



**PERSONNEL POLICIES &
PROCEDURES MANUAL**

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IMPORTANT INFORMATION ABOUT THE EMPLOYEE HANDBOOK

THIS HANDBOOK IS DESIGNED TO ACQUAINT EMPLOYEES WITH THE CITY OF CRIPPLE CREEK AND PROVIDE SOME INFORMATION ABOUT WORKING HERE. THE HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE EMPLOYEES WITH A SUMMARY OF SOME OF THE CITY'S GUIDELINES. THIS EDITION REPLACES ALL PREVIOUSLY ISSUED EDITIONS.

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

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE HANDBOOK, EMPLOYEES THAT HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE HUMAN RESOURCES DEPARTMENT. IN ADDITION, THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK; EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE CITY, THEREFORE, RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

CITY OF CRIPPLE CREEK
PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 1

GENERAL INTENT AND AUTHORITY

Section 1.01 - Introduction/Purpose: These general guidelines are designed to acquaint you with some of the policies of the City of Cripple Creek. You should read and become familiar with the information contained in this manual. These guidelines discuss many of your responsibilities and outline some programs developed by the City of Cripple Creek to benefit the City's employees. One of the City's objectives is to provide a work environment that is conducive to both personal and professional growth.

Section 1.02 - Adoption and Amendment: The personnel policies herein are adopted by the City Council. All applicable State and Federal laws shall also apply. They may be amended only by the City Council. Recommendation by the City Administrator or the Human Resources Director for amendments may be submitted from time to time. Amendments will become effective upon approval by action of the City Council.

Section 1.03 - Coverage: The personnel policies herein shall apply to all offices, positions and employment in the service of the City of Cripple Creek except: elected officials, members of citizen boards, commissions and committees, and persons in the following positions:

1. City Attorney.
2. Municipal Judge.
3. Consultants or special staff as designated by the City Administrator.

Section 1.04 - Policies Not a Contract: This manual is a statement of general personnel guidelines and is not a grant of specific rights to any employee. The language, policies and procedures in this manual are not intended and should not be construed to create an express or implied contract between the City and any one or all of its employees.

Section 1.05 - Saving Clause and Conflict: It is the intent of the City Council that these policies comply with applicable criteria and requirements of State and Federal statutes and regulations. In the event there is a conflict between these policies and such applicable statutes and/or regulations, the criteria and requirements of the applicable State and Federal statutes and/or regulations shall prevail. In the event a section or provision of these policies is declared invalid, the remainder of the policies shall not be affected, and shall be invalid only to the extent required to make the policies legal.

Section 1.06 - Distribution of Manual: A copy of the Personnel Policies and Procedures Manual and any amendments thereto shall be furnished to all existing and new employees upon approval of the manual or changes by City Council. Each employee shall review and acknowledge the receipt of the Personnel Policies and Procedures Manual on the “Acknowledgment of Receipt.”

CITY OF CRIPPLE CREEK
PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 2

DEFINITIONS

Section 2.01 - Definition of Terms: The following are definitions of terms found throughout this Personnel Policies and Procedure Manual:

Americans with Disabilities Act: Americans with Disabilities Act ("ADA" or "the Act"), provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications.

Anniversary Date: The date each year corresponding to the official starting date of an employee.

Call-In: (Unscheduled time) An employee not scheduled for work, but authorized or directed to work by a Supervisor.

City Council: The governing body for the City of Cripple Creek.

Compensation: The standard rate of pay, benefits and other valuable considerations established for a position and paid to an employee of the City.

Compensatory Time: Time off in lieu of pay given for work performed in excess of the established work period.

Demotion: Assignment of an employee from one class to another, which has a lower maximum rate of pay.

Department: A major subdivision of City government.

Department Manager: The chief administrator of a department or a group of departments of the City government.

Dismissal: Involuntary termination of an employee.

Disciplinary Action: A dismissal, verbal warning, suspension, written reprimand, demotion, or any other action as determined to be an appropriate consequence to a violation of the City of Cripple Creek Personnel Policies and Procedures Manual or of good order and discipline.

Emergency Personnel: Identified as Police Officers, Dispatchers, Firefighters and specific individuals within the Public Works Department who are subject to call out during any emergency, excluding the administrative staff of these departments.

Employee: A paid person occupying a position for the City of Cripple Creek.

Exempt Employee: An employee who is exempt from certain provisions of the Fair Labor Standards Act.

Family Medical Leave Act: Federal law that allows "eligible" employees of a covered employer to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it.

Full-Time: A position, or an employee occupying a position, in which the normal workweek is from thirty-five (35) to forty (40) hours or more.

Full-Time Temp: A position, or an employee occupying a position, in which the normal workweek is from thirty-five (35) to forty (40) hours or more for five (5) months or less.

Grievance: A complaint concerning employment, working conditions or relationships between an employee and employer or other employees.

Immediate Family: The employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

Layoff: The involuntary separation of an employee from a position of employment due to lack of work or funding to continue work. This is not considered a disciplinary action.

Non-Exempt Employee: An employee that qualifies for overtime for hours worked greater than forty (40) hours in a week.

On-Call: When an employee is required to be available during off-duty time.

Overtime: Authorized time worked by a non-exempt employee in excess of the total normal working hours per week or of the established work period as established in compliance with the Fair Labor Standards Act.

Part-Time: A position, or an employee occupying a position, either regular or temporary, in which the employee is regularly scheduled to work less than thirty-five (35) hours per week.

Part-Time Substitute: A position, or an employee occupying a position, in which the normal workweek is less than thirty-five 35 hours per week (or forty-eight 48 hours per week for the Fire Department). An employee who holds this title will be called in by a supervisor to assist as staffing shortages occur. This position is paid on an hourly basis and receives no benefits. Employment may be terminated if one shift is not covered in a three-month time frame.

Per Diem: An allocation of funds to an employee for meals and expenses while the employee is away from Cripple Creek on City business. The allocation is a maximum daily amount. Receipts are required on all expenses to be reimbursed.

Performance Evaluation: A written evaluation of the job performance of an employee. The evaluation is normally performed by the immediate supervisor or the department manager.

Probationary Period: A trial period of employment during which the employee is required to demonstrate their fitness by actual performance of the duties of the position to which they are selected or promoted.

Promotion: The assignment of an employee from one position to another that has a higher range of pay.

Range of Pay: Prescribed pay normally consisting of entry or minimum and maximum pay.

Regular: The status of an employee whose appointment to a position is to be continued for an indefinite duration.

Re-Hire: Re-employment of a former employee in good standing with the City of Cripple Creek.

Reprimand: A formal notice to an employee informing the employee of a specific substandard work performance or conduct with instructions for improvement.

Reserve Firefighter: A position, or an employee occupying a position, in which the normal workweek is not more than 48 hours per week. This position is paid on an hourly basis and receives no benefits. Once out of the academy, employment may be terminated if 24 hours are not worked in a one-month time frame.

Resignation: Voluntary separation of employment by the employee.

Seasonal/Temporary Employee: Employees hired for the purpose of working no more than five (5) consecutive months on a full or part-time basis.

Supervisor: Oversees a unit (sub-group) of a larger department. Supervisors report to Department Managers.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.

Suspension: The temporary removal from employment with the City for disciplinary purposes where the ultimate outcome may not warrant dismissal. Administrative leave may also be used to remove an employee from the job site while a final determination is being made as to what disciplinary action will be taken. Suspension may be with or without pay.

Termination: The voluntary or involuntary separation of an employee from his or her position.

Transfer: The movement of an employee from one position to another.

Vacancy: A position that is not occupied and for which funds have been budgeted.

Work Period: An established period of seven (7) to twenty-eight (28) days used to determine when overtime is due under the Fair Labor Standards Act; this applies to hours worked for sworn fire and law enforcement public safety employees, only. The work period for other employees is described in "Work Week" below.

Work Week: Seven consecutive twenty-four hour periods within which a thirty-five (35) or forty (40) hour work week schedule is normally worked, except for employees of the Police and Fire Departments. The time at which the workweek commences shall be established by the Finance Director with approval of the City Administrator.

CITY OF CRIPPLE CREEK
PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 3

GENERAL RULES AND PROVISIONS

Section 3.01 - Nepotism: It is the City's policy that immediate family, relatives or persons related by blood or marriage will not be employed where:

1. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
2. One relative would audit, verify or receive, or be entrusted with monies received or handled by the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

Where business necessity requires the limitation of employment opportunity of spouses, the means chosen to meet the business necessity shall be those that have the least adverse impact on spouses or members of either sex. For example: the exclusion should be limited to the job, work crew, shop or unit where the reason for exclusion exists, and should not bar the person from the whole work force, unless the reason applies to the whole work force. When it is necessary to exclude a person because of what his or her spouse does, then the employees will be asked to determine which spouse shall keep the job. The City may require one spouse to quit 60 days after marriage if they become in violation of this policy and a mutually agreeable solution cannot be reached between the City and the employees.

Section 3.02 - EEO/Harassment Policy: The City is dedicated to the principles of equal employment opportunity. The City prohibits unlawful discrimination against applicants or employees on the basis of age 40 and over, race, sex, color, religion, national origin, disability, genetic information, or any other applicable status protected by state or local law.

ADA and Religious Accommodation: The City will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the City or a direct threat. Employees needing such accommodation are instructed to contact their supervisor or the Human Resources Department immediately.

EEO Harassment: The City strives to maintain a work environment free of unlawful harassment. In doing so, the City prohibits unlawful harassment because of age 40 and over, race, sex, color, religion, national origin, disability, genetic information, or any other applicable status protected by state or local law.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's age 40 and over, race, sex, color, religion, national origin, disability, genetic information, or any other applicable status protected by state or local law will not be tolerated. Prohibited behavior may include but is not limited to the following:

Written form such as cartoons, e-mails, posters, drawings, or photographs.

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

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

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

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

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

Submission to such conduct is made explicitly or implicitly a term or condition of employment.

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

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

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

Written form, such as cartoons, posters, calendars, notes, letters, e-mails.

Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, or questions about another's sex life, or repeated unwanted requests for dates.

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

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

Report the incident to your non-involved Supervisor, Department Manager or the Human Resources Department. In any case in which the Human Resources Department is witness to or confronted with a situation involving the City Administrator, the activity should be reported to the Mayor. Your complaint will be kept as confidential as practicable. If you prefer not to go to either of these individuals with your complaint, you should report the incident to the City Administrator.

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

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

Section 3.03 - Outside Employment: Employees may hold outside jobs as long as they continue to meet the performance standards of their job with the City. Employees should consider the impact that outside employment, including self-employment, may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to their department's scheduling demands, regardless of any existing outside work requirements. If the employee's Department Manager determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City of Cripple Creek as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain an employee of the City.

Outside employment that constitutes a conflict of interest is prohibited and will result in disciplinary procedure. Employees may not receive any income or material gain from individuals outside the City for materials produced or services rendered while performing their jobs for the City. Employees cannot receive any material gain for use of City tools, equipment, material or facilities.

Section 3.04 - Conflicts of Interest: Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

1. A conflict of interest will exist when a City employee works for pay or as a volunteer for a business, establishment or organization, which is regulated by the City.
2. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for that employee or for an immediate family member as a result of the City's business dealings.
3. If employees have any influence on transactions involving purchases,

contracts, or leases, it is imperative that they disclose to the City Administrator as soon as possible the existence of any actual, perceived or potential conflict of interest with existence of a relationship with outside firms so that safeguards can be established to protect all parties.

4. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City of Cripple Creek.

The above list is not intended to be an all-inclusive list.

Section 3.05 - Compliance with Immigration Law: Each new employee, as a condition of employment, must complete an Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility prior to completing any scheduled work shifts.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department.

Section 3.06 - Hours of Work, Schedules and Attendance:

1. Work Schedules: Work schedules for personnel shall be established by the appropriate department manager with approval of the City Administrator. Such work schedule shall be established in accordance with the needs of the department and may include longer work periods, different hours and different workdays. The Fire, Police and Communications Departments operate twenty-four (24) hours per day.

Flexible scheduling or “flextime” may be available in some limited cases. This practice allows employees to vary their starting and ending times each day within established limits. Flextime is only possible if a mutually workable schedule can be negotiated with and approved by the City Administrator.

2. Meal Periods and Breaks: A non-exempt employee’s normal work schedule will include a one-hour lunch break for each 8 hour workday and one 15-minute paid break period for every 4 hours worked. Operational requirements may prevent the use of break periods. No additional compensation shall be paid in lieu of the missed break. Unused work breaks cannot be accumulated in order to shorten the workday.
3. Accommodations for Nursing Mothers: The Colorado Nursing Mothers Act, which can be found at C.R.S. § 8-13.5-101 requires that the City as an employer provide reasonable paid or unpaid break time for an employee who is a nursing mother to express milk for up to two years after the child’s birth. The department manager must provide the nursing mother with a

private location in close proximity to the work area, other than a toilet stall, in which to express milk.

4. Attendance and Punctuality: To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify the Department Manager of their department of the City government or his/her designee as soon as possible prior to the start of their shift. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination.
5. Job Abandonment: Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the third day. The Department Manager shall notify the Human Resources Department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for re-hire.

Section 3.07 - Emergency Closings: At times, severe weather or other exigent circumstances may require the closing of City offices. When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid. Employees in essential operations will be expected to work when other operations are officially closed. In these circumstances, employees who work will receive their regular pay.

Section 3.08 - Travel Policy, Reimbursement for Costs: The Mayor and City Council have, and will continue to have, a current schedule for compensating employees and officials for travel and per diem expenses when they travel outside the City of Cripple Creek. This policy includes provisions for attending conferences and training seminars.

Current rates are established by the IRS for mileage. Please see supervisor or Finance Department for further information on current amounts. Per Diem rates will be established by the City Administrator based upon location of travel.

Section 3.09 - Political Activity: Employees are encouraged to be involved in matters of responsible citizenship. Employees may participate in political activities under the following conditions:

1. No employee shall be a candidate for the office of Mayor or City Council. Any employee desiring to hold such office shall resign from City employment upon filing for the office.
2. Political activity on the national, state or county level is unrestricted, except that any employee desiring to hold such office shall refrain from any

campaign activity while on duty or while identified by uniform, badge, or other City identification. The state level includes any governmental subdivision of the State, except the City.

3. Employees whose principle employment is in connection with federally financed activities face further restrictions and should inquire of the City Administrator's office before involving themselves in political activities.

Section 3.10 – Smoke Free Work Place: All City facilities are non-smoking, including vehicles. Each Department Manager is authorized to designate a smoking area outside the building and all employees and visitors are required to smoke in designated areas only, including non-business hours.

Section 3.11 - Drug Free Work Place; Substance Abuse - Drugs and/or Alcohol: Employees and the City have a mutual obligation to ensure a safe and healthy work environment to assure that the work place be free of employees whose job performance may be impaired by the abuse of drugs and/or alcohol.

When employees have placed themselves in a situation where their ability to perform their job is impaired by drugs or alcohol, it is the responsibility of the Department Manager, Supervisor or his/her designee to remove such employees from the work environment to prevent the endangerment of the employee, fellow employees and/or the public.

The City recognizes employee concerns of personal privacy and that drug or alcohol testing shall be used only in cases where there is reasonable suspicion of drug or alcohol use that may impair job performance, as part of post accident investigation, or pre-employment testing.

Employees will be provided a separate document containing the City of Cripple Creek Drug and Alcohol testing policy, which is incorporated herein by this reference. All employees must review and acknowledge the Drug and Alcohol Testing Policy, which is subject to revision from time to time.

Section 3.12 - Safety: In order to promote development and implementation of safe working practices and conditions, the following rules apply:

1. Department managers shall:
 - a) Ensure that safety rules and regulations are posted.
 - b) Periodically conduct safety inspections of the work site to detect hazardous areas or practices for correction as appropriate.
 - c) Maintain a record of said inspections and results therefrom.
 - d) Shall post the location of all exits from the work place and emergency escape procedures, where appropriate.
2. It is the responsibility of all employees to cooperate in making the safety program work. Employees must but are not limited to the following:

- a) Be informed of and observe established safety practices.
 - b) Notify supervisors of any unsafe conditions they discover.
 - c) Use personal protective equipment such as steel toed shoes, safety vests, safety glasses, and hard hats where required.
 - d) Not remove guards or other protective devices from machinery and equipment.
 - e) Not engage in "horseplay."
 - f) Attend any required training or orientation to increase safety awareness.
 - g) Not report to work with alcohol or drugs in their system which might impair normal behavior or ability to function safely. Refer to the City of Cripple Creek Drug and Alcohol Testing Policy.
 - h) Report all job-related injuries or illnesses to their supervisors immediately.
 - i) Assist supervisors in their investigation of any accident of which they have knowledge.
 - j) Refrain from smoking in "no smoking" areas to include all City buildings and vehicles.
 - k) Refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.
3. The City and departments have adopted safety programs, prescribed practices and standards. Employees are required to comply with them, and to report violations to their Supervisor or Department Manager.

Employees are encouraged to share safety improvement ideas with their Department Manager, immediate supervisor, or safety committee member.

Section 3.13 - Accidents and Injuries: Employees shall report all accidents and injuries to their immediate supervisor or Department Manager as soon as possible. Minor injuries requiring only first aid may be treated at the work site. Employees incapacitated by serious injury shall be transported to a medical facility by ambulance or other emergency vehicle. The employee or the supervisor must file an Accident-Injury Report with the Human Resources Department within twenty-four (24) hours of the accident.

Employees who are involved in an accident with a City vehicle must first notify the City Police Department and then the Supervisor or Department Manager, regardless of how minor the accident may be. The investigating officer shall submit a report of the accident to the Human Resources Department and Department Manager. Refer to the City of Cripple Creek Drug and Alcohol Testing Policy for post accident drug testing or Breathalyzer testing requirements.

The City maintains Worker's Compensation Insurance to cover accidents/illnesses incurred by City employees when on duty.

If medical care is requested or required by a citizen or person visiting a City facility, emergency services should be called at "911." All incidents should be reported and filed with the Human Resources Department as soon as possible.

Section 3.14 – Internet Policy: The City of Cripple Creek affords City employees with Internet and e-mail access on City owned computers as well as other electronic media. This policy applies to all City employees and consultants at the City of Cripple Creek who utilize e-mail, the Internet, and other forms of electronic media, either on City equipment or other equipment, for the purpose of conducting City business.

1. General Policy: The computer system and software programs provided are the property of the City and are to be used for City business only. This pertains to City business-related communications and special city-sponsored events and activities. Correspondence of City employees in the form of electronic mail may be a public record under the public records law and may be subject to public inspection under C.R.S. 24-72-203 of the Colorado Open Records Act.

The Department Manager and/or Elected Official has the right to review an employee's use of the computer system with or without prior notice to the employee to ensure compliance with this policy; to ensure that the City's harassment policy is not being violated; to access information should the employee be unavailable; or for any other reason. The City may use software and systems to monitor and record the Internet usage for each user. The City reserves the right to block access from within its networks to any sites deemed inappropriate or which have a detrimental effect upon network performance. Employees should not have any expectation of privacy as to their usage of Internet Worldwide Web Sites, file transfers, chat sessions, and/or online subscription or delivery.

Employees who use the City's Internet facilities and computing resources in violation of any Federal, State or local laws or regulations in any material way, will be subject to prosecution and/or termination. The City may cooperate with any legitimate law enforcement activity. No employee may use the City's Internet facilities to deliberately propagate any virus or other malicious code. The virus scanning software installed on each City system scans Internet e-mail, attachments and downloads; it may not be disabled or circumvented in any way.

Employee access to computer files is restricted to job-related needs and is limited to only such data as required by the employee to perform the job functions.

Internet usage and e-mail is provided by the City of Cripple Creek to its computer users. It is never to be used for any outside or personal business ventures, outside organizations, for political or religious causes, or for any other non-job-related solicitations. Even if an e-mail message is sent only within the City, it should never contain sexually explicit images, messages, or cartoons; or any ethnic slurs, racial epithets; or any other material which could be construed as harassment or disparagement of others based on race, color, national origin, gender, age, disability or

religious or political beliefs, or any other status protected by state or local law.

2. Computer Software Copyright Policy: All computer software programs used with City computer equipment must be owned and/or properly licensed by the City or the department using the software. All software must be used as agreed upon in the purchase and/or license agreement. No City employee may knowingly use City computers to download or distribute pirated, unlicensed, or stolen software or data.

No City employee will install or allow the installation or use of software not in accordance with the software publisher's purchase and/or license agreement on any computer equipment owned or used by a City department.

All departments installing software on their computers must provide proof of ownership and/or licensing agreements for software by means of purchase orders or receipts for all software programs residing on or operating on computer equipment. Unlicensed software will be removed from the computer equipment and remain unused until a valid license is obtained by the department.

3. Retention of E-Mail: Employees are responsible for retaining e-mail documents consistent with retention schedules established by the City Clerk. Employees must determine whether a message is to be retained, exercising judgment in the same manner as they would in retaining paper documents. Retention may be on computer archives and/or hard copy form.
4. E-Mail Etiquette: E-mail should be treated like written documents. Employees are prohibited from tampering with another employee's password, files, or retained messages. No employee shall modify or change another's documents, use another's password, or access another's files without prior consent from that employee. Language appropriate for written documents should be used in electronic mail as well.
5. Violation of Policy: Violations of this policy may result in suspension or termination of access to Internet, disciplinary action consistent with the City's personnel rules and regulations, or legal action in the form of criminal or civil penalties. The use of City equipment to access, transmit or view sexually explicit material is strictly prohibited. Any violation of this policy may result in disciplinary action, up to and including termination.
6. Fair Campaign Practices Act and Open Meetings Law: E-Mail communications between and among City officials and employees shall not violate the provisions of the Fair Campaign Practices Act. Specifically, e-mail communications shall not in any way attempt to influence the outcome of an election. Additionally, e-mail communications between and among elected officials shall, consistent with the Colorado Open Meetings

Law, comply with the requirements of the Open Meetings Law if used to discuss pending legislation or other public business among such elected officials. E-mail communications among elected officials that do not relate to pending legislation or other public business shall not be considered a meeting within the meaning of the Open Meetings Law. C.R.S. 24-6-402(d)(III).

Section 3.15 – Violence in the Work Place Policy: The City of Cripple Creek is committed to providing a violence-free and safe work place for its employees. In keeping with this commitment, the City has established an anti-violence policy that prohibits actual or threatened violence by employees against co-workers, other persons or property. This type of environment is the responsibility of all employees, and employees are responsible for making their personal safety and the safety of others a priority.

A. Prohibited Conduct: The City does not tolerate any type of work place violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

Behavior that is considered prohibited, includes but is not limited to, the following:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while in/on City property or while on City business unless required in the performance of duties (i.e., Police Officers), or specifically authorized by the City Administrator;
- Any other behavior which, in management's opinion, is inappropriate for the work place.

B. Reporting Procedure: The key to prevention is reporting any and all threats. Violation of this policy should not be ignored.

1. If an employee observes or experiences such behavior by anyone on City property or directed at City employees, whether the person is a City employee or not, the employee should report the identity of the offender immediately to a supervisor or a Department Manager, the Human Resources staff, Police Department, or the City Administrator. Upon receiving such a

report, supervisors are to immediately contact the Human Resources Department. Threats, assaults or any incident that requires immediate attention must be reported first to the police.

2. City of Cripple Creek Police Officers that receives threats from citizens in the normal course of duty is excluded from this requirement in those instances.
3. The City of Cripple Creek will not tolerate employment-based retaliation against anyone who brings a good faith complaint of real or implied violent behavior, or anyone who provides support or who speaks as a witness in the investigation of a complaint of real or implied violent behavior. No employees will subject another to retaliation for notifying the City about a real or potential threat.

C. Searches: An employee may be subject to a search involving the work site, a City assigned piece of equipment or property, and/or other items within their personal possession in certain circumstances while on City owned or City leased property to the extent allowed by law. During such a search, City property in the unlawful or unauthorized possession of the employee may be confiscated.

D. Investigation: The City may investigate any complaint, allegation or actual violation of this policy. Employees will be responsible for cooperating with any investigation conducted by City or by any investigative or law enforcement agency of conduct that is alleged to violate this policy. This may include interviews, testimony and written statements of the events observed.

E. Corrective Action: The City reserves the right to take action to protect its interests and the safety of its employees. Such actions may include but are not limited to placing suspected violators on administrative leave with or without pay, assisting and cooperating with the police, pursuit of injunctive or protective orders, and/or criminal prosecution.

Employees who engage in behavior that violates this policy may be removed from City property and may be subject to disciplinary action up to and including termination of employment. The City may work with law enforcement to aid in the prosecution of anyone inside or outside of the work place that commits any violent act against any of its employees.

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CHAPTER 4

RECRUITMENT AND SELECTION

Section 4.01 - Nature of Employment - Employment at Will: The City of Cripple Creek is an At Will Employer. Employment with the City of Cripple Creek is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City of Cripple Creek 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. Department Managers are not authorized to enter into contracts or agreements that contradict or in any way are inconsistent with this policy.

Section 4.02 - Announcement and Recruitment: Upon the creation of a job opening, either a new or a vacated position, the Department Manager and City Administrator will notify the Human Resources Department of the opening.

The City Administrator or the City Council, as appropriate, may assign an employee to fill a vacant position without following the procedure described below.

The Human Resources Department may, where appropriate, post a description in City Hall of the vacancy and its requirements. If not filled internally within 10 days of posting, external notification of the job opening may be made by public notice. Announcements of employment are generally published for two weeks and contain the following information, to the extent applicable:

1. Title and salary of position.
2. Time, place and manner of making application.
3. Closing date and time for receipt of application.
4. General information as to the nature of the position and the work to be performed.
5. A summary of the required or desirable qualifications for appointment to the position.
6. Any special departmental criteria.
7. Drug testing, MVR and a criminal background check are required upon entering employment with the City of Cripple Creek.
8. The City of Cripple Creek is an Equal Opportunity Employer (EOE).

Section 4.03 - Applications/Screening: All applicants must submit a timely completed standard application for employment form to the Human Resources Department. A resume and other credentials may be submitted as necessary. It is then the responsibility of the appropriate Department Manager to review applications and recommend to the City Administrator, through the Human Resources Director, a selection based on the following minimum criteria:

1. Qualifications for the position.

2. Minimum age required for the job, if any.
3. Satisfactory references from previous employers (three is standard depending on previous employment).
4. Successful completion of any testing, either oral or written.
5. Other relevant job related criteria and testing as required.

The City Administrator will review the recommended selection and approve or disapprove it.

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, may be grounds for immediate dismissal and forfeiture of accrued benefits, as permitted by law.

Prospective employees of the City shall be required to pass a drug test prior to employment after a conditional offer has been made.

Section 4.04 - Medical Examinations: Medical Examinations may be required to help ensure that prospective employees are able to perform the required essential functions of certain identified positions. Medical examinations may be required prior to actual appointment.

After a conditional job offer has been made to an applicant entering such a designated job category, a medical examination may be performed at the City's expense by a health professional of the City's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam, or if the applicant is disabled, upon the ability to make reasonable accommodation.

Current employees may be required to take medical exams to determine fitness for duty. Such exams shall be scheduled at reasonable times and intervals and performed at the City's expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially by the Human Resources Department. Access to this information will be limited to those who have a legitimate need to know.

Section 4.05 - Re-Hire: Any former regular employee who resigned from the City in good standing may be considered for re-employment. Persons interested in re-employment should file a completed City application form with the Human Resources Department. The individual will then proceed through the regular hiring procedures with other applicants as described in the hiring process policy.

The compensation of an employee re-hired (including all benefits) will be subject to provisions for new hires. Future pay increases will coincide with the re-employment anniversary date.

Section 4.06- Application Records: The application forms of successful applicants will become part of the employee's permanent personnel file. Application forms of unsuccessful applicants will be retained in the Human Resources office to comply with retention requirements.

Section 4.07 - Appointment to Acting Capacity: When, in the opinion of the City Council or the City Administrator, as appropriate, a vacancy occurs which requires immediate filling and it is not feasible to make an immediate regular appointment, the appointing authority may appoint, for a period of up to six (6) months, an employee from another position to fill the vacant position in an acting capacity. The City Council or the City Administrator has the ability to extend the six (6) month period if the situation warrants it. The individual's pay in the acting position shall be adjusted within the range for the acting position or as the City Administrator deems appropriate. Upon expiration of the acting appointment, the individual will return to his/her previous position and pay. However, the employee's previous pay may be adjusted if the employee would normally have received an adjustment in the regular position during the period of temporary appointment. The employee's anniversary date will not be affected.

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CHAPTER 5

EMPLOYMENT PROCEDURES AND PRACTICES

Section 5.01- Employment Classifications/Status:

A. Jobs/positions with the City are each in a classification of employment, or employment status.

1. Probationary Employee: A six (6) month [twelve (12) month for Fire, Police and Communications Department] period will exist during which employees must establish their ability to satisfactorily perform the essential functions of the job for which they were hired. During this period the employee may be terminated with or without cause at the option of the Department Manager and with approval of the Human Resources Director. New employees during this time are subject to suspension, dismissal and/or other disciplinary action without entitlement to the grievance procedures as outlined in this policy.
2. Seasonal/Temporary Employees: Employees hired for less than five (5) consecutive months on a full or part-time basis. These employees are not eligible for any employee benefits.
3. Part-time Substitute: A position, or an employee occupying a position, in which the normal workweek is not more than 34.5 hours per week or 48 hours per week for the Fire Department. An employee who holds this title will be called in by a supervisor to assist as staffing shortages occur. This position is paid on an hourly basis and receives no benefits. Employment may be terminated and the employee listed as inactive if one shift is not covered in a three-month time frame.
4. Regular Part-Time Employees: An employee who is regularly scheduled to work less than thirty-five (35) hours in a seven (7) day work period. There are no benefits to those employees working in a part-time position.
5. Regular Full-Time Employees: An employee whose regularly scheduled hours range from a minimum of thirty-five (35) to a maximum of forty (40) hours during a seven (7) day work period. The Fire Department and Police Officers have different standards for hours worked according to FLSA guidelines.
6. Exempt Full-Time: These are positions that qualify as executive, administrative or professional in nature. These employees are paid a salary and are eligible for all benefits. These employees are not eligible for overtime wages or compensatory time as set forth under the Fair Labor Standards Act.

7. Reserve Firefighter: A position, or an employee occupying a position, in which the normal workweek is not more than 48 hours per week. This position is paid on an hourly basis and receives no benefits. Once out of the academy, employment may be terminated if 24 hours are not worked in a one-month time frame.

B. Changes in Status.

1. Probationary to Regular Status: Immediately prior to the expiration of the probationary period, the immediate Supervisor/Department Manager shall complete a performance evaluation. This will be signed by the Department Manager and submitted to the Human Resources Department.
2. Transfer or Reassignment: When a job vacancy is announced, any City employee may apply for the position. All qualified applicants will be considered although no City employee is ensured of selection.
3. Promotion: When a job vacancy is announced any City employee may apply for promotion to the position. All qualified applicants will be considered, although no City employee is ensured appointment.

The department from which a successful applicant for promotion is chosen will arrange for the release of the employee to the new department within two (2) weeks after being notified of the selection.

Any current employee receiving a promotion must serve a probationary period of ninety (90) days. During this time the employee's performance is evaluated by the Department Manager as to work habits, ability to work with others and to satisfactorily perform the essential functions of the job.

4. Resignation: Any employee, other than a Department Manager, wishing to terminate employment with the City of Cripple Creek is requested to file with their Department Manager, a written resignation two weeks prior to the date the termination is effective, stating reason(s) for leaving.

Any Department Manager wishing to leave the City in good standing is recommended to notify the City Administrator at least thirty (30) days prior to leaving by providing a written resignation stating the effective date and the reason(s) for leaving.

Resigning employees may use available vacation to cover the designated time period, from notification to actual date of termination, if approved by the City Administrator. The City will not compensate terminating employees for holidays nor allow them to accrue vacation during the non-working period.

Prior to the resigning employee's last working day the Human Resources Department may conduct a confidential exit interview with the employee. It is the responsibility of the Department Manager to make sure the employee schedules this interview. In the case of a terminating Department Manager, the City Administrator will be responsible to see that an exit interview is scheduled. This must be completed before termination benefits, if any, are granted.

The City of Cripple Creek will pay any outstanding vacation and compensatory time benefit pay in a lump sum. Should an employee owe money to the City at the time of termination, that debt will be deducted from the final net pay due.

Failure to comply with these procedures may be considered cause for denying the employee future employment with the City of Cripple Creek.

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CHAPTER 6

COMPENSATION

Section 6.01 - Salary and Wage Structure: Employees will be paid either a salary or an hourly wage depending on their classification of employment. The pay schedule will be reviewed periodically and adjustments made according to the following priorities:

1. Availability of funds.
2. Cost of living may be reviewed for possible adjustment for inflation.
3. Performance adjustments.

The availability of funds criterion recognizes the City's status as a public entity dependent on taxpayer support and demand on public services. Performance adjustments, when applied, may be based on individual performance, attendance and punctuality as approved by the City Administrator. Wage comparisons may be based on current payroll information available through statewide surveys and other comparable employers in the City's labor market. The salary plan(s) will generally be reviewed every other year and changes, if any, will generally take effect the first of January, at commencement of the City's fiscal year.

Section 6.02 - Pay Days and Time Records: Payday is currently every other Friday (bi-weekly). Electronic time sheets must be completed and approved by non-exempt hourly employees. Department Managers or Supervisors will approve them for Payroll by Tuesday, no later than 8:00 a.m., on a pay day week. A schedule of pay period start/end dates and check distribution dates is available.

Accurately recording time worked for non-exempt positions is each employee's responsibility. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employees' pay and benefits. Tampering, altering or falsifying time records may result in disciplinary action up to and including termination.

All employees, regardless of status, are required to notify their supervisor, through the payroll system, of any time taken off from work due to sick, vacation time, or any other absence.

Section 6.03 - Overtime/Work Period: This overtime policy applies to all employees who are non-exempt under terms of the Fair Labor Standards Act (FLSA). All non-exempt employees must obtain authorization in advance by the respective Department Manager prior to working overtime. Overtime will be held to an essential minimum. Overtime hours worked during the work period shall be paid at a rate of one and one-half (1½) times the employee's base rate.

For the purposes of determining overtime compensation, the work period for all non-exempt employees in all departments, including Communications, but excluding Fire and Police, shall be a seven (7) day period of forty (40) hours. Work periods for Police and Fire positions shall be established, to a maximum of twenty-eight (28) days by the respective Department Chief, with approval of the City Administrator and Human Resources Department.

Overtime, for all departments, is based on actual hours worked. Time off for sick leave, vacation, compensatory time, holidays, or any leave of absence will not be considered hours worked for the purposes of overtime calculations.

The City Administrator is authorized to grant exceptions to the provisions of this section and the granting of overtime pay, based upon any special circumstances that, in the opinion of the City Administrator, warrant the overtime pay.

Overtime worked must always be approved in advance, except in emergencies. Employees who continually work overtime without receiving prior authorization from their Department Manager may be subject to disciplinary action, up to and including termination.

An employee who is required to work overtime and refuses is subject to disciplinary action, up to and including termination.

In lieu of payment for overtime, employees may elect to convert overtime hours to compensation time, at the rate of one and one-half (1 ½) hour's compensation time for each one (1) hour of overtime. This election must be made and approved by the Department Manager before the end of the pay period in which the overtime hours were worked. The limits for overtime compensation is as follows: Sixty (60) hours compensatory time may be carried on the books.

Section 6.04 - Personal Use of City Vehicles: Some employees may be authorized to take a City vehicle to their home during off-duty hours. Such privilege will be granted only on the basis of a recognized need for that individual to respond to City emergencies or other frequent needs during off-duty hours. When such privilege is granted, the vehicle will be transportation to and from City business only. No unapproved personal use of any City vehicle is authorized.

Section 6.05 - Call-In Pay: When a non-exempt employee is called into duty during scheduled off hours, the employee is entitled to a minimum of two (2) hours pay.

Section 6.06 - Standby: Operational necessity of the City may require that an employee be on standby awaiting a call out for return to work. An employee who is placed on standby must be available for contact by pager or telephone. During the standby period, the employee is able to engage in non-work related activities.

Upon call out, the employee is expected to be capable of performing assigned duties and is to respond in accordance with department instructions. Call out may require, but is not limited to, a return to the worksite or providing assistance via the telephone.

An employee assigned to standby that is not available for call out or who is incapable of performing assigned duties, will be subject to appropriate disciplinary action. An employee is responsible for informing the immediate supervisor of prescribed drugs or alcohol use that would render them incapable of responding to the call out.

Section 6.07 - Performance Evaluation Increase: The City of Cripple Creek may, subject to City Council budget approval, grant annual merit increases to employees based on the procedure outlined in the City's pay plan or the pay for performance system set forth in Section 6.01 hereof.

Department Managers and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis, but particularly prior to the beginning of the fiscal year and mid-year.

Section 6.08 - Administrative Pay Corrections: The City takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of payroll so corrections can be made as quickly as possible.

Section 6.09- Advances in Pay: In no event will the City provide pay advances.

Section 6.10- Termination Pay: An employee who is dismissed shall receive a final paycheck within the time period prescribed by law.

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CHAPTER 7

EMPLOYEE LEAVE BENEFITS

Eligible employees at the City of Cripple Creek are provided a wide range of benefits. Benefit eligibility is dependent upon a variety of factors, including employee classification. Details of many of these programs can be found in this manual.

Section 7.01 - Holiday Leave: The City of Cripple Creek currently recognizes twelve (12) paid holidays and one (1) paid floating holiday (which is selected by the employee with the concurrence of the Department Manager/Supervisor). The City Administrator will approve the holiday schedule.

All eligible non-exempt employees that work on a recognized City holiday will be paid straight time for their regularly scheduled shift up to a maximum of ten hours, plus the hours worked on the holiday at time and one-half. For example, an employee who normally works an eight hour shift and has to work 8 hours on a scheduled City holiday, would be paid 8 hours at straight time and 8 hours at time and one half. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

If a part-time or seasonal/temporary employee works on a City holiday, they will be paid at time and one-half for those hours worked. They are not paid if they do not work the holiday.

Floating Holidays must be used within the fiscal year. Under no circumstances may they be carried over. Floating holidays are granted only after 6 months of employment. Floating Holidays will not be paid upon separation of employment and are only granted to full-time employees.

Section 7.02 - Vacation Leave: Paid vacation leave will be granted only to regular full-time employees. Vacation leave is accrued from the date of hire and may be used following the first 90 days of employment, with approval of supervisor. The amount of time that is accrued is based on years of service as follows:

0-4 years	3.08 hours per payroll	80 hours per year
5-9 years	4.62 hours per payroll	120 hours per year
10 or more years	6.16 hours per payroll	160 hours per year

Firefighters:

0-4 years	4.62 hours per payroll	2 weeks per year
5-9 years	6.92 hours per payroll	3 weeks per year
10 or more years	9.23 hours per payroll	4 weeks per year

Length of eligible service is calculated on the basis of anniversary hire date. This is the 12-month period that begins when the employee is hired.

Vacation time taken must have prior approval of the Department Manager so as to minimize disruption of the work. At the time of termination or resignation, employees will be paid for all vacation time accrued but not taken, paid at the employee's then current rate of pay.

Employees will be allowed to carry up to 240 hours (6 weeks) of vacation time. Employees going over the 240 hours of vacation may get the option of receiving pay for these hours or taking the time off.

Employees (Firefighters) will be allowed to carry up to 360 hours (6 weeks) of vacation time. Employees going over the 360 hours of vacation may get the option of receiving pay for these hours or taking the time off.

Section 7.03 - Sick Leave: Regular full-time employees accrue sick leave at the rate of one (1) day per month or a maximum of twelve (12) sick days per year. The maximum amount of sick leave that may be accumulated is 120 days (960 hrs.). The maximum amount of sick leave that may be accumulated is 120 days (2880 hrs.) for firefighters.

To be eligible for paid sick leave, the intended use of sick leave must be reported to the immediate supervisor prior to the start of each scheduled workday or prior to leaving the worksite. In the cases where treatment, surgery, or other regimen are scheduled in advance, at least 30 days notice must be given to the Department Manager, or as soon as practicable. If the employee is unable to contact the Department Manager in the case of an emergency, every effort should be made to have another party contact the Department Manager. An employee who fails to give proper notification may be subject to disciplinary action, up to and including termination. An exception to this policy may be granted by the Department Manager in special circumstances or in the case of an extended illness. Unused sick leave is not compensable, and is not paid out upon separation of employment.

1. Use of Sick Leave: Use of accrued sick leave shall be limited to the following purposes:
 - a) Personal health condition of employee preventing them from performing their job.
 - b) Health condition of a member of the employee's immediate family when required by physician's statement to attend to the family member.
 - c) Quarantine of the employee in accordance with community health regulations.

2. Medical Verification: Employees taking sick leave shall automatically submit medical verification when such leave is for three (3) or more consecutive work days. A physician's statement supporting the use of sick leave and/or the ability to return to work may be required by the Department Manager when sick leave is less than three days.
3. Abuse of Sick Leave: Abuse of sick leave shall be grounds for disciplinary action up to and including termination. Department Managers shall investigate incidents of abuse or alleged abuse and report the same to the Human Resources Department.

Section 7.04 - Jury Duty Leave: The City recognizes jury duty as a civic responsibility of everyone. When summoned for jury duty, an employee will be granted leave to perform their duty as a juror. The employee shall promptly notify their Department Manager of juror service. If the employee is excused from jury duty during their regular work hours, they are expected to report to work promptly.

Employees' receive regular pay for the first three days of jury duty if they were scheduled to work and a juror service certificate is submitted.

Beginning the fourth day and thereafter, employees as a juror are paid \$50.00 per day by the State of Colorado for state district or county court jury duty. For jury duty in excess of three days, employees receive the difference between jury duty pay and their regular pay up to a maximum of 10 days (80 hours). Jury duty leave beyond this time is without pay from the City. The employee must submit the juror service certificate in order to ensure proper completion of payroll records.

Section 7.05 – Court Leave: If the City requires testimony in a job-related manner, or participation in a court matter that is within the terms of employment, the employee will be granted leave with pay. Any witness fees received must be turned over to the City.

The City will not pay an employee for any absences associated with an action brought by the employee against the City and/or any of its employees.

Section 7.06 – National Guard/Reserves: An employee who is a member of the Colorado National Guard or any branch of the United States Military Reserves shall be granted military leave-of-absence with pay, when ordered by the proper authority to active duty or training, for a period not to exceed 15 calendar days (120 hours of regularly scheduled work time) per calendar year.

Section 7.07 – Military Leave: When ordered by the proper authority an employee who is called to active duty or who enters active duty with the Armed Forces of the United States shall be granted military leave-of-absence without pay. The City will comply with any state and federal requirements concerning military leave-of-absence and job reentry.

1. Proof of Service: Employees returning to the City for employment after active duty must provide proof of military service.

2. Years of Service Credit: Time spent in the military shall be included in computing employee seniority with the City. Upon return from active duty, vacation and years of service credit will be calculated utilizing both the years of military service and City service. The employee shall not be eligible to accrue or receive benefits during the period of military service.

Section 7.08 - Bereavement Leave: Employees may be provided paid leave for up to three (3) working days per occurrence, due to a death in their immediate family. Special consideration will also be given to any other person, whose association with the employee was similar to any of the above relationships, subject to approval of the City Administrator.

The City Administrator may authorize bereavement leave for employee attendance at funeral services for special circumstances including deceased employees.

The employee shall be paid at their regular rate of pay for the working hours missed. If additional time is needed employees may, with the approval of their Department Manager, use accrued vacation leave for additional time off.

Section 7.09-Family Medical Leave Act (FMLA): The City of Cripple Creek provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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

Military Family Leave Entitlements:

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

Eligible employees may also take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, National Guard, or Reserves who has a serious injury or illness incurred in the line of duty on active duty. Covered service

member also includes veterans who were members of the Armed Forces, National Guard, or Reserves at any time during the period of five years preceding the start of treatment, recuperation, or therapy.

The injury or illness must make the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. In the case of a veteran, the qualifying illness or injury must be incurred or aggravated in the line of duty and manifest itself before or after the service member became a veteran.

Benefits and Protections:

During FMLA leave, the City maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. Employees must make prior arrangements with HR to pay the required employee contribution for such benefits while on leave if leave is without pay.

If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of insurance premiums during leave.

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

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

Eligibility Requirements:

Employees are eligible if they have worked for the City for at least 12 months and have worked for the City at least 1250 hours during the 12-month period immediately preceding the commencement of leave.

Definition of Serious Health Condition:

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

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive full calendar days combined with at

least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave:

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

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

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

Substitution of Paid Leave for Unpaid Leave:

The City requires employees to use accrued paid leave to the extent they qualify for that leave in the following order. The employee must first draw from available sick balances as appropriate until exhausted. The employee must next draw from vacation, compensatory time and floating holiday balances in any order until exhausted. The employee may then use leave without pay for the remainder of the FMLA leave.

As with other types of unpaid leave, vacation and sick leave will not accrue during the unpaid leave. Holidays, bereavement leave, or employer's jury duty pay are not granted on unpaid leave. However, employment benefits accrued by the employee up to the day on which FMLA leave begins are not lost.

When an employee is receiving worker's compensation payments or disability payments under a disability plan, the employee may not elect, nor may the City require the employee to substitute any form of paid leave for any part of the absence covered by these payments.

Worker's Compensation:

The City's standard FMLA policy will apply to those under workers' compensation.

The employee's FMLA 12-week entitlement will, when allowed by the Department of Labor regulations, run concurrently with a worker's compensation absence when the injury is one that meets the criteria for a serious health condition.

Workers' Compensation related absences are considered paid leave because of the receipt of workers' compensation benefits. When an employee is receiving workers' compensation payments, the employee may not use any form of paid leave provided by the employer during any portion of the absence covered by the workers' compensation payments.

Employee Responsibilities:

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures.

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

Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The City may require second and third medical opinions at the City's expense. Documentation confirming family relationship, adoption or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the City's attendance guideline. Employees on leave must contact the Human Resource Office at least two days before their first day of return. If the leave is for an employee's own serious health condition, the employee must provide the Human Resources Department medical certification verifying ability to return to work prior to returning to work. Failure to return to work on the day after the expiration of leave will normally result in termination of employment.

City Responsibilities:

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

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

Unlawful Acts:

FMLA makes it unlawful for the City of Cripple Creek to:

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

Enforcement:

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

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.

Section 7.10 - Voting Time Off: Employees are encouraged to fulfill civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. However, 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 City will grant up to two (2) hours of paid time-off to vote. Employees must notify their supervisor prior to Election Day so that the necessary time can either be scheduled at the beginning or the end of the employee's shift so as to cause the least amount of disruption.

Section 7.11 – Parental Involvement in K-12 Education Leave Without Pay: An employee who works a full-time schedule may take 18 hours of leave (“parental leave for involvement in K-12 education”) from work in any academic year for the purpose of attending an academic activity for his or her child, so long as the leave is taken in accordance with the criteria outlined in § 8-13.3-101, Colorado Revised Statute (C.R.S.), and the employee meets all other requirements of the statute. An employee who works less than a full-time schedule will be eligible for a pro-rata share of the leave as outlined in the statute.

Nothing prevents the City from invoking any and all limitations of parental leave as outlined in the statute, including but not limited to, requesting that an employee obtain written verification of the activity from the school and limiting leave in cases of emergency or other situations that may endanger a person's health or safety or in a situation where the absence of the employee would result in a halt of service or production.

Employees who take parental leave will be required to use paid vacation or compensatory leave time. If the employee does not qualify for paid leave of absence or the employee does not accrue paid leave, the leave of absence shall be without pay.

Section 7.12 – Leave of Absence Without Pay: A leave of absence without pay may only be granted by approval of the City Administrator and is not guaranteed. This request shall be routed through the Human Resources Department. The City will not continue paying for insurance benefits during this period; the employee is not entitled to reinstatement to the same or equivalent positions following leave without pay, and no leave benefits will accrue while the employee is on leave without pay. A leave of absence shall not exceed six months in duration. Failure to return from a leave of absence could lead to termination even if notice is given.

Leave without pay shall be granted only when it is in the best interest of the City to do so. The needs of the employee shall be considered as far as possible, but leaves shall normally be granted only for health, temporary disability, education, military service, or extenuating and extraordinary personal circumstances. Leave of absence without pay will not be granted until all applicable paid leave has been exhausted. A leave of absence will not be granted to an employee who has not successfully completed six months of service with fully satisfactory ratings.

An employee desiring to take a leave of absence without pay must submit a "Leave Request Form," which shall contain the specific reason(s) for the leave, the date the leave is to begin and the proposed date of return.

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CHAPTER 8

INSURANCE, RETIREMENT AND OTHER BENEFITS

Section 8.01 - Medical, Dental, Vision, GAP, Disability and Life Insurance: Currently, the City of Cripple Creek provides medical, dental, vision, GAP, disability and life insurance at a minimal charge for qualified regular full-time employees and their qualified family members. The insurance premiums for family members of eligible employees are rates set by the insurance provider and payable by the employee. The insurance premium shall be deducted from the employee's paycheck on a bi-weekly basis. Health insurance coverage for employees and their qualified family members will be offered on the first of the month following date of hire and will be continued until the end of the month following termination or resignation.

Coverage and/or payment of premiums are subject to change at any time by action of the Mayor and City Council.

Section 8.02 - Health Insurance Benefit Continuation (COBRA): The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; or when a dependent child no longer meets eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rate. The City of Cripple Creek provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage. The notice contains important information about the employee's rights and obligations.

Section 8.03 - Retirement and Social Security: All regular full-time employees are required to participate in the Colorado County Officials and Employees Retirement Association (CCOERA) or Fire and Police Pension Association (FPPA). All regular earnings are subject to an 8% gross pay deduction. This rate is subject to change. This deduction is matched by an 8% contribution from the City of Cripple Creek.

All regular full-time employees may make voluntary contributions to a separate 457 deferred compensation plan account. Contributions shall be effected by payroll deduction.

Eligible employees of the City are also covered by the Social Security program of the U.S. Government. The rates of withholding and City contribution are prescribed by the U.S. Government.

Section 8.04 – Workers’ Compensation: Employees are provided with Workers’ Compensation Insurance coverage for injuries that result from their employment. The injury should be reported within twenty-four (24) hours to the Department Manager, Supervisor and also to the Human Resources Department. Written notice must be given to the City within four (4) working days pursuant to Section 8-43-102(1), C.R.S., if injured on the job, even if no medical treatment is needed. If medical treatment for an on-the-job injury is needed, it must be obtained from one of the City’s designated physicians. If not, the employee may be responsible for the cost of medical treatment. No matter how minor the injury may appear the employee’s Department Manager must be notified. Non-compliance with the notification requirement could result in an employee’s loss of benefits.

Employees missing work due to a Workers’ Compensation disability are entitled to benefits under the Worker’s Compensation Law, but are not entitled to accrue or utilize holiday, sick or vacation time as provided for in this manual. It is the City’s expectation that all City employees schedule their appointments during non-working hours.

Section 8.05 - Employee Training and Development:

A. Training: The City Administrator and Department Managers shall establish appropriate training programs for City employees, in order that services rendered to the City may be more effective. Such training programs may include formal courses, seminars, training for certification, workshop demonstrations, assignment of reading matter or other such methods as may be available for improving the effectiveness and broadening the knowledge of employees in the performance of their respective duties. Employees are encouraged to develop and further their job skills and personal potential by participation in available training programs. Such training programs may be conducted during regular working hours except when work schedules interfere. In-State training opportunities will be preferred and encouraged.

B. Conferences-Conventions: Employees are encouraged to participate in conferences, conventions and meetings which have a direct relationship to the employee's position, the City's needs and budgetary considerations. Approval to attend such conferences, conventions and meetings must be obtained from the Department Manager or Supervisor.

C. Tuition Reimbursement: The City of Cripple Creek encourages employees to pursue higher education and/or courses that will enhance their abilities to perform their jobs. The tuition reimbursement program is intended to assist employees with furthering their education and reducing some of their financial burden on a reimbursable basis. The tuition benefit is available on a first come, first serve basis and is contingent upon availability of funds. Employees should be aware that, due to budgeting constraints, the City is under no obligation to approve all employee requests. Subject to budget limitations and availability of funds, the City may reimburse employee's cost of tuition and fees of college courses. Such reimbursement is conditioned on the following criteria.

Criteria

1. You must be continuously employed in a regular benefitted position for a minimum of the probationary period which is a six (6) month [twelve (12) month for Fire and Police/Communications Department] period.
 - a. Probationary employees are welcome to apply, as long as the employee has completed their probationary period before the first day of the reimbursable class.
2. Your most recent evaluation must be satisfactory or above. If an employee's performance falls below satisfactory levels while they are completing pre-approved coursework, that coursework will not be reimbursed.
3. You must sign an agreement with the City outlining repayment is to be made to the City in the event that you resign or your employment is terminated before one year has elapsed after your last date of tuition reimbursement.
4. Eligible degree programs or courses must be from an accredited college, university or other educational institution.
5. Two options are available to employees applying for the tuition reimbursement program:
 - a. Full degree program – the degree must be job-related.
 - b. Individual course program – each course must be job related.

“Job-related” is defined as a degree program or course which would contribute to the specific knowledge, skills, and abilities necessary to satisfactorily perform the employee's present job. The Department Manager, with the concurrence of the Human Resources Director, will determine whether a course or degree program contributes to the specific knowledge, skills, and abilities necessary to satisfactorily perform the employee's present job.
6. If you are receiving other assistance (e.g. scholarships, Veteran's benefits, grants) for an amount less than your anticipated expense, you may submit a request to be reimbursed for the difference. Supporting documentation must be provided at the time of application.
7. All classes and study time must be accomplished in off-working hours.

Process – Prior to Enrollment

1. Fill out and sign agreements with the City.
2. Employees requesting approval of a full degree program must submit the following with the initial request:
 - a. Letter of acceptance from the academic institution where the employee is pursuing a degree.
 - b. Official listing of the program requirements.
3. Review your request with your immediate supervisor and obtain his/her signature. He/she will forward to the Department Manager for review. The forms will be forwarded to the Human Resources Department for final review and approval. If approved, a copy of the form will be returned to you. If not approved, the form will be returned to you with a brief explanation of the reason for denial.
4. All requests must be approved prior to enrollment. Forms must be received by the Human Resources Department no later than two (2) weeks prior to the start of the course.

Process – After Course(s) Completed

1. Within thirty (30) calendar days after published course completion date, the employee must forward the original form which indicates pre-approval with an itemized paid receipt for the completed course(s), a copy of the employee's official grade(s) and any necessary receipts to the Human Resources Department and retain a copy for your records. You must receive a minimum grade of "C" for your course. Failure to submit appropriate documents within the above time limit may result in denial of reimbursement.
2. You will be reimbursed only the amount determined as an eligible expense or the allowable amount (outlined below).
3. The Human Resources Department will process and forward your request for reimbursement within two (2) weeks from the date it is received to the Accounts Payable Department which will process it on the next A/P run.

Eligible Expenses

1. Mandatory institutionally billed tuition charges
2. Mandatory student fees

Non-Exhaustive List of Non-Eligible Expenses

1. Travel, meals, lodging or parking
2. Tutoring expenses
3. Correspondence courses
4. Personal computer or related software
5. Financing, installment service charges or interest fees
6. Reinstatement or late registration fees
7. Course change or withdrawal fees
8. Medical or physical examination fees
9. Change of grade or transcript fees
10. Preparatory courses, credits in lieu of course participation or entrance exams such as portfolios, CLEP, SAT, PSAT, LSAT, and GMAT
11. Diploma or graduation fees
12. Professional certification or licenses

Tuition Reimbursement Program Limitations

Subject to the availability of funds as determined by the Finance Director, the amount budgeted on an annual basis and your employment status, the City will currently reimburse up to 100% for eligible:

- a. Individual courses
- b. Degree program courses taken as part of a degree

The following maximum amounts will apply and will be based on the date classes end:

Annual (January 1 – December 31)	Lifetime
\$5,000.00	\$20,000.00

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CHAPTER 9

SAFETY AND ACCIDENT PREVENTION

Section 9.01 - Safety: To assist in providing a safe and healthy work environment for employees, taxpayers and visitors, the City of Cripple Creek has established a work place safety program. The success of this program depends on the alertness and personal commitment of all. The Human Resources Department provides information to employees about work place safety and health issues through regular internal communication channels such as Department Manager meetings, safety meetings, postings, or memos. Employees are encouraged to share suggestions with their Department Manager. Reports and concerns may be made anonymously by placing a report in the City Hall mailbox of the Human Resources Department. All reports can be made without fear of reprisal.

Section 9.02 – Department Responsibility: Each Department Manager will use best efforts to ensure that an effective safety and health program is developed, implemented and maintained. The Department Manager shall use best efforts to implement an ongoing program to identify and assess occupational safety and health hazards. New hire employees shall be provided a safety orientation specific to their department by their Department Manager/Supervisor. Employees shall be provided ongoing training and education relating to preventive measures that minimize or eliminate work place hazards. Employees will be provided with appropriate personal protective equipment and shall be trained in its proper use.

Section 9.03 - Employee Responsibility: Each employee of the City has a role to play in assuring a safe and healthy work environment. The employee's responsibilities include, but are not limited to the following:

- Be safety conscious at all times.
- Follow established safety and health rules, policies and procedures in performing work duties.
- Maintain a valid, appropriate Colorado Driver's license, if required for the operation of City vehicles and equipment.
- Request additional information or clarification on duties that are unclear and for which there may be a hazard.
- Operate all City equipment, tools, machinery and vehicles in accordance with manufacturer guidelines, safety practices, and operator training instructions.
- Correctly wear and use all appropriate protective equipment.
- Use lap and shoulder belts, where provided, at all times while operating or riding as a passenger in a City vehicle or private vehicle on City business.
- Immediately report to the immediate supervisor and co-workers any unsafe working condition, equipment malfunction, or other situations that could endanger employees or the public.

Section 9.04 - Reporting Accident or Injury: In the event that an employee sustains an on-the-job injury or does damage to City equipment or to public or private property, the employee must report the facts to his/her Department Manager immediately. A follow-up written report with appropriate statements from the employee and other witnesses shall be prepared by the Department Manager within four (4) working days. Accidents involving City vehicles shall be reported to and investigated by the City Police Department. Such reports are necessary to comply with laws and initiate insurance and Worker's Compensation reporting procedures. Failure to notify the Department Manager, or to prepare a report, can result in disciplinary action up to and including termination. Refer to the City of Cripple Creek Drug and Alcohol Testing Policy.

Section 9.05 - Use of Equipment and Vehicle: Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City equipment and vehicles, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines. Please notify the Department Manager if any equipment, machines, tools or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting could prevent further deterioration of equipment and possible injury to employees or others.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, or the unauthorized use of a City vehicle may result in disciplinary action, up to and including termination. The employee may be required to reimburse the City for repair/replacement cost of the equipment/vehicle(s).

Section 9.06 - Safety of Visitors in the Work Place: To provide for the safety and security of visitors and employees and the facilities within the City, buildings are accessible to the general public only during regularly scheduled working hours.

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CHAPTER 10

EMPLOYEE CONDUCT/DISCIPLINE

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees as well as the City. All employees are expected to conduct themselves in a manner that produces a favorable reflection on the City.

Interpersonal relations, on-duty and off-duty behaviors should demonstrate tact, courtesy and good judgment.

Section 10.01 - Unacceptable Actions, Behavior: The following is a non-exhaustive list of offenses for which an employee may receive disciplinary action up to and including termination. Because it is impossible to list every offense that may occur in the work place, this list is non-exhaustive. Other conduct may be subject to discipline. The City of Cripple Creek reserves the right to determine the seriousness of an offense at the time the offense occurs and to impose the appropriate level of discipline.

Examples of unacceptable actions/behavior are listed below.

- Conduct deemed by the City as unbecoming a City employee
- Violation of City or Department written or verbal policies or procedures
- Unsatisfactory work habits to include but are not limited to: tardiness, violation of break and lunch policy, departing prior to the designated time, excessive absenteeism, any absence without notice, neglecting work duties, or wasting time during work hours
- Abuse of overtime regulations, including claiming time not actually worked, failure to accept authorized overtime assignments or working unauthorized overtime
- Smoking anywhere except in a designated smoking area
- Insubordination
- Impairment due to the use of alcohol or non-prescribed drugs
- Abuse of prescribed or over-the-counter drugs
- Consumption, possession, or selling of alcohol or non-prescribed drugs, in the work place or on City time
- Failure to adhere to City's policies outlined in the Drug/Alcohol Policies and Procedures Manual
- Abuse of paid leave
- Participation in activities, including other employment, self-employment, sports, hobbies, etc., which is inconsistent with paid sick leave
- Conducting personal business while on City time or City owned equipment

- Failure to cooperate in a City investigation and provide truthful information in subsequent testimony as required
- Failure to report the loss of a Colorado driver's license, other required license or certification within 24 hours
- Fraud, falsification, deceit, or departing from the truth
- Possession of dangerous or unauthorized materials, such as explosives or firearms in the work place or City owned vehicles
- Falsification of timesheets, employment application, personnel records, or other organizational records
- Theft, misappropriation, destruction, abuse or waste of public and/or private property, including City tools, equipment, fixtures, facilities, or supplies
- Failing to report criminal charges and/or conviction of criminal charges
- Sexual harassment and other forms of illegal discrimination
- Creating or contributing to an unproductive work environment to include: using one's position to harass another, participating in or allowing horseplay and disorderly conduct
- Fighting, encouraging a fight, acts or threats of physical violence, intimidation, or coercion
- Abusive, offensive, or obscene language or conduct towards the public, City officials, or employees
- Violating safety rules or accepted safety practices
- Failure to report direct or indirect financial interest that could be considered a conflict of interest
- Unsatisfactory job performance
- Unsatisfactory behavior

Employment with the City of Cripple Creek is at the mutual consent of the City and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without notice.

Section 10.02 - Personal Appearance: Dress, grooming and personal cleanliness standards contribute to the safety and morale of all employees and affect the business image the City presents to citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their position. Employees who appear for work inappropriately dressed for their job will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work. Questions about what constitutes appropriate attire should be addressed to the Department Manager.

Section 10.03 - Use of Phone and Mail System: To assure effective phone communications, employees should always speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

The personal use of telephones for long distance and toll calls is not permitted. Employees should also practice discretion in using the City's phones for making local personal calls. Employees may be required to reimburse the City for any charges resulting from their personal use of the phones.

Cell phones furnished by the City are for work related use only. Abuse of this privilege may result in disciplinary action and confiscation of the phone.

The use of employer-paid postage for personal correspondence is not permitted. Abuse of the phone or postage system may result in disciplinary action, up to and including termination.

Section 10.04 – Off-Duty Conduct: Employees of the City of Cripple Creek shall conduct themselves at all times, both on and off duty, in such manner as to reflect most favorably on the City. Conduct unbecoming a City employee shall include that which brings the City into disrepute or reflects discredit upon the City, or that which impairs the operation or efficiency of the City or the employee. Conduct unbecoming a City employee may result in discipline up to and including termination provided, however, that no off-duty conduct shall result in discipline unless that conduct: (a) relates to a bona fide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of the particular employee or a particular group of employees, rather than to all employees of the City; or (b) is necessary to avoid a conflict of interest with any responsibilities to the City or the appearance of such a conflict of interest. Employees shall immediately report any off-duty conduct which violates this section to the City's Human Resources Department.

Section 10.05 - Disciplinary Actions: Only regular, non-probationary employees are subject to the provisions of this section. All other employees of the City may be disciplined or terminated for any reason without compliance with this section.

Disciplinary Situations. It is the responsibility of all employees to observe all the regulations, policies and procedures adopted to ensure the efficient, effective and safe operation of the City. Situations that may result in disciplinary actions, which may include dismissal, include but are not limited to, the above non-exhaustive list under unacceptable actions, behavior (Section 10.01).

A. Verbal Reprimand. Whenever management believes that discipline is warranted, and it is determined that more severe action is not immediately necessary, the Department Manager or Supervisor may verbally communicate to the employee the nature of the substandard or unacceptable performance. This is an informal notice from the supervisor to the employee, the purpose of which is to communicate a positive expectation of change. Along with this warning, the supervisor should inform the employee that failure to remedy the situation might result in a more serious form

of disciplinary action. A verbal reprimand is not a prerequisite for a written reprimand or any other disciplinary action. Informal written record is to be maintained by the immediate supervisor.

B. Written Reprimand. A Department Manager or Direct Supervisor may initiate a written reprimand when a verbal reprimand has not resulted in the desired change or when, in the opinion of the Department Manager, the situation warrants such as failure to take corrective action or serious policy violations or incidents of misconduct. The written statement should contain a description of the problem or incident, including documentation of any previous warnings or reprimands, and the time period in which the employee must accomplish corrective action. A copy of the reprimand, signed by the employee to indicate receipt, shall be forwarded to the Human Resource Department's office for inclusion in the employee's personnel file. A response to the reprimand may be prepared by the employee and placed in the personnel file within 10 days of issuance.

Prior to taking action, the Department Manager or Direct Supervisor shall advise the Human Resources Director or his/her designee of his/her proposed course of action before meeting with the employee.

C. Suspension. In the event that the Department Manager determines that a major infraction has occurred, or when other disciplinary action has not corrected the situation, an employee may be suspended with or without pay. Prior to taking action, a Department Manager shall advise the Human Resources Director or his/her designee of his/her proposed course of action.

On or before the effective date of a suspension, the employee should be presented with a written notice, stating the reason for the action. The Department Manager shall meet with the employee. At such meeting, the Department Manager shall provide the employee with the opportunity to respond to the allegations and present information regarding mitigating circumstances. It is not intended that this meeting constitute a formal hearing but only give the employee notice of the proposed action and give him/her the opportunity to meet and exchange information with the Department Manager. No formal procedural requirements are permitted for this meeting, including employee representation, meeting recordation, or witness examination.

In the event the suspension is sustained after the meeting, the employee shall be provided notice of the dates of suspension and further disciplinary action to be taken. A copy of the suspension notice must be submitted to the Human Resources Department for inclusion in the employee's personnel file. If officially exonerated, the employee will be compensated for unpaid suspension.

The suspension of a regular, non-probationary employee for a period of more than three (3) days without pay by the Department Manager may be appealed to the City Administrator for review. Regular, non-probationary employees requesting such a review must notify the City Administrator in writing within ten (10) days after written notification of a decision is provided by the Department Manager. If a suspension of three (3) days or less without pay is imposed by the Department Manager, a regular

employee may not appeal the suspension to the City Administrator. Notwithstanding anything to the contrary contained herein, only a regular, non-probationary employee is entitled to the process described herein for a suspension.

D. Demotion. Demotion may occur as a result of specific unacceptable behavior or as a result of inability or unwillingness to perform the duties required of the position or when the Department Manager determines that demotion is in the best interest of the City. Prior to taking action, the Department Manager shall advise the Human Resources Director or his/her designee of his/her proposed course of action before meeting with the employee.

At the meeting with the employee, the Department Manager shall provide the employee with the opportunity to respond to the allegations and present information regarding mitigating circumstances. It is not intended that this meeting constitute a formal hearing but only give the employee notice of the proposed action and give him/her the opportunity to meet and exchange information with the Department Manager. No formal procedural requirements are permitted for this meeting, including employee representation, meeting recordation or witness examination. In the event that the demotion is sustained after the meeting, the employee shall be provided notice of the effective date of the demotion.

In order to receive a demotion, a lower level position must be vacant and the employee must be capable, in the Department Manager's opinion, of performing the duties of that position.

Written notice of the demotion will be given to the employee and the Human Resources Department on or before the effective date of the change. An employee demoted for disciplinary reasons may not be eligible for promotional vacancies for one hundred twenty (120) days following the effective date of the demotion.

Notwithstanding anything to the contrary contained herein, only a regular employee is entitled to receive the process described for a demotion.

E. Dismissal. When the Department Manager determines that a serious infraction has occurred, unsatisfactory performance has continued, or when previous disciplinary action has not resulted in the desired behavior, a regular, non-probationary employee may be dismissed from employment with the City.

Prior to an employee's dismissal, a written report shall be prepared by the Department Manager, describing the circumstances and the specific reasons for the proposed dismissal. This report is forwarded to the Human Resources Department for review by the Human Resources Director or his/her designee, prior to any action of the Department Manager. The Department Manager shall provide the employee a summary of the written report and shall then meet with the employee. At such meeting, the Department Manager shall present the information and give the employee an opportunity to respond to the allegations or present information regarding mitigating circumstances. It is not intended that this meeting constitute a formal hearing but only provide the employee notice of the proposed action and give him/her an opportunity to meet and exchange information with the Department

Manager. No other formal procedural requirements are permitted for this meeting, including employee representation, meeting recordation or witness examination. In the event the employee fails to appear at the meeting, the employee will be deemed to have waived his/her right to appear at the meeting and may be immediately dismissed from employment with the City in the manner provided below.

The Department Manager should notify the affected employee in writing, with a copy to the Human Resources Department, as soon as is practicable as to whether the affected employee is dismissed from employment with the City. The Department Manager may request additional information before a decision is made.

The dismissal of a regular, non-probationary employee by the Department Manager may be appealed to the City Administrator for review. Regular, non-probationary employees requesting such a review must notify the City Administrator in writing within ten (10) days after written notification of a decision is provided by the Department Manager. The City Administrator may review the written record of the dismissal or conduct an informal hearing, in his/her discretion. The City Administrator shall render his/her decision in writing.

Failure to follow disciplinary procedures does not affect the validity of the underlying action. All Department Managers should ensure that dismissal procedures are closely adhered to and are not inconsistent with disciplinary procedures within this Manual. If a Department Manager has any questions concerning this or any other process, he/she should immediately contact the Human Resources Department.

Notwithstanding anything to the contrary contained herein, only a regular, non-probationary employee is entitled to the process described for a dismissal.

THE CITY OF CRIPPLE CREEK
PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 11

COMPLAINT AND GRIEVANCE PROCEDURES

Section 11.01 – Grievance Procedure: The City provides a grievance and appeals procedure whereby a regular, non-probationary employee, who feels that personnel policies and/or practices are not being followed or properly applied, is encouraged to have his/her grievance reviewed. Employees are assured freedom from restraint, interference, discrimination or reprisal in the presentation of their grievances. The City has established procedures to be followed in the grievance and appeals procedure.

The employee grievance and appeals procedure identifies the steps an employee must follow in order to present grievances for resolution. The City has determined that for the grievances described in section 11.04 below, the Department Manager will make the final decision and that for the grievances described in section 11.03 below, the City Administrator will make the final decision.

Section 11.02 - Issues Eligible for Grievance Process: Grievances shall be restricted to matters in which the City Administrator has authority, and shall not include matters specifically regulated by state statute, ordinances, personnel policies, and general wage levels established by the City's classification and compensation plans.

The grievance procedure, however, may be utilized should the grievance be based upon inconsistent application of such policies and programs to the individual employee.

Section 11.03 - Issues Appealable to the City Administrator: The following grievances shall be subject to final review and decision of the City Administrator:

- (a) Failure of a Department Manager to follow the City Personnel Policies and Procedures Manual;
- (b) Loss or damage to City property;
- (c) Conflict of interest;
- (d) Forms of harassment as described in Section 3.02 hereof;
- (e) Suspensions as described in Section 10.05(C) hereof;
- (f) Demotions as described in Section 10.05(D) hereof; and
- (g) Dismissal as described in Section 10.05(E) hereof.

Section 11.04 – Grievances Appealable to the Department Manager: Grievances that are not specifically defined in Section 11.03 above shall only be appealed to the Department Manager of the employee. These grievances include, but are not limited to: hiring decisions, transfers, promotions, appointments, evaluations, outside employment, verbal reprimand and written reprimand.

Section 11.05 – Grievance Steps:

STEP 1: The employee submits a grievance in writing to the immediate supervisor within ten (10) working days of the incident that gives rise to the grievance. The employee shall attempt to resolve the grievance with the immediate supervisor. The employee shall not attempt to circumvent this process by written (including copy) or oral communication to any person beyond the immediate supervisor. The immediate supervisor shall notify the employee of his/her decision in writing within ten (10) working days of receipt of the employee's written grievance.

STEP 2: If the grievance is not satisfactorily resolved by the employee's immediate supervisor, the employee may present a written appeal to the Department Manager within five (5) working days after receiving a written decision from the employee's immediate supervisor or within five (5) working days after the immediate supervisor should have issued a written decision.

The appeal should state the nature and circumstances of the employee's grievance with appropriate documentation. The Department Manager may request additional information from the employee, the supervisor or other relevant parties. The Department Manager should notify the employee of his/her decision in writing within ten (10) working days of receipt of the employee's appeal. In the event of a claim of sexual harassment, the employee may go directly to the Human Resources Director or his/her designee, Department Manager or City Administrator as is appropriate. All decisions of the Department Manager related to grievances described in Section 11.04 shall be final. If the allegation of sexual harassment is by a Department Manager against the City Administrator, the Department Manager may go directly to the Human Resources Director. In any case in which the Human Resources Director is witness to or confronted with a situation of harassment involving the City Administrator, the activity should be reported to the Mayor.

STEP 3: An employee may only appeal decisions of the Department Manager to the City Administrator for problems that are described in Section 11.03. If a problem described in Section 11.03 is not satisfactorily resolved at the Department Manager's level, the employee may submit a written appeal to the City Administrator within ten (10) working days of receipt of the decision being appealed by the employee. The City Administrator may appoint a designee to investigate the facts giving rise to the problem and subsequent reviews. The City Administrator then reviews all relevant information concerning the situation and communicates a final decision in writing to all parties concerned within a reasonable period of time.

CITY OF CRIPPLE CREEK
PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 12

DRIVING GUIDELINES

Section 12.01 – Driver Qualifications: The following are qualifications to be an eligible driver for the City of Cripple Creek:

1. Minimum driving age is 18.
2. Have held a driver’s license for at least two years.
3. The ability to read and speak English.
4. The ability to safely operate a motor vehicle if required for the position being pursued, including possessing a valid CDL if required.
5. Must be eligible as a driver per the below policy and maintain that eligibility.

Section 12.02 – Driving Records: Driving records will be required for each prospective employee prior to employment if it is required for the position. The record shall be provided by the applicant at their own expense and must be dated within the last 30 days. These records will be retained and checked annually for each applicable employee. If an employee is considered borderline according to our policy, their motor vehicle record will be pulled bi-annually. An employee with a poor driving record, as defined herein, may be subject to discipline up to and including termination.

Section 12.03 – Proof of Personal Automobile Insurance: Proof of personal automobile insurance must be provided upon hire and updated as the employee’s policy is renewed by the insurance carrier if driving is required according to the employee’s job description.

Section 12.04 – Acceptable and Unacceptable Driving Records: The following is a guideline of acceptable and unacceptable driving records:

Motor Vehicle Grading Criteria (last two years)

# of Minor Violations	# of Preventable Accidents			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor

Motor Vehicle Grading Criteria (last three years)

Any Serious Violation	Poor
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The following is a non-exhaustive list of unacceptable driving records (serious violations) whose time frame is within the last 3 years:

1. Driving under the influence of alcohol/drugs
2. Driving after suspension or revocation of license

3. Reckless driving
4. Leaving the scene of an accident
5. Vehicular homicide, manslaughter, or assault arising out of the use of a vehicle
6. Speeding 20 MPH or more above the limit
7. Racing
8. Chemical test refusal
9. Fleeing or eluding a police officer
10. Passing a stopped school bus
11. Making a false accident report
12. Similar offenses

The following is a non-exhaustive list of minor violations:

1. Motor vehicle equipment, load, or size requirement
2. Improper or failure to display license plates
3. Failure to sign and/or display registration
4. Failure to have a driver's license in possession (if valid license exists)
5. Speeding less than 20 MPH
6. Careless driving
7. Any moving violation that is not a serious violation

Section 12.05-Reporting a Serious Violation: Employees shall immediately report the next working day any serious violation which violates this policy to the City's Human Resources Department. See section 12.04 for a non-exhaustive list of serious violations.

Section 12.06-Vehicle Operation Policies and Procedures: The following are policies and procedures for operating a city vehicle or a personal vehicle used for city business.

1. You must possess and carry a valid driver's license or a CDL if it is required for the position.
2. You must comply with all traffic laws (i.e. wearing seatbelts; obeying all speed limits; obeying all traffic signs and signals; proper lane changes). The Risk Management Department will continually observe employees driving for the City and record seatbelt usage.
 - a. For Police and Fire, reference Police and Fire departments emergency response procedures.
3. Do not use a cell phone while operating a vehicle to include the use of texting.
4. Do not operate a vehicle while under the influence of alcohol.
5. Do not operate a vehicle while under the influence of an illegal substance.
6. Do not operate a vehicle while under the influence of a prescription drug unless under the care of a physician and proper usage of the medication is being adhered to. If you notice drowsiness or other problems while driving, stop the operation of the vehicle and inform your supervisor.
7. Do not allow anyone that is not a city employee to operate a city vehicle. Also, do not let a city employee that is not qualified to drive under these policies operate a city vehicle.
8. Report any unsafe driving by another city employee to a supervisor as soon as possible.

9. As stated in Section 6.04 of this manual, no personal use of city vehicles is allowed except as stated.
10. There will be no passengers allowed in city vehicles unless they are an employee, a volunteer who has already signed a waiver, or fall within specific department requirements which have been previously approved by the Human Resources Director.
11. Employees who are involved in an accident with a City vehicle must first notify the City Police Department and then the Department Head or Supervisor regardless of how minor the accident may be.

The City of Cripple Creek will determine proper disciplinary action once an employee has incurred any of the above violations or violated the City's Vehicle Operation Policies and Procedures, based on the circumstances of the violation. If an accident occurs, a review will be done to determine what disciplinary action should be taken, if any. Disciplinary action can include termination of employment.

Section 12.07-Smoking in City Vehicles: No smoking in City vehicles will be permitted.

ACKNOWLEDGMENT OF RECEIPT

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED MAY 18, 2011. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:

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

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

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

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

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

Employee's Signature

Date

Employee's Name