 p.m. the following Sunday. Work schedules for employees are generally established within the standard work week. However, some employees may have work shifts that straddle the standard work week (e.g., they begin work at 6:00 p.m. on Sunday and work until 5:59 a.m. on Monday). In such cases, the entire shift will be included in the work week in which it began. Law enforcement personnel may be subject to standard workweeks per shifts.

Hours of Work and Time Sheets:

- Non-exempt employees: Non-exempt employees shall accurately record on their official time sheets all hours worked for the pay period, including regular and overtime hours, as well as all leave time taken.
- Exempt employees: Exempt employees shall accurately record "exception hours" for the pay period on their official time sheets. "Exception hours" are those hours for which the employee is using a form of paid or unpaid leave. Although exempt employees do not report the regular hours worked on their official time sheet, they may be required by their supervisors to accurately report all hours worked, including regular hours, on forms other than the official time sheet.

Paydays: The City pays its employees on a bi-weekly basis, every other Friday. If the payday falls on a holiday observed by banks, employees will be paid on the last work day prior to the bank holiday. Each paycheck covers work performed through the previous two work weeks.

Deductions from Wages:

- Required deductions: State and federal laws require the City to make certain deductions from an employee's pay. In addition, eligible employees may be required to contribute to a retirement or disability plan, and deductions for employee contributions to such plans are withheld from the employee's pay.
- Voluntary deductions: Provision is made for optional payroll deductions for miscellaneous items approved by the City and authorized by the employee, such as insurance, flexible spending, etc.

- Exempt employees' absences from work: The FLSA permits the City to make payroll deductions:
 - For any full day absence after vacation leave is exhausted
 - To offset the amount an employee receives for jury, witness or military service
 - For full day absences that result from disciplinary suspensions imposed in good faith
 - For discipline imposed in good faith for infractions of safety rules of major significance
 - For full and partial day absences under the FMLA

It is the City's policy to comply with the requirements of the FLSA. Therefore, the City prohibits all managers from making any improper deductions from the salaries of exempt employees. Employees should be aware of this policy and to immediately report any improper deduction to the Human Resources Department or Payroll.

Payroll Questions and Concerns: Employees who have questions about deductions or who believe an error in the amount of pay has been made, should promptly notify Payroll so that any corrections can be made.

2.2 Overtime

This policy applies to non-exempt employees.

STATEMENT OF POLICY:

Authorization required: Non-exempt employees may be required to work overtime to meet service schedules, to complete a project or to fulfill a service request from time to time as management deems necessary. Whenever possible, advance notice will be provided, however, management retains the right to request overtime whenever the need is identified. All overtime work (i.e., work in excess of 40 hours in a workweek or 80 hours in a pay period) by a non-exempt employee must be approved in advance by the employee's supervisor, except in extraordinary situations where the work is essential and a supervisor could not be contacted prior to commencing overtime work. Supervisors should flex schedules to meet business needs and to avoid the necessity of overtime.

Calculation and Rate: Overtime will be calculated in accordance with the Fair Labor Standards Act.

Form of Compensation: The City will compensate non-exempt employees for overtime through wages ("overtime pay") or time off ("compensatory time"), at the discretion of the department director. If a department director prefers one form of compensation over another, the department director should communicate that preference to his or her employees.

Accrual of Compensatory Time Limited: Employees, excluding non-exempt, sworn police personnel, shall not accrue more than 240 hours per calendar year and shall not carry a balance of more than 40 hours of compensatory time at any given time. Non-exempt, sworn police employees shall not accrue more than 480 hours of compensatory time per calendar year and shall not accrue more than 60 hours of compensatory time at any given time. Compensatory time will be carried over from year to year. In the event that an employee inadvertently exceeds this limit, the amount of accrued compensatory time exceeding this limit shall be cashed out to the employee as soon as reasonably possible.

Use of Compensatory Time: Non-exempt employees seeking to use compensatory time off must make requests to schedule the use of such time with their supervisors in the same manner as requests to use vacation leave or other non-emergency leave time. Supervisors have the discretion to approve or deny such requests based on scheduling needs.

Carry Over Compensatory Time and Pay-Out of Compensatory Time: Compensatory time will be carried over from year to year. Employees transitioning from a non-exempt position to an exempt position will be paid out any compensatory balance at the time of

the transition and payment will be made at the current non-exempt hourly rate. The City Manager reserves the right to approve the pay-out of compensatory time as needed.

2.3 On-call Compensation

This policy applies to non-exempt employees.

STATEMENT OF POLICY:

Certain departments may assign a non-exempt employee to be on-call. During this assigned period, the employee may receive additional compensation in accordance with the departmental policies established.

Sworn Police Employees: Non-exempt, sworn police employees assigned to on-call duty, may receive additional compensation for the week they are on-call. Detectives regularly rotate being on-call and are compensated hourly, for each hour they are on call. Other sworn members may be on-call for certain assignments, such as Public Information Officer and are compensated a set number of compensable hours for each week they are on-call. All on-call compensation is based upon the Police Department Policy as approved by the Police Chief.

Public Works Employees: Non-exempt public works employees assigned to on-call duty, may receive eight (8) hours of compensatory time per week for the week they are on-call. Accrued on-call time should be taken off within two months of on-call service. The department director may approve only one on-call employee per week within a division for on-call duty.

Employees who are non-exempt and work in departments other than Police or Public Works, on a limited basis, may be required to be on-call. However, should the situation arise, on-call will be addressed on a case-by-case basis.

As a working condition benefit, a department director, with the consent of the City Manager, may authorize on-call personnel to take vehicles home after hours in order to provide more expeditious service to the community. City-owned vehicles are not to be used for personal use in any manner and are for City business-related matters only and shall be used to travel from work to home and back and on calls for service only.

2.4 Educational Incentive Pay

This policy applies to full-time regular employees, excluding department directors and the City Manager.

STATEMENT OF POLICY:

Employees may be awarded incentive pay for advanced education or specialized certifications/licenses within their career field, above the minimum requirements for the position. This program is also intended to encourage employees to pursue advanced degrees and/or specialized certification/license accomplishments associated with their employment.

Program Description: Employees who have completed degrees from an accredited college or university or received certifications/licenses within their career field above the minimum educational requirement for their position or the position for which they are being placed upon initial employment for, may receive educational incentive pay.

Request for Educational Incentive Pay: To be considered for educational incentive pay, an employee must submit a copy of their college diploma or certification/license to the Human Resources Department. Human Resources will review the request against the job description and other employee educational records to determine eligibility. A copy of any diploma or certification/license will be placed in his or her personnel file. Educational incentive pay is not automatic and not guaranteed and must be approved by Human Resources.

Incentive Pay Calculation and Approval: The incentive pay is a flat dollar amount added to the current base pay of existing employees or added to the projected pay offered to future employees. The calculations will be based on the entry-level pay for employee's particular pay grade.

- Associate's Degree equals 2.5% incentive pay increase
- Bachelor's Degree equals 5% incentive pay increase
- Master's Degree equals 7% incentive pay increase
- Each certification/license equals .75% incentive pay increase

Certifications/licenses may be obtained with a maximum of three (3) per employee per classification held for a total of 2.25% incentive pay.

Employees may receive educational incentive pay or increase their educational incentive pay by obtaining a higher-level college degree, in which case, the incentive pay will be the difference between the two-degree levels. For example, if an incumbent's current pay is \$17.00/hour, the minimum of the range for the incumbent's grade is \$16.00/hour, an associate's degree is required for the position,

and the incumbent has recently earned a bachelor's degree, the employee would receive \$.40 educational incentive pay for a new base pay of \$17.40/hour.

The department director and City Manager reserve the right to approve educational incentives based on employee performance and applicability to the position held or future promotability. Funding for this program is determined annually based upon the City's budget. The City may suspend or restrict educational incentives based on the availability of funds.

2.5 Bilingual Incentive Pay

This policy applies to full-time regular employees, excluding department directors and the City Manager, who do not have a bilingual requirement as part of their job description.

STATEMENT OF POLICY:

The City wishes to compensate those employees who have passed a bilingual proficiency test and are serving in positions in which their bilingual skills benefit the City or enhance the delivery of City services to the community. This program is also intended to encourage employees to develop bilingual communication skills.

Program Description: Employees who are able to demonstrate continuing fluency in a second (non-English) language may receive an annual lump sum incentive pay. The second language for which incentive pay is awarded must impact a minimum of five percent (5%) of the City's general service population as provided through current county demographic information.

Determination of Benefit to the City: Whether bilingual skills in a particular position will benefit the City will be determined by the applicable department director, subject to review by Human Resources, based upon the following factors:

- Bilingual skills are important for the successful performance of official functions;
- The position involves the regular and frequent use of bilingual skills to communicate with citizens. For the purpose of this policy, "regular and frequent use" means at least 10% of available time; or
- There is a demonstrated public need for the designation.

Testing and Proficiency: Bilingual proficiency will be determined by a standardized written competency test and an oral examination. The City recognizes five proficiency levels. Testing is based on job-related conversations as well as conceptual techniques, including fluency in reading and writing. If an employee initially tests out at a specified level, the employee may test again for a higher level at a later date. Eligible employees must re-qualify for this incentive pay by demonstrating fluency every two (2) years in a manner prescribed by the City. The proficiency testing is subject to modification as deemed appropriate by the City.

Incentive Pay: Employees who can demonstrate continuing fluency in a second language may receive an annual lump sum bonus pay up to \$1,100.00, which will be distributed in December for the current year. The amount of incentive an employee earns is based upon his or her proficiency level and may be suspended or prorated based upon employee absences.

Discontinuation of Bilingual Pay: Bilingual pay may be discontinued for any reason in the determination of City management, including but not limited to, the department

director determines there is no longer a need for bilingual skills; an employee who has qualified for bilingual pay in one position moves to another position where bilingual skills are not needed; or the department director determines that an employee is not using his or her bilingual skills with sufficient frequency.

Funding for this program is determined annually based upon the City's budget.

2.6 Lateral Incentive Pay

This policy applies to full-time regular police officers and sergeants.

STATEMENT OF POLICY:

The City regards having highly trained and skilled professionals available in-house as a benefit to both the City and the employee. Lateral assignment incentive pay may be awarded to employees who hold special lateral assignments which frequently require employees to work beyond the duties of their position and require a higher level of training and competency.

Program Description: Employees who hold approved lateral assignments may receive a lump sum incentive pay of \$1,500.00 in December, for the current year. Officers must maintain their lateral assignments and certification requirements for the entire year in order to be eligible for this incentive pay. No additional compensation will be awarded to officers who hold more than two lateral assignments. The list of recognized lateral assignments will be managed by the Police Chief and approved by the City Manager.

Funding for this program is determined annually based upon the City's budget.

2.7 Differential Pay

This policy applies to full-time regular or part-time regular employees, excluding department directors and the City Manager.

STATEMENT OF POLICY:

The City regards the flexibility to temporarily assign employees additional job functions as a benefit to both the organization and the employee. Acknowledging that assignments may place considerably greater responsibility on the employee than his or her regular position, the City may award a differential pay increase for the duration of the assignment.

Differential Pay Considerations: Differential pay may be considered when an employee takes on considerably greater or different job functions or responsibilities while maintaining his or her current classification and job duties, or when an employee is assigned a completely new role pending reorganizational changes within the City; or operates in a transitional or development capacity when no classification currently exists.

Assignments: Shall be a minimum of 30 days and shall expire after one (1) year, unless the City Manager authorizes a time extension.

Approval: Request for differential pay increases shall be submitted in writing to the department director, the Human Resources Department, and City Manager for approval.

Calculation of Differential Pay: Employees may be awarded up to a 15% differential pay for the duration of the assignment. Differential pay is not added directly to the base pay, but is reflected as separate earnings within the earnings statement and is not subject to other benefits, such as retirement plan matches.

Funding for this program is determined annually based upon the City's budget and availability of funds.

2.8 Out-of-Class Pay

This policy applies to full-time regular or part-time regular employees.

STATEMENT OF POLICY:

The City regards the ability to assign employees to another employment classification for a short period of time as a benefit to both the organization and the employee.

Assignments: The assignment must be a minimum of two (2) weeks.

Approval: Request for out-of-class pay shall be submitted in writing to the department director, the Human Resources Department, and City Manager for approval.

Calculation of Out-of-Class Pay: Employees who are assigned to another position may receive the rate of pay for their regular position, or the rate of pay for the temporarily assigned position, whichever rate is greater. Out-of-class pay changes the employee's base pay, including related benefits that are impacted by base pay.

Funding for this program is determined annually based upon the City's budget and availability of funds.

2.9 Service Awards

This policy applies to all full-time regular employees.

STATEMENT OF POLICY:

As a means of recognizing the value of the continued and dedicated service of City employees, employees of the City shall receive a lump sum of \$50.00 for 5 years of service and \$25.00 increments for each 5 years of service up to a maximum of \$200.00. Upon retirement of 20 years of service or greater, employees shall receive a lump sum of \$250.00 plus a clock or other similar symbol acknowledging their years of service.

2.10 Merit Pay

This policy applies to full-time regular and part-time regular employees, excluding the City Manager.

STATEMENT OF POLICY:

An employee's pay is based on performance of the job duties and responsibilities within a given position. Employees who exhibit acceptable job performance may be recommended for a merit pay increase within the assigned salary range of the position and in accordance with the budget. The merit pay increase shall be supported by a performance evaluation completed by the immediate supervisor and approved by the department director.

In lieu of an increase in base pay, a lump-sum bonus may be offered to an employee who has reached the top of their pay range. Such bonus pay may equal up to one times the annual merit pay.

New hires may be eligible for merit pay on the first pay date of the year following date of hire as follows:

- Employees hired in the first quarter of the year may be eligible for the full merit.
- Employees hired in the second quarter of the year may be eligible for 2/3 merit.
- Employees hired in the third quarter of the year may be eligible for 1/3 merit.
- Employees hired in the fourth quarter of the year may not be eligible for any merit.

Sworn Police Employees (excluding Commanders and Police Chief): Since a police step plan is utilized for non-exempt, sworn police employees to set base pay and structure, any annual performance step pay increases are based on performance evaluations from the preceding year. Satisfactory performance evaluations may allow employees to advance one step per year within the step plan. Prior to the effective date of any pay increase for an annual performance evaluation, a completed performance evaluation must be submitted to the Human Resources Department. A lump-sum bonus may be awarded to an employee who has reached the top step of the step plan. Such bonus pay may equal up to one times the annual merit pay.

The City Manager may substitute compensation in place of regular merit base pay increases. Any merit base pay increase substitution will not exceed the value of the merit base pay increase for which an employee is eligible.

Employees not performing acceptable work are not eligible for the merit program and may be subject to a pay decrease. Funding for program is determined annually based upon the City's budget and management judgment.

2.11 Clothing and Equipment Allotments and Allowances

This policy applies to all employees.

STATEMENT OF POLICY:

Certain positions in the City may require employees to wear a uniform and safety equipment. If employees are required to wear a uniform, department policies govern how and when the uniform is to be worn. Required uniforms that have a City or department/division logo will be provided to you at no expense or through a clothing allotment. In addition, departmental policies will govern how uniforms are to be maintained and replaced.

Wearing of any clothing provided by the City shall be restricted to City business and should not be worn during off-duty hours, unless approved by an employee's department director. The City may provide a clothing/safety equipment allotment or allowance to employees in certain positions. As such, individual clothing allotments will be administered within each department. Clothing purchases with City funds must have a City or department/division logo. Any employee purchases that extend beyond an employee's annual allotment shall be deducted from the employee's next paycheck through payroll deduction. Clothing/safety equipment allowances, paid directly to employees, are a taxable benefit. Clothing and equipment purchased with City funds become the property of the City. Clothing and equipment allowances paid directly to the employee as earnings become the property of the employee.

2.12 Wage Garnishment

This policy applies to all employees.

STATEMENT OF POLICY:

The City will abide by any court order that requires the City to withhold a portion of an employees earned wages. The City will not intercede or negotiate with an employee's creditors or financial institution on his or her behalf.

2.13 Market Adjustments

This policy applies to full-time regular and part-time regular employees, excluding the City Manager.

STATEMENT OF POLICY:

The City strives to complete periodic compensation and classification studies. The aggregate amount of any potential market adjustments related to such studies shall be considered for approval by the City Council for the inclusion in the City's following year's budget.

3.0 BENEFITS

The City provides a variety of benefits to employees and their eligible dependents as part of a total compensation package. These benefits are in addition to mandated benefits such as workers' compensation insurance, unemployment insurance and Social Security. Availability of various benefits depends on employee status and eligibility. Many benefits are provided at no cost to employees while others require employee cost sharing or contributions.

Below is a general description of the benefits. Employees should refer to the summary plan documents for each benefit for complete eligibility and coverage information. In the event of any conflict between the guidelines in this manual and the terms of any summary plan description, the terms of the summary plan description shall control. Benefit information can be found on the City's Human Resources Information Systems/Payroll portal or from the Human Resources Department.

The City reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein at any time.

3.1 Group Insurance

This policy applies to full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The City offers employees the opportunity to participate in City-sponsored insurance programs, such as, medical, dental, vision, life, accidental death and dismemberment, disability and supplemental insurance through the City. Because plan choices and features may change from year to year, more details are provided in the summary plan documents. It is solely the employee's responsibility to understand the coverage afforded by each insurance plan to pursue claims pursuant to the coverage provisions of each plan.

3.2 Section 125 Plan (Flexible Spending Plan)

This policy applies to full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The Internal Revenue Service Section 125 Plan (Flexible Spending Plan) allows employees to have payroll deductions taken on a pre-tax basis for non-reimbursable medical expenses, childcare expense, and non-paid insurance premium expenses.

Contributions are free of Social Security, Medicare, federal and state taxes and increases take-home pay by the amount of the tax savings. A debit card is provided to use for most expenses. Contributions which are not used to reimburse eligible expenses from the applicable plan year are forfeited to the plan.

3.3 Health Savings Account

This policy applies to full-time regular and part-time regular employees.

STATEMENT OF POLICY:

A Health Savings Account (HSA) is an employee-owned savings account available to employees who enroll in a High Deductible Health Plan (HDHP) to save money for future, qualified medical expenses, including deductibles, co-pays, prescriptions, and other eligible medical, dental and vision expenses.

The HSA has three major tax savings: the money contributed into the account through a payroll deduction is pre-tax and not subject to federal income tax at the time of deposit; interest earned is tax-free; and certain withdrawals for qualified medical expenses are tax-free. HSA funds roll over and accumulate year to year, if not spent. Employees may change HSA deductions at any time, but must comply with established Internal Revenue Service guidelines and annual limits.

An HSA is portable upon an employee's separation of employment.

3.4 Wellness Program

This policy applies to full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The City is committed to the health, safety and well-being of employees and encourages employees to maintain good health and wellness. As a means of supporting employees in this venture, the City provides a robust wellness program. The City's wellness program is designed to help employees reach and maintain optimal health by promoting health improvement and fostering healthy lifestyle choices which in turn reduce health risks, improve productivity and reduce healthcare costs. The wellness program provides onsite health screening, online health questionnaires, healthy lifestyle and disease management telephonic coaching, health education, health resources and detailed individual action plans. Spouses enrolled in the City's medical insurance plan are also eligible to participate.

Detailed information about the City's wellness program can be obtained from the Human Resources Department.

3.5 Recreation Center and Programs

This policy applies to all employees.

STATEMENT OF POLICY:

Employees are eligible to access the City's recreation center free of charge. Immediate household family members are eligible for discounted admission via a punch card. Employees and their immediate household family members are also eligible to receive a 10% discount on recreation programs and classes.

3.6 Employee Assistance Program

This policy applies to full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The Employee Assistance Program is designed to provide free counseling sessions to employees and their immediate household family members in order to deal with problems or issues of a personal or family nature. Issues may include, but are not limited to, job-related, marital, financial, emotional and substance abuse. This free service is fully confidential, voluntary and available 24-hours a day, seven days a week, 365 days per year. Depending on the issue, either direct assistance or a referral to an outside counseling service will be provided. Employee Assistance Program information can be found on the City's Human Resources Information Systems/Payroll portal or from the Human Resources Department.

3.7 401(k) Retirement Plan

This policy applies to full-time regular employees.

STATEMENT OF POLICY:

The City sponsors a 401(k) plan. It is a tax-deferred retirement benefit. Employees are eligible to participate and, the City will match employee contributions up to 4% of pay on the first of the month following 30 days of employment. The City will contribute an additional 3% to the employee's account after one year of employment. The investment options for the 401(k) plan account balances are self-directed and may be changed by the employee at any time. There is a vesting schedule after which time employees will be 100% vested in the plan. Please understand that retirement plan information is subject to change. Employees should contact the Human Resources Department with any questions.

3.8 Police Pension Plan

This policy applies to full-time regular, sworn police employees.

STATEMENT OF POLICY:

Fire and Police Pension Association (FPPA) administers a Statewide Hybrid Plan (a combination defined benefit and money purchase plan) and provides death and disability coverage for sworn police employees. Eligible sworn police employees receive this benefit in lieu of Social Security. Participation in this plan is mandatory. New employees currently contribute 8% of base pay with an equal match by employer. Death and disability coverage is 2.7% of base pay per month paid by the employee. Existing employees may be grandfathered in other FPPA plans and contribution structures.

3.9 457 Deferred Compensation Plan

This policy applies to full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The City also offers a 457 Deferred Compensation Plan for employees. It is an optional supplemental benefit to the current benefit package to assist employees in saving for retirement and reduce their taxable income. The 457 plan allows employees to make pre-tax contributions of any amount up to the Internal Revenue Service limits as a payroll deduction. Employees are 100% vested in contributions made to the 457 Plan and the investment of funds is self-directed. Participants can select amongst various investment options.

3.10 Social Security (OASDI & Medicare)

This policy applies to all employees as defined below.

STATEMENT OF POLICY:

Generally, all employees, except uniformed members of the Police Department, are subject to Social Security and Medicare tax deductions from paychecks. Employees currently are required to contribute 7.65% of salary for Old-Age, Survivors, and Disability Insurance (OASDI) and Medicare coverage. Sworn police employees are only subject to the 1.45% of the 7.65% for Medicare coverage. All contributions are matched by the City. Employees should contact the Human Resources Department for more information.

3.11 529 Savings Plan

This policy applies to full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The City offers a 529 Savings Plan designed to assist employees to save for college for themselves or their family members. The City's plan is established through CollegeInvest, a nonprofit division within the Colorado Department of Higher Education. Employee contributions are made with after tax dollars, but are eligible for Colorado state income tax deduction. All account earnings grow tax deferred.

3.12 Computer Loan Program

This policy applies to full-time regular and part-time regular employees.

STATEMENT OF POLICY:

To assist employees with enhancing their computer skills, the City offers eligible employees the opportunity to apply for an interest-free computer loan of up to \$1,500.00 for the purchase of a new personal computer and related peripheral equipment.

Employees may request only one loan at a time. The computer loan must be repaid through payroll deduction by the end of the calendar year in which the loan was taken.

In the event the employee leaves his or her employment with the City before the loan is repaid, any remaining amount due shall be deducted from the employee's final paycheck. If the employee's final paycheck is insufficient to pay the remaining balance due on the loan, such remaining balance shall be paid by the employee before leaving their employment with the City or the computer shall be provided to the City until such remaining balance is paid in full.

3.13 Police Officer Equipment Loan

This policy applies to full-time regular, sworn police employees.

STATEMENT OF POLICY:

The City offers eligible employees the opportunity to apply for an interest-free equipment loan for the purchase of job-related authorized equipment. All purchases must be pre-approved by the Police Chief or designee. Employees are limited to one firearm purchase per calendar year unless approved by the Police Chief. The equipment loan must be repaid through payroll deduction by the end of the calendar year in which the loan was taken.

In the event the officer leaves his or her employment with the City before the loan is repaid, any remaining amount due shall be deducted from the officer's final paycheck. If the officer's final paycheck is insufficient to pay the remaining balance due on the loan, such remaining balance shall be paid by the officer within 30 days after leaving employment with the City.

3.14 Workers' Compensation

This policy applies to all employees.

STATEMENT OF POLICY:

The City strives to maintain a safe and healthy environment for all of its employees. The City is mandated through the State of Colorado to provide workers' compensation coverage to its employees in the event of a work-related injury or illness. All City employees, regardless of their status, are covered in accordance with state law. An employee must report immediately any work-related injuries to his or her supervisor.

In many cases, leave compensated under workers' compensation also qualifies as Family Medical Leave Act leave. These programs will be coordinated.

Employees shall refer to the Work-related Injury policy for reporting a workers' compensation injury and the Injury Leave policy for more information regarding compensation.

3.15 Tuition & Education Assistance

This policy applies to all full-time regular and part-time regular employees.

STATEMENT OF POLICY:

Continual education is a desirable element in the development of employees and in the productivity of the City. To assist with continuing education, the City offers assistance up to \$2,500.00 per year for tuition, registration and laboratory fees for pre-approved courses that will mutually benefit the City and the employee. The following criteria must be met:

- Employees must be in good standing;
- Courses must be taken at an accredited academic or vocational institution;
- Employees must receive written approval from the Human Resources Department prior to the beginning of the coursework, including describing why the course mutually benefits the employee and the City.

Reimbursement shall be based upon the achievement of a grade of "C" or better, if the course is graded, or "satisfactory completion" designation if no grade is given. To initiate the reimbursement process, the employee shall submit documentation that verifies successful completion of the course of study including, date of completion, final grade, number of units or hours earned and amount paid.

Should an employee resign employment with the City within a 12-month period following receipt of tuition reimbursement, the employee shall be required to pay back any monies received during the 12 months preceding separation from employment.

Funding for this program is determined annually based upon the City's budget.

4.0 LEAVE

The City provides paid and unpaid leave benefits that help employees successfully balance their work demands and personal priorities. The City values its employees and desires to provide adequate paid and unpaid leave options that allow for some protection in the event of illness or injury, to manage personal business, and to allow periodic time away from the job to remain refreshed and positive about work.

This section explains various leaves available to employees. The leave benefits provided herein are balanced against the City's need to operate efficiently and, like all benefits and policies, may be modified.

4.1 Health Leave

This policy applies to all full-time regular and part-time regular employees.

STATEMENT OF POLICY:

Accrual: Full-time regular employees accrue health leave at the rate of four (4) hours of health leave per bi-weekly pay period for 24 of 26 bi-weekly pay periods. Health leave for part-time regular employees who are scheduled to work less than forty (40) hours per week shall be prorated according to the employees' regularly scheduled base hours.

Health leave is only accrued during the pay period an employee works or is on an approved paid leave.

Health leave accumulated for full-time regular employees will not exceed 960 hours. Health leave accumulation for part-time regular employees shall be prorated based on the 960 hours according to the employees' regularly scheduled base hours. Health leave will stop accruing once the maximum has been reached. Once the health leave total accrual is reduced below the maximum allowable, the benefit will begin accruing again.

Any accrued, unused health leave is not paid out upon termination of employment.

Purpose and Usage: Health leave is provided so that employees can care for themselves properly in the event of a non-job related illness or injury. Health leave may also be used for medical, dental, optical or Employee Assistance Program appointments and to otherwise seek preventive care.

Employees may also use health leave to provide personal care for an immediate family member which includes spouse, civil union partner, parent, biological or adopted child, and step-child (Child under 18 years or disabled).

The City expects that employees will act responsibly in using health leave. Health leave shall not be abused or used as additional "personal time." Fraudulent use or abuse of health leave will not be tolerated. Employees are expected to use health leave when they are ill, not only for their own well-being, but to also ensure the workplace remains safe from contagious illness. The City reserves the right to require employees to take time off using health leave for illness when their presence in the workplace creates a greater risk of contagion or is otherwise detrimental or unproductive in the workplace.

Barring an emergency, employees who need to use health leave should notify their supervisor prior to the start of their work shift and provide as much advance notice

as possible. Employees are expected to notify their supervisor each day of absence due to illness, unless other arrangements have been made. Should an employee become ill at work, they should immediately notify their supervisor and attend to their medical needs as quickly as possible.

Failure to report to work or call in for three or more days of absence will be considered an abandonment of position and a voluntary resignation.

The City may require employees to submit a doctor's note or other medical certification from a health care provider for any health leave usage resulting in periodic or consecutive absences from work for the same health condition. Some absences of more than three (3) consecutive calendar days may also qualify as a serious health condition under the Family and Medical Leave Act (FMLA) and; therefore, may be designated as qualified leave under FMLA. Eligible employees, who believe their situation qualifies for FMLA, should contact the Human Resources Department. The City will provide notification of such designation according to FMLA guidelines. Please see the FMLA policy, below, which contains provisions for the use of accrued time for leaves taken under FMLA.

If the requested medical certification is not returned to the Human Resources Department, an employee's absence may be unauthorized, health leave will be terminated and any prior usage may be reversed. Unauthorized absence is not tolerated by the City.

When returning to work after use of health leave, employees may be required to provide a fitness-for-duty release from a health professional depending on the circumstances. The fitness-for-duty release must be related to the ability to perform the essential functions of the job.

After a waiting period, employees may be also eligible for the City's short-term disability insurance plan. Contact the Human Resources Department for more information.

Neither health leave pay nor short-term disability may be used for absences covered by workers' compensation insurance.

Health leave is available for use in increments of one hour or more and is available for use only after it is earned.

Health leave will not be counted as hours-worked in the calculation of overtime or compensatory time.

Observed holidays that occur while an employee is absent on authorized health leave shall not be charged against health leave.

4.2 Personal Leave

This policy applies to all full-time regular and part-time regular employees.

STATEMENT OF POLICY:

Employees will be eligible to convert accrued, unused health leave into personal leave credit at a ratio of 2:1 (health leave: personal leave) once credits are earned. In order to convert health leave to personal leave credits, an employee must have accrued and must maintain at least 192 hours of health leave. A maximum of 24 hours of personal leave may be allowed each calendar year. Part-time regular employees who are scheduled to work less than forty (40) hours per week shall be prorated according to their regularly scheduled base hours.

Personal leave will not be counted as hours worked in the calculation of overtime or compensatory time.

Up to 24 hours of accrued, unused personal leave will be paid out upon termination of employment.

4.3 Vacation

This policy applies to all full-time regular and part-time regular employees.

STATEMENT OF POLICY:

Accrual: All full-time regular employees begin accruing vacation on the first day of continuous full-time employment, and are eligible to take vacation once credit is earned. Full-time employees who are scheduled to work at least eighty (80) hours per bi-weekly pay period shall accrue vacation in accordance with the following schedule. Vacation for part-time regular employees who are scheduled to work less than forty (40) hours per week shall be prorated according to the employee's regularly scheduled base hours, in accordance with the following schedule.

<u>Length of Continuous Service</u>	<u>Accrual Rate</u>
<5 Years	8 hours/month (max. accrual of 192 hrs)
>5 & <10 Years	10 hours/month (max. accrual of 240 hrs)
>10 & <15 Years	12 hours/month (max. accrual of 288 hrs)
>15 & <20 Years	14 hours/month (max. accrual of 336 hrs)
Year 20 & >	16 hours/month (max. accrual of 384 hrs)

Vacation leave accumulates from year to year, but is subject to limitations on accruals. The maximum amount of vacation time that an employee may accrue is two (2) times his or her annual accrual rate. Employees are responsible for remaining aware of their vacation balance. Employees are not eligible to earn any additional vacation once they have reached their maximum accrual, until they use all or a portion of their accrued vacation.

Employees will be compensated for any unused vacation time up to their maximum accrual amount should their employment with the City end for any reason.

Usage: The City intends that employees use vacation to take appropriate breaks from the work setting and provide themselves sufficient life/work balance. Vacation leave may be used for vacations, personal business, parental involvement in children's school activities, to satisfy the waiting period for short term disability, or any other purpose requested by employees. The City encourages employees to use all accrued vacation each year.

All vacation requests are subject to approval by the supervisor. Vacation requests are reviewed based on a number of factors, including business needs and staffing requirements. Vacation requests may be denied to accommodate operational demands and to minimize interruptions to City services.

In the case of unanticipated personal business or other emergent reasons, employees should give as much advance notice as possible to their supervisor. Employees are expected to call in each day of unplanned absence to their immediate supervisor, unless specific arrangements are made with their supervisor for a return to work date.

Vacation time will not be counted in the computation of overtime.

Observed holidays that occur while employees are absent on authorized vacation leave shall not be charged against vacation leave unless arrangements are made otherwise with his or her supervisor.

Employees may not use vacation to extend their resignation date and employment with the City.

4.4 Donated Leave

This policy applies to all full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The donated leave program allows employees to donate a portion of their health leave, vacation leave or compensatory time to assist other employees within the City who are experiencing a serious illness and/or injury.

Eligibility: Only those employees:

- who have exhausted or are expected to exhaust all available health leave, vacation leave, compensatory time and holiday time, if applicable; and
- who experience a serious health condition as defined by FMLA for themselves or an immediate family member as defined under the FMLA policy requiring additional leave; and
- additional leave is not due to a job-incurred injury covered by workers' compensation benefits.

Maximum Benefit Period: An employee may be eligible for up to 520 hours of donated leave during a 12-month period for his or her own serious health condition or an immediate family member's serious health condition as defined under the FMLA policy. Any leave donated will run concurrently with the FMLA leave, if any.

Limitation of Leave Donation Benefit: Eligibility for leave donation ends on the earliest of:

- The date the amount of donated leave is exhausted; or
- The date of the maximum benefit period ends (520 hours); or
- The date the employee no longer has a need for leave due to resolution of the serious health condition; or
- Termination of employment with the City.

Procedure: To be considered for this benefit, the affected employee or designee must submit a "Donated Leave Request Form", the "Leave Request for Family or Medical Leave" form and "Certification of Health Care Provider" form to the Human Resources Department. The employee must submit a completed "Certification of Health Care Provider" form within fifteen calendar days of submitting the "Leave Request for Family or Medical Leave" form, or the request may be denied until the certification is

received. Documentation confirming family relationship, adoption or foster care may be required.

The Human Resources Department will review the request to determine if the applicant qualifies for assistance. If eligible, approval is sought by the department director and the City Manager. Employees that are approved for this leave donation benefit, may request the Human Resources Department to collect donations of leave from other employees. Requests that are denied must be reviewed by the City Manager in consultation with the Human Resources Department.

The Human Resources Department sends an email along with a leave donation form without revealing the identity of the requestor to employees advising them of the need.

Employees may voluntarily donate hours from their accumulated health leave, vacation leave or compensatory time by completing and submitting the donation form directly to the Human Resources Department. Leaves must be donated in one hour increments with a minimum of one hour and a maximum of 40 hours per individual case. The donated leaves and/or compensatory time must be approved by the department director.

The Human Resources Department then advises Payroll of the addition of hours to the requesting employee's health leave balance and the deduction of hours from the respective donating employees' balances. Donations made will be transferred to the recipient employee, as health leave. Donations will be processed in the order received. Leave donation will be provided as needed on a per pay period basis up to the amount approved. The Human Resources Department will review the status of the requesting employee's situation and leave donation balance every pay period if the need for donated leave still exists. A statement from the health care provider may be requested to determine the continuing need for the donated leave.

Donated hours will be exchanged on an hour-for-hour basis without consideration of either the requesting employee's or donating employee's respective rate of pay. Hours donated will be on a strictly confidential basis; the requesting employee will not be advised who donated leave hours, but only the total number of hours received. Any unused leave will be returned proportionately to those who submitted donations.

Every effort will be made to maintain confidentiality of all information received on the donated leave request form and verification of serious illness/injury.

4.5 Holidays

This policy applies to all full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The City observes some of the nationally recognized holidays. Holiday leave is provided to enable employees to enjoy periodic respite from their regular duties and observe the holiday. All regular employees shall be afforded the opportunity to take holiday leave on the date the City observes the holiday. Except for those employees for whom a different holiday system or schedule is specified in these or other policies, each employee shall receive full pay for time off work for observance of adopted recognized holidays. Holiday leave for part-time regular employees who are scheduled to work less than forty (40) hours per week shall be prorated according to the scheduled base hours.

Designated Holidays:

Holiday	Date Observed
New Year's Day	January 1
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday following Thanksgiving Day
Christmas Eve	December 24
Christmas	December 25
Floating Holiday	Upon Employee's Request and Supervisor Approval

When the designated holiday falls on a Saturday, the holiday will typically be observed on the preceding Friday. When the designated holiday falls on Sunday, the holiday will typically be observed on the following Monday. When Christmas Eve falls on a Sunday and Christmas on a Monday, the City Manager may designate Monday and Tuesday as the observed holidays. If Christmas falls on a Thursday, the City Manager may designate Thursday and Friday as the observed Christmas Eve and Christmas holidays. City administrative offices shall be closed on designated holidays. For pay purposes, each holiday is the date of the observance published.

Amount, Accrual and Usage:

At the beginning of each year, employees are provided a Holiday Bank consisting of 8 hours for each approved holiday per year. Uniformed police employees are

provided a Holiday Bank consisting of 10 hours for each approved holiday per year. Employees hired during the year are eligible for the number of holiday bank hours left during the remainder of that year. Upon termination of employment, the remaining holiday hours for the year will be deducted from the employee's bank. If the deduction results in a negative bank balance, such hours will be deducted from the employee's final pay check at straight-time rate. The use of Holiday Bank time is mandatory for employees who are regularly scheduled to work Monday – Friday and not scheduled or required to work on the observed holiday.

Holiday Banks must be used within the year earned and cannot be accrued from one year to the next. Unused holiday leave shall be subject to forfeit except where the employee has been denied the opportunity to take holiday leave or where special circumstances exist and approval to exceed the limits has been approved by the department director and authorized by the City Manager. Each department director or designee may develop and maintain a leave schedule for their employees.

Holiday leave will not be counted as hours worked in the calculation of overtime, nor is unused holiday leave paid out upon termination.

Floating Holiday:

Upon approval, employees may be entitled to designate one (1) day during a calendar year as a floating holiday, to be used as a paid day off with advance supervisory approval.

Employees hired after June 30th, shall not receive any such floating holiday for such year. Floating holidays cannot be converted to cash and must be utilized during the year in which earned or will be forfeited.

4.6 Religious Holiday Observance

This policy applies to all employees.

STATEMENT OF POLICY:

Employees that desire to observe a special religious holiday that is not observed by the City may request such time off from their supervisor. Time off may be allowed unless unusual or emergency situations prevent the requested time off, as determined by the department director, or the time off would result in undue hardship for the City.

Absence for special religious holiday observance must be charged to holiday leave, vacation leave, compensatory time off, or to leave without pay if holiday leave, vacation leave, or compensatory time is not available.

4.7 Bereavement Leave

This policy applies to all full-time regular and part-time regular employees.

STATEMENT OF POLICY:

The City recognizes that responding to a death in the family is a significant personal obligation. In the event of a death in an employee's family, employees are eligible for paid leave of up to three (3) days to attend the funeral of an immediate family member with proper supervisory approval. For purposes of this policy, "immediate family" is defined as the employee's spouse, civil union partner, parents, children (biological adopted, or step-children), sisters, brothers, grandparents, grandchildren, and mother-in-law and father-in-law.

In the event of a death of a near relative, employees are granted up to one paid day to attend a funeral. For purposes of this policy, "near relatives" include the employee's aunts, uncles, nieces, nephews and their spouse's grandparents, brothers, sisters, and other close relatives.

If circumstances warrant, two (2) additional paid days of travel time may be granted upon the approval of the department director. If more time off is needed than provided above, other accrued leave or an unpaid leave may be granted upon the approval of the supervisor or department director. Department directors may ask for documentation supporting the request for bereavement leave.

4.8 Family and Medical Leave (FMLA)

This policy applies to employees who have worked for the City at least 12 months and who have worked 1,250 or more hours during the preceding 12 months.

STATEMENT OF POLICY:

The City provides up to a total of 12 workweeks of unpaid, job-protected leave to eligible employees for the following reasons:

- Incapacity due to pregnancy, prenatal medical care, or child birth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
- Serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their 12- week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

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

Benefits and Protections During FMLA

Health Insurance: During FMLA leave, the City maintains the employee's health coverage under any group health plan on the same terms as if the employee had

continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able, but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of insurance premiums during leave.

Other Benefits: During FMLA leave, employees will not lose any employment benefits which accrued prior to the start of their leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Other leaves, such as, bereavement leave or jury duty pay are not granted on unpaid leave.

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

Eligibility Requirements

Employees are eligible if they have worked for the City for at least 12 months, for 1,250 hours over the previous 12 months.

Part-time Employees: Part-time employees are eligible for FMLA leave, but the number of hours is prorated based upon their regular scheduled hours. For example, 12 weeks of leave for a full-time employee is 480 hours, while 12 weeks of leave for a part-time employee who is regularly scheduled for 30 hours per week is 360 hours.

Spousal Leave Limitations: Spouses who are both employees of the City and covered by this policy shall be subject to the following limitations:

- FMLA Leave: Spouses are limited to a joint total of 12 weeks of unpaid leave when the leave is taken: to care for the employee's child after birth, adoption or foster placement; or to care for the employee's parent with a serious health condition.
- Military FMLA: Spouses on Military FMLA are limited to a joint total of 26 weeks of unpaid leave.

Definition of Serious Health Condition

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

Subject to certain conditions, the continuing treatment requirement may be met by a

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

Calculating 12-Month Periods

The City uses the 12-month period measured forward from the first day of an employee's leave and does not necessarily coincide with the calendar year.

Example: An employee used four weeks of FMLA Leave beginning on February 1, 2016, four weeks beginning on June 1, 2016, and four weeks beginning on December 1, 2016. The employee is not entitled to any additional FMLA Leave until February 1, 2017. Beginning February 1, 2017, the employee will be entitled to four weeks of FMLA Leave, and on June 1, 2017, the employee would be entitled to an additional four weeks of FMLA Leave, etc.

Use of Leave

The maximum time allowed for FMLA leave is 12 weeks in the 12-month period as defined by the City, except in the case of military-related FMLA described above. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

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

Integration of FMLA Leave with Paid Leave

FMLA leave is unpaid unless other paid leave time is available and applicable, such as health leave, vacation leave, compensatory time, holiday time, injury leave, collecting worker's compensation or short-term disability. If an employee is eligible for FMLA leave and another type of leave, the leaves will run simultaneously.

Employees must use accrued paid leave during an FMLA leave unless on injury leave or collecting worker's compensation or short term disability payments. Employees may not use any paid leave while collecting disability payments. However, the receipt of disability benefits may still run concurrently with 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.

An employee who is on approved FMLA leave and who is normally scheduled to work on a City designated holiday will be required to use holiday pay for that day.

An employee taking leave to care for the employee's child after birth, or placement for adoption or foster care, will first use up to six weeks (240 hours) of accrued health leave first, followed by vacation leave, compensatory time, and holiday time for the remainder of the 12 weeks.

If an employee's leave of absence does not constitute paid leave as defined in the City's paid leave policies, or the employee is not eligible for paid leave, or the employee has exhausted his or her paid leaves, the employee's remaining FMLA leave is unpaid. As with other types of unpaid leaves, vacation leave and health leave will not accrue during the unpaid FMLA leave. Holidays, bereavement leave, or City's jury duty pay are not granted on unpaid leave.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also may be required to provide a certification and periodic recertification supporting the need for leave. Employees must furnish the City's requested medical certification information within 15 calendar days after such information is requested by City. In some cases, 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.

Return from FMLA: Employees must contact their supervisor and the Human Resources Department at least two days before returning to work and, if taking FMLA leave for their own serious health condition, submit a certification from their health care provider that they are able to return to work and under what limitations.

Failure to Return from FMLA Leave: If employees do not return to work on the date expected back from FMLA leave, their employment with the City may terminate. If an employee does not return to work at the end of the FMLA leave for reasons other than the continuation of a serious health condition or other circumstances beyond the employee's control, the City may collect from the employee the amount of any health insurance premiums paid by the City on behalf of the employee and dependents during the leave.

The City's Responsibilities: The City will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility.

The City will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

Unlawful Acts: The City may not interfere with, restrain, or deny the exercise of any right provided under FMLA or 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.

Enforcement: Any employee who believes that the City has violated any provision of FMLA should immediately notify Human Resources. In addition, an employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the City.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

4.9 Civil Leave

This policy applies to all employees.

STATEMENT OF POLICY:

Employees who are subpoenaed to testify in non-work-related legal proceedings shall be granted time off without loss of pay or benefits for up to 8 hours when appearing in court as a witness. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served. All fees and reimbursements received by the employee while on civil leave shall be returned to the City. Meal and travel allowances may be retained by the employee.

Employees who wish to testify in non-work-related legal proceedings and are not subpoenaed, must use any available vacation leave or compensatory time to cover such absences from work. If the employee does not have any available vacation leave or compensatory time, the employee's absence(s) will be unpaid.

4.10 Jury Duty

This policy applies to all employees.

Statement of Policy:

The City recognizes jury duty as a civic responsibility of everyone. When summoned for jury duty, employees will be granted leave to perform their duty as a juror. If employees are excused from jury duty during regular work hours, employees are expected to report to work promptly.

Jury duty in a Colorado state court (including any Colorado county court or Colorado district court), shall be governed by the following provisions:

Employees receive regular pay for the first three (3) days of jury duty if they were scheduled to work and must provide confirmation of juror service to their supervisor.

Beginning the fourth day and thereafter, employees, as jurors, are paid a designated amount per day by the State of Colorado for district, state or county court jury duty. For jury duty in excess of three (3) days, the City will pay the difference between jury pay and the employee's regular pay up to a maximum of 160 hours. Jury duty leave beyond this time is without pay from the City unless employees chose to use vacation leave or compensatory time.

Meal and travel allowances may be retained by the employee.

Jury duty in a United States federal court (including the United States District Court for the District of Colorado or as a federal grand juror), shall be governed by the following provisions:

Subject to the employee providing confirmation of juror service, the City will pay the difference between any amounts received by the employee for jury service and the employee's regular pay up to a maximum of 160 hours. Jury duty leave beyond this time is without pay from the City unless employees choose to use vacation leave or compensatory time.

Meal and travel allowances may be retained by the employee.

4.11 Extended Leave of Absence

This policy applies to all employees.

STATEMENT OF POLICY:

An employee may make a written request to their department director, which is subject to City Manager approval, for an extended unpaid leave of absence that is not otherwise covered through policy provisions within this manual. The written request will be reviewed on a case-by-case basis by the employee's department director and the Human Resources Department. The decision to approve or disapprove is based on the circumstances, the length of time requested, the employee's job performance and attendance and punctuality record, the reasons for the leave, the effect the employee's absence will have on the work in the department, and the expectation that the employee will return to work when the leave expires.

Leave of absence without pay may be granted only after all other eligible leave time has been exhausted. During an extended unpaid leave, salary action, vacation accrual, and performance evaluations will be deferred for the period of the leave. Unlike FMLA leave, an employee's position is not necessarily preserved while on an extended leave of absence.

While on an extended unpaid leave of absence, the employee's medical coverage will end on the 1st day of the month following the start of such leave. Employees will have the opportunity of continuing their benefits under COBRA; therefore, the employee must pay the entire premium. Unemployment Insurance benefits cannot be collected while on a leave of absence without pay.

4.12 Military Leave

This policy applies to all employees who are members of the reserves or enlisted in any branch of the United States Armed Forces or are members of the National Guard of any state in the United States.

STATEMENT OF POLICY:

The City complies with all state and federal laws related to military leave including but not limited to Uniformed Services Employment and Reemployment Rights Act.

In accordance with these laws, the City provides employees with paid leave for a maximum of fifteen (15) working days per calendar year for active duty or training with the National Guard or any branch of the U.S. Armed Forces. Any employee granted military leave, is entitled to such leave without loss of wages, seniority, status, efficiency rating, vacation leave, health leave, or other benefits for the first fifteen (15) days of a leave of absence.

After exhausting the 15 days of paid leave, additional leave is without pay in accordance with the laws governing veterans' re-employment rights. Employees may choose to use accrued vacation leave, compensatory time, banked holiday time and/or take leave without pay as the provisions governing veterans' re-employment rights will apply. An employee may not use any other type of paid leave during military leave, including, but not limited to, injury leave. During unpaid periods of military leave, the employee will not accumulate vacation leave, health leave, and other such benefits. If an employee wishes to continue coverage for health, dental and vision insurance, the premium must be paid by the first of each month during such leave.

In order to facilitate a military leave of absence, employees should provide their supervisor as much advance notice of a planned military leave as practical. Employees must submit a copy of the military orders or other written certification of military duty to their supervisor as soon as possible after the employees receive them.

4.13 Voting

This policy applies to all employees.

STATEMENT OF POLICY:

Voting is an important responsibility we all assume as citizens. The City encourages you to exercise your voting rights in all local, state and federal elections.

Employees who are registered voters for such elections and whose work schedule on an election day means they will not have at least three (3) hours outside of work to vote in that election are allowed up to two hours of paid time to vote. Under most circumstances, it is possible for employees to vote either before or after work. However, if it is necessary for employees to arrive late or leave work early to vote in any election, employees are expected to make arrangements with their immediate supervisor by providing as much advance notice as possible, but no later than the day prior to election day.

4.14 Injury Leave

This policy applies to all employees.

STATEMENT OF POLICY:

Employees who are unable to work due to an injury that occurred in the course and scope of employment, may be granted up sixty (60) working days of paid injury leave, based on pre-injury wages per 12 month rolling calendar period. During injury leave, all benefits for which the employee is eligible will continue as though the employee was at work. Injury leave may also be used for absences associated with work-related medical treatments.

Any payment made to the employee for missed time from work from the City's workers' compensation insurance provider within the first sixty (60) working days, shall be the property of the City and must be turned into the Human Resources Department if received.

If a holiday occurs during the time an employee is using injury leave, the hours will be charged to holiday leave and will not be charged to injury leave.

Where applicable, Family Medical Leave will run concurrently with Injury Leave.

Injury leave may terminate prior to the end of sixty (60) working days, if any of the following occurs:

- The employee is declared capable of performing the normal duties of the employee's position by a licensed health care provider;
- A licensed health care provider releases the employee to return to work in an alternative job assignment or modified duty;
- A ruling is made of permanent disability; or
- The employee resigns.

See Workers' Compensation, Family and Medical Leave and Work-related Injury policies for additional, relevant information.

4.15 Domestic Violence Leave

This policy applies to all employees who have been employed with the City for at least 12 months.

STATEMENT OF POLICY:

Employees may request up to three (3) days of unpaid leave, or may substitute accrued paid leave, if permitted by the City, in any twelve-month period if they are the victim of domestic violence, stalking, or sexual assault, as those terms are defined by state law, or any other crime that a court finds to be an act of domestic violence. Employees are encouraged to use this leave to protect themselves or their family members by: (1) seeking a civil restraining order to prevent domestic abuse; (2) obtaining medical care or mental health counseling both for themselves or for their children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, sexual assault or other crime involving domestic violence; (3) making their homes secure from the perpetrators of the domestic abuse, stalking, sexual assault or other crime involving domestic violence or seeking new housing to escape the perpetrators; (4) seeking legal assistance to address issues arising from the act of domestic abuse, stalking, sexual assault or other crime involving domestic violence and attending and preparing for court-related proceedings arising from any of these crimes; or (5) taking any other steps the employee reasonably believes will protect the employee or their children from domestic violence or help them cope with what has happened.

Except in cases of imminent danger to the health or safety of the employee, an employee must provide his or her supervisor with reasonable advance notice of the need for this leave. The employee's supervisor may require that the employee submit documentation of the need for the leave.

The 12-month period is measured forward from the date an employee's first domestic leave begins: the next 12-month period would begin the first-time domestic leave is taken after completion of any previous 12-month period.

Employees must exhaust all paid leave (vacation leave, health leave, banked holiday time, and compensatory time) before using unpaid domestic violence leave.

4.16 Administrative Leave

This policy applies to all employees.

STATEMENT OF POLICY:

Administrative leave is an authorized leave with or without pay while circumstances concerning an incident that may lead to disciplinary action are investigated. It may also be used when a supervisor decides to give an employee time to consider his or her employment with the City or to develop plans for improvement. The decision to pursue administrative leave is made by the department director in consultation with the Human Resources Department.

5.0 WORKPLACE POLICIES AND PROCEDURES

5.1 Attendance and Punctuality

This policy applies to all employees.

STATEMENT OF POLICY:

For persons in the service of the community, regular and reliable attendance is an essential function of working at the City. Every City employee has the responsibility to be at work on time every day that they are scheduled to be at work, unless authorized by a supervisor to miss work. Each department or division will establish a protocol for employees to use when they will be late or absent from work. It is the employee's responsibility to follow these procedures. Employees should ask their immediate supervisor to clarify any questions or confusion about call-in procedures.

Based on the nature of the work performed, some department or divisions may establish more stringent standards than other work units. This is acceptable and complies with this City policy.

Excessive tardiness and absenteeism, and the failure to call-in as required, will not be tolerated.

5.2 Appearance and Attire

This policy applies to all employees.

STATEMENT OF POLICY:

At the City, personal appearance, hygiene and attire are very important. In the interest of presenting a professional image to the public and to assure safety, employees are required to meet professional standards of appearance for the job. Some employees are required to wear uniforms, City issued clothing and/or other City identification so that they are readily identifiable as City employees. Uniforms and City-issued clothing are intended for use during work time and must be returned to the City upon separation of employment. If deemed necessary, each department director, with prior approval of the City Manager, may establish reasonable standards regulating dress for their respective departments, divisions and work areas. Dress code requirements for certain departments may be established by department policy or operating guidelines. Failure to meet appearance standards may result in the employee being sent home to change or disciplinary action.

5.3 Work Breaks

This policy applies to all employees.

STATEMENT OF POLICY:

Meal Breaks: Employees who work more than six hours per day are generally allowed a half-hour to one-hour lunch break at the approximate midway point of their work day. The time allotted a meal break is determined by the supervisor and includes any travel time. The lunch break is in addition to normal working hours and is not considered time worked for pay purposes. Employees working in emergency services are considered on duty for their full shift, whether or not they are able to take a lunch break.

Rest Breaks: Each department determines its own policies for rest breaks. Depending on the workload for that particular day and as authorized by their supervisor, employees may be allowed a rest break of 10 to 15 minutes at the approximate midway point of each 4 or 5-hour work period. These breaks should be taken at a time that does not interfere with assigned duties as determined by the supervisor.

Rest breaks are not a mandatory benefit and may not be accumulated if they are not taken nor may they be used to shorten the normal work day or extend the lunch break. Check with your supervisor for information concerning work breaks in your work unit.

Additionally, the City will provide reasonable unpaid break time or permit an employee to use paid break time, meal time, or both, each day to allow the employee to express breast milk for her nursing child for up to two years after the child's birth. The City will also make reasonable efforts to provide a room or other location in close proximity to the work area where an employee can express breast milk in privacy.

5.4 Conduct and Performance

This policy applies to all employees.

STATEMENT OF POLICY:

Great organizations, as we aspire to be, have high standards of performance and behavior. At the City, employees are expected to learn the performance criteria for their job and the rules, procedures and standards of conduct established by their department and by the City. Further, conduct away from work must not adversely affect the City, its operations, and its relationship with its employees or its residents.

Employees shall perform their assignments competently and behave with professionalism and integrity in the work place. An employee's failure to conduct himself or herself in such manner is grounds for discipline, up to and including termination.

Examples of performance and conduct that may warrant disciplinary action are presented in the following list. **This list is not all-inclusive as it is impossible to cover every situation.** If an employee has any question about employee expectations, the employee should discuss the matter with his or her supervisor. The City may discipline an employee for any action or behavior which, in the City's judgment warrants discipline or discharge, because it affects the employee's performance, the effective functioning of the City (including the functioning of other employees), or undermines public trust in the integrity of the City. While the City may endeavor to address an employee's performance or conduct through various forms of disciplinary action, such as verbal counseling or warnings, written counseling or warnings, suspensions with or without pay, and demotions, the City does not promise steps in the disciplinary process and, in cases of severe lapses of performance or misconduct, may proceed immediately to termination of employment.

- Providing, directly or through others, inaccurate or incomplete information when applying for work with the City, regardless of intent.
- Violating any applicable City or departmental policy or procedure.
- Unsatisfactory work performance or failure to meet work performance standards.
- Insubordination, refusal to follow reasonable instructions, refusal to perform work assignments, or to perform designated work or refusal to follow established rules.
- Use or possession of intoxicants, narcotics, or other drugs, or drug paraphernalia while on duty as a City employee, except for medications prescribed for the employee by a physician. (See the City's General Safety Rules and Drug and Alcohol policy for more information on the use of prescribed medication within the workplace.) Exceptions may be made for sworn police officers working in an

official or undercover capacity.

- Falsifying City records, documents, schedules and/or lying about a job-related matter; failing to accurately record work time or falsifying timekeeping or payroll records, or permitting others to do the same.
- Failing to cooperate in a City sponsored investigation, including intentionally providing false information or misleading an investigation.
- Intentionally misusing, abusing, wasting, or damaging property or equipment belonging to the City, another employee, a visitor or a customer; unauthorized possession of any property belonging to the City, another employee, a customer or visitor, or the unauthorized removal of such property from City premises.
- Unauthorized possession of weapons or explosives on City premises.
- Conduct detrimental to customer service or City operation; vulgar, threatening, insulting, or abusive language while on duty as a City employee; behavior or actions that disturb a fellow employee in the performance of his or her duties, or that disrupts the operations of the City.
- Violation of any federal, state, or local law when the misconduct would interfere with an employee's performance of his or her job or undermines public trust in the integrity of the City. Violation of any federal, state or local law regarding the possession, sale or use of regulated drugs, or violation of any law involving the theft or embezzlement of property, shall be deemed to undermine public trust in the integrity of the City. The City may find a violation of its policies and/or procedures whether or not a conviction occurs.
- Unauthorized absences, excessive absenteeism or tardiness and/or engaging in behavior that a reasonable person would consider a failure to work or a waste of work time.
- Failure to return to work upon the expiration of a leave of absence, unless medical or other evidence has been submitted to the City along with a request for an extension of the authorized leave.
- Leaving the workplace during working hours without permission or authorization or sleeping on duty. (Sleeping on the premise may be directed under extreme conditions for safety reasons, during extreme weather conditions, or critical incident response.)
- Violating a work safety rule or safety practice, or creating or contributing to unsafe working conditions which includes disabling, destroying, or otherwise rendering ineffective any type of safety or security system.
- Failure to maintain any certification, licensure, or credentials that are required for an employee's position with the City.
- Mishandling or unauthorized disclosure of non-public information.
- Working overtime without authorization (except in emergency situations).
- Unauthorized recording of communications with another employee without that employee's knowledge and consent, except for meetings for which a transcript is required or customarily kept or where the recording is made in accordance with supervisory responsibilities.
- Fighting, disorderly conduct, or harassment of others (including sexual

harassment) or use of abusive language while on the job and/or on City premises.

5.5 Performance Evaluations

This policy applies to all full-time regular and part-time regular employees.

STATEMENT OF POLICY:

Performance evaluations are intended to provide timely and specific feedback to employees on their work performance, goals, and achievements. Employees who are uncertain as to when their performance evaluation will occur should contact their supervisor or the Human Resources Department.

Written evaluations are prepared in the format approved by the Human Resources Department and should generally include the following:

- An opportunity for the supervisor and the employee to discuss performance expectations, goals, and work plans for the coming months;
- Feedback from the supervisor regarding the quality of the employee's work, the ability of the employee to meet goals and objectives, an assessment of the employee's working relationships, and suggestions for improvements;
- An opportunity for the employee to identify concerns; and
- Acknowledgment of performance standards, levels of achievement and, if problems are identified, actions necessary to rectify problems.

Performance evaluations must be reviewed by the appropriate supervisory level(s) prior to delivery to an employee. Once delivered to the employee, the employee should sign the document to acknowledge receipt. In the event an employee refuses to sign a performance evaluation, the supervisor should indicate the date that the evaluation was delivered to the employee and that the employee declined to acknowledge receipt. The completed form should be forwarded to the Human Resources Department for inclusion in the personnel file with a copy provided to the employee.

5.6 Conflicts of Interest

This policy applies to all employees.

STATEMENT OF POLICY:

As a public employee of the City, there may be times when employees are exposed to situations that pose a conflict of interest to the employee. The standard of behavior at the City is that all employees scrupulously avoid conflicts of interest that may exist between the interests of the City and personal, professional, and outside business interests. This includes avoiding potential and actual conflicts of interest, as well as perceptions of conflicts of interest.

Employees are prohibited from engaging in any activity, practice or act which conflicts, or are perceived to conflict, with the interests of the City or its citizens. Any situations that create an actual conflict of interest or an ethical dilemma, or even the appearance of such a conflict, must be carefully avoided.

The requirements of this section apply to an employee only in their capacity as an employee and do not apply to the receiving and giving of gifts and other items which relate solely to the employee's personal life.

To avoid conflicts of interest and protect the integrity of the City, caution must be used when accepting solicitations. Employees may not solicit, accept or receive the following from anyone doing business with the City or who lives, or owns property or has a business interest in the City: cash or cash equivalent in any amount, meals or gifts valued at over \$50.00 per year, loans, release of indebtedness, rewards, favors, services, use of equipment, travel, entertainment, special discounts, gains of any property, or promises or negotiations of future employment. If you have any question whether a situation is a conflict of interest, discuss the matter with your supervisor. If it remains unresolved, refer the matter to your department director for a final determination.

Exclusions: The following exceptions must be carefully evaluated before being accepted by any employee:

- Any gift, favor, service or other item that is received by the employee in his or her personal capacity and is unrelated to employment with the City, including such matters as inheritances, scholarships, and occasional gifts from family and friends on special occasions.
- An unsolicited, occasional nonpecuniary gift or tokens with a value of \$50 or less per year.
- An award, publicly presented, in recognition of public service.
- Reasonable expenses paid by professional organizations or businesses, not doing business with the City, for attendance at a convention, fact-finding mission or

trip, or other meeting or event if the employee is specifically representing the City.

- Items that are generally available to all employees of the City or to the general public.
- Admissions to and the cost of food or beverages consumed at a reception, meal or meeting attended by an employee in their official capacity.
- Gifts of food from City vendors that are made available to all employees within a particular division or department.
- Gifts and awards that are purchased by the City.

Each department may, with the approval of the City Manager, expand this policy to address department-specific issues. Professional employees who maintain active membership in a relevant professional organization and to abide by the Code of Ethics published by that organization.

It is impossible to describe all of the situations that may result in a conflict of interest or breach of standards of conduct. As public employees, we are held to a higher standard and are under greater scrutiny than others regarding conflict of interest and soliciting, receiving, accepting, or offering gifts. Therefore, when employees have questions concerning a possible conflict of interest, they should request direction from their supervisor, department director, or the Human Resources Director.

Any employee who reports an alleged violation of this policy will be protected from any retribution. Employees have a duty to report potential violations and failure to report may result in disciplinary action.

5.7 Outside Employment

This policy applies to all employees.

STATEMENT OF POLICY:

If an employee wishes to have additional outside employment, the employee must discuss the issue with management and complete the Notification of Outside Employment form. Acknowledgement is required by the department director and City Manager. Outside employment will generally be acceptable unless it unreasonably interferes with work performance, creates an actual or apparent conflict of interest, or it detracts from and discredits the City. Notification of outside employment must be submitted each calendar year, upon each new outside employment and/or each time outside employment job responsibilities change.

Despite engaging in any outside employment, the employee's duties with the City should always come first.

No employee may use any City goods, equipment, or materials for purposes related to outside employment.

5.8 Complaint Resolution and Problem Solving

This policy applies to all employees.

STATEMENT OF POLICY:

The City encourages that any conflict or disagreement between employees or between a manager and an employee be resolved at the lowest possible organizational level. To that end, the City expects employees to communicate with each other directly to try and resolve any issues. The City also realizes that resolution may require a third party or the intervention of management.

Employees who have a conflict and have been unable to resolve it together, or who may disagree with a City practice should promptly discuss the matter with their immediate supervisor, where appropriate. This discussion should be held as soon as possible. Discussions held in a timely manner will enhance the ability to resolve concerns while the issue is fresh in everyone's mind. It is anticipated that most misunderstandings can be resolved at this level.

If the solution offered by a supervisor is not satisfactory, or if it is not feasible to go to the supervisor, employees are encouraged to take the problem to their department director. Each department director is expected to hear from employees who have concerns and to attempt to resolve the issues promptly and in accordance with City and departmental policies. If the problem is still not resolved the next step would be for employees to submit a written complaint to the City Manager. The City Manager is responsible for all personnel issues. The City Manager will review the information and make a final, binding decision regarding the situation within a reasonable period. When appropriate, the City Manager may delegate this authority to an appropriate staff member or outside person to review. Also, see the Equal Employment Opportunity Policy and Complaint Procedure.

5.9 Promotions and Transfers

This policy applies to all employees.

STATEMENT OF POLICY:

Recognizing the need to fill available positions with the best-qualified people, the City may recruit from outside and/or consider qualified candidates among City employees.

In assessing an employee for promotion or transfer, the employee's experience, training, skills, performance, attendance, and length of service, among other factors, may be considered. Opportunities for promotion or transfer may be available within an employee's own department or in other departments.

Employees must be in good standing to be considered for a promotion or transfer. Unless department policy states otherwise, employees must have received an overall satisfactory performance evaluation on their most recent evaluation and must not have been subject to serious disciplinary actions during the 12 months immediately preceding the application for promotion or transfer. For purposes of this section, "serious disciplinary action" means suspension without pay, a fine, and/or demotion. Disciplinary measures less than a serious disciplinary action, while not an absolute bar to promotion or transfer, may still be considered in the employment decision to promote or transfer an employee.

5.10 Teleworking

This policy applies to all employees.

STATEMENT OF POLICY:

The City recognizes that flexible work arrangements, such as, working from home or an off-site location can benefit the City and the employee. Teleworking can be a viable alternative for some employees, but is not a universal benefit for employees. It is considered an alternative work arrangement for some employees whose job requirements and performance lend itself to such an arrangement. Teleworking is an established, regular alternative to being on-site and this policy is not intended to govern every minor instance of an employee working from home with supervisory approval. The limitations of section 5.10 do not apply to non-routine, flexible work schedules.

Teleworking may be an acceptable alternative to on premise work, though not all positions lend themselves to teleworking. Positions that have significant public contact and interaction are likely not suitable for teleworking. Positions that are more independent or research or writing oriented may be more appropriate. The discretion of allowing an employee to work off-site rests solely with the department director. Department directors may allow a trial period for teleworking and then assess whether it is working after a pre-determined amount of time.

Employees who are allowed to telework are expected to:

- Accomplish the same amount of work as if they were in their normal office
- Have an appropriate work area established that is free of distractions and hazards and conducive to productivity
- Be available during working hours by telephone, e-mail and/or text messages or as agreed upon with their supervisor
- Not conduct personal business during working hours unless authorized beyond the very limited amount normally allowed when on the worksite
- Document their hours worked while teleworking in the same manner as hours worked on site
- Comply with all technology policies for accessing any City computer systems while off site
- Maintain any confidential information in a secure and safe manner

Additional considerations:

- Teleworking should not place an additional burden on co-workers, City resources, and/or others dependent on the employee's work
- Supervisors should ensure that adequate onsite staffing remains to continue the

- department's normal operations
- If technology and/or software is required to assist an employee to telework, the City will supply the necessary technology and/or software
 - The City bears no liability for any improvements to a home office or other off-site work location
 - The City will not reimburse employees for any expenses related to working from home or off-site (e.g., office equipment or Internet connectivity)
 - Teleworking should be for pre-determined work days or partial work days and should not be an alternative to staying at home for illness or in lieu of using paid leave time
 - While not anticipated, the City or its insurance company reserves the right to inspect an off-site work location

Employees must submit a completed Teleworking Application, Teleworking Agreement and Accountability Plan to their supervisors. Prior to approving the Teleworking Application and establishing a Teleworking Agreement, supervisors must consider the impact the proposed work schedule will have on the public, fellow employees, employee morale, as well as the functional needs of the department as a whole. All telework schedules will be conditionally approved for a temporary, trial period. The trial period should allow sufficient time to determine what impact the scheduling change may have on meeting workload commitments, assessing impact on attendance, as well as allowing the employee and their supervisor to determine whether the new work schedule will meet the needs of the individual and the department. An employee's telework schedule may be modified by a supervisor or department director to meet the needs of the department. Participation in the telework program is voluntary and subject to the prior written approval by the employee, the employee's immediate supervisor, and his or her department director. Approval must be completed prior to the start of the employee's telework schedule by execution of a Telework Agreement, Accountability Plan, and a Safety Checklist.

Termination of Telework Participation:

The Telework Agreement may be cancelled at any time by either the employee or the City by written notification or at the discretion of the supervisor to include, but not limited to, the following: exceptional and verifiable needs of the department, change in the employee's work function, employee non-satisfactory performance, failure to maintain the acceptable leave balances, or abuse of the telework policy.

5.11 Restrictions on Political Activity

This policy applies to all employees.

STATEMENT OF POLICY:

The City recognizes that employees have rights and responsibilities as citizens to participate in the political process. However, because City employees hold positions of public trust and confidence, certain restrictions on political activities of employees both on and off the job are necessary to avoid actual or apparent conflicts of interest and to promote the integrity of City government.

Definition: For purposes of this policy “political activity” means any act or statement supporting or opposing any candidate, legislation, constitutional amendment, amendment to the City’s Municipal Code or City Charter, or any petition addressed to any government agency, or official or the circulation of any such petition or placement of political media/signs on City property.

Prohibitions:

- No employee may engage in political activity while:
 - on duty;
 - in a uniform that identifies the employee as a City employee;
 - in a City office or building (except when in such place as a citizen and not as an employee); or
 - using a City vehicle or equipment;
- No employee may represent his or her position concerning a political topic as the position of the City when engaging in off-duty political activity.
- No employee may receive additional compensation, according to *Section 1-6-115, C.R.S.* for serving as an election judge, election clerk, or designated election official in a municipal election.

Political activities do not include:

- registering to vote or voting in any election;
- statements supporting or opposing any legislation, constitutional amendment, amendment to the City’s Municipal Code or City Charter, or any petition addressed to any government agency or official, when made by an employee authorized by the City Manager to express the City’s official position; or
- statements made by an employee in the course of the employee’s job duties to aid City management in formulating an official City position; and
- assisting a designated election official to help conduct an election as an official election judge under *Section 1-6-101, C.R.S. et seq.* and has taken the judges oath under *Section 1-6-114, C.R.S.*

5.12 Reporting Criminal and Traffic Charges

This policy applies to all employees.

STATEMENT OF POLICY:

Reportable Offenses: Employees who are charged with the following offenses, whether the alleged offense occurred on duty or off duty, must report the charges to their supervisors within a week of the date of the charged offense:

- Any non-traffic-related petty, misdemeanor or felony offense;
- Eluding or attempting to elude a police officer;
- Hit and run, or leaving the scene of an accident, or failure to give notice, information, aid and/or report to police when involved in an accident resulting in injury to, serious bodily injury to or death of any person or damage to a vehicle.

Driver: Employees whose jobs involve driving any vehicle (whether City owned or private vehicle) and who are charged with any of the following offenses, whether the alleged offense occurred on duty or off duty, must report the charges to their supervisors within a week of the date of the charged offense:

- Driving under the influence of intoxicating liquor and/or drugs, driving while impaired by intoxicating liquor and/or drugs, or driving with excessive alcoholic content, or driving with ability impaired;
- Speed contest;
- Driving while license denied, suspended or revoked;
- Reckless driving;
- Reckless endangerment;
- Homicide, manslaughter or assault arising out of the use of a vehicle;
- Making a false accident report;
- Careless driving;
- Speeding > 20 mph or more over posted limit; and
- CDL disqualification

Discipline and Investigations: Criminal conduct by employees may result in disciplinary action, possibly including termination of employment, even when the alleged conduct occurred off duty when it relates to qualifications of an employee's position, interferes with the performance of the employee's job, or creates an actual or apparent conflict of interest with the City. Moreover, the City may investigate alleged criminal misconduct and take action based on the nature and circumstances of the alleged offense regardless of whether the employee is convicted in court of the alleged offense.

5.13 Alternative Work Assignments

This policy applies to all employees.

STATEMENT OF POLICY:

Employees who are temporarily unable to perform the physical or mental functions required by their regular job as a result of work or non-work related injury or illness, may be offered alternative job assignments. For purposes of this policy, an alternative job assignment is a temporary task, project, function or group of temporary tasks, projects or functions that are generally less physically or mentally demanding and/or require less physical movement than an employee would be required to use during the course of performing regular job assignments.

Alternative job assignments are at the discretion of the City and are subject to the availability of suitable tasks, projects, or functions within the City as well as operational needs. Employees on injury leave are required to work in an alternative job assignment if one is made available. The rate of pay for an alternative job assignment will depend on the assigned tasks and may or may not equal the rate of pay for the employee's regular job.

A release from the treating health care provider detailing the employee's physical or mental restrictions may be required before an employee can be placed in an alternative job assignment. The specific tasks, functions, projects, or work hours may be altered as needed by the employee's supervisor so long as the restrictions provided by the employee's health care provider are maintained.

See Injury Leave and Work-related Injury policies for additional, relevant information.

5.14 Employment and Supervision of Relatives

This policy applies to all employees.

STATEMENT OF POLICY:

Applicants who are related to existing employees will be denied employment when:

- One relative would directly exercise supervisory, appointment, dismissal authority, or disciplinary action authority over the other relative; or
- One relative would process payroll or audit, verify, receive, or be entrusted with monies received or handled by the other relative.

Should two current employees become related as defined below and they are in one of the above situations, the employees will be given 90 days to remedy the situation by voluntarily transferring to another position, if available, or resigning one's employment. Should the employees be unable to remedy the situation themselves, the City may elect to transfer or terminate one of the employees.

For purposes of this policy, "relative" is defined as spouse, parent, child, sibling, fiancé/fiancée, grandparent/grandchild, aunt/uncle or any similar step-relationship. It shall mean all of the above relationships, whether established by blood, adoption, or marriage. The City reserves the right to include other close relationships if the City determines that the relationship between employees may be perceived as inappropriate and/or violates one of the above categories.

5.15 Romantic Relationships Between Staff in a Supervisory Relationship

This policy shall apply to all employees.

STATEMENT OF POLICY:

The City does not seek to interfere in the consensual, private relationships of adult staff members. However, it is the policy of the City that staff who are in a manager – subordinate relationship shall not also be engaged in a romantic relationship with each other. This policy is designed to maintain the general collegiality and productivity of the entire staff and to protect the work environment. A romantic relationship within a managerial relationship can make others within the same managerial relationship uncomfortable and unable to speak and act freely. It may also raise the potential for conflict between the manager and subordinate, and increase the potential for perceived or actual sexual harassment in the workplace. A manager–subordinate relationship exists not only where there is direct supervision, but also wherever a person has direct or indirect influence over another’s work assignments, performance evaluation, and/or salary. If two people who are in such a managerial relationship become involved in a romantic relationship, it is their responsibility to bring the situation to the attention of their department director or a member of the Human Resources Department. In the event a relationship conflicts with this policy, either or both employees may be reassigned or, if circumstances warrant, a separation of employment may occur.

5.16 Inspections

This policy applies to all employees.

STATEMENT OF POLICY:

In order to ensure the safety and protection of employees and citizens, as well as to protect the interest of the City in ensuring that its departments operate in an effective and efficient manner, the City reserves the right to inspect and search its own premises and equipment as well as employees' personal property located on City premises when there are reasonable grounds for suspecting that an inspection or search will turn up evidence of prohibited items, including but not limited to, illegal drugs, alcohol or other contraband. An employee who refuses to submit to a search request by the City may face disciplinary action up to and including termination of employment.

5.17 Unauthorized Electronic Surveillance

This policy applies to all employees.

STATEMENT OF POLICY:

Unauthorized electronic surveillance of employees is disruptive to employee morale and inconsistent with the respectful treatment required of City employees. For this reason, no employee may surreptitiously record the conversation of another employee or video another employee without his or her full knowledge and consent. The City reserves the right to monitor its own premises using video surveillance cameras in public areas to help prevent theft and otherwise safeguarding City premises and City property.

5.18 Use of City Property

This policy applies to all employees.

STATEMENT OF POLICY:

City property, facilities and equipment represent a major investment of taxpayer funds. The City issues equipment for its employees' use in a manner that facilitates the productive use of time relative to job accomplishment. It is the responsibility of all employees to assist in the maintenance and protection of this investment. City property, facilities and equipment may be used only for the public purposes for which they were acquired. Employees' personal use of City property, facilities, or equipment is prohibited except for limited use in accordance with this policy and authorized by the supervisor. As used in this policy, the phrase "personal use" shall not include a use that is related to an outside business or outside employment of an employee. Employees are prohibited from using City property, facilities, or equipment for outside business or outside employment purposes.

The City is not responsible for any personal items that are placed or left in any such work or storage spaces that are lost, damaged, stolen, or destroyed.

Employees shall not use City equipment to view, transmit, download or otherwise receive materials that involve the use of obscene language, images, jokes, sexually explicit materials or any messages that contain defamatory, false, inaccurate, abusive, threatening, racially, ethnically, or religiously offensive or otherwise biased, discriminatory or illegal material; any messages that encourage the use of controlled substances, uses the system for the purpose of criminal intent or any other illegal, immoral or unethical purpose; any message that violates or infringes on the rights of any other person, including the right to privacy.

Telephones and Fax Machines: Employees may occasionally need to make or receive personal phone calls and faxes while at work. Employees may use City telephones and fax machines for personal reasons so long as such use, in the discretion of the supervisor, is not excessive, disruptive, or otherwise a violation of the public trust. The City may periodically perform a records review to determine the extent of personal use and the financial impact upon the City. Supervisors may restrict or prohibit an employee's personal phone calls and use of fax machines, or take other disciplinary action, if, in the supervisor's judgment, an employee's use is excessive or affects the performance of the employee or others or is otherwise a violation of the public trust. An employee may be responsible for ascertaining and paying all costs associated with any personal use of such equipment.

City Information Systems: If an employee uses a City issued device in the normal

course of job duties, they are authorized to use only applications and services approved by the Information Technology Division and only in accordance with the license agreement stipulated by the manufacturer. Illegal or inappropriate use of City owned property will not be tolerated.

The City utilizes systems where employees use electronic communications and information transfer. The communication systems are intended for business use; personal use must be limited. Employees should remember all City issued hardware, software, and services are property of the City and thus should not assume any information stored on or accessed by City property is confidential. Said information can be accessed by the City or its designated representative at any time.

Employees should be aware that under Colorado Open Records Act (CORA), members of the public may have access to information such as e-mail, voicemail, instant messages, and text messages, if an appropriate request is made.

The City reserves the sole and exclusive right to access and disclose any electronic information sent or received by employees. The City Manager or department director may authorize the monitoring of an employee's electronic devices including, but not limited to, e-mail, voicemail, and internet communications, with or without notice.

Employees may send and receive personal messages on the City system so long as such use, in the discretion of the supervisor, is not excessive, disruptive or otherwise a violation of the public trust.

5.19 Confidential Information

This policy applies to all employees.

STATEMENT OF POLICY:

Most employees of the City will, at some point, have access to confidential information. This may come in many forms. Disclosure of confidential information might seriously damage the City, its citizenry, or businesses and therefore such action will not be tolerated. This non-disclosure applies during and after employment. Any copying, reproducing, disclosing, or distributing confidential information in any manner must be authorized by an employee's supervisor or department director. Employee questions on this matter should be directed to the employee's immediate supervisor. Confidential information remains the property of the City and must be returned to the City on demand.

5.20 References

This policy applies to all employees.

STATEMENT OF POLICY:

According to Colorado law, employers are granted immunity when providing references about an employee to a prospective employer, as long as the information is accurate and documented.

Therefore, all requests for references, written or verbal, should be forwarded to the Human Resources Department. Department directors, managers, supervisors, and co-workers, at the authorization of the Human Resources staff, may release information with a signed release by the current or former employee. Without a signed release, Human Resources will provide the following information:

- The title of the current or most recent position held by the employee.
- The dates the employee was employed by the City.
- The applicable employee status.
- Current or most recent salary.

5.21 Social Media

This policy applies to all employees.

STATEMENT OF POLICY:

All official City of Evans social media websites or services are considered an extension of the City's information networks and are governed by this manual and the City's communications policy and procedures. Content posted by City staff on City social media websites will be limited to content (or portions thereof) which has been created, approved, retained and distributed through the City's standard communications channels. Content and entries will be posted only by authorized City of Evans employees.

City of Evans social media websites may not be used by any City employee for private or personal purposes or for the purpose of expressing private or personal views on personal, political, or policy issues. City social media websites may not be used to express personal views or concerns pertaining to City employment relations matters. Social media websites shall not be used by the City or any City employee or representative to disclose sensitive and/or confidential information without the prior expressed written approval of the City Manager's Office.

Employees representing the City of Evans via any social media outlet(s) must conduct themselves at all times as representatives of the City of Evans. Employees that fail to conduct themselves in an appropriate manner shall be subject to disciplinary action.

The City of Evans allows employees to post on the City's social media site(s). Further, the City does not restrict an employee's ability to have a personal social media site(s) where the employee publicly acknowledges his or her employment with the City. Personal uses of social media may not appear to represent City policy or to be on behalf of the City. Employee comments and posts related to his or her position or employment with the City must conform to the City of Evans' policies. As such, the following are examples of content that are prohibited:

- Obscene, pornographic, profane, explicit, or racist language;
- Potentially defamatory statements, personal attacks, threats, harassment, insults, or language inciting violence;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation, or political party;
- Sexual content or links to sexual content;
- Comments not topically related to the current thread;

- Campaign-related posts of any kind;
- Commercial product or service promotions, solicitations, or advertising of products or services which may conflict with an employee's job, or solicitations for non-profit, personal, political or religious causes;
- Conduct or encouragement of illegal activity or invasion of an individual's privacy;
- Information that may tend to compromise the safety or security of the public or public systems.

Employees using social media are expected to use good judgment. The City expects that employees will be respectful of the City, our employees, our customers, our partners and affiliates, and others. Avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene or threatening, that defames or libels our employees, customers, partners and affiliates, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment.

Employees must comply with all applicable laws, including copyright and fair use laws.

A blog, wiki, or social networking site is not the ideal place to make a complaint regarding alleged discrimination, unlawful harassment, or safety issues. Complaints to the City must be made consistent with the Complaint Resolution and Problem Solving policy in this manual, so they can be addressed.

Employee postings in violation of this policy will not be tolerated.

5.22 Travel Expenses

The policy applies to all employees.

STATEMENT OF POLICY:

The City will reimburse its employees for expenses incurred traveling on City business that are authorized, reasonable, and appropriately documented. It is expected that all City employees will plan ahead when possible and exercise appropriate care in incurring such travel expenses. Because the City is a public entity, such expenses should be moderate both in frequency and in amount. It is the responsibility of each traveler, as well as the supervisor approving the expenses, to comply with the provisions of this travel policy.

Authorization and Reporting: Except in case of an emergency, any employee travel on behalf of the City must be authorized and preapproved by his or her department director. The City Manager shall authorize all overnight travel for department directors. Unauthorized travel and time expense not pre-approved by the department director, or the City Manager when appropriate, will not be paid by the City. It is the employee's responsibility to report his or her actual travel expenses in a responsible and ethical manner, in accordance with the regulations set forth in this policy.

Air Travel: Coach class or any discounted class airfare shall be used in the interest of economy. Airfare costs in excess of the lowest available commercial discount airfare are not allowable except when the lowest available airfare would:

- Require circuitous routing
- Require travel at unreasonable hours
- Excessively prolong travel

City Vehicles: Use of departmentally assigned or pool City vehicles for travel to and from designated places on City business outside the City will be used when this is determined to be the most economical means necessary. See the Rules for Traffic and Vehicle Operations policy for more information.

Private Vehicle: Use of a private vehicle for travel on City business must be preapproved by the employee's department director prior to travel. Employees who use a personal vehicle to travel on City business will be reimbursed for the mileage at a rate set by the Internal Revenue Service ("IRS"). The established mileage reimbursement rate takes into consideration all costs of owning and operating a vehicle, including fuel, insurance, maintenance and depreciation. The City does not provide automobile liability and comprehensive/collision insurance for loss or damage to a personal vehicle used for business travel. Physical damage to the vehicle or loss of physical property in the vehicle is not covered by the City. Employees who use

private vehicles shall assure their department director that they have personal auto insurance coverage with liability insurance with limits at least as high as the minimum limits specified by the State of Colorado and maintain proof of insurance as required by law. Employees should refer to their policy or contact their insurance agent for coverage specifics. See the Rules for Traffic and Vehicle Operations policy for more information.

Meal Allowance: For approved out of town or overnight travel, the City provides employees with a per diem allowance in accordance to Internal Revenue Service (IRS) guidelines for the destination area. When the full per diem is not authorized, allowance for meals is not to exceed the IRS per diem allowance and will be allocated on a pro-rated basis. Per diem is suggested to be requested and paid prior to travel and shall be reduced by the value of any meals included in conference or training registration fees. No public funds are to be spent on alcoholic beverages in any event. The City does not allow for reimbursement of meal expenses and only provides for paid work meals through the per diem method.

Taxi, Rental Car or other Local Transportation: The cost of taxis and other local transportation to and from hotels, airports, or railroad stations in connection with business activities is reimbursable. Rental cars may be utilized if there is no other reasonable means of transportation available or if taxi fare is greater than rental car fees.

Lodging: Lodging expenses will be reimbursed at the actual cost of the room provided that the employee seeks reasonable priced lodging subject to his or her department director's approval. Employees should take full advantage of special convention/program agency negotiated rates.

Business Phone Calls: Travelers will be reimbursed for business phone calls that are reasonable and necessary for conducting business.

Other Reimbursable Expenses: Reimbursement will be allowed for:

- Parking and tolls
- Baggage handling
- Business expense such as printing, copying, and faxing

Travel with Family Member or Guest: A family member(s) or guest(s) may accompany the employee on official City business; however; transportation expense and all additional expenses attributable to the accompanying member(s) or guest(s) for meals, lodging, and etc., will be the responsibility of the employee. Family members are prohibited from traveling in a City vehicle with an employee. Guests may be allowed to travel with an employee in a City vehicle with permission of a supervisor or department director.

Business Travel for Hourly Paid Employees: Supervisors should contact the Human Resources Department regarding overtime during travel for non-exempt employees and discuss these provisions with the employee before permission to travel is granted.

Commuting Expenses do not qualify as a Travel Expense: Commuting expense is the cost of one round trip between an employee's residence and his place of employment. Employees may not be reimbursed for commuting expenses.

5.23 Cell Phone Use and Allowance

This policy applies to all employees.

STATEMENT OF POLICY:

Because of City operation needs, particularly call-out emergencies, certain City employees may be required to have a cell phone. There are two ways in which cell phones are provided and payment for cell phone services is handled:

- The City provides the cell phone to the employee and pays for the service.
- The employee provides the cell phone and pays for the service. The employee is paid an allowance. This method is subject to department director approval for employees or the City Manager approval for department directors.

Use of Personal Cell Phones: Employees who use their personal cell phone in lieu of a City-provided phone for City business may be paid a monthly allowance. The monthly allowance is meant to cover the needs of the department. The amount of the allowance will be set by the Human Resources Department or City Manager and will be adjusted periodically based on prevailing rates, if necessary. This monthly allowance will be paid to the employee on their bi-weekly paycheck as taxable income. A Personnel Action Notice must be completed and approved by the department director or the City Manager for department directors to initiate or terminate the payment of the allowance to the employee. In addition, a Cell Phone Allowance Agreement must be completed by the employee and approved by the department director. Other written agreements may also be required by department policy. Billing statements for personal cell phones used for City business which are receiving an allowance may be inspected and subject to Open Records Requests. All employees who receive an allowance are solely responsible for acquiring their own cell phone. Any cell phone equipment and service contract purchased is the employee's responsibility. In addition, any maintenance and/or repair costs as well as payment of the cell phone bill are the employee's responsibility. Employees selecting this option must make their cell phone numbers available for City business purposes. It is the employee's responsibility to notify the City if the cell phone service has been cancelled.

Use of City Cell Phones: A cell phone that is provided by the City to an employee should only be used for City business and not used in an illegal, illicit or offensive manner. The employee is responsible for the loss of any cell phone and may be required to pay for a replacement. The employee should make every attempt to use landline phones when available. Billing statements for City provided cell phones may

be inspected and are subject to Open Records Requests.

Cell phone use for personal business should be limited to only necessary and immediate incidental needs and must be reimbursed to the City monthly as detailed below. Personal usage that has a direct charge must be reimbursed.

Reimbursement for personal usage that is part of the package minutes must be handled as follows:

- If personal usage does not cause the package minutes to be exceeded, no reimbursement is necessary.
- If personal usage causes the package minutes to be exceeded, then the personal usage must be reimbursed to the City at the rate of the excess-minute rate.

The employee must review the monthly statement for personal use and reimburse the City for personal charges if necessary. The Finance Department may periodically review the monthly statements to ensure charges are in compliance with this policy.

Driving Hazards: Employees are responsible for operating City-owned vehicles and other hazardous equipment in a safe and prudent manner. Therefore, employees should refrain from using cell phones while operating such vehicles and equipment.

5.24 Fitness for Duty Exams

This policy applies to all employees.

STATEMENT OF POLICY:

The City of Evans has an obligation to provide a reasonably safe work environment. When the City has concerns that an employee may lack the ability to perform the essential functions of his or her job safely or reliably, the City may, at its expense, require the employee be examined by a physician or other health-care provider selected by the City.

Non-routine evaluations may be required when:

- A physical or mental condition appears to be adversely affecting an employee's ability to perform the essential functions of the job.
- The employee's physical or mental condition may be adversely affected by the requirements of his or her position.
- A safety or liability concern is identified that could be caused by the employee's physical or mental condition.

The employee may be placed on a leave of absence and foreclosed from working or, possibly, subject to disciplinary action up to and including termination for refusing to submit to a medical examination. Employees are expected to cooperate in any treatment recommended by a health care provider.

5.25 Emergency and Weather Closure of City Operations

This policy applies to all employees.

STATEMENT OF POLICY:

The City Manager, or his or her designee, may close City facilities or suspend operations due to emergency conditions. Generally, such closure will be announced on local and metro-wide sources, including television and radio, as well as the City's website. If the closure is announced before their shift, employees who conduct non-essential functions are excused from reporting to work. If the closure is announced during their work day, employees performing non-essential functions may be sent home. Employees who perform essential City functions may be required to work during the periods of closure. Department directors are responsible for determining "essential operations" in their departments.

6.0 DISCIPLINE, SEPARATIONS, AND RE-EMPLOYMENT

6.1 Disciplinary Actions

This policy applies to all employees.

STATEMENT OF POLICY:

The purpose of this policy is to identify the disciplinary actions that are typically used by the City. However, it does not preclude pursuing other actions which include, but are not limited to, performance improvement plans. Disciplinary actions can range from a formal discussion with the employee about the matter to immediate termination. Although there is a progression in the types of discipline outlined in this policy, ***any discipline may be taken at any time depending upon the nature, frequency and/or severity of the problem. Action taken by management in an individual case does not establish a precedent in other circumstances.*** Also, in rare circumstances, an employee may be issued more than one of the same type of discipline depending on factors such as the nature of the problems, the time-period between incidents and the employee's overall employment record. Disciplinary actions are viewed as constructive correction processes designed to assist the employee in developing the skills necessary to successfully perform the duties and responsibilities of a given position.

Except for coaching and counseling and verbal warnings, records of any disciplinary action are kept in the employee's personnel file in the Human Resources Department for the duration of his or her employment.

Typical Counseling and Disciplinary Actions.

Coaching and Counseling: The supervisor may notify the employee of concerns relating to his or her performance and provide direction, assistance, and/or guidance for improvement. Should the supervisor determine that the employee lacks the knowledge or skills necessary to perform the job, training to acquire the appropriate skills and/or knowledge may be provided in lieu of internal coaching and counseling. Following this discussion, the supervisor may provide the employee with a follow-up memo confirming discussion and expectations.

Verbal Warning: This is a verbal notice to an employee that his or her performance, behavior or conduct must be improved or corrected. A verbal warning may be given by the immediate supervisor and defines the improvement or corrective action required and informs the employee that failure to comply with the verbal warning will result in more severe discipline. Supervisors should record the date and subject of the verbal warning.

Written Warning: This is a written notice to an employee that his or her performance, behavior, or conduct must be improved or corrected. The supervisor will document in writing and discuss with the employee the problem, improvement, or corrective action required of the employee, time frames for such action and consequences of the employee's failure to comply. Following this discussion, the written warning will be placed in the employee's file in the Human Resources Department. All employees who receive a written warning will be asked to sign the document to acknowledge receipt. If an employee refuses to sign, the supervisor will document the refusal.

Reimbursement: If an employee causes damage to City property and is determined to be at-fault for property damage, he or she may be responsible for reimbursement of the damaged property. At-fault damage of City property may be based on an employee's willful misuse, carelessness, or intentional destruction. Reimbursement as a form of discipline may be in addition to any other appropriate disciplinary action (i.e. suspension without pay). Failure to agree to reimburse the City via payroll deduction may result in further disciplinary action up to including termination.

Suspension without Pay: This is a written notice of temporary removal of an employee from duty without pay. Suspension should be used if it is believed that suspension will bring about the required improvement in the employee's performance, conduct or behavior or when cause is sufficiently serious to warrant such action. If a situation arises wherein an employee must immediately be removed from the worksite, a supervisor may take such action to be followed by formal action set forth in this section. Suspensions of employees shall comply with federal Fair Labor Standards Act (FLSA). The decision to pursue suspension without pay is made by the department director in consultation with the Human Resources Department.

Involuntary demotion: An involuntary demotion is the involuntary reassignment or reduction of an employee from his or her present position to a lower classification due to the employee's inability to perform the required tasks of his or her present position. An involuntary demotion may only be given if an appropriate position is available; a position will not be created. Any demoted employee shall assume a salary commensurate with the lower classification. The decision to pursue demotion is made by the department director in consultation with the Human Resources Department.

Termination: This is a decision to terminate an employee's work relationship with the City as a result of the employee's performance, behavior, or conduct which have failed to meet the City's expectations or when the nature of the misconduct warrants this action. The decision to pursue termination is made by the department director in consultation with the Human Resources Department.

6.2 Separation from Employment

This policy applies to all employees.

STATEMENT OF POLICY:

All employees are “at-will” employees. Absent an employment contract signed by the City Manager or the City Council, at-will employees are employed for no set term or period of time and either the City or the at-will employee can sever the work relationship, at any time, with or without cause or advance notice.

Voluntary Separation: A voluntary termination of employment occurs when an employee informs his or her supervisor of the employee’s resignation or when an employee is absent from work without authorization for three consecutive workdays and fails to contact his or her supervisor. A resignation, once tendered, cannot be revoked without approval of the department director and Human Resources Director.

Employees are requested as a courtesy, but not required, to provide at least two weeks’ written notice of their intention to separate from the City to allow a reasonable amount of time to transfer ongoing workloads. Employees who are contemplating retirement are asked to provide their supervisors 90-day written notice of their intentions to retire. Written notices shall include the anticipated date of departure, employee signature, and any other information the employee deems applicable. Written notices will be placed in employee personnel files.

Involuntary Separation: An involuntary separation, including a layoff or reduction-in-force, is a City-initiated termination of the employment relationship. Reasons for an involuntary separation may include, but are not limited to, the failure or inability of an employee to perform the essential functions of his or job, unsatisfactory attendance or behavioral lapses, including misconduct. The City does not promise a progressive disciplinary process to correct performance or behavior and, instead, in cases of misconduct, may involuntarily separate an employee immediately. Except as expressly provided per these Employee Policies, at-will employees do not have any right to appeal an involuntary separation to the City. Employees who involuntarily separate, absent extenuating circumstances approved by the City Manager, are not eligible for rehire.

Reduction-in-Force: In addition, cause for termination may also exist for reasons not related to job performance, such as operational need, reorganization, elimination of positions, or staff reduction. Should an applicable situation occur, retention may be based on the department director recommendation which will be documented concerning the specific considerations used in developing the recommendation.

The City Manager will determine whether a reduction-in-force is necessary, because of lack of work, lack of funds, reorganization, or curtailment or elimination of operations or

programs, whether due to a City Council policy decision or otherwise. Any reduction-in-force decisions will be based on the need to provide essential services to the community and the efforts of City management to minimize the impact of any reductions on the overall services delivered to the community. Following consultation, the City Manager, in collaboration with the department director(s), the Human Resources Director, and the City Attorney, will determine the size and scope of the reduction-in-force.

If a reduction-in-force is deemed necessary by the City Manager, affected department directors will work in collaboration with the Human Resources Director and the City Attorney to determine which individual employees within a defined group will be affected under this policy. Depending on the circumstances of the reduction-in-force, a "defined group" may be a department, division, or other work group now performing the functions/services being reduced, eliminated, or otherwise affected. Once a group is defined, the determination of who will be affected by the reduction-in-force will be made based on the following criteria in descending order of priority, provided that they apply to the specific situation:

- A review of the defined group's goals in order to determine appropriate staffing levels
- Priority should be given to the business need of minimizing the impact upon service delivery to the public and the effective delivery of these services in the future
- Employee productivity considerations which may include, without limitation:
 - employees' work performance histories (performance evaluations over the last five years);
 - employees' disciplinary records;
 - employees' skills, knowledge, and abilities as they relate to the group's needs;
 - employees' safety records; and
 - employees' attendance records.

In those situations, where criteria outlined above are determined to be equal as they relate to the City's business needs, the City may retain those employees with the most seniority. Seniority is determined by the employee's total service date as shown by the Human Resources Department's records.

Employees who are terminated as a result of a reduction-in-force may be offered the opportunity to enter into a separation agreement with the City and may be offered separation pay.

The City Manager will have the final determination on all reduction-in-force decisions.

Death of an Employee: A termination due to the death of an employee will be made effective as of the date of death.

Exit Interviews: Employees leaving employment may be asked to schedule an exit interview with the Human Resources Department. Exit interviews are often a valuable tool to obtain insight from employees who are leaving the City.

City Property: Employees are expected to follow the separation check-out procedures provided by the Human Resources Department prior to separation. At the time of separation and prior to final payment, all records, assets, and other items of City property in the employee's custody shall be transferred to the supervisor. Supervisor will review and acknowledge the receipt of these items. Any amount due to the City, because of a shortage in any of the areas outlined above, will be withheld from the employee's final compensation or collected through other appropriate actions.

Final Pay: An employee who separates voluntarily or involuntarily will be paid through his or her last day of work, plus any unused vacation pay, compensatory time, and personal leave, less any required payroll deductions, outstanding loans, advances or other agreements the employee may have with the City. Accrued unpaid health leave is not paid at separation of employment. Pay shall be in accordance with federal and state guidelines as well as the City policies. In cases of an employee's death, the final pay due to that employee will be paid to the deceased employee's estate.

6.3 Re-employment

This policy shall apply to all employees.

STATEMENT OF POLICY:

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

Former employees may be considered, within the first year after separation, for re-employment in the same or a similar position, given an opening; former employees may be authorized for the position without qualifying in a competitive selection process that other applicants are required to complete. Former employees shall submit an application for open positions, and are subject to those standards outlined in the employment policies.

Former employees who worked for the City longer than one year and left the City in good standing may be given consideration for bridging of prior years of service, if their separation has not been longer than 12 months. Should prior service be granted, this service may be credited toward all employee benefits that include a length of service component. For this section, length of service component will refer to City benefits, such as, vacation leave accrual and vesting schedule as allowed under the plan documents. Any available health leave accrual that existed at the time of separation may be credited at the time of rehire so long as the date of rehire is within the stated 12-month period.

7.0 SAFETY

7.1 Employee Safety and Health Policy Declaration

This policy shall apply to all employees.

STATEMENT OF POLICY:

The greatest priority for the City of Evans is to provide a safe and healthy environment for its employees and the public. To accomplish this, the City provides a safety and loss control program. The City maintains a separate Safety Manual which each employee is responsible for reviewing. Each department may also have safety standards specific to their own operations.

It is the responsibility of every employee to observe safe-working practices at all times. During any business conducted by the City, all employees are required to adhere to safety and health policies and procedures and follow all applicable State and Federal safety and health regulations.

Employees share the responsibility of managing safety with their supervisors to resolve safety issues before accidents occur. Most importantly, this cooperation helps foster an accident-free attitude among employees and a culture of safety for the City.

Employees are encouraged to detect and immediately report to their supervisor, department director, or to a member of the Employee Safety Team any hazardous conditions, practices, or behavior in their workplace and to make suggestions for corrections.

Employees should take their time to do each job safely and correctly. No job is so important, and no work assignment is so urgent that employees cannot take the time to perform work safely.

The following are main highlights of the safety and loss control program. All employees will:

- Learn and follow established safety policies and procedures.
- Immediately report any accidents, including work-related injuries or illnesses to their immediate supervisor.
- Cooperate and assist in the investigation of work accidents.
- Actively support and participate in safety and loss control program activities provided by the City.
- Complete any required or designated safety training.
- Ask their supervisor if unsure how to conduct a specific task safely.
- Use and provide proper care to all safety equipment and devices provided.

Violation of City or other safety standards will not be tolerated.

7.2 Work-related Injury or Illnesses

This policy shall apply to all employees.

STATEMENT OF POLICY:

The primary consideration in the event of an accident is the welfare of the injured employee. If the injury is such that medical attention is required, the employee will be taken to a medical facility immediately. In the case of an extremely serious accident, no attempt should be made to move the injured employee. Instead, call 9-1-1 for medical assistance or 9-9-1-1 from a City phone.

Reporting:

Employees injured on the job or become ill due to a job-related incident, no matter how minor, must report this fact in writing to an immediate supervisor as soon as possible, but within 12 hours of the injury/illness. The supervisor is then responsible for reporting the injury or illness to the Human Resources Department. Prompt reporting of the accident will help the City to take steps to reduce the possibility of future accidents.

Treatment:

It is critical employees receive prompt medical treatment, if needed, from the City's designated medical providers. Treatment for on-the-job injuries must be obtained from these designated medical providers or employees may be responsible for the cost of care. The employee must provide appropriate notification and documentation to the supervisor before going to medical appointments. It is the employee's responsibility to check with the doctor to see if there are any work restrictions as a result of the injury or illness (i.e., lifting restrictions) and provide written documentation to the supervisor. If a prescription needs to be filled as the result of a work-related injury, check with the supervisor or call the Human Resources Department; do not use the health insurance prescription card for this purpose.

Work Restrictions:

If a designated medical provider places work restrictions that prevent an employee from being able to work in any capacity, written documentation from the physician must be provided to the supervisor immediately and leave should be charged to injury leave. If the appropriate documentation is not provided promptly, or there is some question as to whether the claim will be accepted by the insurance carrier, leave time may be charged to health leave, other leave, or leave without pay if no leave is available. See the Injury Leave policy for additional, relevant information regarding benefits.

Alternative Work Assignments:

The City has an Alternative Work Program with the intent to utilize eligible injured workers in a productive capacity while they are recovering from an injury. The

Alternative Work Program may sometimes be referred to as “light duty program” or “modified duty program.” The goal is to support an employee to return to work in a capacity which suits his or her physical limitations when a physician certifies his or her inability to perform regular job duties. Depending on work restrictions, an employee may be approved for an alternative work assignment.

See Alternative Work Assignments and Injury Leave policies in this manual and the Safety Manual for additional, relevant information.

7.3 Workplace Violence Prevention

This policy shall apply to all employees.

STATEMENT OF POLICY:

Workplace violence is any action towards an employee that threatens or adversely impacts their physical or mental well-being or an act that causes or that if allowed to continue could cause damage to City property. City of Evans employees must know how to recognize the signs and immediately report these to a supervisor, manager, department director, or the Human Resources Department.

The City strives to provide a workplace which is free from violence. In doing so, the City is complying with applicable state and federal laws which prohibit violence in the workplace. There are procedures to prevent workplace violence and to respond to incidents of workplace violence. It will be a violation of this policy to threaten, intimidate, physically attack, cause or attempt to cause property damage defined as follows:

- **Threats** are the expression of intent to cause physical or mental harm. An expression constitutes a threat regardless of whether the party communicating the threat can carry it out or whether the expression is possible, based on specific conditions or something that could occur in the future. Examples of threats include, "I know where you park," "It all ends here," or "You don't know what I'm capable of doing."
- **Intimidation** includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- A **physical attack** is an unwanted or hostile physical contact such as hitting, fighting, punching, shoving, or throwing objects.
- **Property damage** is intentional damage to property and includes property owned by the City, employees, visitors, or vendors.
- Use or possession of a weapon without proper authorization from City or under the law.
- Any other offensive act or behavior in which, in the City's opinion, is inappropriate and could constitute an act of violence for the workplace.

The City has a policy of "zero tolerance" of violence. Violence in the workplace, threatening violence in the workplace and unwelcome discussions of violence, including joking about violent acts, is not tolerated.

For the City to take appropriate action as soon as possible, employees will report any violations of this policy to their supervisor, department director, or the Human Resources Department as soon as possible but at least within 24 hours of the occurrence of the policy violations(s). Threats or assaults that require immediate attention by police should be reported first to police at 9-1-1. Complaints will receive prompt attention and, if the results of an investigation confirm an offense, appropriate action will be taken against the offender up to and including termination. No employee shall be subject to retaliation for making a report of workplace violence.

7.4 Traffic and Motor Vehicle Operation

This policy shall apply to all employees.

STATEMENT OF POLICY:

The City issues vehicles for its employees' use in a manner that facilitates the productive use of time about job accomplishment. The issuance of a vehicle is regarded by the City as an important component of the delivery of the services provided by the City, and the City expects its employees to operate and maintain vehicles conscientiously. This policy sets forth the general guidelines applicable to employees who operate vehicles, either privately owned or owned by the City, during their jobs. Employees must also adhere to any specific policies and procedures imposed by their own department on this subject.

Vehicle Use Restrictions: Except as specifically allowed in the Employee Policies, City vehicles may be used only for official City business. City vehicles are to be kept on City premises unless temporarily located elsewhere, for example, due to mechanical failure, repairs, or project assignment. City vehicles cannot be taken home by employees unless approved by the department director and City Manager for business necessity. Take-home/On-call vehicles may not be used for non-City business related activities.

Insurance: Every City vehicle should have a current certificate of insurance. Employees operating City vehicles should verify that the vehicle contains the certificate. Employees operating personal vehicles on City business must have vehicle liability insurance with limits at least as high as the minimum limits specified by the State of Colorado and maintain proof of insurance as required by law.

In the event, a City vehicle is not available for use, and an employee is asked, by the department director or City Manager to use a personal vehicle to conduct business, the City will reimburse properly documented requests for mileage reimbursement at the standard rate set by the IRS. Abuse or misreporting of mileage expenses will not be tolerated.

Driving Records: The City may obtain a driving record upon initial offer of employment and at other times as the City deems necessary to ensure that employees are insurable under the City's insurance policy. The City may, in its discretion, make selection and retention decisions based on a person's driving record. Employees must maintain a valid driver's license with the appropriate vehicle class designation as outlined in the position job description or required by the department director. The City may at any time require an employee verify the possession of a valid driver's license.

If a City employee loses his or her driving privilege due to suspension, revocation, or other causes determined by the Colorado Department of Motor Vehicles, the employee

must report the situation immediately to his or her supervisor and the Human Resources Department. The employee will cease from operating a City vehicle under these circumstances.

Rules for Vehicle Operations/Driving:

Employees who operate private vehicles when continuing City business, or City vehicles at any time, are required to comply with the following:

- Complete a vehicle safety inspection as outlined in this policy or in department specific policies to ensure the vehicle is safe for use.
- Drivers and all authorized passengers are required to wear seat belts when driving or riding in City vehicles or personal vehicles used for City business.
- Employees shall maintain vehicles both inside and out in a neat, clean and orderly manner.
- Employees may not allow anyone other than a City employee to operate a City vehicle.
- Family members are prohibited from traveling in a City vehicle with an employee, including take-home vehicles. Employees shall not allow anyone not associated with the City or currently working in association with the City in the performance of work required duties to ride along in City vehicles, including take-home vehicles without proper permission from a supervisor or department director.
- Employees are expected to obey all traffic laws when operating City vehicles or personal vehicles for City business. The employee shall not text while operating any City vehicle or engage in any distracted driving activity that takes their physical, visual or cognitive focus away from safely operating the vehicle. This includes, but is not limited to, use of a cell phone, computer or another electronic device. If an employee is cited for violating any traffic law while driving on City business, the employee shall immediately notify his or her supervisor of the violation. The employee is responsible for resolving the matter with the courts and for any penalties and fines imposed because of the violation. Employees will always use safe and courteous driving practices when operating City vehicles or personal vehicles for City business. The City will investigate any complaints received about any employee's improper use of a City vehicle and take appropriate action.

Reporting Accidents:

Employees involved in an accident of any kind while driving a private vehicle on City business, or a City vehicle at any time, must comply with the following procedures:

- Immediately contact local law enforcement to report any traffic accident and obtain medical assistance if necessary.
- Do not leave the scene of the accident unless authorized to do so by law enforcement or transported by ambulance.
- Do not move the vehicle from the scene of the accident unless leaving it would create an additional hazard.
- If police personnel are unable to respond, the employee should exchange insurance information with the other party. Instructions on what information is required can be found in the after-accident binder located in the Vehicle Roadside Safety Kits.
- Employees shall immediately report the accident to their supervisor, including the circumstances of the accident and any claimed injuries. Supervisors are required to immediately notify the Human Resources Department and complete and submit an accident report form.
- Post-accident drug testing of a driver will be required as outlined in the "Drug and Alcohol Policy" or "Drug and Alcohol Policy and Procedure for CDL Positions" for any incident or accident in a City vehicle or personal vehicle being used for City business.
- If an employee becomes involved in an accident while operating his or her personal vehicle on City business, the employee's personal auto insurance coverage is the primary policy.
- Never assume responsibility for the accident. The insurance company will determine that during the investigation.

7.5 Cellular Phone Use in City Vehicles

This policy shall apply to all employees.

STATEMENT OF POLICY:

The City is committed to promoting driving safety by encouraging the safe use of cellular telephones. While the City recognizes that there often is a business need to use cellular phones, safety must be the first priority. For purposes of this policy, the term "cellular phone" is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data messages without a cable connection; this includes, but not limited to, cellular telephones, digital wireless phones, radio phones/walkie-talkies, telephone pagers, personal digital assistants with wireless communications capabilities, or research in motion wireless devices. This policy sets forth the following general guidelines applicable to employees who use cellular phones and operate vehicles, either privately owned or owned by the City, during their jobs.

- Mobile networking while driving a City vehicle is prohibited (i.e., texting, checking emails, Tweeting, Facebooking, or any other form of social media).
- Whenever possible, an employee should use his or her cell phone when parked, or have a passenger use the phone.
- If an employee's position requires frequent cell phone use in a vehicle, employees should have voice mail service and hands-free equipment for his or her phone, and use both to avoid distractions.
- If the phone rings when you are driving, especially during hazardous conditions, let the cellular voice mail service take the call and listen to the message later when parked, or pull over before answering, if traffic conditions permit.
- To avoid being tempted to use a cell phone while driving, place it in a place that is hard to reach unless it is required to conduct business.
- Suspend conversations during hazardous driving conditions or situations.
- If cell phone use is warranted, employees should inform the person that they are speaking to that they are driving and that the call may need to be suspended at any time.
- Do not take notes or look up phone numbers while driving. As a driver, an employee's first responsibility is to pay attention to the road. Common sense dictates not to read, look up an address, or attempt to write or take notes while driving.

- Learn and use the pre-programmed number dial features of your phone. Practice using this feature for commonly dialed numbers before driving to become familiar with the procedures.
- Do not engage in stressful or emotional conversations while driving. A stressful or emotional phone conversation while driving is distracting and potentially dangerous. If necessary, suspend the phone conversation.

7.6 Smoking/Use of Tobacco Products

This policy shall apply to all employees, volunteers, and contract personnel.

STATEMENT OF POLICY:

In keeping with the intent to provide a safe and healthy work environment, smoking and use of tobacco products are prohibited in the workplace.

In compliance with Colorado Revised Statutes, the City is required to provide a smoke-free working environment. Smoking is prohibited in any vehicle, motorized equipment, building, or structure owned or leased by the City. This restriction applies to all employees and visitors, at all times, including non-business hours. Use of other tobacco products, such as chewing tobacco or snuff, and electronic cigarettes or personal vaporizers within any vehicle, motorized equipment, building or structure owned or leased by the City is also prohibited.

Employees who use tobacco products may do so outside and only during break time, lunch or other non-working times. Employees are expected to exercise good judgment when using tobacco products, comply with state and local laws and consider the safety of other employees and members of the community. Outside areas where tobacco use shall be permitted will be determined in accordance with Colorado law and approved by the department director who has responsibility for that facility. Employees shall discard ashes, cigarette butts, and other tobacco residue in ashtrays or other safe receptacles.

7.7 Drug and Alcohol Policy

This policy shall apply to all employees.

STATEMENT OF POLICY:

Purpose: The City of Evans 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 impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision-making.

Scope: The type of testing is contingent upon whether the employee is considered to be in a "safety-sensitive" position. A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. All safety-sensitive positions are identified upon hire, or initiation of this guideline, whichever is later, and are issued a copy of the City policy, describing in detail what substances will be tested for and under what conditions employees will be tested.

Statement of Policy: To ensure a safe and productive work environment the City of Evans prohibits the use, sale, purchase, transfer, possession, or presence in one's system any controlled substance (except medically-prescribed drugs used in accordance with a physician's directions) by any employee while on the City's premises, engaged in City business, operating City equipment, or while under the authority of the City. For purposes of this policy, controlled substances are identified in Schedules I through V of Section 202 of the federal Controlled Substances Act, and the regulations promulgated thereunder. The City further maintains a policy that the unauthorized use, sale, purchase, transfer, possession, or presence in one's system of alcohol or any other intoxicating agent by any employee while on the City's premises, engaged in City business, operating City equipment, or while under the authority of the City, is strictly prohibited. This prohibition includes City owned vehicles, or personal vehicles being used for City business or parked on City property. Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

In the unlikely event that the terms of this Drug and Alcohol Policy conflicts with any provision contained in the Employee Policies, the terms and conditions of this Drug and Alcohol Testing Policy shall control. Violation of any provision contained in this Drug and Alcohol Testing Policy shall be deemed a violation of the City's overall drug and alcohol policy and may result in disciplinary action, up to and including termination.

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 & alcohol testing).

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.

Illegal use of drugs off-duty and off City premises or work sites is not acceptable. It can affect on-the-job performance and the confidence of the public, and our customers in the City's ability to meet its responsibilities.

Any violation of this Policy will result in disciplinary action up to and including termination.

Categories of Employee Substance Testing: All employees will be subjected to the following Reasonable Suspicion Testing.

- Reasonable Suspicion Testing:
 - Any employee may be asked to submit to tests for alcohol and/or illegal drugs when the employee is reasonably suspected of being impaired in the performance of his or her job. Circumstances which constitute a basis for determining "reasonable suspicion" are up to management discretion. For purposes of this guideline, reasonable suspicion may include, but is not limited to, specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee or an employee's or credible witness' statement that the employee has recently used or possessed alcohol or illegal drugs.
 - When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will arrange to transport the employee to the collection site, and will arrange for the employee's transport home.
 - The employee will continue in a paid status pending the receipt of drug testing results by the City.
 - Before a drug and alcohol test is administered, employees will be asked to sign the Consent & Release Form, which can be obtained from the Human Resources Department, authorizing the test and permitting release of test results to those City officials with a need to know. The consent form shall provide space for employees to

acknowledge that they have been notified of the City's drug testing Policy and to indicate current or recent use of prescription or over-the-counter medication.

- Random Testing:
 - Except as limited by federal and state law, employees in safety-sensitive positions shall be required to submit to random testing for drugs and alcohol as a term and condition of continued employment.
 - Random testing will be spread reasonably throughout the year and will be unannounced to ensure that no employee receives advanced knowledge of the time of testing. Employees will have an equal chance of being selected each time a random selection is made.
- Post-Accident Testing:
 - An employee in a safety-sensitive position may be subject to drug/alcohol testing if he or she suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing may also be required of non-safety sensitive employees when such factors above, taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
 - An employee who is involved in an accident must immediately report the accident to his or her supervisor/manager.
 - Whenever a supervisor/manager observes or is notified of an accident as defined in #1 above, the supervisor/manager may initiate drug and alcohol testing. The supervisor/manager may order the employee to submit to a urine and/or breath test. The supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home or return to work.
 - The employee will continue in a paid status pending the receipt of drug testing results by the City of Evans.

- Return to Duty/Follow-up Testing:
 - If the City elects to allow an employee to return to work following a positive test result, it is mandatory that the employee must first pass a drug test and subsequently submit to a program of unannounced testing for a period of not more than twelve (12) months from the date of return to duty.

The kinds of substances tested for will include the following substances or their metabolites:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines
- Alcohol

Inspection and Searches: The City may conduct unannounced inspection for violations of this Policy in the workplace, worksites, or City premises. Employees are expected to cooperate in any inspection.

Voluntary Treatment: The City supports sound treatment efforts. In situations where an employee receives disciplinary action other than termination for a drug and/or alcohol-related infraction, the City may require, at its sole discretion, the employee to participate in an approved treatment, counseling or rehabilitation program for drug and/or alcohol abuse at the time discipline is imposed, based on the recommendations of a medical professional.

If an employee seeks treatment for drug or alcohol use, the employee may be eligible to go into a drug and/or alcohol treatment program either through the City of Evans' medical insurance program or at his or her own expense.

If the employee elects to enter an appropriate treatment program, the employee may be placed on unpaid status, but will be required to use any accrued vacation time and health leave while participating in the evaluation and treatment program, so long as the employee is complying with the conditions of treatment. If an employee enrolls in a treatment program, his/her reinstatement or continued employment shall be contingent upon successful completion of the program and remaining drug and alcohol free for its duration. The employee must submit to any drug and/or alcohol testing administered as part of the program, and provide the City with the results of such tests. The employee must also provide the City with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. (Failure to provide such reports or

the results of such tests may result in discipline up to and including termination.) An employee who has been identified as needing assistance in resolving problems associated with use of drugs and/or misuse of alcohol may be administered unannounced follow-up drug and/or alcohol tests for a period of up to 24 months. The City of Evans will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in the City's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.

Safeguards/Confidentiality: The drug screen analysis is accomplished through split sample urinalysis testing. Alcohol testing may be through breath testing. Samples will be collected in a sanitary environment designed to maximize employee's privacy while minimizing the possibility of sample tampering. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. A positive breath alcohol test will be confirmed by a second breath test.

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to ensure the integrity of the testing process. The City shall use a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the City. The MRO or the testing laboratory reports the negative results to the City. In this instance, no additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the five drugs tested or if the blood alcohol test comes back positive, a second confirmatory test shall be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. The MRO will contact the employee personally, in the case of a positive test result. The MRO has the responsibility of reporting to the City Manager whether the test results are positive or negative.

An employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing within 72 hours of notification of a confirmed positive test result. In the event the drug and/or alcohol test results are not achieved due to a diluted sample, the employee will be required to re-test.

Each employee will have an opportunity to discuss the drug and/or alcohol test with the Medical Review Officer in a confidential setting. Each employee upon his or her written request may be provided with a written copy of the positive test result. Upon written request within seven days of taking the test, an employee may access records relating to his drug and/or alcohol test.

Disciplinary Action:

- Testing Positive
 - Employees who test positive for drugs or alcohol are in violation of this Policy.
- Refusal to comply
 - Employees who refuse required testing are in violation of this Policy.
- Interference with testing
 - Employees who adulterate, tamper with or otherwise interfere with accurate testing are in violation of this Policy.
- Any employee, who has been observed using or possessing illegal drugs or alcohol during work time, including lunch breaks, or on the City of Evans premises is in violation of this Policy.

At Will Employment: Nothing in this Policy is to be construed to prohibit the City of Evans from maintaining a safe and secure work environment or to limit its right to impose disciplinary actions as it may deem appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises out of the use of alcohol or drugs. Such disciplinary actions may include termination of employment.

7.8 Drug and Alcohol Policy Acknowledgment

I have received a copy of the City of Evans Drug and Alcohol Policy and understand that in order to continue my employment with this employer I must abide by the terms of the Policy. I agree to notify the employer of any drug violation occurring in the workplace.

I understand that this Policy in no way modifies my status as an at-will employee and in no way implies, infers, or guarantees my continued employment for any definite term.

Employee Print

Employee Signature

Date

7.9 Drug and Alcohol Policy Consent and Release

Current Employee Testing: The City may require a City employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" means belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" are up to management.

Blood, Urine, Saliva, and Breath Collection: Blood, urine or saliva samples shall be provided at a recognized medical facility. The test shall be administered according to the procedures of the facility authorized by the City to perform such tests. Breath samples may be collected at such locations where there is certified equipment and operators available to perform the test. All reasonable efforts shall be taken to assure privacy of employees at such a time that the collections of samples are taken.

Confirmation of Test Results: An employee whose drug test yields a positive result shall be given a second test using methods and equipment which is commonly used for testing at laboratories qualified to perform such analysis. The second test shall use a portion of the same test sample withdrawn from the employee for use in the first test.

If the second test confirms the positive test result, the employee shall be notified of the results in writing by the appropriate department director or designee. The letter of notification shall identify the particular substance found and its concentration level.

An employee whose second test confirms the original positive test result may, at the employee's own expense, have a third test conducted on the same at a laboratory selected by the City.

Consequences of a Confirmed Positive Test Result: If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination. No disciplinary action may be taken against employees who voluntarily identify themselves as drug users, obtains counseling and rehabilitation and thereafter refrains from violating the City's Policy on drug and alcohol abuse.

Disciplinary Action:

- Testing Positive
 - Employees who test positive for drugs or alcohol are in violation of this Policy.
- Refusal to comply
 - Employees who refuse required testing are in violation of this Policy.

- Interference with testing
 - Employees who adulterate, tamper with or otherwise interfere with accurate testing are in violation of this Policy.
- Any employee, who has been observed using or possessing illegal drugs or alcohol during work time, including lunch breaks, or on the City of Evans premises is in violation of this Policy.

Confidentiality of Test Results: All information from an employee's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee. The results of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

Present use of Medication: Employees shall indicate in the space provided any present or recent use of prescription or over-the-counter medication.

Release of Information: I have read the above information or have had explained to me all the procedures and consequences involved in drug/alcohol testing. Knowing this, I hereby consent to the drug/alcohol tests and further consent to the release of test results to my supervisor, department director, the Human Resources Department, and the City Manager as may be appropriate in my case.

Employee Print

Employee Signature

Date

Employee refused to consent to a drug/alcohol test.

Employee Signature

Date

7.10 Drug and Alcohol Policy for CDL Positions

This policy shall apply to all employees in positions that require the possession of commercial driver's license.

STATEMENT OF POLICY:

Purpose: The City of Evans is committed to a safe, healthy and productive work environment for all Employees free from the effects of substance abuse. Drug or Alcohol use may pose a serious threat to health and safety. Abuse of alcohol, drugs, and controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision-making.

The use of controlled substances and the misuse of alcohol increases the risk of accidents, jeopardizes the safe work environment, and causes harm to an individual's health and personal life. The purpose of this Policy is to establish procedures to support a safety and health program and to comply with minimum federal safety standards for safety-sensitive functions regulated by the Department of Transportation (DOT). These standards were designed to reduce accidents that result from employee use of controlled substances and alcohol.

Accordingly, the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on the City's premises, engaged in City business, operating City equipment, or while under the authority of the City is strictly prohibited. The City further maintains a policy that the unauthorized use, sale, purchase, transfer, possession, or presence in one's system of alcohol or any other intoxicating agent by any employee while on the City's premises, engaged in City business, operating City equipment, or while under the authority of the City is strictly prohibited.

Please bear in mind that, in the unlikely event that the terms of this Driver Drug and Alcohol Testing Policy conflict with any provision contained in the Employee Policies, the terms and conditions of this Driver Drug and Alcohol Testing Policy shall control. Violation of any provision contained in this Driver Drug and Alcohol Testing Policy shall be deemed a violation of the City's overall drug and alcohol policy and will result in disciplinary action, up to and including termination.

Scope: This Policy applies to all drivers who are required to hold a commercial driver license (CDL) in order to perform their job for the City of Evans or who perform a safety sensitive function. For purposes of this Policy, a driver is covered by DOT regulations as those regulations relate to the driver's fitness-for-duty and use of alcohol prior to going on duty, while on duty, or while operating or having physical control of a commercial motor vehicle. DOT testing for controlled substances under this Policy requires that drivers abstain from the use of controlled substances at any time or risk

violating DOT regulations prohibiting the presence of controlled substances in their body.

Under this Policy, performing a safety sensitive function means all of the time after a driver begins to work or is required to be ready to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include: (1) All time at the City of Evans or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City of Evans; (2) All time inspecting equipment as required by the law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All time spent at the driving controls of a commercial motor vehicle in operation; (4) All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth; (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Driver 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 driver's ability to safely perform the driver's job duties. If the answer from the medical professional is yes, the driver shall obtain a statement from the medical professional indicating any work restrictions and their duration. The driver shall present that statement to his or her supervisor prior to going on duty.

Statement of Policy:

- No driver shall unlawfully manufacture, use, possess, or distribute controlled substances.
- No driver shall report for work, perform any safety-sensitive functions or, while in the employ of the City of Evans, have at any time, any controlled substance present in their body. Presence of controlled substances will be determined by testing performed as described in this Policy.
- No driver shall perform safety-sensitive functions within 4 hours after consuming alcohol.
- No driver shall consume alcohol while performing safety-sensitive functions.
- No driver shall possess alcohol while on duty.
- No driver shall report to work or perform safety-sensitive functions while having

an alcohol concentration of .02 or greater. Drivers' alcohol concentration will be determined by testing performed as described in this Policy.

- No driver shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.
- No driver shall consume alcohol after an accident unless 8 hours have expired, the driver has been tested or the City of Evans has determined the driver's performance could not have contributed to the accident, whichever occurs first.
- No driver shall refuse to take a required test.

Consequences of Violation under City Policy: Any violation of this Policy will result in discipline up to and including termination under the City of Evans independent authority, as provided for by the DOT.

Drivers who adulterate or otherwise interfere with accurate testing required pursuant to this Policy are in violation of this Policy.

Any driver, who has been observed using or possessing illegal drugs or alcohol during work time, including lunch breaks, or on the City of Evans premises is in violation of this Policy.

The City of Evans will not hire applicants who test positive for controlled substances (except, possibly, for medically-prescribed drugs).

The City of Evans will provide to any driver who violates a DOT drug and alcohol regulation a listing of Substance Abuse Professionals readily available to the driver.

Minimum Consequences of Violation as Mandated by DOT: If a driver tests positive for a controlled substance or has an alcohol concentration of .02 or greater, the driver will be removed from safety-sensitive functions.

To be eligible to return to work after testing at an alcohol concentration of .02 to .039, the driver must be off-duty until the driver can provide a test result with an alcohol concentration of .02 or less or be off from work for at least 24 hours. Pursuant to the City of Evans independent authority, driver's testing between 0.02 and 0.039 may be subjected to disciplinary action up to and including termination.

To be eligible to return to work after a positive controlled substance test or test indicating an alcohol concentration of .02 or greater, the driver must be evaluated by a Substance Abuse Professional (SAP). If the SAP determines that additional treatment is necessary, the driver must complete such treatment. In addition, the driver will be subject to follow-up testing.

The above consequences are minimum requirements as set out by the DOT Compliance with the above does not guarantee a driver will be returned to work following a violation of this Policy. Drivers will be subject to disciplinary action up to and including termination for violation of this Policy, regardless of eligibility to return to work under the DOT regulations.

Before a driver returns to duty requiring the performance of a safety-sensitive function after violating the alcohol or controlled substance provisions outlined by DOT, the driver shall undergo a return-to-duty test with a result indicating a verified negative result.

Substance Screening: For the purpose of assuring compliance with the Federal Department of Transportation Regulations and this Policy, applicants for safety sensitive positions and drivers who perform safety sensitive functions will be subject to controlled substance and alcohol screening under the circumstances described below. Applicants and drivers are required to submit to testing in the following circumstances as a condition of their employment.

Types of Testing:

- Pre-employment testing
 - Applicants for driving-related positions shall undergo a test for the presence of controlled substances prior to being hired or used by the City of Evans. Under no circumstances may a driver perform a safety-sensitive function until a confirmed negative result is received.
 - Applicants who refuse to submit to testing will not be hired.
- Testing for Current Drivers
 - Post-Accident Testing
 - Any driver involved in an accident in which a fatality occurs must immediately submit to a controlled substance and an alcohol test. Any driver who receives a citation for a moving traffic violation must immediately submit to a controlled substance and alcohol test if, (a) the accident results in a fatality, or bodily injury to a person who must immediately receive medical treatment away from the scene, or (b) one or more of the vehicles involved is towed from the scene test and the City of Evans can require testing even if a citation is not issued to the driver, upon its independent authority.

- Reasonable Suspicion Testing:
 - A driver will be required to submit to controlled substance or alcohol test upon reasonable suspicion. Reasonable suspicion means that the actions, appearance or conduct of the driver on duty are indicative of the use and/or presence in the driver's body of a controlled substance or alcohol. Reasonable suspicion is based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
 - A driver will not be allowed to return to driving a City of Evans vehicle until a confirmed negative test result is received. The driver will remain on paid status pending the receipt of drug testing results by the City of Evans.
- Random Testing:
 - Drivers will be subject to controlled substance testing and alcohol testing at any time on a random basis as a term and condition of holding a driver position. Upon being notified of selection, the driver must immediately proceed to the testing site.
 - Random testing will be spread reasonably throughout the year and will be unannounced to ensure that no driver receives advanced knowledge of the time of testing. All drivers will have an equal chance of being selected each time a random selection is made.
 - The number of controlled substance tests conducted annually shall equal or exceed 50 percent of the number of driver positions subject to testing.
 - The number of alcohol tests conducted annually shall equal or exceed 10 percent of the number of driver positions subject to testing.
 - A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- Follow-Up and Return to Duty:
 - Any driver who has been required to or voluntarily undergoes rehabilitation for substance abuse must submit to a drug test and receive a confirmed negative test result and an alcohol test (with a result of less than .02) before returning to work. In addition, the driver will be subject

to unannounced follow-up testing not to exceed 60 months following the driver's return to work.

Testing Procedures:

- Controlled Substances

Controlled substance screening shall be conducted in a laboratory certified by the Department of Health and Human Services (DHHS) and in accordance with the Procedures for Transportation Workplace Drug Testing Programs. All controlled substance screening includes split sampling which provides that a urine sample be split into two separate containers.

The substance screen will test for the following drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

Any positive initial test will be confirmed by a gas chromatography/mass spectrometry (GC/MS) test.

The City of Evans shall use the services of a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and appropriate medical training to evaluate positive test results, medical history, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

The MRO shall also review all specimens which are found to be adulterated or substituted specimens. In the instances of an adulterated or substituted specimen, the MRO may provide the driver an opportunity to present a legitimate medical explanation. If no legitimate medical explanation is provided, the MRO will report the verified adulterated or substituted specimen to the City of Evans. The City of Evans will consider the verified adulterated or substituted specimen as a refusal to test and immediately remove the driver from performing safety sensitive functions. The driver may then be subjected to the disciplinary action under the City's independent authority.

The MRO will be the sole custodian of the individual test results. The Medical Review Officer will advise the City of Evans only of whether the test results were negative or positive.

After receiving notification of a verified positive test, an adulterated or substituted specimen, a driver may request that the split sample be analyzed. Such a request must be made within 72 hours of notification of the verified positive test. If such a request is made, the sample will be tested at another DHHS certified laboratory, at the driver's

expense. Upon written request within 7 days of a verified positive test, the driver may obtain copies of any records pertaining to his or her controlled substance tests.

Precautions shall be taken to ensure the specimen is not adulterated or diluted during the collection procedure and that the information on the bottle matches the information on the custody and control form.

- Alcohol Testing:
 - Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The driver will provide a breath sample. If an driver's alcohol concentration is greater than .02, a second, confirmation test will be performed.

Refusal to Submit to Testing: This provision regarding the refusal to submit to testing excludes applicants for employment. Refusal to submit to testing is a violation of this Policy. Any driver refusing to submit to testing will be referred to a Substance Abuse Professional and will face appropriate disciplinary action. The following behaviors constitute a refusal:

Refusal to submit is defined as:

- Failure or refusal to appear at a collection site for testing within a reasonable time, as determined by the City, in accordance with DOT guidance, after being directed to do so;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a specimen;
- In instances of observed or monitored collection, failure to allow observation or monitoring or to follow instructions;
- Refusal to sign the testing form;
- Failure to provide adequate breath;
- Failure to take an additional test as directed;
- Otherwise fail to cooperate in the testing process;
- Perform any actions which prevent the completion of the test;
- A test result reported by the MRO as a verified adulterated or substituted test;
- Inability to provide sufficient quantities of saliva, breath or urine to be tested without a valid medical explanation;
- Failure to undergo a medical examination or evaluation when directed;
- Tampering with, attempting to adulterate, adulteration or substitution of the specimen, admitting to a collector or the MRO to having adulterated or substituted the specimen, or otherwise interfering with the collection procedure;
- Not reporting to the collection site in the time allotted;
- Leaving the scene of an accident without a valid reason before the tests have been conducted.

Voluntary Driver Self-Identification Program: The City of Evans supports sound treatment efforts. Whenever practical, the City of Evans will assist drivers in overcoming drug, alcohol, and other problems which may affect their job performance as long as this Policy has not already been violated. A driver may not self-identify in order to avoid required testing. The following is required to participate in this voluntary program: the driver makes the admission of alcohol misuse or controlled substances used **prior** to reporting to duty to perform a safety sensitive function and the driver does not perform a safety sensitive function until the City of Evans is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements.

Drivers who seek voluntary treatment prior to a violation of this Policy will not be disciplined for making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program. The driver will be allowed a sufficient opportunity to seek evaluation, education or treatment to establish control over the driver's drug or alcohol problem. Drivers who seek voluntary assistance will be allowed to return to safety sensitive duties only upon successful completion of an educational or treatment program as determined by a drug and alcohol abuse evaluation expert. Prior to the driver participating in a safety sensitive function, the driver shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or controlled substance test with a verified negative test. In addition, the City of Evans may monitor any driver who voluntarily reports under this provision by conducting unannounced follow-up testing not to exceed 60 months following the driver's return to work.

If the driver elects to enter an appropriate treatment program, the driver may be placed on unpaid status but may be required to use any accrued vacation time and health leave while participating in the evaluation and treatment program so long as the driver is complying with the conditions of treatment. The City of Evans will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in the City's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the City Manager and/or his designee.

Company Representative: Please contact the Human Resources Director, City Manager and/or his or her designee if you have any questions about this Policy or wish to discuss issues related to the use of controlled substances or the misuse of alcohol.

Inspection and Searches: The City of Evans may conduct unannounced inspections for violations of this Policy in the workplace, worksites, city vehicles, or city premises. Drivers are expected to cooperate in any inspection.

At Will Employment: Nothing in this Policy is to be construed to prohibit the City of

Evans from maintaining a safe work environment or imposing disciplinary action as it deems appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises from drug or alcohol use. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by the City of Evans at any time, with or without notice and with or without cause.

7.11 Drug and Alcohol Policy for CDL Positions Acknowledgment and Receipt

I have received a copy of the City of Evans D.O.T. Drug and Alcohol Testing Program and understand that in order to continue my employment with the City of Evans, I must abide by the terms of this Policy.

I also verify that I have received information on the effects of alcohol and controlled substances on my health, work and personal life, signs and symptoms of a problem and available methods of intervening when a problem is suspected.

I UNDERSTAND THAT THIS POLICY IN NO WAY MODIFIES MY STATUS AS AN AT-WILL-EMPLOYEE AND IN NO WAY, IMPLIES, INFERS, OR GUARANTEES MY CONTINUED EMPLOYMENT FOR ANY DEFINITE TERM AND THAT I MAY BE DISMISSED AT THE DISCRETION OF THE CITY OF EVANS FOR OTHER REASONS THAN FAILING TO FOLLOW THE TERMS OF THIS POLICY.

Employee Print

Employee Signature

Date

7.12 Appendix to the DOT Drug and Alcohol Testing Policy Alcohol and Drug Effects

The Department of Transportation mandates that all drivers be provided with training material discussing the effects of alcohol and controlled substance use on an individual's health, work and personal life.

This attachment is intended to help individuals understand the personal consequences of substance abuse.

ALCOHOL: Alcoholic beverages are the most widely used psychoactive drugs known to man. Alcoholism ranks as one of the major health threats in the nation along with cancer and heart disease.

Although used routinely as a social legal drug, alcohol can also have negative physical and mood-altering effects. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects of Alcohol Use: Ninety-five percent of all alcohol consumed is absorbed into the body through the stomach, small intestine and colon. Complete absorption into the blood requires 2-6 hours or more. The rate of absorption into the blood stream is influenced by the presence of food in the system, the time period of consumption, the driver's body weight and metabolism. Once alcohol is in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to coagulate together in sticky wads, slowing circulation and depriving tissues of oxygen. Alcohol in the blood can cause anemia by reducing the production of red blood cells. Alcohol decreases the ability of white blood cells to destroy bacteria and degenerates the clotting ability of blood platelets. Alcohol kills brain cells, which is permanent damage. Long-term alcohol use causes loss of memory, impaired judgment, and learning disability due to the damage done to the brain cells.

Alcohol affects the central nervous system of the body more than any other bodily function. Because alcohol is a depressant, it inhibits the control mechanisms of the brain which results in unrestrained activities in various parts of the brain. An extremely high dose of alcohol can depress the central nervous system to a point where breathing may stop completely, resulting in death.

Besides the affects alcohol has on the central nervous system, it causes damage and destruction to the tissue cells in the body including brain cells. Excess alcohol use can depress the appetite and prevent the absorption of amino acids, vitamins and other nutrients, which contribute to malnourishment of the body. Alcohol hampers the liver's ability to metabolize fat which leads to fatty liver disease and cirrhosis of the liver. Alcohol increases the blood pressure in people with hypertension, which can lead to life threatening heart problems.

A large dose of alcohol can cause:

- blurred vision
- impairment in perception
- decreased mental alertness
- decreased physical coordination

An average of three or more servings per day of beer (12 oz.), whiskey (1 oz.), or wine (6 oz.) over time, may result in the following health hazards:

- Dependency
- Fatal liver disease
- Kidney disease
- Pancreatitis
- Ulcers
- Decreased sexual functions
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Spontaneous abortion and neonatal mortality
- Birth defects

Withdrawal from heavy alcohol use can lead to:

- Severe tremors
- Convulsions
- Death

Anyone wishing help should seek medical attention.

Social Issues Related to Alcohol Use:

- Alcohol is implicated in 200,000 deaths each year
- 50% of deaths by motor vehicles and fires are alcohol related
- 67% of murders are alcohol related
- 33% of suicides are alcohol related
- 67% of all incidents of domestic violence are alcohol related
- 33% of all cases of child abuse are alcohol related
- 24% of our national expenditure for hospital care is alcohol related
- 7% increase in the chances of divorce or separation when alcohol is abused in a family
- 30,000 people will die each year from alcohol caused liver disease, cirrhosis, or pancreatitis
- 10,000 people will die each year due to alcohol-related brain disease or suicide

Workplace Issues Associated with Alcohol Use:

- Increased absenteeism
- Unexplained leaving of the workplace
- Increased mistakes and errors in work performance
- Needless risk-taking
- Deterioration in personal appearance
- Poor concentration
- Inconsistent work quality
- Increased Workers' Compensation claims
- Increased accidents in the workplace

Sobering Issues: Time is the only sobering agent that works! Contrary to public opinion, steam baths, black coffee, and exercise have no effect on the rate at which alcohol is metabolized. A person will feel more alert; however, he or she will still be intoxicated! Aspirin taken while under the influence of alcohol increases the blood alcohol level by 34%. Aspirin blocks the action of the enzyme that breaks down alcohol before it reaches the bloodstream. The use of any medication while alcohol is in the body requires extreme caution and consultation with a physician.

DRUGS:

- Marijuana
 - Health Effects of Marijuana Use: The most prominent effects of marijuana use are on the central nervous system and the cardiovascular system resulting in deterioration of motor coordination, memory and thinking ability, increased heart rate and blood pressure and bloodshot eyes.
 - There are more than 520 chemicals found in marijuana. Out of those chemicals, THC, is the primary mind-altering ingredient. In the past 10 years, the strength of marijuana has increased from .05 to 4% THC content to as high as 11% THC content. THC concentrates in fatty areas of the body, the brain and sexual glands. It takes 30 days for the THC from one marijuana joint to be eliminated from the body.
 - Marijuana use causes:
 - Deterioration of motor coordination
 - Deterioration of memory and thinking ability
 - Increased heart rate and blood pressure
 - Emphysema-like condition
 - Respiratory tract and sinus infections

- Depression of the body's immune system response, making users more susceptible to infection
 - Chronic smoking causes changes in brain cells; long-term brain damage may occur
 - Chronic smoking of marijuana in males causes a decrease in testosterone and reduced sperm count including temporary sterility
 - Smoking of marijuana in females can cause a decrease in fertility
 - Marijuana contains cancer-causing substances
- Workplace Issues Related to Marijuana Use:
 - Delayed decision making
 - Diminished concentration
 - Impaired short-term memory
 - Impaired signal detection (a risk for users who are operating machinery)
 - Impaired tracking and visual distance measurements
 - Erratic cognitive function
 - Distortion of time estimation
 - Erratic sleep patterns
- Cocaine: Cocaine has immediate effects on the central nervous system. Cocaine is a powerful physical and mental stimulant which produces a condition of hyper stimulation lasting about 30 minutes, and characterized by over-alertness, euphoria and a feeling of great power. The drug produces a constriction of peripheral blood vessels, a rise in body temperature and metabolic rate, dilated pupils, and an increase in heart rate and blood pressures. Over-dosage may lead to extreme anxiety, fever, convulsions, cerebral infarction, heart problems and ensuing death.
 - Health Effects of Cocaine Use: The most psychologically addictive drug affecting a neurotransmitter in the brain is known as dopamine. Cocaine depletes dopamine, which causes the survival-oriented normal drives in the body (hunger, thirst, sleep) to change to the drive to obtain cocaine. Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's Disease could also occur. Cocaine causes the heart to beat faster, harder and rapidly increases blood pressure. It also causes spasms of blood vessels causing strokes and heart attacks. Strong dependency can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.

Treatment success rates are lower than with other chemical dependencies. Cocaine is extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid.

- Workplace Issues Related to Cocaine Use: Extreme mood and energy swings create instability. Sudden noise causes a violent reaction. Lapses in attention and ignoring warning signals increase probability of accidents. High cost frequently leads to theft and/or dealing. Paranoia and withdrawal may create unpredictable or violent behavior. Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.
- Opiates: Narcotic drugs alleviate pain and depress body functions and reactions. Often used as painkillers for surgery and other medical treatments.
 - Health Effects of Opiate Use: IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles. Increased pain tolerance as a result, a person may more severely injure himself or herself and fail to seek medical attention as needed. Narcotic effects are multiplied when combined with other depressant drugs causing an increased risk for an overdose. Because of tolerance and dependency combined, there is a serious financial burden for the users.
 - Workplace Issues Related to Opiate Use: Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident. Causes impairment of physical and mental function.
- Amphetamines: Central nervous system stimulant that speeds up the mind and body.
 - Health Effects of Amphetamine Use: Regular use causes strong psychological dependency and increased tolerance. High doses may cause toxic psychosis resembling schizophrenia. Intoxication may induce a heart attack or stroke due to increased blood pressure. Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels. Euphoric stimulation increases impulsive and risk-taking behavior, including bizarre and violent acts. Withdrawal may result in severe physical and mental depression.
 - Workplace Issues Related to Amphetamine Use: Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest. With heavy use or increasing fatigue, the short-term memory or physical enhancement reverses and becomes an impairment.

- Phencyclidine (PCP): Often used as a large animal tranquilizer. Abused primarily for its mood-altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.
 - Health Effects of PCP Use: The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body. PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose. If misdiagnosed as LSD induced, and treated with Thorazine, can be fatal. Irreversible memory loss, personality changes, and thought disorders may result.
 - Workplace Issues Related to PCP Use: Not common in workplace primarily because of the severe disorientation that occurs. There are four phases to PCP abuse: Acute toxicity causing combativeness, catatonia, convulsions and coma. Distortions of size, shape and distorted perception are common. Toxic psychosis with visual and auditory delusions, paranoia and agitation. Drug-induced schizophrenia. Induced depression which may create suicidal tendencies and mental dysfunction.

7.13 Employee Policies Acknowledgment of Receipt

I HAVE RECEIVED A COPY OF THE CITY OF EVAN'S EMPLOYEE POLICIES DATED October 17, 2017. I UNDERSTAND I AM TO BECOME FAMILIAR WITH THE CONTENTS OF THESE EMPLOYEE POLICIES.

FURTHER, I UNDERSTAND:

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

THE LANGUAGE USED IN THESE EMPLOYEE POLICIES AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS IT A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

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

THIS EDITION REPLACES ALL PREVIOUSLY ISSUED EMPLOYEE POLICIES/HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE EMPLOYEE POLICIES. THE CITY THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

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

Employee Print

Employee Signature

Date