



# **PERSONNEL POLICIES & PROCEDURES MANUAL**

**ADOPTED 10/19/2005**

# TABLE OF CONTENTS

## CHAPTER 1 - GENERAL INTENT AND AUTHORITY

Section 1.01 - Introduction/Purpose .....	5
Section 1.02 - Adoption and Amendment .....	5
Section 1.03 - Coverage.....	5
Section 1.04 - Policies Not a Contract.....	6
Section 1.05 - Saving Clause, Conflict.....	6
Section 1.06 - Distribution of Manual .....	6

## CHAPTER 2 – DEFINITION

Section 2.01 - Definitions of Terms.....	7
--	---

## CHAPTER 3 - GENERAL RULES AND PROVISIONS

Section 3.01 - Nepotism.....	12
Section 3.02 - Equal Employment Opportunity.....	12
Section 3.03 - Harassment .....	13
Section 3.04 - Disability Accommodation.....	14
Section 3.05 - Outside Employment (Moonlighting) .....	15
Section 3.06 - Conflicts of Interest .....	15
Section 3.07 - Compliance with Immigration Law.....	16
Section 3.08 - Hours of Work, Schedules and Attendance.....	16
Section 3.09 - Emergency Closings.....	17
Section 3.10 - Travel Policy, Reimbursement for Costs.....	17
Section 3.11 - Political Activity.....	17
Section 3.12 - Smoke Free Workplace .....	17
Section 3.13 - Drug Free Work Place; Substance Abuse - Drugs and/or Alcohol.....	17
Section 3.14 - Safety .....	18
Section 3.15 - Accidents and Injuries .....	19
Section 3.16 - Internet Policy .....	19
Section 3.17 - Violence in the Workplace Policy .....	22

## CHAPTER 4 - RECRUITMENT AND SELECTION

Section 4.01 - Nature of Employment - Employment at Will .....	24
Section 4.02 - Announcement and Recruitment .....	24
Section 4.03 - Applications/Screening.....	24
Section 4.04 - Medical Examinations .....	25
Section 4.05 - Re-Hire .....	26
Section 4.06 - Application Records .....	26
Section 4.07 - Appointment to Acting Capacity.....	26

## CHAPTER 5 - EMPLOYMENT PROCEDURES AND PRACTICES

Section 5.01 - Purpose/Objective.....	27
Section 5.02 - Employment Classifications/Status .....	27

## CHAPTER 6 - COMPENSATION

Section 6.01 - Salary and Wage Structure .....	30
Section 6.01a- Exempt Employees .....	30
Section 6.02 - Pay Days and Time Sheets - Work Records.....	31

<b>CHAPTER 6 - COMPENSATION (cont.)</b>	
Section 6.03 - Overtime/Work Period .....	31
Section 6.04 - Personal Use of City Vehicles .....	32
Section 6.05 - Call-In Pay.....	32
Section 6.06 - On-Call Pay .....	32
Section 6.07 - Performance Evaluation Increase .....	33
Section 6.08 - Pay Deductions and Setoffs.....	33
Section 6.09 - Administrative Pay Corrections.....	33
Section 6.10 - Advances in Pay .....	33
Section 6.11 - Termination Pay .....	33
 <b>CHAPTER 7 - EMPLOYEE LEAVE BENEFITS</b>	
Section 7.01 - Holidays Leave .....	34
Section 7.02 - Vacation Leave .....	34
Section 7.03 - Sick Leave .....	35
Section 7.04 - Jury Duty Leave .....	36
Section 7.05 - Witness Duty Leave .....	36
Section 7.06 - Military Leave .....	36
Section 7.07 - Bereavement Leave .....	37
Section 7.08 - Family Medical Leave (FMLA) .....	37
Section 7.09 - Voting Time-Off.....	40
 <b>CHAPTER 8 - INSURANCE, RETIREMENT AND OTHER BENEFITS</b>	
Section 8.01 - Medical, Dental, Vision, GAP, Disability and Life Insurance .....	41
Section 8.02 - Health Insurance Benefit Continuation (COBRA) .....	41
Section 8.03 - Retirement and Social Security .....	41
Section 8.04 - Worker's Compensation.....	42
Section 8.05 - Unemployment Compensation Insurance.....	42
Section 8.06 - Employee Trainee and Development .....	42
Section 8.07 - Employee Assistance Program .....	43
 <b>CHAPTER 9 - SAFETY AND ACCIDENT PREVENTION</b>	
Section 9.01 - Safety .....	44
Section 9.02 - Employees to Obey Safety Rules and Standards.....	44
Section 9.03 - Reporting Accident or Injury.....	44
Section 9.04 - Use of Equipment and Vehicle.....	44
Section 9.05 - Safety of Visitors in the Work Place .....	45
 <b>CHAPTER 10 - EMPLOYEE CONDUCT/DISCIPLINE</b>	
Section 10.01 - Unacceptable Action, Behavior.....	46
Section 10.02 - Job Performance .....	47
Section 10.03 - Personal Appearance .....	47
Section 10.04 - Use of Phone and Mail System.....	47
Section 10.05 - Off-Duty Conduct.....	47
Section 10.06 - Disciplinary Actions.....	48
 <b>CHAPTER 11 - COMPLAINT AND GRIEVANCE PROCEDURES</b>	
Section 11.01 - Grievance Procedure .....	53
Section 11.02 - Issues Eligible for Grievance Process .....	53
Section 11.03 - Issues Appealable to the City Administrator.....	53
Section 11.04 - Grievance Appealable to the Department Manager.....	54
Section 11.05 - Grievance Steps.....	54

CHAPTER 12-DRIVING GUIDELINES

Section 12.01- Driver Qualifications.....55

Section 12.02- Driving Records.....55

Section 12.03- Acceptable and Unacceptable Driving Records.....55

Section 12.04- Reporting a Serious Violation.....56

Section 12.05- Vehicle Operation Policies and Procedures.....56

Section 12.06- Vehicle Maintenance Policy and Procedure.....57

Section 12.07- Smoking in City Vehicles.....57

Section 12.08- Daily Vehicle Inspection Policy and Procedure.....57

EMPLOYEE ACKNOWLEDGEMENT FORM .....58

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 and to provide you with information regarding working conditions, employee benefits and some of the policies affecting your employment. 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.

A handbook cannot anticipate every circumstance or question. The City of Cripple Creek reserves the right to revise, supplement or rescind any portion of the manual as it deems appropriate, in its sole and absolute discretion. Reasonable efforts will be made to notify employees of such changes to the handbook as they occur. An employee should not, however, expect any change in employment-at-will policy permitting you or the City of Cripple Creek to end our employment relationship for any reason at any time.

The following policies and procedures comprise the Personnel Policies and Procedures Manual for the City of Cripple Creek and while not all-inclusive should be referred to when dealing with employee issues. This Personnel Policies and Procedures Manual is a public document and each employee is presumed to know its contents. This document is not intended, nor shall it be construed as a contract, expressed or implied. **By accepting employment with the City of Cripple Creek, you acknowledge and agree that you are an employee-at-will and that the City or you may terminate your employment, at any time, with or without cause.**

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 of the City Administrator or the Mayor 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. Firefighting members of the volunteer Fire Department who are not full time.
2. City Attorney.

3. Municipal Judge.

4. 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, 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 State and Federal requirements 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 acknowledge the receipt and review of the Personnel Policies and Procedures Manual on the "Employee Acknowledgment Form".

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"), enacted on July 26, 1990, 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 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.

Classification: One or more positions alike in a category of positions in the same pay grade possessing similar duties and responsibilities, and receiving similar levels of supervision and requiring similar amounts and forms of qualifications.

Classification System: A system of identifying and describing the different kinds of work in an organization and the assignment of a position to an appropriate class according to: 1) duties and responsibilities; 2) requirements as to education, knowledge, experience and ability; 3) test of fitness; and 4) ranges of pay.

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

Compensation Time: Time off in lieu of pay given for work performed in excess of the established work period. Hours are granted at one and one-half (1½) times regular hours.

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

Demotion: Assignment of an employee from one class to another, which has a lower maximum rate of pay. Allocation to a lower class as a result of reclassification of the position is not regarded as a demotion.

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 not covered by, or is exempt from, provisions of the Fair Labor Standards Act.

Fair Labor Standards Act: (FLSA) A Congressional enactment, 29 U.S.C. 206 et. seq. and amendments thereto.

Family Medical Leave Act: The Family and Medical Leave Act of 1993 (FMLA or Act) 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 an 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 they are 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 no 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.

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 upon which their merit increase will be based. 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 appointed or promoted.

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

Range of Pay: Prescribed pay, as established in the compensation plan, normally consisting of entry or minimum and maximum pay.

Reclassification: The process of analysis by which an established position is reviewed to determine whether the duties and responsibilities of that position merit a change in designation.

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 written 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 and the employee listed as inactive if 24 hours are not worked in a one-month time frame.

Resignation: Voluntary separation of employment by the employee.

Seasonal Employee: Employees hired for the purposes of working no more than five (5) consecutive months on a full or part time basis are considered Seasonal Employees.

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. Such conduct is prohibited, not only when it adversely affects an employee or applicant, but also when it has as its purpose or effect, the creation of an intimidating, hostile, or offensive working environment.

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 as determined by the City Administrator.

Temporary Employee: A position, or an employee occupying a position that has a specific time limit.

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

Transfer: The movement of an employee from one position to another within the same class or another class having the same pay range.

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 uniformed 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 Department Manager with approval of the City Administrator. A separate workweek may be established for specific departments, sections or employees.

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 residing in an employee's home will not be employed in regular full-time or regular part-time positions where:

1. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
2. One relative would be responsible for auditing the work of 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. The City Council, by motion at a public meeting, may waive or modify the prohibitions of this Section where, in the Council's opinion, due to extraordinary circumstances, such waiver or modification is appropriate.

Section 3.02 - Equal Employment Opportunity: The City is an equal opportunity employer. Discrimination on the basis of race, color, sex, national origin, religion, non-job related physical or mental disability, age, political affiliation or any other status protected by state or local law with respect to terms and conditions of employment including, but not limited to, recruitment, selection, hiring, promotion, demotion, layoff, recall, transfer and dismissal is prohibited; except where specific requirements constitute a bona fide occupational qualification necessary to proper and effective administration.

No person in City employment shall be appointed, promoted, demoted, dismissed or paid more for any reason other than for qualifications, merit and fitness for service, or lack thereof.

Department Managers will be responsible for complying with the policy procedures contained in this Equal Opportunity program as well as making sure each employee is familiar with the program and its purpose.

### Section 3.03 – Harassment

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading or hostile environment, or interferes with or adversely affects a person's work performance.

Harassment does not include the conduct or actions of Supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

It is the policy of the City that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of City employee behavior is one of cooperation and respect for each other, despite any differences.

A. SEXUAL HARASSMENT: It is City policy to enforce State and Federal anti-discrimination laws, including prohibition against sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical advances of a sexual nature. Sexual harassment also includes the following:

1. Submission to such conduct is made either explicitly or implicitly a term of condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
3. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Employees are encouraged to exhaust the City's administrative remedies before consulting outside agencies.

B. PROCEDURE - Administrative Remedies

1. In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that harassment is not appropriate and will not be tolerated. Ultimate disciplinary action will await completion of the reporting procedure.

2. An employee subjected to any form of harassment should report such activity to their non-involved Supervisor, Department Manager, Human Resource Manager, or directly to the City Administrator.
3. A Supervisor is required to report harassment cases to his/her Department Manager, who, in turn, is required to report the matter to the Human Resource Manager. Such reports to superiors and to the Human Resource Manager are to be made regardless of how knowledge of the case was acquired.
4. The Human Resource Manager shall investigate and submit to the City Administrator a report setting forth the facts of the case as alleged to the complainant and the offender as well as the affected Department Manager.
5. Based on the results of the investigation, the City Administrator will take appropriate remedial action. If the accused or the complainant wishes to appeal the action taken they may do so through the normal grievance procedure.

Section 3.04 - Disability Accommodation: The City of Cripple Creek is committed to complying fully with the Americans with Disabilities Act (ADA), which ensures equal opportunity in employment for qualified persons with disabilities. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. All employment practices are conducted on a non-discriminatory basis, as follows:

1. Pre-employment inquiries are made only regarding an applicants ability to perform the essential functions of the job applied for.
2. Post-offer medical examinations are required only for those positions in which there is a bona fide job-related physical requirement. They will be given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential by the Human Resource Manager.
3. Reasonable accommodation is available to all disabled employees, where their disability affects the performance of their job functions.
4. Qualified persons with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments.

Section 3.05 - Outside Employment (Moonlighting): 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 3.06 - 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. Other situations that may constitute a conflict are:
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 supplements the rules of conduct for local government officials and employees found at C.R.S. 24-18-101 et. seq. and is not intended to be an all-inclusive list.

Section 3.07 - Compliance with Immigration Law: The City of Cripple Creek is committed to employing only U.S. citizens and aliens who are authorized to work in the U.S. in compliance with the Immigration Reform and Control Act of 1986. 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 Resource Manager. Employees may raise questions or complaints about the immigration laws without fear of reprisal.

Section 3.08 - 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 and Police 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. Work Breaks: A one-hour lunch break is provided for each eight-hour workday. There may also be up to two 15-minute breaks, which will be taken at the discretion of the Department Manager. Unused work breaks cannot be accumulated. Under no circumstances may the lunch break and the 15-minute breaks be taken at the end of the workday.
3. 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. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination.

Section 3.09 - Emergency Closings: At times, severe weather or other major emergencies 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 3.10 - 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 Human Resources Manager for further information on current amounts. Per diem rates will be established by the City Administrator based upon location of travel.

Section 3.11 - 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 3.12 – Smoke Free Workplace: 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 3.13 - 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 jobs 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 the Drug and Alcohol Testing Policy, which is subject to revision from time to time. This policy is attached and is to be considered part of the Personnel Policies and Procedures Manual.

Section 3.14 - 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:
  - a) Be informed of and observe established safety practices.
  - b) Notify supervisors of any unsafe conditions they discover.
  - c) Use personal protective equipment such a 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.
  - 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 expected 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 or immediate supervisor.

Section 3.15 - Accidents and Injuries: Employees shall report all accidents and injuries to the 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 Resource Manager 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 City Administrator 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 via the "Incident Report" and filed with the Human Resource Manager as soon as possible.

Section 3.16 – 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 accesses 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 will 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 will 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 3.17 – Violence in the Workplace Policy: The City of Cripple Creek is committed to providing a violence-free and safe workplace 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 workplace 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 workplace.

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 head, the Human Resources staff, Police Department, or the City Administrator. Upon receiving such a report, supervisors are to immediately contact Human Resources. Threats, assaults or any incident that requires immediate attention must be reported first to the police.

2. City of Cripple Creek police officers that receive threats from citizens in the normal course of duty are excepted 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 whatever action it sees fit 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 workplace that commits any violent act against any of its employees.

THE CITY OF CRIPPLE CREEK  
PERSONNEL POLICIES AND PROCEDURES MANUAL

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 Resource Manager 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 Resource Manager will, 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 range 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. Residency as required.
7. Any special departmental criteria.
8. Drug testing, MVR and a criminal background check are required upon entering employment with the City of Cripple Creek.
9. 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 Resource Manager. A resume and other credentials may be submitted as necessary. It is then the responsibility of the appropriate Department Manager to review applications with the

Human Resources Manager and recommend to the City Administrator 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 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 Resource Manager. 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 Resource Manager. 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 date.

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 personnel office to comply with legal 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 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 5% above the employee's pay in the regular position. 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.

THE CITY OF CRIPPLE CREEK  
PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 5

EMPLOYMENT PROCEDURES AND PRACTICES

Section 5.01 - Purpose/Objective: The following is a brief description of job classifications, job status, job promotions, reassignments, and voluntary separation.

Section 5.02 - 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 and Police 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 City Administrator. 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 (i.e. the summer break in the Parks & Recreation Department). 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, either regular or temporary, who is regularly scheduled to work less than thirty-five (35) hours in a seven (7) day work period or in the Fire Department less than 212 hours in a twenty-eight (28) 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. Also in this category are Department Managers and those specifically hired as this category. 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 and the employee listed as inactive 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 Head and submitted to the Human Resource Manager along with a request for regular status or a notice of termination.
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. An employee's request for transfer will be considered, except in unusual circumstances (to be determined by the City Administrator), only after they have been employed for at least one (1) year in a position.
4. 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 a written resignation stating the effective date and the reason 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 Resource Manager 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.

THE CITY OF CRIPPLE CREEK  
PERSONNEL POLICIES AND PROCEDURES MANUAL

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 annually and adjustments made according to the following priorities:

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

The availability of funds criterion recognizes the City's status as a public entity dependent on taxpayer support and demand on public services. Merit adjustments, when applied, will be based on individual performance, attendance and punctuality. 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 take effect the first of January, at commencement of the City's fiscal year.

Section 6.01(a) Exempt Employees

The following groups or individuals are classified as exempt employees as defined under FLSA.

Department managers including the following positions may have additional statutory or specific requirements and/or coverages under separate job descriptions or policy manuals:

- a) City Administrator
- b) Chief of Police
- c) Fire Chief
- d) Community Development and Planning and Historic Preservation Director
- e) Finance Director
- f) Parks and Recreation Director
- g) City Clerk
- h) Heads of any other created departments and any other positions designated by the City Administrator.

### Salary Basis Requirement for Exempt Employees

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In absences under the FMLA, either partial day or full day deductions may be made.

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all company managers from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the City does not allow deductions that violate the FLSA.

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to the Finance Department.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

Section 6.02 - Pay Days and Time Sheets - Work Records: Payday is currently every other Friday (bi-weekly). Time sheets must be completed and signed by non-exempt hourly employees and turned into their Department Managers or Supervisors who will submit them to the Finance Department by Tuesday, no later than 9:00 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, in writing, 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 Dispatch, but excluding Fire and Police, shall be a seven (7) day period of forty (40) hours to begin as determined by the Department Manager and approved by the City Administrator. 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.

Overtime, for all departments, is based on actual hours worked. Time off for sick leave, vacation, 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.

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 before the end of the pay period in which the overtime hours were worked. The limits for overtime compensation are 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 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 - On-Call Pay: If a non-exempt employee who is on call is not required to remain at a particular location during such on-call period, but is required to only leave word where they may be reached, the hours spent on call are not compensable work time.

An employee who is on-call and is required to remain at a particular location, shall be compensated in accordance with all applicable state and federal laws and as provided by policies adopted by the City Council.

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 a fiscal year.

Section 6.08 - Pay Deductions and Setoffs: The law requires that the City make certain deductions from every employee's compensation. These deductions include, but are not limited to applicable federal, state and local taxes and other statutory deductions. The City must also deduct retirement contributions and Social Security taxes on each employee's earnings up to a specified limit. The City matches the amount of Social Security taxes paid by each employee and contributes a prescribed percentage to the retirement fund. The City currently offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the cost of participation in these programs.

Garnishments, wage assignments and pay setoffs are payroll deductions taken by the City, usually to help pay off a debt or obligation either to the City or others and may be required under certain state and/or federal laws.

Section 6.09 - 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 the Department Manager or the Finance Department so corrections can be made as quickly as possible.

Section 6.10- Advances in Pay: In no event will the City provide pay advances.

Section 6.11- Termination Pay: An employee who is dismissed shall receive a final paycheck within the time period prescribed by law. In order to receive final payment, any employee who is terminated or resigns must comply with payback, return of City property and other related provisions of these policies.

THE CITY OF CRIPPLE CREEK  
PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 7

EMPLOYEE LEAVE BENEFITS

Eligible employees at the City of Cripple Creek are provided a wide range of benefits. A number of these programs, such as Social Security, Workers' Compensation, and Unemployment Insurance, cover all employees in the manner prescribed by law. 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 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). At the beginning of each year, City Council will approve the holidays for that year.

All eligible non-exempt employees that work on a recognized City holiday will be paid straight time for their normal 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 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.

The limit on the amount of hours, which can be carried "banked" for holiday leave is thirty (30) hours for all City employees. Employees going over the 30-hours of "banked" holiday leave may get the option of receiving pay for these hours or taking time off.

Floating Holidays must be used within the fiscal year. In no circumstances may they be carried over. Floating holidays are granted only after ninety (90) days of employment. Floating Holidays will not be paid upon separation of employment.

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

For Fire:

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 160 hours (4 weeks) of vacation time. Employees going over the 160-hours of vacation may get option of receiving pay for these hours or taking the time off.

Employees (Firefighters) will be allowed to carry up to 240 hours (4 weeks) of vacation time. Employees going over the 240-hours of vacation may get 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.

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.

Employees shall immediately notify their Department Manager if they are unable to report to work due to illness or injury. The Department Manager must also be contacted on each additional day of absence. Records of sick time used shall be maintained on time cards by the Department Manager and reported to the Human Resource Manager. Unused sick leave is not compensable, and is not paid out upon separation of employment.

2. Medical Verification: Employees taking sick leave shall submit medical verification when such leave is for three (3) or more days. The City may require such evidence when the leave is for less than three (3) sick days, or use of sick leave has occurred in more than three (3) times in a one year period, at the discretion of the City Administrator.
3. Abuse of Sick Leave: Abuse of sick leave shall be grounds for disciplinary action. Department Managers shall investigate incidents of abuse or alleged abuse and report the same to the City Administrator.

Section 7.04 - Jury Duty Leave: Any employee of the City who is required to serve on a jury will be paid at his or her regular rate of pay. The employee shall promptly notify their Department Manager and provide a copy of the jury summons. Any compensation received by the employee from the courts, with the exception of mileage, shall be turned over to the City within three (3) days of receipt. The City will continue to provide health insurance benefits. However, should the jury duty extend for longer than one (1) month, other paid leave accruals such as vacations, sick leave and holiday leave will be suspended.

Section 7.05 - Witness Duty Leave: Any employee that is subpoenaed as a witness to a case (wherein the employee is not a plaintiff or defendant) or otherwise requested to testify as a witness for the City will receive paid time off for the period of duty. Any monetary compensation received by the employee, with the exception of mileage, shall be turned over to the City within three (3) days of receipt. Employees shall promptly notify their Department Manager and provide a copy of the subpoena. The City will continue to provide health insurance benefits. However, should the appearance required by the subpoena extend for longer than one (1) month, other paid leave accruals such as vacations, sick leave and holiday leave will be suspended.

Section 7.06 - Military Leave: All employees will be granted a military leave of absence, are reinstated and paid in accordance with the laws governing veterans re-employment rights as defined under the federal Uniform Services Employment and Reemployment Rights Act (USERRA). In addition to USERRA rights, employees receive additional benefits for U.S. military leave not to exceed fifteen (15) calendar days per year for the purpose of attending military training. If the total military pay received for this time equals or exceeds that which would have been earned by the employee through the City, the leave shall be granted without pay. If the military pay is less than that which would be earned through the City, the City shall pay, upon proof of amount of military compensation received, the employee the difference between their regular base pay and the military pay. Employees shall promptly notify their Department Manager of impending military duty or training and shall supply a copy of their orders for their personnel file. Subsequent to the first 15 days of military leave, the provisions of other veterans statutes, including federal laws governing the rehire of veterans under USERRA, still apply to employees on military leave exceeding the 15 days. Leave benefits will not accrue while the employee is on active duty leave. No pay will be given for this separation.

Section 7.07 - 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 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 7.08-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 National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include 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 servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty. The injury or illness must make the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### Benefits and Protections:

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

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

As with other types of unpaid leaves, 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 is not lost.

### Eligibility Requirements:

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

### Definition of Serious Health Condition:

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

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 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 or 26 weeks as explained above. The City uses 12-month periods 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 while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the City's normal paid leave policies. FMLA leave is without pay when paid leave benefits are exhausted.

#### 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 Human Resources 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.

The City's Responsibilities:

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

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

For questions regarding FMLA, and how it may apply to the employee, contact the Human Resource Office.

Section 7.09 - 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 employees are unable to vote during their non-working hours, 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.

THE CITY OF CRIPPLE CREEK  
PERSONNEL POLICIES AND PROCEDURES MANUAL

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 for additional coverage 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 a 6% gross pay deduction (8% for FPPA). This rate is subject to change—see HR Manager for current rates. This deduction is matched by a 6% contribution (8% for FPPA) from the City of Cripple Creek. The vesting rate for the City of Cripple Creek is 20% per year.

All regular full-time employees may make voluntary contributions to a separate 457 deferred compensation plan account. Contributions shall be effected by payroll deduction. In addition, in order to provide for past service benefits pursuant to

Section 24-54-103, CRS, as amended, participants may make lump sum contributions from time to time per IRS and CCOERA regulations.

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 your Department Manager, Supervisor and also to the Human Resource Manager. 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. 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.

The City’s designated medical provider for Workers’ Compensation injuries is the Emergency Care Facility at Langstaff-Brown Medical Center located at 41 Highway 67 North, Woodland Park, Colorado 80863 – telephone: 719-686-0551. Employees must seek medical treatment from Langstaff-Brown in Woodland Park. If Langstaff-Brown is closed, then the injured employee must go to Penrose Hospital (emergency room) located at 2215 North Cascade Avenue Colorado Springs, Colorado 80907 – telephone: 719-776-5000. In the event of a life-or-limb threatening emergency, an employee will be taken to the nearest hospital or emergency care facility. Follow-up care, if needed, will be provided by Centura Centers for Occupational Medicine. If an employee chooses to use a medical provider other than the designated medical provider above, the employee may be held responsible for payment of all treatment.

Employees missing work due to a Worker’s Compensation disability are entitled to benefits under the Worker’s Compensation Law, but are not entitled to accrue holiday, sick or vacation time as provided for in this manual. Employees are entitled to continuation of their health insurance coverage.

Section 8.05 - Unemployment Compensation Insurance: City employees are covered by the unemployment insurance program of the U.S. Government and the State of Colorado.

Section 8.06 - 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 shall be conducted during regular working hours except when work schedules interfere. In-State training opportunities will be preferred and encouraged.

1. Training Reimbursement: When approved by the Department Manager, the City of Cripple Creek will provide training to employees to enhance the employee's abilities in the performance of their duties. As a means to protect the investment in the training, the City has established a reimbursement policy for training expenses, in excess of \$500. If the employee, who has received an educational benefit in excess of \$500, should voluntarily leave the City's employment within the year immediately following such training, the employee will reimburse the city on a pro-rata basis for that training. The term training expense shall not include a reimbursement for conferences and seminars, which an employee may attend as part of his or her job duties. A Reimbursement Agreement will be signed by the employee and Department Manager when such reimbursement is required.

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 first be obtained from the Department Manager or Supervisor and the City Administrator, under terms and conditions as currently established by the City Council.

Section 8.07 - Employee Assistance Program: It is the current policy of the City to provide assistance to employees and their immediate families, who experience personal problems including substance abuse or dependency, which may adversely affect their job performance. Employees are encouraged to voluntarily seek assistance in dealing with these problems and may seek help through Employee Assistance Providers (EAP). This group of professionals has been retained by the City to help employees at no charge.

In the instance where a management referral is made, confidentiality means that only the EAP coordinator and the referring Supervisor will be aware of the circumstances of the referral. A request for help with a substance abuse problem will not in itself be considered grounds for disciplinary action. However, a request for help will also not prevent the taking of appropriate disciplinary actions for misconduct or performance problems, which may be related to the substance abuse. In no case will participation in an Employee Assistance Program shield employees who violate established policies from disciplinary action.

Contact your Department Manager, Supervisor, or Human Resource Manager for more information, or you may contact a staff counselor for the Employee Assistance program for a confidential session by calling them direct at: (800) 645-6571 or (719) 634-1825.

THE CITY OF CRIPPLE CREEK  
PERSONNEL POLICIES AND PROCEDURES MANUAL

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 workplace safety program. The success of this program depends on the alertness and personal commitment of all. The Human Resource Manager provides information to the employees about workplace safety and health issues through regular internal communication channels such as Department Manager meetings, postings, or memos. Employees are encouraged to share suggestions with their Department Manager. Reports and concerns may be made anonymously by placing the report in the City Hall mailbox of the Human Resource Manager. All reports can be made without fear of reprisal.

Section 9.02 - Employees to Obey Safety Rules and Standards: Employees are expected to obey safety rules and to exercise caution in all their work activities. Employees must immediately report any unsafe working condition to their Department Manager. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations may be subject to disciplinary action.

Section 9.03 - 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 their 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 9.04 - 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 9.05 - 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.

THE CITY OF CRIPPLE CREEK  
PERSONNEL POLICIES AND PROCEDURES MANUAL

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: It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following is a non-exhaustive list of examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination:

- Theft or inappropriate removal or possession of City property.
- Falsification of time keeping or other records.
- Working while impaired by alcohol or illegal drugs.
- Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned vehicles or equipment.
- Fighting or threatening violence in the workplace.
- Boisterous or disruptive activity in the workplace.
- Negligence or improper conduct leading to damage of City owned or taxpayer owned property.
- Insubordination or other disrespectful conduct.
- Violation of safety or health rules; failure to report violations.
- Sexual or other unlawful or unwelcome harassment.
- Possession of dangerous or unauthorized materials, such as explosives or firearms in the workplace.
- Excessive tardiness, absenteeism or any absence without notice.
- Unauthorized use of telephone, mail system or other City owned equipment.
- Unauthorized disclosure of confidential information.
- Violation of personnel and drug/alcohol policies.
- Unsatisfactory job performance as documented by the employee's supervisor.

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 – Job Performance: Unsatisfactory job performance as documented by the employee's supervisor may result in disciplinary action up to and including termination.

Section 10.03 - 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 10.04 - 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 will 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 10.05 – 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 10.06 - Disciplinary Actions: Only regular, non-probationary, full-time 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.

A. 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 following:

- Insubordination, including failure to comply with instructions of a supervisor, Department Manager, or City Administrator;
- Incompetence or inefficiency in performance of job duties;
- Offensive conduct or language toward the public, co-workers or supervisors;
- Theft, destruction, waste or negligent use of City monies or property, including vehicles;
- Abuse or harassment of co-workers;
- Use of City position or authority for personal gain;
- Falsification of employment application information;
- Abuse of employee benefits or leave;
- Disclosure, alteration, falsification or destruction of confidential City records;
- Violation or disregard of safety rules;
- Acceptance of a gift or thing of value in exchange for the influence of the employee in performance of official duties;
- Possession of, or being under the influence of, or having a detectable amount in one's system of, intoxicants or drugs while on the job;

- Conviction of a felony or misdemeanor which, in the opinion of the Department Manager, violates the common decency and morality of the community and/or which has a harmful effect on City operations or the employee's ability to perform;
- Other acts or omissions which negatively affect City operations or performance of job duties;
- Failure to comply with established policies, procedures and directives,
- Unauthorized absence from work;
- Repeated tardiness; and
- Abuse of overtime regulations, including claiming time not actually worked, failure to accept authorized overtime assignments or working unauthorized overtime.

This list is not intended to be inclusive but only serve to give examples of some of the behavior, which may result in discipline. Failure to follow disciplinary procedures does not affect the validity of the underlying action. Additionally, failure to follow disciplinary procedures in any one case does not affect the City's ability to discipline in other similar cases.

B. Written Reprimand. A Department Manager may initiate a written reprimand when in the opinion of the Department Manager, the situation warrants. 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 Resources Department's office for inclusion in the employee's personnel file. The employee may respond to the reprimand in writing.

Prior to taking action, the Department Manager shall advise the Human Resources Manager 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, a non-exempt employee may be suspended with or without pay and an exempt employee may be suspended with pay by the Department Manager. Prior to taking action, a Department Manager shall advise the Human Resources Manager or his/her designee of his/her proposed course of action.

On or before the effective date of the 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, full-time employee without pay by the Department Manager may be appealed to the City Administrator for a full evidentiary hearing. Regular, non-probationary, full-time employees requesting such hearings must notify the City Administrator in writing within ten (10) days after written notification of a decision is provided by the Department Manager, so that a hearing date may be arranged. Notwithstanding anything to the contrary contained herein, only a regular, non-probationary, full-time 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 Manager 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 full-time 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, full-time 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 for to the Human Resources Department for review by the Human Resources Manager 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, full-time employee by the Department Manager may be appealed to the City Administrator for a full evidentiary hearing. Regular, non-probationary, full-time employees requesting such hearings must notify the City Administrator in writing within ten (10) days after written notification of a decision is provided by the Department Manager so that a hearing date may be arranged.

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, full-time 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, full-time 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 may be utilized, however, 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 3.03 hereof;
- (e) Suspensions as described in Section 10.05(D) hereof; and
- (f) Demotions 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 Manager 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 Municipal Court Judge.

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 19.
2. Have held a driver’s license for at least three 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 on our insurance and maintain that eligibility.

Section 12.02 – Driving Records: Driving records will be obtained for each prospective employee prior to employment if it is required for the position. These records will be retained and checked annually for each employee. If an employee is considered borderline according to our insurance carrier, their motor vehicle record will be pulled bi-annually.

Section 12.03 – Acceptable and Unacceptable Driving Records: The following is a guideline of acceptable and unacceptable driving records:

Motor Vehicle Grading Criteria (last three years)

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

Motor Vehicle Grading Criteria (last three years)

Any Serious Violation	Poor
-----------------------	------

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/Careless 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. Any moving violation that is not a serious violation

Section 12.04-Reporting a Serious Violation: Employees shall immediately report any serious violation, which violates this policy to the City's Human Resources Department. See section 12.03 for a non-exhaustive list of serious violations.

Section 12.05-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).
  - a. For Police and Fire, reference Police and Fire departments emergency response procedures.
3. Do not use a cell phone while operating a vehicle.
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 or a volunteer who has already signed a waiver.
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 12.06-Vehicle Maintenance Policy and Procedure: Vehicle maintenance is tracked through a computer software program at Public Works. The program uses odometer readings to follow general vehicle maintenance. A vehicle falls into 3 levels of care:

Level A: The operator of the vehicle will perform this each day. This includes fluid checks, fueling, and other daily maintenance functions.

Level B: Oil change.

Level C: Bumper-to-bumper check to verify the vehicle is in complete working order.

The Level A maintenance records, or pre-operation checklists, are kept by each department for one year.

When the vehicle is brought in for a Level B or C to be performed, or for a repair, the following will be checked: brakes and fluid; windshield wipers; tires; lights; fluid levels including transmission, antifreeze, oil, and steering; and other maintenance items as needed for the specific vehicle or equipment.

Each time a vehicle is fueled an odometer reading is put into the system. The system flags a vehicle when it has reached the point of maintenance. It will flag it as a Level A, B, or C depending on the accumulated mileage. Once flagged, Public Works prints off the work orders and an appointment is scheduled within 24 hours. The maintenance provided to the vehicle is logged into the system and the vehicle will not be flagged again until its next maintenance check is needed. The odometer reading is reset.

Each department is charged by Public Works for the work completed, including parts and hours. These records can be tracked through our accounts payable files at City Hall.

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

Section 12.08-Daily Vehicle Inspection Policy and Procedure: Each vehicle in the City has a daily inspection before it is used. Each department has their own checklist and stores that checklist for a year. The Police Department does not use an actual checklist; rather they use a list showing each officer what should be checked each shift prior to use. Please see your supervisor for your department's specific guidelines for vehicle inspection.

EMPLOYEE ACKNOWLEDGMENT FORM

The Personnel Policies and Procedures Manual describes important information about the City of Cripple Creek, and I understand that I should consult the Human Resources Department regarding any questions not covered in the Manual. I have entered into my employment relationship with the City of Cripple Creek voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the City or I can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Manual may occur, except to the City of Cripple Creek's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the City Council has the ability to adopt any revisions to the policies in this Manual. This handbook supersedes previously issued editions.

Furthermore, I acknowledge that this Manual is neither a contract of employment nor a legal document. I have received the Manual, and I understand that it is my responsibility to read and comply with the policies contained within and any subsequent revisions made to it.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE'S NAME TYPED OR PRINTED