



CITY OF MANITOU SPRINGS

Employee Handbook – Organizational Policies and Procedures

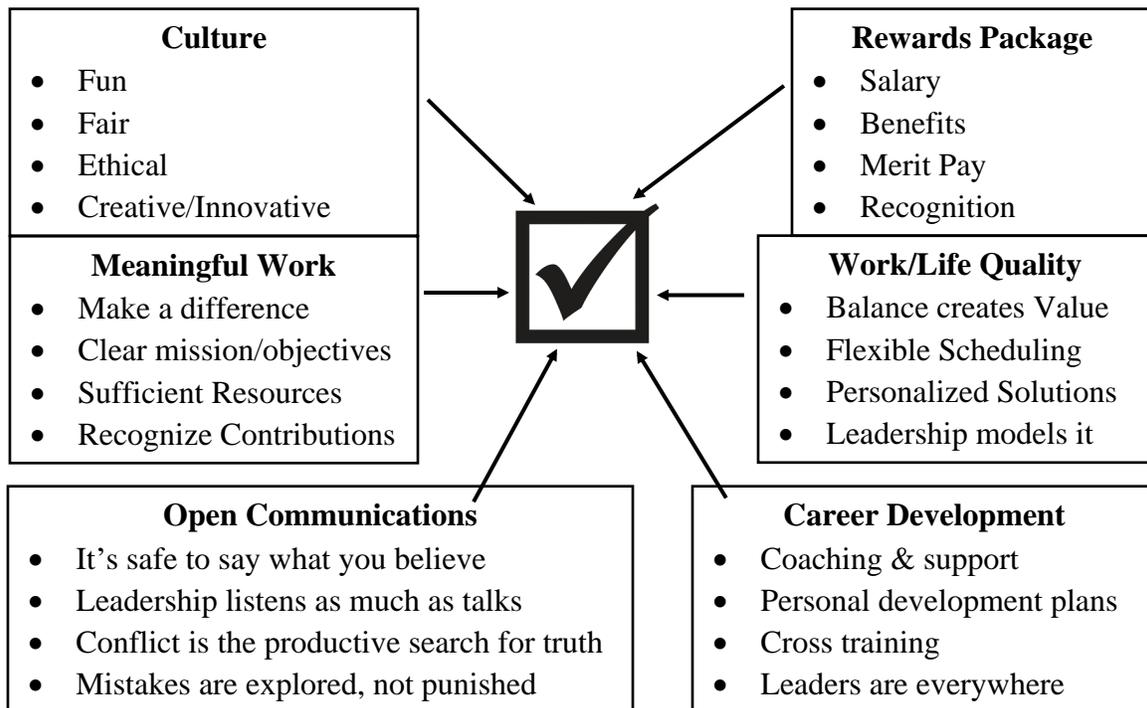
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WELCOME TO THE CITY OF MANITOU SPRINGS!

Each employee is a very important member of the team at Manitou Springs, and we hope you find the work here challenging and rewarding. Each member of the Manitou Springs team is vital to the success of our City and our primary purpose of serving the citizens of Manitou Springs.

Manitou Springs strives to be an Employer of Choice.

Employer of Choice



We believe in working together to meet common goals, and we invite you to join with us in achieving these goals. Naturally, much of that success depends on your knowledge about working here. That is why we have prepared this handbook and made it available to you electronically or by hard copy upon your request. We hope it will answer your employment related questions about Manitou Springs.

When you cannot find the answers in this book, you should contact your immediate supervisor as your primary source for information about the City and your job. Other sources of information include Human Resources, the Department Heads, and the City Administrator.

We hope you support these ideals and enjoy working for Manitou Springs.

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SECTION 1 - INTRODUCTION

1.1 IMPORTANT NOTICE – AT WILL NATURE OF EMPLOYMENT

Employment at the City of Manitou Springs is voluntarily entered, and the employee is free to resign at will at any time, with or without cause. Similarly, the City may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable Federal or State law.

Nothing in this employee handbook is intended to modify the City’s At-Will Employment Policy as outlined in this section. Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind, or a contract of employment between the City and any of its employees. In addition, no City representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended, and do not create an employment contract for any specific period.

This employee handbook acknowledges the City’s current policies and supersedes prior Personnel Manuals and Employee Handbooks. The City, at its sole discretion, may amend or cancel any of the policies or sections in this employee handbook at any time.

1.1.1 PURPOSE

This handbook is designed to acquaint you with the City and provide information about working conditions, employee benefits, and some policies affecting your employment. You must read, understand, and comply with all provisions of the handbook. No employee handbook can anticipate every circumstance or question about policy; therefore, employees are encouraged to ask questions for clarification.

The policies in this handbook are not intended to supersede City ordinances, or other applicable laws. In the case of a conflict between personnel policies and City ordinances, department policies, or laws, the matter will be reviewed by the City Administrator for clarification. For the purpose of proper administration and implementation of the handbook, the City Administrator is responsible for putting in place administrative guidelines and procedures necessary for properly carrying out their intent. Any matter not addressed in this handbook may be reviewed and administered by the City Administrator in the best interest of the City.

The policies contained in this Employee Handbook do not represent a contract, nor should they be relied upon as binding, inflexible promises made by the City. The City reserves the right to interpret and change or rescind these policies at any time, as well as the right to determine their meaning, purpose, and effect.

The City also reserves the right, in its sole discretion, to determine whether, and to what extent, these policies and procedures should be applied in any given circumstance. No personal contract or agreement shall be implied by these policies or the statement of any employee of the City, unless in writing, signed by the Mayor after approval by the City Council.

1.2 APPLICABILITY

The Employee Handbook is intended to apply to all employees and appointed officials of the City. When an appointed official has entered into a written employment contract with the City, that contract shall govern over the Employee Handbook.

SECTION 2 - EMPLOYMENT POLICIES

2.1 CITY ADMINISTRATOR RESPONSIBILITIES

The City Administrator is responsible for the administration of employment related decisions including, but not limited to, the following responsibilities:

- a. Approving the hiring, termination, promotion, demotion, or transfer of each employee (with the exception of those positions listed below); and
- b. Reviewing and approving employee job descriptions periodically; and
- c. Propose each position of employment, the number of employees authorized for each position, and the compensation and benefits applicable to each position.
- d. Restructuring or modifying City Departments and employee positions, including the deletion or addition of departments or positions; provided that the City Administrator may not restructure or modify an appointed official's position.

All decisions affecting the positions of the City Administrator, City Attorney, Municipal Judge, Municipal Court Prosecuting Attorney, Police Chief, Finance Director and City Clerk positions are made by the City Council.

2.2 EQUAL EMPLOYMENT OPPORTUNITY

The City provides equal employment opportunities to all employees and applicants for employment without regard for/to race, creed, color, religion, sex, national origin, ancestry, age, disability, sexual preference, gender identity or expression, marital or military status, or political affiliation, or any other characteristic protected by law. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The City expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics listed above. Improper interference with the ability of other employees to perform their expected job duties will not be tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Human Resources or the City Administrator. The City will not allow any form of retaliation against individuals who raise issues about equal employment opportunity. Employees who feel they have been subjected to any such retaliation should notify Human Resources or the City Administrator.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- a. Reprimanding the employee or giving performance evaluations that are lower than warranted.
- b. Transferring the employee to a less desirable position.
- c. Engaging in verbal or physical abuse.
- d. Threatening to make, or making, reports to authorities.
- e. Increasing scrutiny, spreading false rumors, treating family members negatively.
- f. Making employee's work more difficult (example: punishing an employee for an EEOC complaint by purposefully changing their work schedule to conflict with familial responsibilities).

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure in section 2.5

2.3 CONFIDENTIALITY POLICY AND PROCEDURE

Employees, volunteers, and Council members of the City of Manitou Springs are committed to ethical and legal practices to protect the privacy of customers, citizens, contractors, employees, family members, and businesses while providing any service or employment activity. Confidential communications relating to private matters may include conversations, reports, forms, correspondence, and any computer-generated communications. Access to confidential records shall be limited to an "as needed/need to know" basis and will not be provided without authorization from the City Administrator, Human Resources and/or the City Attorney. For purposes of this policy, confidential records shall mean records that by their nature contain information that is not subject to public release under Colorado Open Records, Act, C.R.S. § 24-7-200.1, *et seq.* If a person has any question regarding whether a particular record is confidential, they should not release the record until consulting with their supervisor. Public access to such material shall be governed by the Colorado Open Records Act, C.R.S. §24-7-200.1, *et seq.*, and other laws as applicable.

2.4 ETHICS IN OPERATIONS: GIFTS

The City of Manitou Springs adheres to Amendment 41, the Colorado Constitution (Article XXIX of the Colorado Constitution) entitled Ethics in Government, which restricts the ability of government officials and employees to accept gifts. Also known as the "Gift Ban", the regulation applies to local municipalities with some exceptions, and prohibits City employees from soliciting, accepting, or receiving any gift or thing of value more than \$65.00 (which amount is adjusted for inflation over time). The ban prohibits the employee from soliciting the gift, receiving the gift and it prohibits an indirect receipt of the gift; defined to be a gift accepted or received by an employee's spouse or dependent child. City personnel must abide by the "Gift" regulations at all times; failure to do so is an ethics violation.

2.5 HARASSMENT AND COMPLAINT PROCEDURE

2.5.1 Introduction

The City is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. To that end, harassment of City's employees by management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment, or retaliation against individuals for cooperating with an

investigation of a harassment complaint, will not be tolerated. The City will take all steps necessary to prevent and eliminate unlawful harassment through disciplinary processes.

2.5.2 Definition of Sexual Harassment

While all forms of harassment are prohibited, special attention should be paid to sexual harassment. “Sexual harassment” is generally defined under both State and Federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

- a. Unwanted sexual advances.
- b. Offering employment benefits in exchange for sexual favors.
- c. Making or threatening reprisals after a negative response to sexual advances.
- d. Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons, or posters.
- e. Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- f. Verbal sexual advances or propositions.
- g. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, invitations, communicate in any form, including electronically.
- h. Physical conduct that includes touching, assaulting, impeding, or blocking movements.

2.5.3 Definition of Unlawful Harassment

“Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by State or Federal law.

2.5.4 Complaint Procedures

Any employee who experiences or witnesses sexual or other unlawful harassment in the workplace must report it immediately to Human Resources and/or management. Employees can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment or unlawful harassment will be investigated. To the extent reasonably practical, the employee’s confidentiality and that of any witnesses and the alleged harasser will be protected against unreasonable disclosure.

Any employee who becomes aware of possible sexual or other unlawful harassment must immediately advise Human Resources, the City Administrator, or any member of management, so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or unlawful harassment

will be subject to disciplinary action, up to and including termination of employment. If the harassment involves the City Administrator, an employee may report the harassment to the Mayor or City Attorney in addition to Human Resources.

2.6 WHISTLEBLOWER POLICY

A whistleblower as defined by this policy is a City employee who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of Federal, State, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting; including, fraud, safety infractions, harassment covering the seven (7) EEOC qualifying categories, or anything unsafe or illegal.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee shall contact the City Administrator or Human Resources (or the Mayor or City Attorney if the activity involves the City Administrator). The employee must exercise sound judgment to avoid baseless allegations. An employee who recklessly or intentionally files a false report of wrongdoing will have violated this policy.

Whistleblower protections are provided in two important areas – confidentiality, and against retaliation. Insofar as reasonably practical, the confidentiality of the whistleblower will be maintained. However, identity may need to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal right of defense. The City will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, poor work assignments, or threats of physical harm. Whistleblowers who believe they are being retaliated against must contact Human Resources immediately. The right of a whistleblower to protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of fraudulent, dishonest, or illegal activities will be promptly submitted to Human Resources, which will be responsible for investigating and coordinating corrective action.

Employees with any questions regarding this policy should contact the City Administrator or Human Resources.

2.7 PUBLIC HEALTH EMERGENCY WHISTLEBLOWER LAW (PHEW)

The City of Manitou Springs cares about its employees. The City is committed to compliance with current state and federal laws, including the Public Health Emergency Whistleblower Law (PHEW).

The definition of covered workers includes public and private sector employees and independent contractors if the business contracts with five or more total independent contractors in the state annually.

- PHEW protects workers who, in good faith, raise concerns about workplace violations of government health or safety rules or about an otherwise significant workplace threat to health or safety related to a public health emergency.
- If the worker's complaint is found to be incorrect, the city need not act on it, and cannot retaliate against the worker as long as the complaint was reasonable and made in good faith.
- PHEW prohibits taking adverse action or retaliating against workers who choose to wear their own personal protective equipment (PPE) to work such as a mask, faceguard, or gloves if the PPE:
 - Provides a higher level of protection than the equipment provided by the employer.
 - Is recommended by a Federal, State, or local public health agency with jurisdiction over the workplace; and
 - Does not render the worker incapable of performing their job or any job duties.

Finally, PHEW protects workers who oppose any practice they reasonably believe to be unlawful or for making a charge, testifying, assisting, or participating in an investigation, proceeding, or hearing on the alleged unlawful practice. This protection is lost to workers who disclose information they either know to be false or act with reckless disregard for the truth or falsity of the information.

Workers must send a written demand of their complaint and give the City 14 business days to respond. The City will receive and investigate each safety concern and address as appropriate.

2.8 AMERICANS WITH DISABILITIES ACT (ADA) AND RELIGIOUS REASONABLE ACCOMMODATION

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

Employees who may require a reasonable accommodation should contact Human Resources.

2.9 PREGNANCY ACCOMMODATION

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

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. If an employee requests an accommodation, the City will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that

will enable the employee to perform the essential functions of the employee's position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City's business operations.

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

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

SECTION 3 - EMPLOYMENT PRACTICES

3.1 ACCESS TO PERSONNEL FILES

Human Resources maintains a personnel file on each employee which includes such information as the employee's job application, resume, and other employment records. Personnel files are the property of the City. All personnel records are maintained in compliance with applicable laws. No documents or employment information shall be released from a personnel record without a written request from the employee designating the documents and/or information to be released and the person or entity to which the release is to be made, and indemnifying and holding harmless the City from liability, claims, and demands resulting from such release, except as required by the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*

Employees who wish to review their own file should contact Human Resources. With reasonable advance notice, employees may review their own personnel files in the presence of the Human Resources representative or his/her designee.

3.2 APPLICATIONS FOR EMPLOYMENT

All persons wishing to apply for City employment, including internal and external applicants, must complete a City job application.

Applicants determined to be qualified based on the application information provided may be interviewed and tested as appropriate. Fire and Police department applicants must also submit to an oral board examination and physical examination. Fire and Police department applicants must submit to a polygraph examination and psychological testing. Applicant requirements specific to Fire and Police are processed with the departments respectively, and the general application processes are completed through Human Resources.

3.3 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City expects all employees to be punctual in reporting for work. Absenteeism and tardiness place a burden on other employees and on the City. When an employee cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Unless addressed otherwise in department policies, Fire and Police employees must give at least four hours' notice before taking time off for any reason.

3.4 BUSINESS TRAVEL EXPENSES

The City will reimburse all reasonable and necessary expenditures paid by an employee for authorized training or business travel, subject to proper documentation and adherence to the City's Travel Policy. Department Heads are responsible for approving all travel and travel-related expenditures related to their department, subject to available funding in the budget. All travel must be pre-approved in writing.

3.5 CITY OFFICE CLOSURE

Inclement weather and other natural or man-made circumstances may cause the City Administrator to close or delay opening City offices. Full-Time employees who are sent home or told not to report for work will be compensated and will not be charged accrued leave for the time off.

When City offices are to be closed prior to the start of a workday, the City Administrator or designee will notify Department Managers as early as possible, and a message will be posted for employees and customers via whatever means management deems most effective

Employees who are already on leave status or have previously applied for leave during an Office Closure shall remain in their original leave status.

3.6 CONFLICT OF INTEREST

City employees shall not place their personal or business interests above the best interests of the City's constituents. Accordingly, in addition to any other prohibitions established by charter, ordinance or other applicable law, employees of the City shall not:

- a. Engage in a financial transaction for private business purposes with another employee whom they supervise.
- b. Take any official action that directly and substantially affects their economic benefit, a business or other undertaking in which they have a substantial financial interest.
- c. Disclose or use confidential information acquired in the course of their official duties to further personal interests (financial or otherwise). Gaining personal information about anyone for release or for non-City purposes is not permitted other than to another law enforcement agency upon official request.
- d. Solicit or accept a gift that might improperly influence an employee in the discharge of the employee's responsibilities, or which could be construed as a reward for action taken in the course of official duties; or,
- e. Failure to comply with Colorado law limiting the dollar amount of gifts that a public employee may receive each year.

City employees may hold second jobs so long as such work does not create a conflict of interest and does not interfere with or reduce the employee's effectiveness in performing the employee's job duties for the City. City employees shall give priority to their employment with the City.

Police Officers cannot serve as a Reserve Officer for any other Law Enforcement Agency.

The requirements of this section are in addition to applicable conflict of interest requirements of Federal law, State law or City ordinances.

3.7 DISCIPLINE

It is the responsibility of all employees to observe all written regulations, policies, and procedures of the City, as well as verbal instructions given by a supervisor or management to ensure the efficient, effective, and safe operation of the City. Occasionally, performance or other behavior falls short of City standards and/or expectations. When this occurs, the City reserves the right to impose discipline, up to and including termination of employment, with or without prior notice. Violations of any provision of this Employee Handbook shall subject the violator to disciplinary action, up to and including termination of employment.

Whether or not an employee's performance, conduct or behavior warrants disciplinary action, and the type of disciplinary action warranted is within the sole judgment and discretion of the employee's supervisor provided that any discipline resulting in the loss of benefits, or a demotion must be approved by Human Resources and the City Administrator. The City does not intend by this Handbook to create any expectation that any employee will be assured of any form of disciplinary action, such as warning or notice, or progressive discipline, prior to termination. Rather, discipline shall in all cases be imposed at the City's discretion, in consideration of factors the City deems relevant.

There is no express or implied right to receive corrective action or counseling prior to or in conjunction with a disciplinary action. Action taken by the City in one case does not establish a precedent with respect to any other case.

3.8 EMPLOYEE CATEGORIES

For administrative purposes, the City classifies employees into the following employee categories.

Full-time regular employee means an employee hired to work at least 30 hours per week on a regular basis. Full-time regular employees are eligible for leave and insurance benefits as provided in this Handbook.

Part-time regular employee means an employee hired to work fewer than 30 hours per week on a regular basis. Part-time employees are not eligible to accrue vacation leave or other company benefits; however, effective January 01, 2021, all personnel are eligible to accrue sick leave according to the Healthy Families Workplace Act, see section 7.6 for complete regulation and procedure.

Temporary, Per-Diem, or Seasonal employee means an employee engaged in work with the understanding that there are no guaranteed hours, and the employment may be terminated at the completion of a specific project or at a specified time. Temporary, Per-Diem, or Seasonal are not eligible for accrued vacation leave or insurance benefits. Employees may accrue sick leave according to the Healthy Families Workplace Act, see section 7.6 for complete regulation and procedures. Seasonal employees are not eligible for unemployment benefits.

Additionally, all City employees are classified as either exempt from overtime pay or non-exempt from overtime pay under the Fair Labor Standards Act (FLSA). The terminology is complex and is centered on job responsibilities performed by the employee. Exempt or non-exempt status is determined by the actual job duties, not the job title. Human Resources determines the classification of employees.

3.9 EMPLOYMENT REFERENCE CHECKS

Unless required by a valid court order or the law, the City will only furnish the following information about past or present City employees:

- a. Dates of employment.
- b. Current job title or job title at date of separation from employment.

No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry, unless the release of such data is authorized or required by the Colorado Open Records Act, or other applicable law. All requests for information regarding past or present City employees shall be directed to Human Resources. Any requests made under the Colorado Open Records Act shall be directed to the City Clerk.

3.10 RULES OF EMPLOYEE CONDUCT

The City expects employees to act in the best interests of the organization and the members of the public served by the City. Employees shall act in a professional manner while performing all job duties. It is the responsibility of each employee to observe City policies, operating procedures, and management directives. Employees are always expected to conduct themselves with high ethical standards and to be respectful towards co-workers and members of the public. Code of Conduct violations include, but are not limited to:

- a. Abuse of paid leaves (sick, vacation, personal, bereavement, etc.).
- b. Failure to demonstrate respect in the workplace.
- c. Abuse or misuse of company property and/or equipment.
- d. Discrimination, bullying, harassment, violence, or aggression of any kind.
- e. Creating a hostile work environment.
- f. Fraudulent, illegal, or unethical activities, including falsification of time.
- g. Bribery and/or corruption.
- h. Conflict of interest – personnel must avoid any personal financial, or other interests that might hinder the ability or willingness to perform job duties.
- i. Intentionally disrupting the workplace or presenting obstacles to colleagues' abilities to work.
- j. Abuse of employee benefits.
- k. Failure to adhere to policies and procedures as designed by the City.
- l. Unprofessional actions or behaviors.
- m. An intentional or malicious behavior, including gossip and rumors.
- n. Retaliation against other personnel, citizens, or customers.
- o. Failure to promote diversity, equality, and inclusion.

3.11 HIRING OF RELATIVES

For purposes of this policy, “immediate family” means a spouse, civil union or live-in domestic partner and any individuals related by adoption or marriage, including, without limitation, father, mother, son, daughter, brother, sister, in-laws, grandchildren, grandparents, stepparents, stepchildren, stepbrothers, and stepsisters. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Immediate family and individuals involved in a dating relationship may not occupy positions where one would directly or indirectly exercise supervisory, appointment, dismissal, or disciplinary authority over the other; or where one would audit, receive, or be entrusted with moneys received or handled by the other in the course of employment, or where one has access to the City’s confidential information of the other, including personnel records. The City reserves the right to take prompt action if an actual conflict of interest arises involving immediate family members or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

When employees of the City become immediate family members or establish a dating relationship and their working relationship is prohibited by this policy, one employee will be required to transfer to another position, provided a position for which that individual is qualified and is the best candidate as determined by the City in its sole discretion, is available, or resign. If neither affected employee voluntarily transfers or resigns, the City Administrator shall terminate or transfer one of the employees, at the City Administrator’s discretion.

3.12 INSPECTIONS AND SEARCHES

The City reserves the right to conduct an inspection and/or search employee work areas to help maintain a safe, healthy, and efficient working environment, and to protect City property, equipment, operations, as well as its employees, customers, and citizens if the facts/circumstances justify such search.

With respect to any and all City-owned property, such as computers, desks, offices, file cabinets, etc., employees have no privacy interest and the City reserves the right to search such property if in the City’s sole discretion, a search is deemed to be appropriate under the circumstances. For non-City owned property that is located in a City facility or vehicle, the City must weigh respect for individual privacy against the need for maintaining and protecting the appropriate work environment. If the employee has personal items which the employee would not like subjected to search or inspection, these items should not be brought onto City premises. Any such search must be authorized by the City Administrator and Human Resources.

Searches may be conducted under the most reasonable circumstances as applicable to the facts of the situation. The City will consider such issues as the availability of the employee, the consent of the employee’s manager, and the likelihood of finding materials or information that is deemed relevant to the situation; provided that the City’s decision to search and the manner in which a search is conducted are up to the City’s sole discretion.

Refusing to cooperate with or submit to an inspection or search shall be in violation of this policy.

3.13 LUNCH AND WORK BREAKS

Scheduling and length of lunch and work breaks are determined by each department's business needs and constraints. Generally, meal periods are 30-60 minutes in length and breaks are 10-15 minutes in length. While meal periods are unpaid time for non-exempt employees, break periods are included in paid work time. An employee may not work through the employee's lunch break without obtaining prior approval from their supervisor as it may result in overtime. Additionally, employees may not skip their lunch breaks to leave early or arrive late unless they have prior approval from their supervisor. All non-exempt personnel must take breaks and lunches away from their worksite/desk, unless authorization received, and only in special circumstances as deemed appropriate by supervisor/manager.

3.14 PERFORMANCE MANAGEMENT

The City encourages supervisors and employees to discuss employee performance in a timely and ongoing manner. Supervisors and employees may discuss ongoing performance regularly and/or conduct special performance evaluations if consistent issues are noted. Performance Improvement Plans (PIP) may be utilized in place of special evaluations. All personnel are provided an annual review conducted by their direct supervisor.

3.15 PERSONAL APPEARANCE

Employees are expected to report to work in appropriate business attire that reflects their position and required day-to-day work area demands. Managers have the discretion to allow employees to deviate from regular business attire on a temporary basis, when necessary.

Each City Department may have specific appearance requirements. Employees should discuss these requirements with their supervisor or Human Resources.

Failure to adhere to the personal appearance guidelines is a violation of this policy.

3.16 PERSONAL DATA CHANGES

It is the responsibility of each employee to promptly notify Human Resources of any changes in personal data, including but not limited to address changes, telephone number changes, dependents, and emergency contacts.

3.17 PHONES, COMPUTERS, INTERNET, EMAIL AND OTHER RESOURCES

The City provides a range of communication tools and resources to employees for use in conducting day-to-day business activities. Whether it is a telephone, cell phone, voicemail, fax, scanner, Internet, intranet, e-mail, text messaging, or any other company-provided technology, use should be reserved for

business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner. All City business must be conducted using a City provided communication tool, the City will not reimburse for conducting City business on personal devices.

Employees should not have any expectation of privacy in their use of company computer, phone, cell phone or other communication tools. All communications made using company-provided equipment or services including email and internet activity, are subject to inspection by the City. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the City's systems.

Employee use of company-provided communication systems, including personal e-mail and internet use, that is not job-related has the potential to drain, rather than enhance productivity and system performance. You should also be aware that information transmitted through e-mail and the internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the City's systems as well as the reputation and/or competitiveness of the City. To protect against possible problems, delete any e-mail messages prior to opening that are received from unknown senders and advertisers. It is also against City policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on City computers.

Because e-mail, telephone, voicemail, and internet communication equipment are provided for City business purposes, your communications may be accessed without further notice by the Information Technology Department administrators and City management to ensure compliance with this guideline.

Internal and external e-mails and communications via City-owned cell phones are not private and are considered business records. As such, they may be subject to Federal and State recordkeeping requirements as well as to discovery in the event of litigation and potential disclosure pursuant to the Colorado Open Records Act. Be aware of this possibility when sending e-mails within and outside the City and regarding cell phone bills, text messages, photographs, call logs, and other communications.

All use of company-provided communications systems, including e-mail and internet use, should conform to all City guidelines/policies, including but not limited to the Equal Opportunity, Harassment and Conflicts of Interest policies. So, for example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments using City communication devices.

Office telephones are for business purposes. While the City recognizes that some personal calls are necessary, these should be kept brief and kept to a minimum. Personal use of the City's cell phones is strictly prohibited.

Unless otherwise authorized, employees may only use personal cell phones while at work for an emergency or when on a break and when the use does not interfere with other employees.

Employees are prohibited from using handheld cell phones or other handheld devices while driving a motor vehicle or operating motorized equipment. The employee should safely pull off the road and come to a complete stop before texting, dialing, or talking on the cell phone or another handheld device. Employees may utilize a hands-free device to use a cell phone so long as such use does not interfere

with the safe operation of a motor vehicle or motorized equipment. Employees must not use cell phones if such conduct is prohibited by any law, regulation, or other policy.

Upon separation of employment, either voluntary or involuntary, all City issued communications systems and devices must be returned to the City for proper security controls. Failure to return City property may result in billing, collections, and/or submission of a police report for theft.

3.18 POLITICAL ACTIVITY

City employees may participate in political or partisan activities of their choosing if City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions.

Employees may not campaign on City time, City property, or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.

Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing the employee's regular duties, may not wear or display any button, badge, or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a political cause.

Except as noted in this policy, City employees are otherwise free to fully exercise their Constitutional First Amendment rights.

Any City employee who has filed an acceptance of a petition for nomination as a candidate of an elected office of the City shall immediately resign from City employment by submitting a written resignation to Human Resources. This section does not include Fire Department personnel seeking an office with the Manitou Springs Volunteer Fire Department.

3.19 PROBLEMSOLVING / GRIEVANCE PROCEDURE

Employees that have a work-related problem or concern are encouraged to use the following procedure. If you have a problem, it should be discussed immediately with your supervisor.

- Attempt to resolve the issue through informal discussion with the immediate supervisor.
- If a resolution is not reached with your supervisor or it is inappropriate to go to your supervisor, discuss the situation with the Department Head.
- If the situation is not resolved, or you do not feel comfortable, communicate the problem directly to Human Resources.
- If successful resolution is not found through the chain of command and Human Resources, the employee may submit a written statement of the grievance to the Deputy City Administrator and may request a meeting with the Deputy City Administrator. The written statement should include the basis for the grievance, specific policies, rules, or regulations that were violated, and the remedy or goal being sought by the grievance. The City Administrator makes the final determination.

Employees must use the Complaint Procedure in this Handbook for complaints related to Equal Employment Opportunity, including unlawful employee harassment or discrimination. Employees reporting illegal or dishonest activities should use the Whistleblower policy.

Each Department may have additional guidelines regarding grievance procedures which are available from the Department Head; in all instances, the City Administrator makes the final determination.

3.20 QUALIFIED CANDIDATES

Department Directors, managers and supervisors will select candidates for interviews and notify Human Resources of the candidate selected to fill a vacancy. All candidates will receive a “contingent” offer letter, and employment will not begin until all pre-employment testing, including but not limited to, a driving record check, criminal history check, and drug screen (when applicable for safety sensitive positions), is completed. Waivers of hiring processes may only be approved in advance by the City Administrator.

The hiring of the City Administrator, City Attorney, Municipal Court Prosecuting Attorney, Police Chief, Finance Director, Municipal Judge and City Clerk positions is done by the City Council.

3.21 RELEASE OF OFFICIAL PUBLIC INFORMATION (INCLUDING TO THE MEDIA)

All city employees must abide by the City’s Media Relations Policy, as approved by City Council via [Resolution 0621](#).

3.22 REPORTING CRIMINAL CHARGES

An employee must notify Human Resources if the employee has been arrested or convicted of any criminal charges no later than five (5) working days after such arrest or conviction occurs, whether resulting from on- or off-duty conduct and whether or not it occurs within City limits. This requirement shall not apply to traffic offenses, however, employees required to drive as part of their work duties must report any tickets or violations that involve charges related to illegal substances or alcohol, or bodily injury to a third-party within five (5) working days after such arrest or conviction occurs.

3.23 SEPARATION OF EMPLOYMENT

3.23.1 Resignation

Resignation is a voluntary act of separation from employment initiated by the employee. Employees are asked to notify the City as soon as possible of the intended separation. Notice generally allows enough time to transfer work, cover shifts, and return property.

After twenty (20) years of continuous service with the City, an employee who resigns will be classified as retiring from the City. An employee who the City classifies as retiring will be eligible to receive an

extra month of additional pay upon separation. This pay will be in addition to receiving pay-out of any accrued vacation.

3.23.2 Job Abandonment

An employee who, without authorization, fails to report for work for three (3) consecutive days, shall be considered to have resigned voluntarily as of the end of the third consecutive day.

3.23.3 Termination

Termination is an involuntary act of separation from employment initiated by the City.

3.23.4 Reduction in Force

When warranted by changes in City operations or by fiscal circumstances, the City may impose a reduction in force. Human Resources will notify the affected employee or employees, when possible, at least two (2) weeks in advance of such reductions.

3.23.5 Exit Interview

Human Resources will recommend exiting employee complete an “exit” interview/questionnaire to solicit information about the employment experience. Exit interview documents may be found on the City Forms website in the event personnel wish to submit information without an interview.

3.24 SOCIAL MEDIA POLICY

The City expects all employees to use its social media website and blog in a manner consistent with the City’s Communication Plan. *Social media* means, but is not limited to, web sites that focus on creating and fostering online social communities for a specific purpose and connect users from varying locations and interest areas, including, but not limited to, social networks (such as Facebook, LinkedIn and Nextdoor.com), instant messaging (including SMS), blogs, wikis and online collaboration (such as SoundCloud), microblogging (such as Twitter), status updates, online forums and discussion boards or groups (such as Google Groups and Whirlpool), web site link sharing, video conferencing, virtual worlds, location-based services, VOD and podcasting, geo-spatial tagging (such as Foursquare and Facebook Check In), and photo and video sharing (such as Flickr, Instagram, and YouTube).

Only designated employees are permitted to post to a City social media web site or blog. Detailed guidelines for use of City social media websites and blogs may be requested from Human Resources or your supervisor.

Employees may not speak as a representative of the City of Manitou Springs using personal social media. Employees may not disclose any sensitive, proprietary, or confidential information about the City on any personal social media site, and may not use the City of Manitou Springs logo, trademark, or branding. While employees may respectfully disagree with City actions, policies, or management decisions, they shall not post material that is obscene, defamatory, discriminatory, harassing, libelous, or threatening about the City, its employees, or officials

3.25 USE OF CITY PROPERTY

City property is to be used only for official City business, in an appropriate manner, and in accordance with all applicable rules, operating procedures, and directives. No employee shall remove City property from City premises or City work sites without proper authorization.

3.26 USE OF CITY VEHICLES

City vehicles may be used only for the purposes of performing City work. Only authorized, qualified, and licensed City employees, or authorized maintenance providers driving vehicles to and from service locations and for testing, may operate City vehicles. Vehicles shall be operated in accordance with all applicable traffic laws, and vehicle operators shall be responsible for the condition and proper use of the City vehicle. The City reserves the right to review an employee's driving record at any time.

Authorized employees may drive City vehicles to and from their homes and work, if they are designated by their manager as being on call, provided that such employees are prohibited from using the City vehicle for any personal use. It is the responsibility of the employee to track and report mileage. The value of such mileage is reported to the Internal Revenue Service as additional income to the employee. Police Officers who drive City vehicles to and from home and work are not required to record the mileage. At no time should an employee's family members or any person unrelated to business with Manitou be in the vehicle.

City employees are required to immediately notify Human Resources and their Manager of any charges regarding suspension, revocation, DUI, denial, or loss of a Colorado Driver's License.

Should a City vehicle not be available for business use, the City will reimburse mileage at the IRS published rate for occasional use of an employee's vehicle when it is pre-authorized.

SECTION 4 - LEAVES OF ABSENCE

4.1 BEREAVEMENT LEAVE

The City of Manitou Springs provides forty (40) hours of paid bereavement leave for all full-time personnel scheduled 40 hours per week, including Police. Full-time personnel scheduled 30 to 39 hours per week, including Police, are paid 30 hours of paid bereavement leave. Part time personnel scheduled for 20 to 29 hours per week, including Police, are paid 20 hours of bereavement leave.

Fire department personnel scheduled full-time, 56 hours per week, will receive 56 hours of bereavement leave. Regularly scheduled Part-time personnel will receive 30 hours of bereavement leave. Per-diem, (as-needed) and volunteers are not paid bereavement leave.

Bereavement leave is paid for all immediate family member (see definition of “immediate family” in Section 3.11 above).

Employees may request additional time based upon personal circumstances and are required to use accrued leaves for additional days needed. The City may request documentation relating to the event at its discretion.

4.2 DOMESTIC ABUSE LEAVE

In compliance with the Employment Rights for Victims of Domestic or Sexual Violence Act of Colorado, the City permits an employee of twelve months or more, who is a victim of domestic abuse, sexual assault, stalking, or other domestic violence related crimes to take up to five (5) days of leave to seek a restraining order; obtain medical care or counseling; locate safe housing or make the home secure; or seek legal assistance and prepare for or attend court-related proceedings. Personnel are required to utilize accrued leave, which shall run concurrently with the unpaid FMLA leave as set forth below in section 4.3.7. Upon exhaustion of accrued leave, the remainder of the FMLA leave period shall be unpaid. Extended leave beyond the FMLA leave period may be granted at the discretion of the City Administrator.

4.3 FAMILY AND MEDICAL LEAVE (FMLA)

The City complies with the Family and Medical Leave Act (FMLA), which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons.

Please note there are many requirements, qualifications, and exceptions under these laws, and each employee’s situation is different. Contact Human Resources to discuss options for leave.

The City provides eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. Personnel will be required to use all available accrued sick, vacation and personal leave concurrently with available unpaid FMLA leave as set forth below in Section 4.3.7. The 12-month period is a rolling period measured forward from the first date an employee

uses any FMLA leave, except for leaves to care for a covered servicemember with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period, measured forward from the date an employee first takes that type of leave.

4.3.1 Basic Leave Entitlement

The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or child birth; (2) to care for the employee’s child after birth or placement for adoption or foster care; (3) to care for the employee’s spouse, son or daughter, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work. Under the FMLA, “spouse” means a husband or wife, including those in same-sex marriages, “son or daughter” means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis who is either under age 18 or age 18 or older and “incapable of self-care because of a mental or physical disability, and “parent” means biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when he or she was a minor.

4.3.2 Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member’s active duty or call to active duty.

The 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 a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the service member’s duties and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

4.3.3 Benefits and Protections During FMLA Leave

During FMLA leave, the City will maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the City’s operations. A “key” employee is an eligible salaried employee who is among the highest paid ten percent of the City’s employees. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

4.3.4 Employee Eligibility

The FMLA defines eligible employees as employees who: (1) have worked for the City for at least 12 months and, (2) have worked for the City for at least 1,250 hours in the previous 12 months.

4.3.5 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 the qualified family member from participating in school, work, 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 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.

4.3.6 Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations.

Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

4.3.7 Substitution of Paid Leave for Unpaid Leave

The City requires employees to use accrued vacation, sick and compensatory time during an unpaid FMLA leave taken because of the employee’s own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military.

In addition, the employee must use any accrued vacation and compensatory time (but not sick) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member’s active duty or call to active-duty status in support of a contingency operation.

In order to use paid leave for FMLA leave, employees must comply with the City’s normal paid leave procedures found in its Vacation and Sick Leave policies.

4.3.8 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. The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide enough information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Enough 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 are also required to provide a certification and periodic recertification supporting the need for leave. The City may also require a second, and if necessary, a third opinion (at the City's expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The City also may delay or deny approval of leave for lack of proper medical certification.

4.3.9 City Responsibilities

The City will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees 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 FMLA leave entitlement. If the City determines that the leave is not FMLA-protected, the Company will notify the employee.

4.3.10 Other Provisions

Under an exception to the Fair Labor Standards Act (FLSA) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of exempt employees without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

4.3.11 Unlawful Acts by Employers

The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

4.3.12 Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The 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.

4.4 JURY DUTY AND COURT APPEARANCE

The City encourages employees to fulfill their civil responsibilities by serving when required. Employees must immediately notify their supervisor when they receive a notice to appear in court as a witness or for jury duty. Employees must provide their supervisor a date and time stamped Court release upon their return to work.

Employees who are required to serve as a juror in a Federal, State, County or Municipal Court shall be granted Jury Duty Leave with pay on the condition that any compensation received for such services during working days shall be turned over to the City, except for verified parking expenses and mileage allowance.

Employees who are required to appear as witnesses in cases that relate directly to their City duties shall be granted leave with pay on the condition that any compensation received for such services during working days shall be turned over to the City, except for verified parking expenses and mileage allowance.

Employees will not receive overtime while on Jury Duty Leave.

4.5 MILITARY LEAVE

Full-time employees who are members of the National Guard or reserve forces are entitled to military leave without loss of pay, benefits or status for no more than fifteen (15) working days each calendar year while they are engaged in training or other service under orders. Any employee who is required to continue in military service beyond the time allowed for military leave shall be afforded leave without pay for the duration of his or her service and shall be reinstated to full employment rights upon separation from military service as required by law, provided he or she reports to the City for work within ninety (90) days from such separation.

Employees on military leave are paid the difference between their regular straight time pay and the pay received for military service for up to ten (10) working days per calendar year. To receive such pay, an employee must provide a military pay statement verifying the amount received by him or her for military service. Accrued vacation may be used for any unpaid portion of an employee's military leave.

When circumstances permit, employees taking military leave shall submit a written request for leave at least thirty (30) days in advance of the time they are scheduled for active duty or training.

Continuation of health insurance benefits is available as required by the Uniformed Services Employment and Reemployment Rights Act (USERRA) based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable State laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact Human Resources for more information or questions about military leave.

4.6 NON-FMLA LEAVE

Employees may be granted a Non-FMLA Leave if they do not currently meet the FMLA “Eligibility Requirements.” Non-FMLA Leave may not exceed 12 weeks during a 12-month period, except potentially as a reasonable accommodation for an employee with a qualified disability under the parameters of the Americans with Disabilities Act (ADA) and its amendments. Potential accommodations will be determined in an interactive process between the employee and the organization.

Non-FMLA Leave is available to eligible employees for the following reasons:

- To care for the employee’s spouse, domestic partner, son or daughter, (biological and/or via marriage/stepchild(ren), or parent, who has a serious health condition (as defined under FMLA regulations).
- Serious health condition (as defined under FMLA regulations) that makes the employee unable to perform the employee’s job, including the employee’s medical incapacity due to pregnancy, prenatal medical care, or childbirth.

For a Non-FMLA leave to be granted, the following conditions must be met:

- The employee must notify the employee’s supervisor and Human Resources as soon as possible of the need for leave; and
- The employee applies for a Non-FMLA Leave, including providing a Certification of Health Care Provider form to Human Resources.

Because of the nature of our business, it is not always practical to hold a position open during a leave not covered by FMLA. In the event an employee’s job is filled during a Non-FMLA Leave, an employee may be considered along with other candidates for any vacant position for which the employee is qualified.

An employee who has been on leave for their own medical condition, whether work related or not work related, and is able to return to work, must present a doctor’s statement indicating the employee’s fitness for duty and the date when the employee is able to return to work.

Regarding substitution of paid leave for unpaid leave under an approved leave of absence, employees must exhaust any applicable accrued sick leave, vacation, and/or compensatory time. When all applicable paid leave is exhausted, any remaining leave time would be unpaid.

During paid leave, the City's contribution and appropriate benefit deductions will continue. The following benefits will not continue during unpaid leave: vacation and sick leave accruals, holiday pay, bereavement leave, City closure, and jury duty.

An employee on unpaid leave who does not receive a paycheck during periods of Non-FMLA Leave can be retained on all enrolled City benefit plans as long as the employee makes arrangements with Human Resources, in advance, to pay the employee's portion of the benefit premiums before the end of each applicable month.

In the event that an employee fails to return from leave, the employee may be liable for the premiums paid by the employer to maintain insurance coverage unless: the failure to return occurs from circumstances beyond the control of the employee.

If an employee subsequently meets the FMLA "Eligibility Requirements" while on Non-FMLA Leave, the employee's leave will be characterized as FMLA from the date of eligibility forward and Non-FMLA Leave will end.

4.7 TIME OFF FOR VOTING

Voting is an important responsibility we all assume as citizens. We encourage all employees to exercise their voting rights in all municipal, State and Federal elections.

Under most circumstances, it is possible for the employee to vote either before or after work. If an employee does not have three or more non-scheduled work hours between 7:00 a.m. and 7:00 p.m. in which to vote, the employee may be granted up to two hours off with pay during the workday to do so. The employee must arrange for the time off with their supervisor at least a day in advance of the election.

4.8 UNAUTHORIZED LEAVE

An impermissible unauthorized absence is when an employee is absent from work without permission or notifying their supervisor using the proper call-in procedure.

SECTION 5 - PAY

5.1 DEDUCTIONS FROM PAY/SAFE HARBOR EXEMPT EMPLOYEES

The City does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Permitted deductions. The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- a. Deductions that are required by law, e.g., income taxes.
- b. Deductions for employee benefits when authorized by the employee.
- c. Absence from work for one or more full days for personal reasons other than sickness or disability.
- d. Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness.
- e. Offset for amounts received as witness or jury fees, or for military pay; or
- f. Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

During the week an exempt employee begins work for the City or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

Improper deductions. If an employee classified as exempt believes that an improper deduction has been taken from the employees' pay, the employee should immediately report the deduction to Human Resources. The report will be promptly investigated and if it is found that an improper deduction has been made, the City will reimburse the employee for the improper deduction.

5.2 MOBILE DEVICES AND REMOTE ACCESS

Outside of an employee's regular work hours, there may be times in which the employee is required to use City-issued or personal mobile devices to perform work, to remotely access the City's network to perform work or to use other methods of remote access to perform work when out of the office. While the City recognizes the prevalence of mobile devices and remote access in both an employee's personal and work life, the restrictions on the use of mobile devices and remote access for work duties addressed in this Handbook must be strictly adhered to.

All time spent by non-exempt employees using electronic communications, regardless of the type of device, for work purposes will be considered time worked, is compensable, and will count toward overtime eligibility.

Electronic communications shall not be used outside of a non-exempt employee's regularly scheduled work hours unless required and authorized in advance by the employee's Department Head or the City Administrator. Non-exempt employees shall not check, read, send, or respond to work-related e-mails or texts outside of their normal work schedule unless directed to do so by their Department Head or the City Administrator. Non-exempt employees shall not use electronic communications for work, including but not limited to e-mails, texts, and communications over social media, during unauthorized times.

Access to the City's network through mobile devices or other types of remote access is a privilege, not a right. The City reserves the right to revoke access at any time.

5.3 ON-CALL TIME FOR NON-EXEMPT EMPLOYEES

All employees of the City are subject to emergency call-out. If an employee is ordered to respond to an emergency call-out that is four (4) hours or longer, the City may provide a meal to the employee. For the employee to be reimbursed for the meal the employee must have prior approval from the City Administrator or the City Administrator's designee.

Certain employees may be assigned on-call duty requiring that they be available for call-in during a specified time period outside their normal working hours. Non-exempt employees assigned to on-call duties will be eligible for on-call pay as required by law and approved by the City Administrator. Non-exempt employees will be paid a minimum of two hours for emergency call-out *or* for actual number of hours worked. Scheduled on-call employees will not be reimbursed for meals.

Personnel scheduled for 24 hours or more of vacation in any week may not be on-call during the same week, unless circumstances designate a need, and then it must be approved through Human Resources or the City Administrator.

5.4 OVERTIME/COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES

When operating requirements or other needs cannot be met during regular working hours, non-exempt employees will be given the opportunity to volunteer for overtime work assignments, or the City may require employees to work overtime. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with Federal and State wage and hour restrictions. For all departments, except Police and Fire, the employee's regularly scheduled work hours during a holiday, up to eight (8) hours, shall count as hours worked for overtime calculation purposes regardless of whether an employee worked or not. Vacation leave time shall count as hours worked for overtime calculation purposes. Sick Leave, and other accrued time does not count as hours worked in the calculation of overtime.

For all non-exempt employees, overtime is defined as hours worked in excess of:

- a. Forty (40) hours in a seven (7) day week beginning at 12:01 a.m. Sunday and ending at 12:00 midnight Saturday; or
- b. For Fire Department personnel, overtime shall be paid pursuant to the Fair Labor Standards Act based upon an 18-day work period; or
- c. For Police Department personnel, overtime shall be based upon a 14-day work period and shall be paid for hours worked in excess of 84 hours during the 14-day work period.

Compensatory time earned at 1½ times the hours worked as overtime defined above may be substituted for overtime pay at the discretion of the Department Head with authorization from Human Resources or the City Administrator. Full-time non-exempt employees may accumulate up to a maximum of 120 hours representing not more than 80 hours of actual overtime worked. With the supervisor's approval, compensatory time can be taken in any following work period within the same calendar year. Compensatory time accrued and not used by December 31st is paid out to the employee as paid overtime, or at the time of separation, whichever comes first. Compensatory time shall not be rolled over from year to year.

All overtime must be pre-approved unless on-call emergencies require it.

5.5 PREMIUM PAY

Non-exempt employees may be entitled to premium pay (additional pay in excess of an employee's regular rate of pay for performing the employee's regular job duties) for specific duties, such as functioning in Interim and/or Acting positions, and should check with their Department Head. Department Heads must go through Human Resources and/or the City Administrator to confirm whether certain work is subject to premium pay and the rate of such premium pay.

SECTION 6 - SAFETY IN THE WORKPLACE

6.1 DRUGS AND ALCOHOL IN THE WORKPLACE

The City is a drug-free workplace as required by the Drug-Free Workplace Act. The City strictly prohibits the use or possession on City premises of alcoholic beverages of any kind and drugs other than those prescribed by a physician or obtained from a legal over-the-counter source. For purposes of this policy, marijuana is considered an illegal drug, regardless of whether it is used for medical or recreational purposes in accordance with Colorado law.

No employee is permitted to report for duty while impaired by or under the influence of alcohol or drugs. An employee who reports to work impaired or under the influence of drugs (including being impaired or under the influence due to off-duty recreational or medical use of marijuana) or alcohol shall be immediately tested and relieved of the employee's duties immediately.

Employees are expected to use prescription or legal over-the-counter drugs in an appropriate manner and are expected to know whether the appropriate use of such drugs may impair their ability to perform their jobs safely and competently. If an employee becomes aware that a prescription or legal over-the-counter drug is impairing or could impair the employee's job performance, the employee shall notify both the employee's supervisor and Human Resources immediately.

As required by the Drug-Free Workplace Act, each employee engaged in the performance of any Federal grant, as a condition of employment, must:

- a. Abide by the terms of this policy; and
- b. Notify the City in writing if the employee is convicted of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. Upon notification of any such conviction, the City shall take-action in compliance with the Drug-Free Workplace Act and Regulations.

The City's detailed Drug and Alcohol Policy is available from Human Resources and/or on the Intranet.

6.2 GENERAL SAFETY RULES

The City is committed to a safe work environment for employees. Employees are responsible to abide by all applicable safety rules and regulations, including those in writing and verbal instructions given by their supervisor and management. The City expects employees to do their job in a manner that ensures their personal safety and that of fellow employees.

Employees should report any unsafe practices or conditions to their supervisor so corrective action can be taken. Employees are encouraged to think about how to make their workplace safer for both themselves and their co-workers. Suggestions on improving safety at the City are welcomed and should be directed to the employee's supervisor or Human Resources.

Personnel should utilize the “Stop Work Authority” (SWA) procedure at any time a safety concern arises during any portion of work processes. The City may authorize an exemption for the Fire, Police and Aquatic department as these departments may assess their own internal job needs and may not be required to respond to SWA initiatives.

If employees are injured on the job, no matter how minor, they must report this fact to their supervisor and Human Resources immediately, or within four (4) days of incident if non-emergent. All personnel involved in workers compensation incidents shall be subject to immediate drug screening. See Workers Compensation section for additional information.

The following lists only some of the key safety rules; the list is not intended to be exhaustive or all-inclusive. Each department may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

- a. Proper training and caution are required by all employees operating any type of power equipment. Employees will not operate equipment or use tools for which appropriate training has not been received.
- b. Employees are expected to use personal protective equipment appropriate to the job, such as safety glasses, safety vests, gloves, safety shoes, and hard hats, if required or appropriate to the work performed.
- c. Employees may not wear loose clothing and/or jewelry while working on or near equipment and machines.
- d. All accidents, regardless of severity, personal or vehicular, are to be reported immediately to the employee’s supervisor and Human Resources.
- e. Defective equipment must be reported immediately to the supervisor.
- f. Employees are expected to know and execute proper trenching and excavation procedures when involved in such operations.
- g. Employees are expected to follow proper confined space entry procedures when involved in such operations.
- h. Employees are expected to wear work zone protection when work is performed on a public way.
- i. All employees while working on any street or highway must wear safety reflective vests. There will be no exceptions. Safety vests will be CDOT compliant.

6.3 TOBACCO-FREE WORKPLACE

The City is concerned about the health, safety and well-being of employees and visitors to City facilities. Therefore, all City facilities and vehicles owned by the City are declared tobacco free. The use of tobacco products by employees, including e-cigarette, vaping and or any other tobacco products, will be limited to designated outside smoking areas and only during employee break times.

6.4 WORKERS’ COMPENSATION

Employees are generally covered for employment-related injury or illness by the Colorado Worker’s Compensation Act. Under the Act, an employee may receive benefits for missing work as a result of an

employment-related injury or illness. Delay in reporting a work-related injury or illness may result in a reduction of benefits under the Act. It is a felony in Colorado for someone to willfully make a false statement or represent material to a workers' compensation claim for the purpose of obtaining benefits, payments, compensations, or award.

In compliance with the Workers Compensation statute, C.R.S. § 8-42-112.5: If the injury results from employee's use of alcohol or controlled substances, workers' compensation disability benefits may be reduced by one-half. This action will be determined by the workers' compensation insurance company utilized by the City

Employees who sustain work-related injuries or illnesses should inform (in writing) their supervisor and Human Resources immediately, but no later than four (4) working days following the accident, no matter how minor an on-the-job injury may appear. Employees shall cooperate in a timely manner with written reports, forms and other requests required by the supervisor, Human Resources, insurance companies, or other authorities. See Human Resources for details, including the report forms.

If medical treatment is needed, it must be provided by a City-designated provider. For life threatening emergencies, employees will be taken to the most appropriate medical facility or emergency room as determined by the responding Emergency Medical personnel. All medical referrals after the initial treatment and all follow-up care after the initial emergency room visit shall be provided by a City-designated provider.

In the event a workers' compensation injury requires time off from work, the employee may use accrued Sick, Vacation, or Compensatory Time (in that order) to supplement workers' compensation benefits not to exceed the employee's regular pay for the applicable period. Family and Medical Leave shall run concurrently with any other accrued leave available to the employee during time off from work taken due to an injury covered by workers' compensation benefits.

If an employee is unable to perform the employee's duties for the City due to a work-related injury, the employee shall not engage in any employment outside the City, including without limitation, responding to fire/medical calls as a volunteer for the Fire Department or any other agency.

The City will attempt to reasonably accommodate an employee who is released by his/her physician for modified duty after a workers' compensation injury or illness. Modified duty is not guaranteed and must be approved by the City Administrator in coordination with the employee's department head and Human Resources. Personnel placed on modified duty may be provided work assignments outside of employee's regular department if duties are in line with restriction and medically advised accommodations.

6.5 WORKPLACE VIOLENCE PREVENTION

The City is committed to providing a safe, violence-free workplace for our employees; therefore, personnel are not to engage in any physical confrontation with a violent or potentially violent individual behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or

any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at City-sponsored functions.

All City employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor or Human Resources. All threats will be promptly investigated by Human Resources. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline.

Any individual engaging in violence against the City, its employees, citizens, customers, contractors, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken.

SECTION 7 - EMPLOYEE BENEFITS

7.1 EMPLOYEE BENEFITS

The City recognizes the value of benefits to employees and their families by offering a benefits program to regular full-time employees. For more information regarding benefit programs, please refer to the City's Summary Plan Descriptions (SPD), which can be obtained from Human Resources.

7.2 ADMINISTRATIVE LEAVE

Key management positions in the City are expected and required to work the time necessary to meet their responsibilities. It is often necessary for employees in these positions to regularly work more than 40 hours per week. Because these positions are classified as exempt, they are not entitled to accumulate and utilize compensatory time. In lieu of compensatory time, the Finance Director, Planning Director, Public Works Director, City Clerk, Police Chief, Deputy City Administrator, City Engineer, Human Resource Manager, Public Information and Engagement Officer, Parks and Recreation Director, Aquatics Manager, and Parking Manager are granted 5 days of administrative leave upon hire, and each additional calendar year thereafter. (The position of City Administrator is granted administrative leave per employment contract.)

These Administrative Leave days are deemed available on January 1 of each year and shall not be carried over into the next year. These employees must use this time by December 31 of each year. An employee will not be compensated for unused Administrative Leave days when employment ends for any reason.

The City Administrator has the sole discretion to grant additional administrative leave days to these positions upon January 1 of each year following the date of hire. Any additional administrative leave days for the City Administrator must be approved by Council.

7.3 HOLIDAYS

The following days are declared paid holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People Day

- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day

All full-time regular employees receive eight (8) hours of personal time annually. Personnel must be employed with the City as of January 1 each year to receive this benefit. New hires throughout the year are not provided a personal day until the next calendar year begins.

When the holiday listed above falls on a Sunday, the following Monday shall be considered a holiday, and when the holiday listed above is on a Saturday, the preceding Friday shall be considered a holiday. Full-time civilian employees (those other than Police and Fire employees covered by Section 7 of the FLSA) who are hired to work at least forty (40) hours a week receive compensation for a holiday for eight (8) hours. Full-time employees who are hired to work between 30 and 39 hours a week shall receive pro-rated holiday compensation based upon their work schedule.

A holiday falling within an employee's pre-approved scheduled vacation will not be charged against the employee's accrued vacation time.

Police and Fire personnel do not receive compensation for non-worked holidays. Police and Fire do receive pay at time and a half for 8 hours of their shift, in addition to their regular pay, if they work on the actual holiday.

The "personal day" referred to in the list above accrues on January 1 of each year for all full-time employees, including Police personnel, on the payroll as of that date, and it must be taken in the same calendar year, or it is forfeited. An individual who commences employment with the City after January 1 is not eligible for a personal day until January 1 of the following year. For Fire personnel, a personal day shall consist of twenty-four (24) hours rather than eight (8) hours. Full-time employees who are hired to work between 30 and 39 hours a week shall receive a pro-rated personal day based upon their work schedule.

If a full-time employee is required to work on a holiday, such employee shall receive additional pay at a rate of one- and one-half for a minimum of two (2) hours *or* actual hours worked, whichever is greater. The employee may be allowed to accrue compensatory time in lieu of pay at the rate of one- and one-half times the regular rate of pay if approved by the employee's supervisor, Human Resources, or the City Administrator.

7.4 SICK LEAVE

Full-time employees, including Police, hired to work at least forty (40) hours a week will accrue eight (8) hours of sick leave each month. Full-time employees hired to work between 30 and 39 hours a week will accrue vacation leave at .75 of eight (8) hours or six (6) hours. Fire personnel will accrue sick leave at the rate of one-hundred twenty-five (125) hours per year, with actual accrual occurring through the year on a pro-rated basis.

Accrued sick leave may be used for absences caused by illness, injury, pregnancy, temporary disability, medical exams, or medical treatment of the employee or the employee's immediate family, as defined under the Colorado Healthy Families and Workplaces Act, C.R.S. § 8-13.3-41, *et seq.* Additionally, sick leave may be used for absences related to specified incidences of domestic abuse, sexual assault, or harassment; or when a public official has ordered the closure of the employee's workplace, or the school or childcare facility of the employee's child, due to a public health emergency. Sick leave is not a substitute for vacation.

Full-time regular employees may carry accrued sick days over from one year to the next. The maximum accrual allowed for full-time employees is 480 hours; and for part-time and per-diem employees the maximum accrual is 48 hours.

If the need for sick leave is foreseeable, employees are required to give at least 30 days advance notice (e.g., a planned medical treatment) whenever possible. If the need for sick leave is not foreseeable, employees are asked to notify their supervisor as soon as is practical.

If an employee is on vacation and becomes ill, sick leave may be used in lieu of vacation time; proof of illness may be required, and changes must be authorized by Human Resources or the City Administrator.

Unused sick days are forfeited when an employee's employment ends for any reason. If an employee separates from employment and is rehired by the City within six months after separation, any forfeited paid sick leave required to be provided pursuant to the Colorado Healthy Families and Workplaces Act, C.R.S. § 8-13.3-41, *et seq.*, will be re-instated.

7.5 SICK LEAVE DONATION POLICY

Employees may donate accumulated sick leave hours to a bank for distribution to aid another employee who has exhausted all paid leave and who is unable to work due to a serious medical condition or who needs time off to care for a family member with a serious medical condition, as defined by the Family and Medical Leave Act.

To donate, donating employees must submit a signed statement to Human Resources indicating the number of earned sick leave hours the employee wishes to donate to the sick leave bank. The donations must be in full hour increments. Employees wishing to donate sick leave hours to the donation bank must do so on a strictly volunteer basis. No employee may donate more than 80 hours of sick leave per calendar year and may not donate if the donation will cause the employee's accrued sick hours to be less than 240 hours at the time of the donation. An employee may only make one donation of sick leave per calendar year.

To receive a donation from the sick leave bank, the recipient must have exhausted all his or her own sick leave, vacation, and other paid time off. The recipient must be on an approved leave and submit a signed request using forms available from Human Resources. A physician's statement indicating the expected duration of the illness or injury is required.

All hours must be taken as time off. No cash payments for donated sick leave will be made to a recipient employee. If a recipient employee separates from employment after receiving, but not using, any amount of donated sick leave, that unused leave shall be credited back to the sick leave bank. The employee's supervisor, in cooperation with Human Resources, will evaluate the eligibility of the recipient for donated time off based on the criteria in this Section. Based on the request, donated time off will be provided to the recipient on a week-to-week basis up to a maximum of 480 hours of donated sick leave time per calendar year.

If a recipient employee receives paid leave hours from a donating employee with a different pay rate, the leave time is converted based on the recipient employee's pay rate, so that the dollar value of the surrendered leave remains the same but leave taken by the recipient employee is always paid at the recipient employee's regular rate of pay. For example, if the donating employee is regularly paid \$15.00 per hour and surrenders eight hours of paid leave to the bank and that leave is given to a recipient employee who is regularly paid \$10.00 per hour, the recipient employee will receive 12 hours of paid leave, paid at \$10.00 per hour (8 hours x \$15.00 = \$120 value, and \$120.00 value/\$10.00 per hour = 12 hours).

7.6 HEALTHY FAMILIES & WORKPLACES (HFWA) – PAID SICK LEAVE

The City will provide paid leave as follows under HFWA.

Paid Leave under the Healthy Families & Workplaces Act beginning in 2021:

Beginning January 1, 2021, the City will ensure that each employee receives one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours per year. This is not in addition to the sick leave currently provided under 4.13 of the City's Personnel Handbook. However, those employees not currently eligible for Sick Leave under 4.13 of the Handbook, will be eligible for State mandated leave in the amount of one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours per year.

- Employees begin accruing paid sick leave when employment begins and may use that leave as it is accrued. If an employee has a need for paid sick leave under this policy in advance of the accrual, they may make that request in writing.
- Employees can accrue and use up to a maximum of 48 hours in a 12-month period.
- Employees may carry forward up to 48 hours of sick leave not used in the prior year.
- Paid sick leave under the Act is capped at 48 hours of accrued leave in a year.
- An employee may use paid sick leave in hourly increments.
- Employees are requested to provide advance notice to their supervisor of the need for leave whenever practical, and at a minimum, employees must notify their supervisor before the beginning of any work shift of the need for leave.
- For an absence of four or more consecutive days, documentation from a health care provider regarding the need for leave will be required.

Use of leave beginning in 2021

Paid sick leave may be used for:

- The employee's own health or health care or that of a member of the employee's family (which is expanded to include another person related by blood, marriage, civil union, or adoption; foster or legal guardianship; or any person whom the employee is responsible for providing or arranging health-related care).
- Absences related to specified incidences of domestic abuse, sexual assault, or harassment.
- When a public official has ordered the closure of the employee's workplace, or the school or childcare facility of the employee's child, due to a public health emergency.

Paid sick leave during a public health emergency beginning in 2021

SB 20-205 requires employers to provide employees with additional (“supplemental”) paid sick leave during a public health emergency.

- Employers must provide employees who normally work 40 or more hours a week with at least 80 hours of supplemental paid sick leave. This is not in addition to the sick leave currently provided under 7.14 of the City’s Personnel Handbook.
- For employees that work less than 40 hours a week, employers must provide supplemental paid sick leave in the amount of time that is the greater of the time the employee is scheduled to work in a 14-day period or the amount of time the employee works on average in a 14-day period. This is not in addition to the sick leave currently provided under 7.14 of the City’s Personnel Handbook.
- Employees must use available accrued paid sick leave first (under 7.14 of the City’s Personnel Handbook) before supplemental leave under this section can be used.
- Employees may use this supplemental leave for up to a month after the end or suspension of a public health emergency.
- This supplemental sick leave may be used by an employee for the following purposes:
 1. to self-isolate and care for themselves because they have been diagnosed with or are experiencing symptoms of a communicable illness.
 2. to seek or obtain diagnosis and care because they are experiencing symptoms of the communicable illness.
 3. to care for a family member who is doing the same during a public health emergency.
 4. to seek preventive care concerning a communicable illness.
 5. to care for a child or other family member when childcare provided is unavailable due to a public health emergency; or if the child’s or family member’s school or place of care has been closed by a local, State, or Federal public health order or at the discretion of the school due to the public health order, including if the school is closed but provided instruction remotely.

6. due to an employee's inability to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness; or
7. to care for a family member who is: a) self-isolating after being diagnosed with the communicable disease, b) self-isolating because of experiencing symptoms of the communicable disease; c) needs medical diagnosis care, or treatment if experiencing symptoms of a communicable disease; or d) seeking preventive care concerning a communicable disease.

Retaliation or Interference with HFWA Rights

The City will not retaliate against any attempt by an employee to exercise his or her rights under the HFWA or from counting paid sick leave used by an employee as an absence that may lead to or result in disciplinary action. This includes an employee who:

- Requests or takes HFWA leave.
- Informs another person about HFWA rights or supports that person’s exercise of HFWA rights.
- Files a HFWA complaint.
- Cooperates/assists in an investigation about potential HFWA violations.

7.7 VACATION

Full-time employees, including Police personnel, hired to work at least 40 hours a week, will accrue vacation, calculated on a bi-weekly basis, as follows:

Years Employed	Vacation Time Accrued Per Year	
0-4	10 days	(80 hours)
5-9	15 days	(120 hours)
10-19	20 days	(160 hours)
20+	25 days	(200 hours)

Full-time employees, including Police personnel, hired to work between 30 to 39 hours a week will accrue vacation based upon the above schedule multiplied by the percentage of 40 hours per week the employee works for each bi-weekly period that vacation accrues.

Full-time Fire Department personnel accrue two-hundred fifty-eight (258) hours of vacation leave each year. Part-time and per-diem Fire personnel do not accrue vacation time (sick accrual is based upon the HFWA, Section 7.6).

Unused accrued vacation is paid at separation of employment.

Vacation may be utilized only with the prior approval of the employee's Department Manager and only after the vacation to be used has accrued. Vacation may not be taken in increments less than one-quarter ($\frac{1}{4}$) hour. Managers will ensure that at no time the workforce will be depleted to the extent work productivity will be diminished.

Employees will only be allowed to carryover the number of hours they accrue according to years of service. Any additional vacation hours will be lost if not used by December 31st each year.

Fire Department personnel will be allowed two-hundred fifty-eight (258) hours of carryover time. Any hours over two-hundred fifty-eight (258) will be lost if not used by December 31st of each year.

Under no circumstances will an employee be paid for accrued vacation while the employee is employed by the City.

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

THIS ACKNOWLEDGMENT IS TO BE COMPLETED AND SIGNED BY THE EMPLOYEE AND RETURNED TO THE HUMAN RESOURCES DEPARTMENT. EMPLOYEES ARE ENCOURAGED TO KEEP A COPY FOR THEIR OWN RECORDS.

I hereby acknowledge receipt of the Employee Handbook of the City of Manitou Springs. I understand and agree that it is my responsibility to read and comply with the policies in the Handbook.

I understand that the Handbook and all other written and oral materials provided to me are intended for informational purposes only. Neither it, City practices, nor other communications create an employment contract or term.

I have entered my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. I understand that my employment is "At Will" accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time.

I understand that I must strictly adhere to the City's confidentiality policies and procedures.

I acknowledge that revisions to the handbook may occur except to the City's policy of employment-at-will. All such changes may occur with or without notice, and I understand that revised information may supersede, modify, or eliminate existing policies. Only City Council has the authority to revise the policies in this Handbook.

I have read, understand, and agree to adhere to the City of Manitou Springs Employee Manual.

Print Name: _____

Signature: _____

Date: _____