



Sworn Policies and Procedures Manual

City of Colorado Springs

October 2013

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SWORN PERSONNEL POLICIES AND PROCEDURES

**POLICY AND PROCEDURE # i
DISCLAIMER**

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**POLICY AND PROCEDURE # ii
AT-WILL EMPLOYEES**

Policy Statement

All employees who are so designated by their respective City Council/Mayoral Appointee Council/Mayoral Appointee or by City Code, are employed on an "at-will" basis and serve at the pleasure of their appointing authority. Other at-will employees include those working in a special, hourly, temporary, or probationary status.

Employment Relationship

The employment relationship between the City and its at-will employees is at the mutual consent of both parties.

- The City of Colorado Springs and the employee have the right to end the employment relationship at any time for any reason, with or without notice or cause.
- Employees who are separated by the City with or without notice or cause, have no right or expectation to receive any pre-release or post-release proceeding, hearing or appeal, nor are they entitled to severance pay unless approved at the sole discretion of the Council/Mayoral Appointee in accordance with the Senior Manager At-Will Program initially approved by City Council August, 2000.
- At-will employees have no right to return to employment in a former City position or right to employment in any other City position.
- The at-will relationship established by the promulgation of this policy supersedes any prior oral, written or implied employment relationship.
- The at-will relationship established by this policy may not be altered by the parties unless there is a written agreement signed by the employee and the Mayor or Council/Mayoral Appointee to whom the employee reports. In the event of any contrary statement, oral or written, now or in the future, the at-will relationship established by this policy shall control.

Applicability of City Policies and Procedures

By virtue of their employment relationship with the City, at-will employees are exempt from policies and procedures related to the following sections: Employment, Discipline, Peer Review, or Complaint Resolution. At-will employees are covered by policies and procedures related to Standards of Conduct, Compensation, Leaves, Benefits, Risk Management, Performance Management, Anti-Discrimination, and any other general policies and procedures which are established by the City. Employees in the At-Will Senior Manager Benefit Program should refer to the At-Will Senior Manager Benefit Program # 66 of the Civilian Personnel and Policies Manual.

Last revised: 6/11

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POLICY AND PROCEDURE # iii
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION STATEMENT

The City of Colorado Springs is an Equal Opportunity/Affirmative Action employer. The City of Colorado Springs will not tolerate illegal discrimination against any employee because of race, color, national origin or ancestry, gender, age, religious convictions, disability, sexual orientation, genetic information, or marital status.

Last revised: 10/13

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Compensation

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**POLICY AND PROCEDURE # 1
COMPENSATION**

SALARY

General Statement

It is the goal of the City of Colorado Springs to provide an internally equitable and externally competitive compensation plan in order to attract and retain qualified employees.

Civil Service Classifications

Salaries for Civil Service classifications shall be published annually in the City's Salary Schedule and posted in the Public Folders.

- **Standard Progression**

Unless hired under the lateral entry program, an employee will progress from Police or Fire Trainee, step 1 upon successful completion of the Training Academy. Such employee will progress from Firefighter or Police Officer 4th class, step 1 to step 2 upon successful completion of the initial evaluation period in accordance with the Rules of the Civil Service Commission. The standard interval for progression to steps 3 and 4 of each rank is 12 months of satisfactory service at the prior step. Pay raises commensurate with the published schedule for the standard progression will timely occur, as long as the City is financially able to increase compensation.

Employees hired as laterals, will receive a pay raise when they finish one year of service and then each 12 months until they reach Officer 1st class or firefighter, assuming satisfactory performance and budget availability.

- **Accelerated Progression**

An employee demonstrating accelerated job qualifications and proficiencies (as defined by the department), upon approval of the Chief/Deputy Chief, may progress to Officer step 3 and Officer step 4, or Firefighter step 3 and Firefighter step 4, between 6 and 12 months. Related accelerated compensation increases may not be retroactive and are contingent upon the availability of Department salary funds.

- **Extension of Probation**

The probation period may be extended in accordance with the Rules of the Civil Service Commission. A new progression date to step 2 of the Police Officer or Fire Fighter classification shall be established. Probation dates shall be calculated based on active employment. Absences of 30 days or more from work, as defined by the Civil Service Rules, will result in an equivalent time extension of probation.

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Loss of License or Certification

An employee who is no longer qualified for the current position or classification because of the loss of license or certification must immediately report it and cease to function under the authority of such license or certification. The Chief will review the circumstances on a case by case basis and decide the appropriate action, which may include reassignment, separation or the opportunity for the employee to obtain reinstatement of the license or certification within a period not to exceed 180 days.

Pay upon Promotion or Demotion

Pay upon promotion or demotion shall be determined by the salary for the new classification as published in the City's Salary Schedule.

Exempt/Non-Exempt Classification

An employee occupying a position allocated to an exempt classification is considered an exempt employee and does not adhere to a strict FLSA workweek. An employee occupying a position in other than an exempt classification is considered a non-exempt employee.

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**POLICY AND PROCEDURE # 2
WORK SCHEDULE**

Policy Statement

The normal work year for 40-hour shift Police and Fire personnel consists of 2080 hours divided into work periods varying in length from 7 to 28 days. The normal workday consists of 8 - 10 consecutive hours in any 24-hour period, which may be interrupted by an unpaid meal period.

The normal work year for 24-hour Fire personnel consists of an average of 2912 hours divided into 27 day cycles. The normal workday consists of 24 consecutive hours.

The normal work year for non-shift police and fire personnel consists of 2080 hours divided into 52 forty-hour weeks.

Employees may be required to work other than the normal work year, work period, or workday to meet operational requirements.

FLSA Work Period

The Chief shall establish the work periods based on operational requirements. Any changes in work period shall comply with the Fair Labor Standards Act (FLSA) and shall be announced in writing 30 days in advance of implementation.

Restricted Hours of Work (Snow day)

Under unusual circumstances, such as inclement weather, the Mayor may direct employees not to report for work or to leave work. Under such direction, an employee may not elect to report for or to remain at work. Certain employees who staff essential operations and services, as determined by the Chief or his/her designee, are excluded from this policy.

Non-Exempt Employees

Each calendar year, the Mayor may grant up to 2 days of administrative leave with pay to non-exempt employees in lieu of lost time resulting from the closing of City offices and service centers. If the year's two days of administrative leave have been exhausted, non-exempt employees may, with the approval of the immediate supervisor:

- Make up time within the work period
- Use vacation, personal holiday, or compensatory time off; or
- Take leave-without-pay, if they are not eligible for paid leave.

Non-exempt employees who are directed by the Mayor to report late or depart early shall not be charged for lost time resulting from the curtailed work schedule.

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Exempt Employees

Exempt employees will be paid for all lost time resulting from the curtailment of City operations.

All employees on scheduled days off, vacation, personal holiday, compensatory time off, or sick leave during such time that the Mayor curtails City operations shall charge their time to the appropriate leave category. They are not eligible for administrative leave.

Meal Periods and Breaks

The non-exempt employee's normal work schedule will include a minimum of a 30-minute, unpaid meal period and one paid 15-minute, break for every 4 hours worked. Break periods and meal periods include all time an employee is away from work. The meal period is a paid part of the workday if the employee's responsibility requires them to continue working through the meal period at their workstation. Operational requirements may prevent time off for meal or break periods. No additional compensation shall be paid in lieu of a missed break. Meal and break periods shall not be cumulative in order to shorten the workday.

Accommodations for Nursing Mothers

Colorado law (8-13.5-101, C.R.S.) requires that the City as an employer provide reasonable paid or unpaid break time for an employee who is a nursing mother to express milk for up to two years after the child's birth. The Department Director/Division Manager or Council/Mayoral Appointee must make reasonable efforts to provide the nursing mother with a private location in close proximity to the work area, other than a toilet stall, in which to express milk. The Colorado Department of Labor and Employment offers information to aid managers in complying with the law at <http://www.colorado.gov/cs/Satellite/CDLE-LaborLaws/CDLE/1248095305263>.

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**POLICY AND PROCEDURE # 3
OVERTIME**

Policy Statement

All employees may be required to work in excess of the normal work schedule. Supervisors are encouraged to minimize those occasions that place employees in a situation where they are required to work extensive consecutive hours of overtime. Compensation for overtime shall comply with all federal, state and/or local rules and regulations. Any unwritten policies or practices that are inconsistent with the Fair Labor Standards Act (FLSA) are expressly rescinded.

Definitions

- **Hours Paid** includes all hours designated on the time record as paid time under a policy included in this policy manual. Hours Paid therefore includes hours taken as vacation, sick, holiday, funeral leave, jury leave, compensatory time off and other leaves identified under Policy #16 as Leaves of Absence (Paid).
- **Hours Worked** includes all hours actually worked or hours taken as vacation.. Hours worked does not include hours taken as holiday, funeral leave, jury leave, performance award time off, compensatory time, sick leave, paid leave used for work absence due to sick purposes when sick leave is exhausted, other paid leave or unpaid leaves of absence.
- **Fire Mandatory Overtime Hours** are the regularly scheduled 12 hours (204 to 216 hours) worked on a 27-day cycle by sworn fire personnel.

Work Schedules

- Fire sworn-24-hour shifts for a total of 216 hours during a 27-day cycle.
- Police sworn and Fire Investigators- 40 hours per week for a total of 160-hours during a 28-day cycle.

Rates of Pay

Non-exempt employees will be compensated at the appropriate overtime rate for Hours Worked in excess of the normal Work Schedule. The normal overtime rate is 1½ times the regular rate of pay.

Fire Mandatory Overtime Hours are compensated at half the hourly rate and the pay is not reduced by paid leave usage.

Time worked for special events may never be paid at 2 times the regular rate, regardless of when the work occurs during the employee's Work Schedule.

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Overtime Calculation Period

Although Police personnel and Fire Investigators work a 28-day cycle, the review period for overtime calculation and eligibility occurs every two weeks (80 hours).

Fire personnel work a 27-day schedule, and overtime is calculated following completion of the cycle.

Overtime Approval

All overtime hours must be approved in advance by the immediate supervisor or designated authority, except Fire Department hirebacks and other activities identified by the Chief, as approved overtime.

Scheduled Overtime Compensation

If Scheduled Overtime does not begin immediately prior to or after the employee's normal work schedule, the employee will be compensated for a minimum of two hours at the appropriate rate.

Court Time Compensation

Court Time includes scheduled court appearances for police and fire personnel in connection with job assignment. Unless expressly governed by approved department policy, Court Time that falls outside the employee's normal work schedule will be compensated at 1 ½ times the regular hourly rate for actual hours spent at court above Hours Paid during the Work Schedule or the appropriate overtime calculation period.

Grant Time

Grant Time includes hours worked by police personnel that are compensated through grants. Grant Time is paid at the appropriate overtime rate when Grant Time hours exceed Hours Paid during the employee's normal Work Schedule or appropriate overtime calculation period.

Extra Duty Time

- Extra Duty Time for the City includes time worked for the City in response to internal requests from various Departments, not for private employers. Extra Duty Time for the City is paid at time and a half and is not included in Hours Worked.
- Extra Duty Time for private employers is time charged to outside agencies that want to hire extra duty Police Officers. The fee for this Extra Duty Time is set by the Mayor annually. Extra Duty Time for private employers is not included in Hours Worked.

Hirebacks

An employee who elects to work additional hours as a Hireback in Fire will be compensated at the appropriate overtime rate for the Hours Worked in excess of the relevant Work Schedule. Overtime commences after Hours Worked exceeds the time designated as the Work Schedule above, which includes Mandatory Overtime Hours.

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Overtime While Traveling

A non-exempt employee who is required to travel to a temporary job site or a directed training site will be compensated in accordance with the Fair Labor Standards Act.

Overtime Distribution

Management shall use their best efforts to distribute the opportunity to work overtime among qualified employees within the operational requirements of the department and the work that needs to be performed.

Release from Duty

A non-exempt employee's normal work schedule shall not be reduced without prior notice for the sole purpose of avoiding overtime compensation for hours that have been worked. The immediate supervisor may notify the employee in advance of a work schedule change in order to avoid a potential overtime situation.

Overtime Refusal

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

Police Compensation for Routine Care, Cleaning and Maintenance of Firearms, Ballistic Vest and Uniforms

Overtime or compensatory time as compensation to Police for routine care, cleaning, and maintenance of firearms, ballistic vest, and uniforms will be provided as follows:

- 30 minutes per pay period may be requested without prior supervisory approval;
- Officers and Sergeants must submit either an overtime slip or compensation time slip;
- Officers and Sergeants must actually work at least 40 hours in a 14-day pay period to be entitled to any overtime or compensation time for these tasks.
- Fire personnel have access to washer and dryer facilities at all fire stations and are expected to use these while on shift and so will not be compensated for uniform maintenance performed on personal time.

On Duty Time for Cleaning and Maintenance of Leather Gear

If an Officer or Sergeant chooses to wear a leather belt with leather attachments and/or leather footwear, the Officer or Sergeant shall be given a reasonable amount of time on duty to clean and maintain these items with supervisor approval and the Officer or Sergeant will not complete these tasks outside regular work hours.

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Release From Work

For employees who have worked extensive overtime, the immediate manager/supervisor may send an employee home or direct the employee to report to work late when, in the manager/supervisor's sole judgment, the employee's lack of adequate rest poses safety risks to the employee or co-workers. Scheduled hours not worked by the employee shall be paid at straight time.

Last revised: 4/13

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**POLICY AND PROCEDURE # 4
COMPENSATORY TIME OFF**

Policy Statement

A non-exempt employee who is eligible for overtime compensation, upon approval of the immediate supervisor, may elect to accrue compensatory time off in lieu of payment for overtime. All compensatory time must be recorded. Compensatory time off shall accrue at the appropriate overtime rate. Use of compensatory time off must be approved in advance by the immediate supervisor.

Maximum Balance

The maximum balance shall not exceed 80 hours. Overtime hours worked in excess of that amount shall be paid at the appropriate overtime rate. The City reserves the right to direct an employee to take accrued compensatory time off. There is no annual payout requirement, but the City may offer annual payout on a voluntary basis.

Payment Upon Separation

Non-exempt employees, separating from employment with the City of Colorado Springs, will be paid for all accrued compensatory time. Compensatory time off is banked at the appropriate overtime rate, therefore payment will be at the base hourly rate.

Last revised: 6/11

**POLICY AND PROCEDURE # 5
ACTING AND LONGEVITY PAY**

Acting Pay

Acting pay is additional compensation for temporary assignment of more than one full shift to a position of increased responsibility requiring supervision of employees or of an operation.

Rates of Pay

Acting pay may be authorized up to 10 percent of the assigned non-exempt employee's base salary for periods of one or more workdays. For exempt employees, acting pay is 10 percent of the employee's base hourly salary for periods of four consecutive weeks or more. Fire Department employees working in the capacity of acting lieutenant, relief driver, or district chief in excess of 12 hours receive acting pay. When combined with the employee's base hourly pay acting pay may not exceed the salary of the next promoted rank. The Chief is responsible for ensuring the employee's new base pay does not exceed Control Point.

Acting pay for an employee assigned to a classification in pay bands 1 or 2 shall be determined by the Chief.

Longevity Pay

An employee shall receive longevity pay of \$20 per month beginning with the sixth year of continuous Civil Service employment. This longevity pay shall increase at a rate of \$4 per month at the beginning of each subsequent year of employment until a maximum of \$100 per month is reached.

Last revised: 3/04

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**POLICY AND PROCEDURE # 6
SHIFT DIFFERENTIAL**

Policy Statement

Certain functions of the City of Colorado Springs require 7 day, 24 hours/week operations. Employees who staff those functions may be eligible for some or all of the following shift differentials in addition to their base hourly rate. The shift differential shall be paid for actual hours worked on the scheduled shift. The rate shall be determined by the established rate for the designated shift on which the hours were worked.

Designated shifts shall be determined by the preponderance of the scheduled hours in the following time periods:

- Shift 1 - 8:00 a.m. - 4:00 p.m.
- Shift 2 - 4:00 p.m. - Midnight
- Shift 3 - Midnight - 8:00 a.m.

The higher rate will apply when the scheduled hours worked are evenly split between 2 of the above shifts. Shift differential rates are recommended by the Mayor and approved in the annual budget by City Council.

An employee filling in for an absent shift worker or temporarily assigned to Shift 2 or Shift 3 will not qualify for shift differential arising from the temporary shift for changes lasting less than a full pay period.

Trading Shifts

Fire Department employees may trade shifts in accordance with the Fair Labor Standards Act and written, approved department policy.

Last revised: 1/11

REST PERIOD
Removed 11/09

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**POLICY AND PROCEDURE # 8
STANDBY STATUS**

Standby

Operational necessity of the City may require that an employee be on standby awaiting a call out for return to work.

All standby duty must be authorized by a supervisor and the affected employee must be notified of the standby period. Whenever operationally expedient, a standby schedule shall be available in the respective department. An employee who is placed on standby must be available for contact by pager or telephone. During the standby period, the employee is able to engage in non-work related activities.

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

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

Rate of Pay While on Standby

- **Non-exempt:** For each 7-day period a non-exempt employee is assigned to standby status, the employee may elect to either be paid for 3 hours of additional pay at the employee's base hourly rate or accrue 3 hours of compensatory time off. For a single day a non-exempt employee is assigned to standby status, the employee may elect to either be paid for 1/2 hour of additional pay at the employee's base hourly rate or accrue 1/2 hour of compensatory time off.
- **Exempt:** Exempt employees, except as authorized in writing by the Chief with approval from Human Resources, will not be compensated for standby hours.

Rate of Pay When Called-Out from Standby

- **Non-exempt:** A non-exempt employee shall be compensated for hours worked, including one-hour round trip travel time, at the appropriate overtime rate. Standby compensation is interrupted by call-out.
- **Exempt:** An exempt employee who is authorized for standby pay shall continue to receive standby pay, unless the employee is also authorized overtime pay.

Last revised: 1/11

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**POLICY AND PROCEDURE # 9
EMERGENCY CALL-OUT**

Policy Statement

All employees are subject to emergency call-out without prior notice. Contrary to standby, emergency call-out is not scheduled and assigned, but may become operationally necessary. An employee is not expected to curtail activities and is not eligible for additional compensation prior to the emergency call-out. When such an emergency call-out requires a non-exempt employee to make an additional round-trip to a work site, one hour of pay at the appropriate overtime rate shall be paid.

An employee shall be required to ensure that the immediate supervisor has a working telephone number by which the employee may be contacted during an emergency.

Availability

An employee who refuses to respond to such call-out without good cause may be subject to disciplinary action, up to and including termination.

Last revised: 3/04

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Benefits

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**POLICY AND PROCEDURE # 11
HOLIDAYS**

Policy Statement

The City of Colorado Springs will make available various employee benefit programs with the goal of attracting and retaining a quality workforce.

Holidays

40-hour employees shall receive City-observed holidays off with pay, unless designated by the Chief to be credited with 80 hours of additional personal holiday time in lieu of City-observed holidays.

24-hour personnel shall annually be credited with 123.2 hours holiday pay/additional personal holiday time in lieu of City-observed holidays. 64 hours will be paid in cash, 35.2 hours will be added to vacation time and the remaining 24 hours will be added to personal holiday bank.

Personal Day

In addition to the observed holidays, after 12 months of Civil Service employment, all employees eligible for paid holidays shall receive one 8-hour personal day each year. The personal day must be taken at a time mutually agreeable to the supervisor and the employee. The personal day may not be carried over to the next year or taken in increments of less than 1 hour. When departments credit 88 hours of additional personal holiday credit time, 8 hours of the 88 constitutes the employee's personal day.

Use of holiday and personal day upon resignation or retirement

City holiday and personal day cannot be utilized after the resignation or retirement date. An employee's resignation or retirement date is the actual last day that the employee is physically at work unless previously approved by the Human Resources Director due to exceptional circumstances. For example, an employee submits their resignation with July 4th as their last day of work. Since the employee was not physically at work on July 4th a City holiday, their resignation date is July 3rd and the employee will not receive pay for the July 4th holiday in their final paycheck.

Employees are not paid for their unused personal day upon resignation or retirement. With coordination of the supervisor, employees may take their personal day prior to the resignation or retirement date; but they may not take the personal day on or after their resignation or retirement date.

Last revised: 4/13

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**POLICY AND PROCEDURE # 12
VACATION**

Policy Statement

Regular and probationary employees shall accrue paid vacation for years of continuous employment according to one of the following schedules:

Years of Continuous Employment	Hours Accrued Biweekly	Annual Entitlement
40-Hour Police		
0 - 5 years	3.6996	96
6 - 10 years	4.31112	112
11 - 15 year	5.23136	136
16th and subsequent years	6.15160	160
40-Hour Fire		
0 - 5 years	3.6996	96
6 - 10 years	4.00104	104
11 - 20 years	5.85152	152
21st and subsequent years	6.15160	160

Beginning with the 11th year of sworn employment, an employee under either of the above schedules may elect to sell back one time during each calendar year up to 40 hours of vacation in lieu of taking time off. Such sell back is computed on base hourly salary plus longevity pay.

24-hour Fire

Personnel hired prior to January 1, 2011 shall accrue 7.38472 hours bi-weekly for an annual rate of 192.00272 hours, which includes 35.2 hours of holiday time.

Personnel hired on or after January 1, 2011 shall accrue vacation hours that include 35.2 hours of holiday time annually according to the following schedule:

Years of Continuous Employment	Hours Accrued Biweekly	Annual Entitlement
56-Hour Fire		
0 - 5 years	6.53332	169.866400
6 - 10 years	6.95534	180.838816
11 - 20 year	7.39214	192.195616
21 st and subsequent years	7381225	203118528

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Beginning with the 11th year of sworn employment, an employee assigned to the 24-hour shift schedule shall annually receive an additional 56 hours of pay in lieu of paid time off. Such pay is computed on base hourly salary plus longevity.

Battalion Chiefs

Battalion Chiefs accrue an additional 3 shifts of vacation or an annual total of 264 hours.

Transfer

Employees transferring from 40-hour to 24-hour status will have their current vacation and sick leave multiplied by 1.4. Vacation and sick leave balance for transfers from 24-hour to 40-hour status will be divided by 1.4.

Approval

Vacation may be utilized only with the prior approval of the immediate supervisor.

Carry-Over

Vacation carry-over into the following year may not exceed the employee's year-end annual entitlement plus 40 hours, or 56 hours in the case of 24-hour employees. An employee not granted vacation due to operational requirements or injury leave resulting from an on-the-job accident, and as a result stands to lose vacation at year's end, may be paid for such vacation hours that will be lost or request permission to carry additional hours over into the following year.

The Chief or designee must approve requests for additional vacation carry-over in writing and, if approved, such additional carry-over hours must be utilized in the following year or they will be lost.

Sick Leave during Vacation

Should an employee become ill or injured while on vacation, the employee may exchange vacation hours for sick leave hours. The employee must notify the immediate supervisor at the time of the illness or injury. The immediate supervisor may request that the employee bring a physician's statement specifying the nature of the illness or injury and releasing the employee to return to work.

Vacation Paid At Separation

At separation, employees shall be paid all accrued vacation at the base hourly salary. In the case of death, such accrued vacation shall be paid to the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act," Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the "Colorado Civil Union Act," Article 15 of Title 14 ("Spouse") or, should there be no surviving spouse, to the employee's estate.

Use of vacation upon resignation or retirement

Vacation cannot be utilized after the resignation or retirement date. An employee's resignation or retirement date is the actual last day that the employee is physically at work unless previously approved by the Human Resources Director due to exceptional circumstances. For example, an employee's last day of physically being at work is August 10th. The employee then wants to takes

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two weeks of vacation until their retirement date of August 24th. The employee's last day of being physically at work was August 10th; therefore the employee's retirement date is August 10th and any unused vacation will be paid in the final paycheck.

Vacation Donation

Employees may voluntarily donate their vacation time to another employee when non-job related illness or injury of the employee or their immediate family member has exhausted the recipient's paid sick leave, vacation, personal holiday, etc. Sick leave cannot be donated. Vacation Donation is covered in City of Colorado Springs PPM #22 Vacation Donation.

Concurrent Use of Vacation and Short Term Disability

Employees may supplement short-term disability payments with accrued leave. While on FMLA leave, employees must supplement time not covered by short-term disability with paid time/paid leave. Under no circumstances will an employee receive a combination of short-term disability payments and accrued leave which exceeds 100% of the employee's normal gross base pay.

Last revised: 10/13

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**POLICY AND PROCEDURE # 13
SICK LEAVE**

Policy Statement

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy), medical, dental or vision exams, or medical treatment of the employee or the employee's immediate family.

An employee on personal sick leave shall not perform any activities, including other employment, self-employment, sports, hobbies, etc., which may impede recovery from the injury/illness.

Accrual

Forty-hour regular and probationary employees shall accrue sick leave at the rate of 9.33 hours per month of continuous employment. Sick leave may be accrued to a maximum of 1056 hours, plus current year accrual.

24-hour regular and probationary employees shall accrue sick leave at the rate of 13.07 hours per month of continuous employment. Sick leave may be accrued to a maximum of 1479 hours plus current year accrual.

Transfer

Employees transferring from 40-hour to 24-hour status will have their current vacation and sick leave multiplied by 1.4. Vacation and sick leave balance for transfers from 24-hour to 40-hour status will be divided by 1.4.

Eligibility

To be eligible for paid sick leave, the intended use of sick leave must be reported to the immediate supervisor a minimum of one hour prior to the start of each scheduled workday or prior to leaving the work site. In the case where treatment, surgery, or other regimen are scheduled in advance, at least 30 days notice must be given to the supervisor, or as soon as practicable. If the employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have another party contact the supervisor. An employee who fails to give proper notification may be subject to disciplinary action. The Chief, in the case of an extended illness, may grant an exception to this policy.

Physician's Statement

A physician's statement supporting the use of sick leave and/or the ability to return to work may be required by the immediate supervisor.

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Family Sick

Employees may utilize up to 12 weeks of accrued sick leave per calendar year for the care of an immediate family member's illness, injury, temporary disability (including pregnancy), medical exams or medical treatment. Immediate family is defined as partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the "Colorado Civil Union Act," Article 15 of Title 14 ("Spouse"), parent, guardian, child, brother, sister, grandparent, or grandchild, as well as, these relatives in-laws, step or half or any family member residing in the employee's household. Employees married under common law rules are required to have an approved common law affidavit on file with Benefits and Wellness in order to utilize sick leave to care for common law family members.

Options Upon Sick Leave Exhaustion

Employees shall use their accrued sick leave for illness prior to using any other type of paid leave. When accrued sick leave and accrued vacation are exhausted, the employee may request the following:

- **Sick Leave Advance**

Up to 240 hours, or 336 hours for a 24-hour employee, may be advanced to an employee upon approval of the Chief or designee. The employee through future sick leave accruals must repay such advance. If an employee terminates prior to completing the repayment, the remaining amount will be deducted from the final paycheck or shall be repaid in accordance with arrangements made through the Controller's Office.

- **Sick Leave Without Pay**

Sick leave without pay may be granted when illness, injury, or convalescence has exhausted all paid sick leave. An employee request for such a leave must include a physician's prognosis and estimated date of return. Prior to return, an employee must provide to the immediate supervisor a physician's statement certifying that the employee is released to resume assigned duties.

After considering the specifics of the employee's request and the impact of the employee's continued absence on the operations, the employee's supervisor may approve the request or separate the employee, subject to FMLA requirements.

Payment For Unused Sick Leave Upon Termination, Retirement, or Death

Employees eligible for sick leave accrual on or before 12/31/10: Upon retirement the employer will make a contribution to the Retirement Health Savings Plan (RHS) for accumulated sick leave, not to exceed 720 hours, or 1008 hours for a 24-hour employee. Retirement is separation from employment for reasons of age and service or medical condition for which the employee is eligible to receive an immediate pension benefit from a City pension plan. To be considered retired, the employee must also have made application for retirement prior to the date of separation.

For employees who elect to receive a deferred vested pension and who have at least 20 years of covered service, the following will occur upon termination:

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- The employer will make a contribution to the Retirement Health Savings (RHS) plan for accumulated sick leave, not to exceed 720 hours or 1008 hours for a 24-hour employee.
- Employees will be eligible to start using the RHS on the date that they are retirement eligible. Employees with full coverage insurance provided by a spouse or other employment will be excluded from the mandatory RHS plan.
- Cash payments shall be made at the rate of base pay at the date of termination or retirement and shall not include longevity or other extra compensation. No pension fund deductions shall be made.

In the event of death, the employee's estate will be paid for eligible accrued sick leave. Contributions will not be made to the RHS plan for the employee's estate.

Employees hired or rehired after 12/31/10: These employees are not eligible for unused sick leave upon termination, retirement or death.

Last revised: 10/13

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**POLICY AND PROCEDURE # 14
INSURANCE**

Policy Statement

The City provides benefit coverage that is designed to be competitive with its labor markets and supports efforts to attract and retain employees. Enrollment, eligibility, participation requirements, plan restrictions, procedures, etc., shall be in accordance with the provisions of the various benefit plans.

Benefit plans are reviewed on a regular basis and subject to change annually. The City currently offers plans in the following areas for regular, probationary, and special employees:

- Health Care
- Dental
- Long-term Disability
- Long-term Care
- Flexible Spending Accounts
- Life Insurance
- Vision
- Short-term Disability
- Voluntary Term Life
- Retirement Health Savings Plan

Part-time Employee Benefits

Regular, probationary, or part-time employees who are employed to work a minimum of 20 hours, but less than 30 hours, a week shall be eligible for 50% of the employer paid benefit premiums according to established schedules. Employees working 30 hours or more a week are eligible for the same employer paid premiums as full-time employees.

Survivor Benefits

The enrolled partner in marriage pursuant to the provisions of the “Uniform Marriage Act, “Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the “Colorado Civil Union Act,” Article 15 of Title 14 (“Spouse”) and eligible children of a regular full-time, regular part-time, or probationary employee, who dies while actively employed will be provided 100% employer paid medical benefits for 90 days. After 90 days, the family may elect COBRA coverage for up to 36 months.

If the deceased employee was eligible to retire and the death is employment related, health care coverage may be continued for eligible dependent children and surviving spouse as though the employee retired. Such coverage may continue in accordance with provisions of the Medical Summary Plan Description.

Life Insurance

Upon retirement, the City will continue to provide, without cost to the employee, group term life insurance of \$3,000. Dependent coverage is not available at retirement. Retirement is separation

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from employment for reasons of age and service or medical condition for which the employee is eligible to receive an immediate pension benefit from a City pension plan. To be considered retired, the employee must also have made application for retirement prior to the date of separation.

Unemployment Insurance

The State of Colorado Employment Security Act provides that a separated employee may apply for unemployment benefits. The State of Colorado determines eligibility and amount of compensation. The City pays the entire cost of this benefit.

Last revised: 10/13

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**POLICY AND PROCEDURE # 15
HIPAA POLICY AND PROCEDURE**

Policy Statement

The City of Colorado Springs complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) relating to the privacy requirements for Protected Health Information (PHI). This policy defines how Protected Health Information (PHI) obtained by the City during the employment relationship with an employee will be used and who will have access to the information.

Definitions

- **Protected Health Information (PHI)**: PHI includes individually identifiable health information relating to a specific employee or dependent, that is maintained or transmitted in any form to a healthcare provider, group health plan or to which the City may have access.
- **Privacy Officer**: The Director of Human Resources serves as the Privacy Officer in the organization and is assigned to ensure that the City is in compliance with all federal and state laws regarding privacy of PHI. The Privacy Officer may be contacted at 30 South Nevada, Suite 105, Colorado Springs, CO 80903.

General Policy

The City understands that medical information about employees and their dependents health is personal and confidential. It is the policy of this organization to limit the use of PHI to the extent necessary to make our benefits effective. Under HIPAA regulations permitted use and disclosure is limited to treatment, payment, or operation (TPO) of the health plan(s). PHI cannot be used or disclosed for any other purpose without prior written authorization by the individual. City Human Resources staff may be exposed periodically to PHI, such as during benefits enrollment, assisting employees with claims processing, plan interpretation or medical leave. The City will, to the extent required by law:

- Keep medical information that identifies an employee confidential;
- Disclose or use medical information only for the purpose of treatment, payment or operation of the health plan(s) or if properly authorized to be used for another purpose permitted by law or regulation;
- Provide employees notice of the City's privacy practices;
- Train employees exposed to PHI regarding proper handling of the information;
- Inform employees of their right to inspect and copy medical information; and
- Require that all business agents that process or have access to PHI comply with the privacy requirements of HIPAA.

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Privacy Officer Duties

The Privacy Officer will be responsible for the functions of auditing, training, record keeping, corrective action, and receipt of requests and exercise of employee rights, and receipt of notices from employees and/or enforcement agencies.

Right to Inspect and Copy

Employees have the right to inspect and copy PHI maintained by the employer, to the extent required by law. The Privacy Officer will be responsible for maintaining all records of such requests to inspect or copy.

- **Request to Review:** Employees must submit a formal request in writing to the Privacy Officer to review Private Health Information. If possible, the type of information requested should be listed.
- **Time of Review:** A mutually agreeable time will be set up to review the information in the presence of the Privacy Officer.
- **Copies of Information:** A fee of five cents per copy will be charged for all copies of documents requested.
- **Denial:** A request may be denied as governed by HIPAA. Upon a denial, the city will inform the employee of the basis of the denial and, if applicable, a statement regarding how to obtain a denial review and a description of the complaint filing procedures.

Right to Amend

An employee, who feels that the PHI maintained by the City is incorrect or incomplete, may ask to have the file amended for as long as it is maintained. The Privacy Officer will be responsible for maintaining all records of such requests to amend.

- **Request to Amend:** This request must be in writing and submitted to the Privacy Officer along with a reason for the request.
- **Denial of Request:** A request may be denied as governed by HIPAA. Upon a denial, the City will inform the employee of the basis for the denial. The City will also provide a statement that the individual has the right to submit a written statement disagreeing with the denial and how the statement may be filed. If a statement of disagreement is not filed, the employee may ask the City to provide (1) a copy of the amendment request with any future PHI disclosure; and (2) a description of the complaint procedures used by the City and Health and Human Services.

Violation of Policy

Employees who violate this policy will be subject to discipline up to and including discharge.

Last revised: 3/04

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**POLICY AND PROCEDURE # 16
LEAVE OF ABSENCE (PAID)**

Policy Statement

Leaves-of-absence shall be approved in advance by the Chief/Deputy Chief.

Jury Leave Policy

An employee who is called to jury duty shall be granted jury leave-of-absence. Upon return to work, the employee must submit the Juror Service Certificate (or other appropriate proof of jury service) in order to ensure proper completion of payroll records.

• **Full-time Employees**

Full-time and probationary employees who are called to jury duty shall be granted jury leave-of-absence and shall be compensated for scheduled hours not worked the first 3 days on jury duty. Such compensation will continue for the fourth day of service and each day thereafter provided jury pay received from the court is surrendered to the Controller's Office.

• **Shift Workers**

In the case of a shift worker called for jury duty, the immediate supervisor shall make an appropriate accommodation to the employee's work schedule when, in the supervisor's judgment, performing both jury service and the normal work schedule would affect the employee's ability to properly perform such jury service or job duties.

• **Part-time Employees**

Part-time regular or probationary employees who are called to jury duty shall be granted jury leave-of-absence and shall be compensated for scheduled hours not worked for the first 3 days on jury duty. For the fourth day of service and each day thereafter the employee may choose either the jury pay provided by the court or their regular pay. If the employee elects to receive regular pay, the jury pay received from the court must be surrendered to the Controller's Office.

• **Standby Jury Duty**

If an employee is placed on standby by the Court for possible call to jury duty that employee shall report to work, and the immediate supervisor will make accommodations if necessary for the employee to be near a phone and have ready access to personal transportation if called to jury duty.

• **Release from Jury Duty**

Employees released from jury duty during the normal work schedule must return to work.

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Funeral Leave Policy

A regular or probationary employee shall be granted a funeral leave-of-absence with pay for the purpose of making funeral arrangements, attending a funeral, and/or for bereavement, not to exceed 40 hours or 3 shifts (Fire), in the event of the death of a member of the immediate family (partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the "Colorado Civil Union Act," Article 15 of Title 14 ("Spouse"), parent, guardian, child, brother, sister, grandparents, and grandchild, including these relatives in-law, step or half, or any other family member residing in the employee's household). The Chief or designee may authorize funeral leave for employee attendance at funeral services for special circumstances including deceased employees.

An employee who attends a funeral for other than the above may be granted vacation, personal holiday, or funeral leave-of-absence without pay.

Court Leave

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

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

Council Meeting Attendance

An employee will be allowed time off with pay to attend a regular or special meeting of City Council when an item affecting the terms or conditions of employment is on the agenda. Operational requirements may require the Chief to limit the number of employees who may attend such meetings or the amount of time away from the job.

National Guard/Reserves

A regular or probationary employee who is a member of the Colorado National Guard or any branch of the United States Military Reserves shall be granted military leave-of-absence with pay, when ordered by the proper authority to active duty or training, for a period not to exceed 15 calendar days or 120 hours of regularly scheduled work time per calendar year. The employee retains military compensation.

Personal Job-Related Business Leave

An employee may utilize work time to conduct personal job-related business, such as changing payroll deductions, reviewing personnel records, or counseling with the Equal Opportunity Programs Administrator or Human Resources. Such business must be scheduled at a time mutually agreeable to the employee and the supervisor. The employee need not reveal the nature of such personal business.

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Administrative Leave

An employee may be placed on administrative leave with or without pay at the discretion of the Chief, so long as it does not conflict with Civil Service rules.

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**POLICY AND PROCEDURE # 17
LEAVE OF ABSENCE (UNPAID)**

Policy Statement

Leaves-of-absence with or without pay shall be approved in advance by the Chief/Deputy Chief.

Types of Leave

Court Leave

An employee who is called as a participant in a non job-related legal proceeding shall be granted vacation, personal holiday or court leave-of-absence without pay at the employee's discretion. In this circumstance, witness fees do not need to be turned over to the City.

Military Leave

When ordered by the proper authority, a regular or probationary employee who is called to active duty or who enters active duty with the Armed Forces of the United States, shall be granted military leave-of-absence without pay. The City will comply with any state and federal requirements concerning military leave-of-absence and job reentry. Whenever feasible, the employee should provide a copy of the orders and meet with the department's Human Resources to discuss benefits prior to departure.

- **Proof of Service:** Employees returning to the City for employment after active duty must provide a Form DD214 as proof of military service.
- **Years of Service Credit:** Time spent in the military shall be used in computing employee seniority with the City. Upon return from active duty, vacation and years of service credit will be calculated utilizing both the years of military service and City service. The employee shall not be eligible to accrue or receive benefits during the period of military service.

Educational Leave

A regular employee may be granted an educational leave-of-absence without pay to pursue personal educational objectives that are career related and serve the best interest of the Department.

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Personal Leave

A regular employee may be granted a leave-of-absence without pay for personal reasons. Personal leaves must be consistent with effective organizational operations and should be requested 30 days in advance or as soon as practicable before the leave. The employee must return all City issued property prior to the start of the leave period.

Administrative Leave

An employee may be placed on administrative leave with or without pay at the discretion of the Chief, so long as it doesn't conflict with Civil Service rules.

Domestic Abuse Leave

An employee who has been employed with the City for twelve months or more is entitled to take three days leave from work in any twelve-month period if the employee is the victim of domestic abuse, stalking, or sexual assault as set forth in §24-34-402.7, leave is taken for purposes outlined in this state statute and the employee meets all other requirements of the statute. Employees may use paid leave of absence, including vacation and sick leave, if they meet the eligibility requirements for that particular leave. If no paid leave of absence is available, the leave of absence shall be without pay.

Parental Involvement in K-12 Education Leave Without Pay

An employee who works a full time schedule may take 18 hours of leave (“parental leave for involvement in K-12 education”) from work in any academic year for the purpose of attending an academic activity for his or her child, so long as the leave is taken in accordance with the criteria outlined in § 8-13.3-101, Colorado Revised Statute (C.R.S.), and the employee meets all other requirements of the statute. An employee who works less than a full time schedule will be eligible for a pro-rata share of the leave as outlined in the statute.

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

Employees who take parental leave will be required to use paid leave time if they otherwise meet the eligibility factors for the particular paid leave of absence. If the employee does not qualify for paid leave of absence or the employee does not accrue paid leave, the leave of absence shall be without pay.

Benefits During Leave of Absence Without Pay (Excluding FMLA)

If the leave is no longer than 30 days, employer benefit contributions are continued. If the leave extends beyond 30 days, employer benefit contributions will stop as of the 31st day of the unpaid leave period.

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- Health and life plans may be continued at the employee's expense.
- The employee should meet with Payroll to set up an arrangement to protect retiree benefits.
- Commencing with the first day of leave, regardless of the length, there will be no accrual of sick leave or vacation.
- An employee will not be compensated for holidays, vacation, sick leave, or normal paid leaves during a leave of absence without pay.

Maximum Duration of Leave of Absence Without Pay

Depending on the operational needs of the department, a leave-of-absence without pay, including extensions, may not exceed 12 months. No employee's total time on leave-of-absence may exceed 12 months in any 24-month period.

Payroll Processing

- Leave of 30 days or less: Record by processing the necessary time slips.
- Leave of 31 days or more: Prepare and process a PAF.

Last revised: 5/11

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**POLICY AND PROCEDURE # 18
FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT**

Policy Statement

The City complies with the requirements of the Family and Medical Leave Act (FMLA) of 1993 and Colorado's Family Care Act (FCA). FMLA/FCA provides job protection and maintenance of benefits while employees are out on certain types of leave. The provisions of the City's existing leave policies continue to apply and will run concurrently with FMLA/FCA leave. This policy contains an overview of FMLA/FCA; however, the provisions, requirements, and definitions of FMLA and FCA and the related Department of Labor (DOL) regulations will be followed in applying this policy.

Eligibility

To be eligible for leave under FMLA, employees must meet the following conditions:

- The employee must have been employed by the City at least 12 months, and
- The employee must have worked for the City at least 1250 hours during the 12-month period immediately preceding the commencement of the leave, and

Need leave for one of the following reasons:

- Birth, adoption, or foster care placement of a child within 12 months of birth or placement
- Serious health condition of the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, child, or parent
- A serious health condition of the employee that renders the employee incapable of performing the functions of the job
- A qualifying exigency arising out of the covered active duty or call to the covered active duty status in the Regular Armed Forces, National Guard or Reserves of the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter, or parent of an eligible employee
- Military caregiver leave for an eligible employee who is the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter, parent or next of kin of a covered servicemember or veteran with a qualifying serious injury or illness.

Supervisors 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 employee's rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility.

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Supervisors shall also notify the employees whether or not the leave qualifies as FMLA, if the leave will be designated as FMLA-protected and the amount of leave counted against the employees' leave entitlement. If it is determined that the leave is not FMLA-protected, supervisors will notify the employee.

Duration of Leave

Eligible employees are entitled to a maximum of 12 workweeks of unpaid leave in any 12-month period. The 12-month period is calculated as a rolling 12-month period measured backward from the date the employee uses any FMLA leave. If the leave is military caregiver leave, eligible employees are entitled to a maximum of 26 workweeks of unpaid leave during a single 12-month period. The 12-month period for this leave is calculated from the first day the leave is taken.

The total FMLA leave that may be taken during a 12-month period (alone or in combination with other FMLA leave) is 26 workweeks. Mandatory overtime will count toward an employee's FMLA time for all types of leave. Any leave beyond FMLA leave will be subject to the City's other leave policies.

Combined Leave

If both partners in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, are employed by the City and have met the tenure and hours worked requirements under FMLA, the husband and wife may be limited to combined FMLA leave periods in accordance with DOL regulations.

Leave Taken on an Intermittent or Reduced Schedule

FMLA leave may be taken on either a consecutive, intermittent, or reduced basis as provided by FMLA. Such a schedule must be needed for medical reasons and approved by a healthcare provider. Leave due to qualifying exigencies or military caregiver leave may also be taken on an intermittent or reduced leave basis. However, FMLA leave may not be taken on an intermittent or reduced leave basis for the birth, adoption, or foster care placement of a child unless approved by the Deputy Chief. The organization may temporarily transfer an employee who is taking FMLA on an intermittent or reduced schedule basis if the alternative position better accommodates the leave, and the leave is foreseeable and based on planned medical care. The alternative position must be equal in pay and benefits. Reduced schedule leave will not affect the status of "exempt" employees.

Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued leave to the extent they qualify for that leave (sick, family sick, vacation, comp time, personal holiday) until exhausted and then may use leave without pay, for the remainder of FMLA leave.

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

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Disability leave for the birth of a child and for the employee's serious health condition, including workers' compensation (to the extent it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave.

Advance Notice

If the leave is foreseeable, the employee is required to provide 30 days notice and make a reasonable effort to schedule time off, so that it is least disruptive to the operations of the employer. Otherwise, the employee is required to give as much notice as practicable.

Certification Requirements

Employees are required to provide certification of their need for FMLA leave. There are four certification forms specific to each type of leave: Employee's Serious Health Condition, Family Member's Serious Health Condition, Qualified Exigency, and Military Caregiver Leave. The forms can be obtained from your supervisor, City HR Benefits and Wellness, or the HR Benefits and Wellness Intranet site. Failure to provide complete and sufficient certification may be grounds for discipline and/or denial of the leave.

Certification regarding the health condition of employee, employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, child, parent, or covered servicemember requires health care provider statements.

Certification for a qualified exigency requires facts supporting the leave request including any supporting documentation. Documentation confirming family relationship, adoption or foster care may be required.

The City may require second and third medical opinions at the City's expense. Employees also may be required to provide periodic recertification supporting the need for leave.

If an employee takes leave for a reason that later qualifies as approved FMLA leave, the City may designate all or some portion of the earlier leave taken as leave under this policy.

Benefits During FMLA

When already in effect immediately prior to FMLA, employer contributions to insurance benefits will continue during FMLA leave to a maximum of 12 workweeks or a maximum of 26 workweeks if the FMLA leave is military caregiver leave. Employees must make prior arrangements with HR Benefits and Wellness to pay the required employee contribution for such benefits while on leave if leave is without pay.

If you choose to make premium payments during your unpaid FMLA, there will be a 30-day grace period after the agreed upon date during which time you must make your premium payments. If you fail to make the required payment, the City has the option to cease coverage on the date the grace period ends as long as it has given you 15 days notice.

Merit Pay

An employee's merit pay will not be reduced due to time off that qualifies as Family Medical Leave.

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Failure to Return to Work

An employee who does not return to work upon expiration of FMLA leave may be discharged. An employee who fails to return from FMLA leave will be required to refund all employer benefit contributions paid during the unpaid portion of the leave, unless the failure to return results from the continuation, recurrence, or onset of a serious health condition, or something beyond the employee's control.

If an employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, he or she should consult with Human Resources regarding the City's ADA process.

Return to Work

Upon return to work from FMLA leave, most employees will be restored to the same position or to one equivalent in pay, benefits, and other terms and conditions of employment.

If FMLA is based on a personal serious health condition, the employee must provide medical certification that they are able to resume the essential functions of their position when they return to work.

Definitions

- **Covered Active Duty:**
 - (A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
 - (B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10.
- **Covered Servicemember:**
 - (A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - (B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- **Next of Kin:** The nearest blood relative of the injured or recovering servicemember.
- **Serious Injury or Illness for Military Caregiver Leave:**
 - (A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and

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that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

- **Qualifying Exigency:**

Specific and exclusive list of reasons defined by the Department of Labor for which an eligible employee can take leave arising out of the fact that an employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter or parent of the employee is on covered active duty or has been notified of an impending call to covered active duty status in the national Guard or Reserves or Regular Armed Forces,. 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.

- **Serious Health Condition:**

As defined by the FMLA, including an illness, injury, impairment, or physical or mental condition that may involve any of the following:

- Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility
- Continuing treatment by a health care provider with incapacity of more than 3 calendar days that also involved treatment by a health care provider two or more times within 30 days. The first visit must take place in person and within seven days of the first day of incapacity
- Treatment on one occasion that results in a regimen of continuing treatment (i.e. antibiotics). (Generally, the common cold or flu does not qualify as a serious health condition.) The treatment must take place in-person and within seven days of the first day of incapacity
- Pregnancy or prenatal care
- Chronic condition requiring periodic visits for treatment such as asthma. Visits for treatment must take place at least twice a year and certification form must be turned in twice a year
- Permanent/long term incapacity (severe stroke, Alzheimer's)
- Absences to receive multiple treatments by or under the supervision, orders or referral of a health care provider and any period of recovery related to the treatments

Unlawful Acts

FMLA makes it unlawful for the City to:

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

Enforcement

- An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City
- FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights

Family Care Act Leave

Eligible employees may be provided up to 12 weeks of unpaid leave to care for their Civil Union partners as such are defined pursuant to the “Colorado Civil Union Act,” Article 15 of Title 14; or domestic partner if registered with the municipality in which the person resides or with the State, if applicable, who have serious health conditions. Generally, leave under the Family Care Act is administered consistent with FMLA regulations.

Last revised: 10/13

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**POLICY AND PROCEDURE # 19
BENEFITS UPON REINSTATEMENT**

Policy Statement

Upon reinstatement, the benefits of a regular employee who resigns from employment and who is subsequently reinstated, in accordance with the Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Forces, shall be determined as follows:

Prior service credit will be used to determine longevity pay and vacation accrual rates. Available sick leave balance at time of resignation will be reinstated. Retirement benefits shall be determined in accordance with either the alternate Police Pension Fund or the alternate Firemen's Pension Plan.

Last revised: 3/04

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**POLICY AND PROCEDURE # 20
BENEFITS UPON TRANSFER FROM CIVILIAN**

Policy Statement

The employee will retain any accrued sick leave balance. Such balance will be transferred to the Police/Fire Department for use by the employee in accordance with established guidelines. Accrued vacation will be paid off effective the date of transfer. The vacation accrual rate will be based on the employee's total years of continuous sworn employment with the City. The Police/Fire Department seniority date will rule when determining eligibility to bid for vacation, shifts, etc. Longevity will be based on continuous Civil Service seniority. Retirement eligibility will be based on the individual's entry date into the appropriate Police/Fire Pension Fund. Service awards will be based on original hire date with the City.

Last revised: 1/05

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Risk Management

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**POLICY AND PROCEDURE # 21
WORKERS' COMPENSATION**

Policy Statement

In accordance with the State of Colorado Workers' Compensation Act, employees may apply for workers' compensation benefits for on-the-job injuries. The degree of liability and the amount of the benefit are determined by the State.

The City pays the entire cost of the Workers' Compensation insurance.

Administration of Claims

The Workers' Compensation section of the Risk Management Unit is responsible for the intake, review, and administration of employee workers' compensation claims. Employees who are injured on-the-job must report their claims to the Workers' Compensation section in accordance with their department's accident reporting procedures.

Injury Leave

An employee who is temporarily disabled for more than three regular working days as a result of an injury, which is fully compensable under the Workers' Compensation Act, shall be granted injury leave not to exceed 1220 hours per injury. To be eligible for injury leave, the employee must have physician certification, in writing, that the time off is related to the injury. The Colorado Workers' Compensation Act provides payment of temporary disability benefits equal to 66⅔% of an employee's average weekly wage, not to exceed a maximum of 91% of the State average weekly wage. The City, however, will provide 100% wage replacement for compensable injuries or illnesses. Injury leave wage replacement will be paid based upon the wage rate at the time of disability. Injury leave benefits are paid in place of, and are credited against, temporary disability benefits due under the Colorado Workers' Compensation Act. There is no double recovery from injury leave and the Colorado Workers' Compensation Act. Injury leave will be considered as part of and administered in accordance with the Family and Medical Leave Act except that employees are not permitted or required to use accrued leave in conjunction with injury leave while on FMLA status. Injury leave shall continue until the first occurrence of any one of the following:

- The authorized treating physician releases the employee to return to modified duty or full duty.
- The employee reaches maximum medical improvement.
- On the date a ruling of permanent disability is made.

In the event the employee exhausts injury leave and is still unable to return to work, the employee becomes eligible for compensation in accordance with the Colorado Workers' Compensation Act,

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C.R.S. Section 8-42-105, which governs state-mandated compensation. When injury leave is exhausted, the employee will be required to supplement state mandated compensation with accrued leave up to 12 hours per week.

Benefit Period Computation

In computing the 1220-hour maximum benefit period, the following hours shall be counted:

- Paid holidays occurring during the recovery period
- Paid leaves
- Unpaid leaves taken when the benefit is a reduced benefit

Modified Duty

An employee who is unable to perform the essential functions of their position while recovering from an injury, which is fully compensable under the Workers' Compensation Act, may be granted modified duty for a period of time not to exceed 2080 hours. The use of modified duty assignments is governed by the availability of suitable work within the restrictions contained in the physician's release. The employee shall be paid their base wage while working modified duty.

The Chief or designee will make an attempt to find suitable work within the Department. However, assignments may be made to organizations outside of the employee's regularly assigned work group.

Eligibility to work modified duty ceases when the employee has been released to return to full duty, is approved for a service/disability retirement, is placed at maximum medical improvement by a designated physician, or has been reassigned as a reasonable accommodation under the Americans with Disabilities Act (ADA).

Penalties

If the injury is not fully compensable under the provisions of the State of Colorado Worker's Compensation Act provisions, the City benefit shall be reduced by the same percentage as the State assessed penalty. In such instances, the employee may elect to utilize accrued sick leave and vacation to offset the assessed penalties.

Restricted Activities

An employee on injury leave or modified duty assignment shall not perform any activities, including other employment, self-employment, sports, hobbies, etc., which may impede recovery from the injury. The authorized treating physician will make the appropriate determinations. An employee on injury leave or modified duty assignment shall not work overtime, be placed on-call or in a stand-by mode.

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Inability To Perform Duties

Should the employee be unable to return to the full range of regularly assigned duties following an injury leave or a modified-duty assignment, the employee may:

- Utilize any remaining FMLA leave if eligible;
- Utilize accrued compensatory time and sick leave;
- Utilize accrued vacation leave subject to supervisor approval;
- Request a sick leave advance or sick leave without pay upon exhausting other paid leaves subject to approval by the chief or designee;
- Request an accommodation under the Americans with Disabilities Act (ADA);
- Apply for disability retirement if eligible.

The City reserves the right to initiate an involuntary separation from employment in accordance with City Policies and Procedures for an employee who has reached Maximum Medical Improvement and:

- Has exhausted all FMLA leave and,
- Waives consideration under the Americans with Disabilities Act, is found to be not qualified under the Americans with Disabilities Act, or cannot be reasonably accommodated through reassignment and,
- Is unable to perform the essential functions of their job with or without reasonable accommodation and,
- Is not otherwise entitled to any other legal protections.

Last revised: 4/13

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**POLICY AND PROCEDURE # 22
LIGHT DUTY ASSIGNMENT (Non-work Related Injury/Illness)**

Policy Statement

A regular employee or an employee in their initial evaluation period who is unable to perform the full range of regularly assigned duties as a result of an off-the-job injury or temporary disability may be placed on light-duty assignment for a period not to exceed 180 days, provided that work is available and they receive a physician's approval. Light duty assignments beyond 180 days must be approved by the Chief.

The immediate supervisor is responsible for ensuring that such light duty assignments are consistent with the employee's medical restrictions or limitations. Risk Management should be consulted in the event there are questions or concerns related to such restrictions or limitations.

Alternatives to Light Duty

Should a light duty assignment not be a viable alternative or if an employee is unable to perform the essential functions of their assigned position, the employee may:

- Utilize accrued sick leave or vacation
- Request a sick leave advance, if the medical prognosis is supportive of recovery
- Apply for Family Medical Leave (FMLA)
- Seek employment in another City position for which they are physically fit
- Apply for FPPA disability retirement
- Apply for ADA accommodations
- Separate from employment

If the employee accepts reassignment, the salary of the employee must fall within the salary range of the new classification.

Last revised: 3/04

**POLICY AND PROCEDURE # 23
SAFETY**

Policy Statement

The City of Colorado Springs recognizes that the safety and health of its employees and the public are paramount concerns in the delivery of its services. Safety shall receive first consideration in the design and performance of any job. The safety and health of employees and the public shall not be compromised to provide expedient service.

Deputy Chief/Chief's Responsibility

Each Chief will use best efforts to ensure that an effective safety and health program is developed, implemented, and maintained. The safety and health program of the Department, with its applicable rules and procedures, shall meet or exceed established federal, state, and city laws, as well as, accepted industry practices.

The Chief shall use best efforts to implement an ongoing program to identify and assess occupational safety and health hazards. Employees shall be provided ongoing training and education relating to preventive measures that minimize or eliminate work place hazards. Employees will be provided with appropriate personal protective equipment and shall be trained in its proper use.

For department/division, supervisor, professional safety staff, employee, and Safety Services section responsibilities, see the Safety Program Manual on the Risk Management intranet home page.

Fitness for Duty Approval Process

A Fire Department employee will be required to submit to a medical/psychological examination when the Chief/Deputy Chief and the City Risk Manager determine that the employee's ability to perform may be impaired. A Police Department Employee will be required to submit to a medical/psychological examination when the Chief/Deputy Chief determine that the employee's ability to perform may be impaired. Such examinations shall be conducted by a City appointed practitioner and shall be at City expense.

Employee Responsibility

Each employee has a role to play in assuring a safe and healthy workplace. The employee's responsibilities include, but are not limited to, the following:

- Be safety conscious at all times.
- Follow established safety and health rules, policies, and procedures in performing work assignments.

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- Maintain a valid, appropriate Colorado Driver's license, if required for the operation of City vehicles and equipment.
- Request additional information or clarification on assignments that are unclear and for which there may be a hazard.
- Operate all City equipment, tools, machinery, and vehicles in accordance with manufacturer guidelines, safety practices, and operator training instructions.
- Correctly wear and use all appropriate protective equipment.
- Use lap and shoulder belts, where provided, at all times while operating or riding as a passenger in a City vehicle or private vehicle on City business.
- Immediately report to the immediate supervisor and co-workers any unsafe working condition, equipment malfunction, or other situations that could endanger employees or the public.
- Report personal injuries to the supervisor and Risk Management Office no later than 48 hours after injury.

Accident/Injury Reporting

Employees shall immediately notify their immediate supervisor, the Risk Management Office and, if appropriate, law enforcement authorities of any accident causing injury to an employee that requires professional medical attention, damage to a City vehicle or property, or damage and/or injury to private property or citizen.

Notification of Family Members

The Department shall be responsible for implementing procedures for the notification of family members. Employees are responsible for providing and updating the name of the individual to be contacted in the event of an emergency. This information should be provided to the employee's department and to Human Resources.

Last revised: 2/10

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Performance Management

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**POLICY AND PROCEDURE # 24
PERFORMANCE MANAGEMENT**

Policy Statement

It is the goal of the City to maintain a performance management system that will help provide an opportunity for employees to maximize their potential and deliver the highest level of service to City customers.

System Components

The performance management system is a year long, collaborative process between the employee and supervisor that links individual performance to the goals of the department.

The immediate supervisor and employee should meet periodically to review performance and discuss perceived strengths, weaknesses or problems, so the employee will have an opportunity to improve performance before the year-end evaluation.

The immediate supervisor prepares the formal written evaluation after discussions with the employee about his/her self-evaluation. Completed performance appraisal forms are reviewed by the Chief/Deputy Chief. Performance ratings are not appealable. Employees may, however, request a meeting with the rater's supervisor and/or draft a response to be attached to the appraisal in their personnel file.

Performance Improvement Plans

Employees who are performing unsatisfactorily in any critical function of their job or who, in the sole judgment of their immediate supervisor, are behaving in the workplace in a manner that causes disruption or impedes workflow, may be placed on a Performance Improvement Plan (PIP). The Plan should identify the problem areas of work production and/or problem behaviors and establish a timetable (not less than 30 days) and plan for correction. If the employee fails to meet the requirements of the improvement plan, they are subject to disciplinary action.

During the period of performance improvement, employees' salaries are frozen and receive no salary increases (including step progressions and market adjustments/increases) until performance is rated "Meets Expectations." Any increases the employee would have received, except for the PIP, become effective at the time a satisfactory rating is achieved. Increases are not retroactive.

Last revised: 5/10

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**POLICY AND PROCEDURE # 25
EDUCATIONAL ASSISTANCE**

Policy Statement

The City of Colorado Springs offers limited reimbursement for college level coursework directly related to a core competency specific to the employee's current job assignment. Such courses as foreign languages, humanities, art history, physical education, etc., which are necessary to meet degree requirements, are not covered unless the content is specifically related to the employee's job.

Eligibility

All regular employees of the City of Colorado Springs, whose performance is rated "meets expectations" (or its equivalent, herein incorporated by reference) or higher are eligible for educational assistance.

Financial Limitations and Reimbursement

- For undergraduate courses, the total reimbursement shall not exceed the current year's University of Colorado, Colorado Springs (UCCS), undergraduate semester-hour tuition rate minus COF (College Opportunity Fund) Stipend per credit for Colorado residents plus certain UCCS mandatory fees.
- For graduate courses, the total reimbursement shall not exceed the current year's University of Colorado, Colorado Springs (UCCS) graduate semester-hour tuition rate for Colorado residents plus certain UCCS mandatory fees.
- Reimbursement for employees pursuing undergraduate programs from schools that do not qualify for the COF stipend will still be limited to the UCCS undergraduate semester-hour tuition rate minus the COF stipend per credit for Colorado residents plus certain UCCS mandatory fees.
- An employee who receives governmental aid or other financial assistance such as grants or scholarships will be eligible for reimbursement for that portion of the approved costs not covered by such assistance.
- An employee who is otherwise eligible for the COF Stipend but fails to register for the Stipend shall not be reimbursed by the City for the tuition cost normally covered by the Stipend.

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- Depending on availability of funds, reimbursement, as described above, may include all or part of the tuition and mandatory fees. Reimbursement will be made upon satisfactory completion of the course. Satisfactory completion is defined as a C (2.0) or better for an undergraduate course, and B (3.0) or better for a graduate level course. Copies of tuition receipts and the grade reports must be submitted with the request for reimbursement. Classes taken on a Pass/Fail basis do not meet the requirement for satisfactory completion.
- The number and frequency of courses authorized for an employee may be limited at the discretion of the Department Director/Division Manager or Council/Mayoral Appointee and, may not exceed 2 courses per semester, or the equivalent expenditure in educational organizations that do not use a semester program.

Coursework Approval

The Department Director/Division Manager or Council/Mayoral Appointee or designee will review and approve/disapprove an employee's request at least once a semester in advance of the class. Requests should be submitted to the Department/Division Human Resources Liaison three weeks prior to the start of class.

Repayment

An employee who leaves City employment within 12 calendar months after completion of a course shall be required to repay the total amount of the City's reimbursement for approved courses.

Role of Human Resources

Annually, Human Resources will publish the semester hour reimbursement rate for undergraduate and graduate courses. Completed paperwork must be sent to City Human Resources or Department Human Resources (Police and Fire) for final approval.

Role of the Human Resources Contact (HRC)

The HRC will receive and process employee requests for coursework approval and tuition reimbursement and repayments.

Last revised: 6/11

Employee Relations

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**POLICY AND PROCEDURE # 26
ANTI-DISCRIMINATION**

Policy Statement

The City of Colorado Springs is an Equal Opportunity/Affirmative Action employer. The City of Colorado Springs will not tolerate illegal discrimination against any employee because of race, color, national origin or ancestry, gender, age, religious convictions disability, sexual orientation, or marital status.

The City has zero tolerance for any form of unlawful discrimination or harassment. The City seeks to establish a diverse and inclusive work environment that is free from unlawful discrimination and harassment.

It is the responsibility of all City employees, managers, and supervisors to conduct themselves in a manner that fosters inclusion and respect for the individual and maximizes every employee's capability to be productive in their jobs.

Definitions

Discrimination

Unlawful employment actions based on an employee's race, color, national origin or ancestry, gender, age, religious convictions disability, or sexual orientation.

Harassment

Acts of intimidation, threats, inappropriate comments, or related actions and behaviors which target an employee because of their race, color, national origin or ancestry, gender, age, religious convictions, disability, or sexual orientation, which:

- Result in a tangible employment action, such as failure to receive a promotion, a termination, etc.
- Are sufficiently severe or pervasive so as to create an intimidating, hostile, or offensive working environment.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or any other unwelcome verbal or physical conduct based on a person's gender when:

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

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- Such conduct has the purpose or effect of unreasonably interfering with an employee's job performance or creating an intimidating, hostile, or offensive working environment.

Complaints

An employee who believes they have been subjected to actions or behaviors that are forms of unlawful discrimination or harassment must discuss the incident(s) with the appropriate level supervisor/manager in their division, Departmental Human Resources, or the City's office of Human Resources or Equal Opportunity Programs. If the employee uses an informal resolution process with a supervisor, all complaints must still be reported to either the City's office of Human Resources or Equal Opportunity Programs.

Discipline

Individuals whose behavior is in violation of this policy shall be subjected to disciplinary action, up to and including termination.

Retaliation

The City of Colorado Springs will not tolerate retaliation against any employee who makes a complaint or who participates in an investigation into alleged acts of unlawful discrimination or harassment. An individual engaged in acts of retaliation shall be subject to disciplinary action, up to and including termination.

Resources

Anti-discrimination laws are administered and enforced by the Colorado Civil Rights Division and the Equal Employment Opportunity Commission. Information about these organizations, including how to file a complaint, may be found at www.dora.state.co.us/civil-rights and www.eeoc.gov.

Last revised: 10/13

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**POLICY AND PROCEDURE # 27
AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATIONS**

ADA Accommodations Policy

Title I of the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments Act of 2008 prohibit employment discrimination against a qualified individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job. The City of Colorado Springs shall comply with Title I in its efforts to accommodate the work place needs of its employees with disabilities:

Request for Accommodation

Employees who think that they have a disability that prevents them from performing essential functions of their job and would like to request an accommodation must contact the Equal Opportunity Programs Office in Human Resources to request an ADA evaluation.

Once the determination of ADA coverage is made, the Accommodation Evaluation Committee determines whether or not the City is able to provide a reasonable accommodation for the disability.

References

The policies and procedures governing the accommodation process are found in the resource manual, *ADA Disability Compliance Policy and Guidelines for Managers*, located on the Intranet under Human Resources.

Last revised: 1/09

**POLICY AND PROCEDURE # 28
GRIEVANCES/COMPLAINT RESOLUTION**

Policy Statement

It is the goal of the City of Colorado Springs to provide prompt resolution of employee complaints through its Complaint Resolution policy and procedure. The City of Colorado Springs will not tolerate retaliation against any employee for filing a complaint.

Subject of Complaints

A formal complaint may be filed relating to an act, omission, or situation involving the interpretation and misapplication of written or verbal policy, procedure, or established practice. Complaints alleging illegal discrimination may not be filed under this policy. (Refer to Anti-Discrimination Policy #26).

Who May File

Regular, full-time or part-time employees, and employees who have completed the original probation and are serving a new probationary period as a result of a promotion or transfer may file a complaint.

Preliminary Requirements

Prior to initiating a formal complaint, the employee should initially discuss the alleged act or action with the immediate supervisor, unless the employee is uncomfortable addressing the issue with the supervisor or the supervisor is involved in the complaint action. In this situation, the employee should contact the next level of supervision or consult with Human Resources or Equal Opportunity Programs, as appropriate. The supervisor must respond to the employee's inquiry in writing within 5 calendar days. If resolution is not reached, the employee may file a formal complaint.

The employee must complete a City of Colorado Springs Complaint Resolution Form and submit it to the immediate supervisor and/or the next highest level of management, along with a copy to the Human Resources Manager, within the prescribed time limits. The forms can be obtained from the City's Human Resources Office, in Public Folders/Employee Services/Complaint Form folder, or from the department's Human Resources office.

Timeline Requirement

Formal complaints must be filed no later than 15 calendar days from the date of the alleged act or action, or the date the employee became aware of the alleged act or action, or from the date the supervisor responded to the employee's inquiry.

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Investigation

The complaint will be fully investigated by the Chief or a party designated by the Chief, unless the Chief is involved in, or subject of, complaint. Human Resources is available for consultation or to assist in conducting the investigation. Summary results of the investigation will be provided in writing to the complaining employee within 15 calendar days from receipt of the formal complaint. Corrective action will be taken if appropriate.

Appeal

If an employee is not satisfied with action taken as a result of the investigation, the employee may appeal the decision to the Chief, if the Chief was not the decision maker, or to the Mayor or designee of the Mayor. The appeal must be in writing and filed within 5 calendar days of receiving written notification of the decision. Copies of the appeal must be submitted to both the supervisor who rendered the original decision and the level of management that will hear the appeal. A written response will be provided by the manager hearing the appeal no later than 15 calendar days from receipt of the appeal.

General Requirements

- Attorneys are not permitted to appear on behalf of an employee during any phase of the complaint procedure.
- An employee may be accompanied by another regular employee at complaint resolution meetings. The employee will receive their normal compensation and shall not be subject to retaliation.
- Employees may be requested to appear as witnesses at meetings held to resolve complaints. The employees are required to appear and will receive their normal pay. Witnesses shall cooperate with the investigation. The names of employee witnesses must be provided to the manager hearing the complaint in advance in order to arrange for their appearance. The City of Colorado Springs will not tolerate retaliation against any employee for filing a complaint.
- If an employee fails to adhere to the filing deadlines, the complaint shall be considered resolved.
- Complaint resolution deadlines may be extended by the Chief for good cause. A request for extension and the subsequent response must be in writing. The respective parties shall each be allowed one reasonable postponement, not to exceed 45 calendar days.

Last revised: 1/11

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**POLICY AND PROCEDURE # 29
STANDARDS OF CONDUCT**

Policy Statement

Employees are responsible for meeting reasonable and ethical standards of performance and conduct in their work activities. Managers and supervisors are responsible for providing leadership that creates an opportunity for employees to achieve professional standards of performance and conduct and, at the same time, holding employees accountable for their actions.

Conduct Subject to Disciplinary Action

It is expected that the behavior of employees reflects favorably on the employee and the City at all times. The following is a list of offenses for which an employee may receive corrective action up to and including termination. Because it is impossible to list every offense that may occur in the workplace, this list is not all-inclusive. Other conduct may be subject to discipline. The City of Colorado Springs reserves the right to determine the seriousness of an offense at the time the offense occurs and to impose the appropriate level of discipline.

Examples of unacceptable conduct/offenses are listed below.

- Violation of Civil Service Rules
- Conduct deemed by the City as unbecoming a City employee
- Violation of City or unit written or verbal policies or procedures
- Unsatisfactory work habits to include tardiness, violation of break and lunch policy, departing prior to the designated time, excessive absenteeism, neglecting work duties, or wasting time during work hours
- Smoking anywhere except in a designated smoking area
- Insubordination
- Impairment due to the use of alcohol or non-prescribed drugs
- Consumption, possession, or selling of alcohol or non-prescribed drugs, including standby, on City time or in the workplace
- Failure to adhere to City's policies outlined in the Drug/Alcohol Procedures Manual
- Abuse of prescribed or over-the-counter drugs
- Abuse of paid leave
- Participation in activities, including other employment, self-employment, sports, hobbies, etc., which is inconsistent with paid sick leave, limited duty, or injury leave
- Conducting personal business while on City time
- Work disruption or stoppage, strike, or other forms of job action, or withholding of services
- Failure to cooperate in a City investigation and provide truthful information in subsequent testimony, as required

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- Failure to immediately report the loss of a Colorado drivers license, other required license or certification
- Fraud, falsification, deceit, or departing from the truth
- Falsification of time sheets, employment application, personnel records, or other organizational records
- Theft, misappropriation, destruction, abuse or waste of public and/or private property, including City tools, equipment, fixtures, facilities, or supplies
- Failing to report criminal charges and/or conviction of criminal charges per department policies
- Sexual harassment and other forms of illegal discrimination
- Creating or contributing to an unproductive work environment to include: using one's position to harass another, participating in or allowing horseplay, disorderly conduct
- Fighting, encouraging a fight, acts or threats of physical violence, intimidation, or coercion
- Abusive, offensive, or obscene language or conduct towards the public, City officials, or employees
- Violating safety rules or accepted safety practices
- Failure to report direct or indirect financial interest that could be considered a conflict of interest
- Unsatisfactory job performance
- Unsatisfactory behavior

Last revised: 3/04

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**POLICY AND PROCEDURE #30
HONORARIUMS**

Honorariums

An employee who receives a stipend or honorarium shall surrender it to the City if:

- The employee was authorized to provide the service or assistance to another public agency or private organization.
- The activity was conducted on City time.

The service or assistance provided shall not violate Policy #31, Business Code of Ethics or Section 1.3.104 Gifts, City Code of Ethics.

Policy Statement

Employees may not be:

- Required to provide a favor for another employee
- Coerced to make a contribution for an employee gift

Last revised: 12/08

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**POLICY AND PROCEDURE #31
BUSINESS CODE OF ETHICS**

Policy Statement

The purpose of this policy is to uphold, promote and demand the highest standards of ethical behavior from all employees. This Business Code of Ethics will provide further direction to the City of Colorado Springs Code of Ethics. The policy applies to all employees, appointees and volunteers.

Policy

The City is committed to complete honesty, utmost integrity, fair dealing and ethical behavior as the basis of its business operations and services to the community. The City is committed to strictly observing all laws, and employees are expected to uphold this commitment to legal compliance. Employees should avoid any conduct creating the appearance of impropriety even if those actions do not violate specific policies, standards, regulations or laws.

The City Code of Ethics and this Business Code of Ethics cannot cover all situations where legal or ethical issues may arise and it does not provide all of the information that may be necessary to make informed legal or ethical decisions. Employees should consult with their immediate supervisor. If the immediate supervisor is not the appropriate source of help, employees should contact the next level manager, the City Attorney's Office or Human Resources.

Conflict of Interest

Employees are expected to conduct their activities with the organization's best interest in mind. Behavior is required that does not bring harm or discredit to themselves or the organization. Employees should abide by Section 1.3.106 Conflicts of Interest, City Code of Ethics and all applicable provisions of the Sworn Policies and Procedures Manual.

Employees must disclose promptly any circumstance that might constitute a conflict of interest or appear to be a conflict of interest. For example, an employee must declare to their supervisor any direct or indirect financial interest in the following:

- Any city-wide contract
- Any matter before the City Council or its Boards and Commissions
- Any sale of land to the City
- Any material supplies
- Any services to the City
- Any contractor supplying services to the City

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The above list is not all inclusive; Section 1.3.106 Conflict of Interest, City Code of Ethics is the governing document. A philosophical or professional difference of opinion does not constitute a conflict of interest.

Business Courtesies

Employees shall not solicit for or accept any gift or thing of value when a personal or financial relationship exists that could influence or be perceived to influence objectivity when interacting with, representing, or conducting business for or on behalf of the organization. A gift or thing of value may be defined as inappropriate hospitality, accommodations, tours, event tickets, recreation, entertainment, meals or other similar personal benefits. Any activity that could be considered a bribe or a means of improper influence on a direct official action is prohibited.

Provided that a gift could not be construed or perceived as an attempt to secure favorable treatment, the following items may be accepted:

- Food and refreshment of nominal value (under \$50.00) on infrequent occasions in the ordinary course of a breakfast, luncheon or dinner meeting or other meeting where arrangements are consistent with the transaction of official business. Such occasions shall be documented using the reporting form available on the City Intranet (Human Resources; Ethics Policy Resources; Gift Reporting Form). No employee is allowed to accept gifts from any single source with a cumulative value of \$50.00 per vendor per calendar year per City Code of Ethics, Section 1.3.104.
- Transportation, lodging, meals or refreshments, in connection with attendance at widely attended gatherings sponsored by industrial, technical or professional organizations; or in connection with attendance at public ceremonies or similar activities financed by non-governmental sources where the employee's attendance is the result of an invitation to him/her in his/her official capacity.
- Purchasing of articles or admissions at advantageous rates where such rates are offered to all employees with no financial or otherwise beneficial gain to the organization.
- Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, informational materials, or other items of nominal value (\$25.00 or less). Items received at conferences for advertising purposes may be used at the workplace, but may not be taken home for personal use.
- Commendations, certificates or plaques for outstanding individual or group performance.
- Hosting networking conferences for industry/informational groups provided no there is no financial relationship with attendees.
- A gift or gratuity, the receipt of which is prohibited under this section, shall be returned to the donor within 30 calendar days. All employees should anticipate situations in which they

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may be offered an unacceptable item of value, and to take positive steps to avoid such situations before they actually arise.

Vendor Relations/Contracting

Employees must conduct the highest ethical practices in source selection, negotiation, determination of awards and administration of all procurement activities. The organization will compete fairly and ethically for all business opportunities. Situations where employees or members of the employee's immediate family have a financial interest are required to reveal their relationship immediately. Employees are committed to meeting all contractual obligations.

Customer Interaction

Employees will serve customers with integrity and honesty. Customer response will be conducted with a sense of urgency and will ensure that communication with customers is accurate and timely. Employees will avoid any form of unethical activity or discussion with customers that offers false promises or exaggerated guarantees to customers. Our duty is to deal with customers with integrity, diligence and impartiality and with courtesy, consideration, fairness and promptness. Employees will respect the principle of non-discrimination and equal treatment for all customers.

Political Activity

City employees will not do anything related to their official City capacity or while engaged in their official City duties to influence the outcome of the political process. An employee shall not use or permit to use the authority of their position to actively support either a candidate for City Council, a City issue, or any other political candidate or issue. Employees shall not make contributions from City funds or property to any political parties or candidates. Further, no employee shall, on behalf of the organization, attempt to influence another employee's decision to make, or refrain from making, a personal political contribution to a candidate or a party. Reference Section 1.3.105, City Code of Ethics.

Truth and Accuracy in Reporting

Employees are required to be truthful and accurate when communicating and reporting all activities. No employees shall engage in fraud, deceit, departure from the truth, or failure to report in any oral or written communication. The organization is committed to financial integrity and proper internal controls. No employee shall falsify any document, record or request, or fail to record proper entries in any book or record for any reason. Organization funds and assets will not be used for any unethical or illegal purpose.

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Confidential information

Employees must safeguard confidential and proprietary information by not transferring, publishing, using or disclosing it unless authorized by the City. Employees must not access or attempt to access systems or physical areas unless properly authorized to do so.

Confidential information is any information or knowledge created, acquired, or controlled by the organization that the organization has determined should be safeguarded from improper disclosure.

Use of Resources

Employees must demonstrate concern for proper use of assets including personnel, time, property, equipment and funds. The City provides appropriate office equipment, telephones, computers, vehicles and tools for employees to conduct business. These assets must be used for proper purposes during employment with the City. Equipment and tools may not be sold, loaned, given away, or disposed of without proper authorization.

Reporting Requirements

Employees must report any conduct that they believe in good faith to be a violation of this policy or the City Code of Ethics. No action shall be taken against any employee who reports a potential violation which they believe is true and accurate. Employees are encouraged to work with their supervisor in making such reports. If there is a reason that reporting a violation to the immediate supervisor is not appropriate, employees should contact their next-level manager, the City Attorney's Office or Human Resources.

Employees may file a written complaint or an inquiry for consideration by the Independent Ethics Commission through the City Attorney regarding a matter involving an elected official, an appointee including members of boards, committees and commissions appointed by City Council or the Mayor, or an independent contractor. Additional information about the Independent Ethics Commission can be referenced in Section 1.3.103, City Code of Ethics.

Employees may also report any suspected fraud and abuse to the City Auditor directly or through the City Auditor Hotline, 719-385-2387.

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Disciplinary Rights

The City may take disciplinary or corrective action against an employee, up to and including termination, for violation of this policy, the City Code of Ethics, or any state or federal criminal laws which, in its sole judgment, may render the employee unfit to perform their job, may bring discredit upon, and/or may compromise the integrity of the City.

Nothing in this policy alleviates an employee's responsibilities under other sections of the Policies and Procedures Manual, including "Other Employment."

Last revised: 12/08

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**POLICY AND PROCEDURE # 32
POLITICAL ACTIVITY**

Policy Statement

An employee shall not use or permit others to use the authority of their position to actively support either a candidate for City Council, a City issue, or any other political candidate or political issue.

Guidelines

Employees will be subjected to discipline for failing to adhere to any of the following guidelines:

- Failure to comply with Civil Service Rules governing political activity.
- Employees shall not conduct personal political/activity during working hours or while acting in any capacity as a representative of the City. Employees may not use City funds, supplies, resources, vehicles, or equipment for such political activity. City facilities may only be used for political purposes if the employee pays the regularly scheduled fees for such space, and it is not during the employee's work time. No restriction is placed on the use of parkland. Personal political activity includes, but is not limited to, the following:
 - Gathering signatures for an initiative
 - Directly or indirectly participating or assisting in any political campaign on behalf of a candidate or ballot issue.
- An employee's conduct shall not imply or suggest endorsement, support, or alliance with any ballot issue, candidate, or subject matter of any petition gathering on behalf of the City during work hours.
- An employee shall not wear any City uniforms or apparel or use City vehicles displaying the City logo while conducting personal political activity after work hours. Such actions include gathering of signatures to any petition and campaigning for or against a ballot issue or candidate.
- An employee shall not wear buttons, badges, or other items during the work day that promote or refer to a ballot issue or candidate.
- An employee shall not use or permit others to use the authority of their position or employment to actively support a ballot issue or candidate for election.

Employee Candidacy

An employee who files the declaration for candidacy for Colorado Springs City Council will immediately terminate employment with the City.

Last revised: 3/04

**POLICY AND PROCEDURE # 33
WORKPLACE HARASSMENT AND VIOLENCE**

Policy Statement

It is the City Of Colorado Springs' policy to promote a safe environment for its employees and visitors which is free of harassment, intimidation, threats, or violent behavior.

The City will not tolerate any action that may be interpreted as one of the following behaviors:

- Acts of intimidation
- Threatening or hostile verbal or physical behaviors
- Stalking
- Physical or verbal abuse
- Comments regarding violence
- Harassment or assault
- Vandalism
- Arson
- Sabotage
- Possession or use of a weapon at the workplace

This list is not all-inclusive, and any other acts deemed inappropriate will also be investigated. Other unacceptable behaviors may include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. The City reserves the right to take action against this type of behavior, up to and including termination.

Reporting Requirements

Violent, threatening, harassing, intimidating, or other disruptive behavior, including anonymous threats, should not be ignored. Inappropriate humorous comments about violence are also unacceptable. If you observe or experience such behavior by anyone on City property or directed at City employees, whether the person is a City employee or not, you should report it immediately to a supervisor or manager, Chief/Deputy Chief, a Human Resources Manager, Departmental Human Resources Manager, or the Risk Management Staff. Supervisors and managers who receive reports should contact Risk Management. If the supervisor is responsible for the behavior, the employee should report to a manager above the supervisor or one of the other contacts listed herein. If the employee believes the situation requires immediate action in order to avert a violent situation, the employee should contact the appropriate law enforcement agency or Security immediately.

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Investigation

Any reported violation of this policy will be thoroughly investigated by the Chief/Deputy Chief, Human Resources, or Risk Management. The Workplace Violence Response Team will immediately review reported acts of violence or potentially violent situations. The Response Team is convened and headed by the Chief/Deputy Chief, Risk Management or a designee and shall be comprised of representatives from the following groups:

- City Attorney's Office
- Law enforcement agencies
- Medical Professionals (EAP)
- Employee's Chief/Deputy Chief
- Risk Management
- Human Resources

The role of the participant from the City Attorney's Office is to provide legal advice to the Response Team. The Response Team shall make recommendations to the supervisor/manager on how to proceed in regard to the problem employee and the particular circumstances.

Action Following Investigation

The City of Colorado Springs will take the appropriate disciplinary action based on the findings of the investigation. An employee whose behavior is determined to be in violation of this policy is subject to disciplinary action, up to and including termination.

Searches

An employee may be subject to a search involving work site, a City-assigned piece of equipment or property, and 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.

Restraining/Protective Order

An employee who obtains a protective or restraining order (1) against a City employee or (2) another person, and lists City locations as protected areas, must immediately notify their supervisor or other member of management about the order and its status. A valid restraining order means that the holder must have the physical document in their possession, and the named party must have been served the restraining order. For a supervisor to take action on an employee's restraining order the supervisor must see the physical document and verify the following information:

- Effective dates of the restraining order
- Date of service of individual
- Distance limits from a specific address
- Contact limits, i.e.; phone, physical
- Signature of a judge

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When an employee has a valid restraining order in place, their supervisor shall immediately inform authorities within their work location of the restraining order. If the restraining order is violated, the authorities will be notified immediately.

If the restraining order does not name another City employee or identify City locations, the City requests and highly recommends notification in order to alert security.

Last revised: 3/04

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**POLICY AND PROCEDURE # 34
CRIMINAL CHARGES**

Policy Statement

An employee must immediately notify their immediate supervisor/manager of any criminal charge in accordance with department policy. If an employee is hired with pending criminal charges, the employee must immediately report such violation to their supervisor or Chief/Deputy Chief.

Definition

Criminal charges include felony, misdemeanor, public and petty offenses, as defined in the statutes of the United States, the State of Colorado, other sovereign states, the city of Colorado Springs, and other city and county governments. Criminal charges shall not include traffic or other charges, which are specifically differentiated and exempted from statutory criminal offenses; however, DUI or other charges which impact an employee's ability to drive a vehicle must be reported in accordance with this policy.

Employee Work Status

The supervisor, in consultation with the Deputy Chief, will determine the appropriate action regarding the employee's status with the City, pending the disposition of the case. An employee against whom criminal charges have been filed may be placed on a leave-of-absence, pending the outcome of such charges. The Chief and the Human Resources Director must approve such leaves-of-absence, including pay status, in accordance with the Civil Service Rules. In the case of a leave-of-absence without pay, an employee may utilize accrued vacation during this period. The City may proceed with disciplinary action regardless of the status of the criminal case.

Workplace Drug Convictions

If the employee is engaged in federally funded work covered by the Drug-Free Workplace Act of 1988, the grantee's Supervisor shall notify the granting agency within 10 working days after receiving notice from the employee or otherwise receiving official notice of such convictions.

Case Resolution

Notification Requirement: The employee is responsible for notifying their Supervisor of the outcome of the case no later than 5 calendar days after conclusion of the case. If the Supervisor is unavailable for any reason, the employee must notify the Deputy Chief. Failure to notify the appropriate personnel may be grounds for termination.

Action Following Case Resolution

If one of the following results occur, the employee may be reinstated, including retroactive salary and benefits:

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- Employee is found not guilty
- Employee receives a deferred prosecution
- The charges are dismissed/dropped

The City reserves the right to take disciplinary action up to and including termination, regardless of the outcome of the case. Retroactive salary and benefits will not be provided in cases resolved through a finding or plea of guilty, no contest, or deferred sentence.

Action Following Conviction

The Chief will determine the appropriate action upon notification of a finding of guilty, a plea of guilty, no contest, or a deferred sentence.

Factors to be considered in determining the appropriate disciplinary action include, but are not limited to, the following:

- Nature and type of the crime
- Employee's position
- Employee's prior job performance
- Employee's length of service
- Employee's fitness to perform

Disciplinary Rights

The City reserves the right to take disciplinary or corrective action against an employee, up to and including termination, for violation of any local, state, or federal criminal laws which, in its sole judgment, may render the employee unfit to perform their job, may bring disrepute upon, and/or may compromise the integrity of the City.

Last revised: 2/10

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**POLICY AND PROCEDURE # 35
DRUG/ALCOHOL FITNESS FOR DUTY**

Policy Statement

An employee shall not report to work under the influence of, nor shall their performance be impaired by, the use of alcohol or non-prescribed drugs.

An employee is prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage in the workplace or on City property.

An employee who violates these policies is subject to disciplinary action, up to and including termination.

Use of Over-the-Counter or Prescribed Drugs

An employee is permitted to use or possess over-the-counter or medically prescribed drugs in the workplace. Should an employee have reason to believe, or have been informed by their physician or pharmacist, that such use may affect their ability to perform their assigned job duties, the employee shall notify the supervisor.

The employee shall not be required to reveal to the supervisor any medical information relating to their use of such drugs. The supervisor shall protect the confidentiality of the information provided, and the privacy of the employee.

Abuse or misuse of over-the-counter or prescription drugs will be considered a violation of policy.

Drug and Alcohol Awareness

The City provides awareness training programs for employees and supervisors. The Drug/Alcohol Manual may be accessed on the City's Intranet.

Employee Assistance Program

The City provides an Employee Assistance Program through which employees and their dependents may voluntarily receive information and confidential assistance regarding drug/alcohol-related problems.

Interventions and/or Consequences

Employees are encouraged to take responsibility for their own behaviors and voluntarily seek help through the City's Employee Assistance Program or other professional programs that will assist them in the resolution of drug or alcohol related problems. However, in those instances when an employee exhibits job performance and/or other physical symptoms commonly associated with

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drug and/or alcohol use, the City may intervene and/or impose consequences appropriate to ensure compliance with this policy.

Appropriate interventions and/or consequences shall be determined on a case-by-case basis, reviewed by Human Resources and may include, but are not limited to, the following:

- Administrative leave, with or without pay
- Mandatory assessment by a Substance Abuse Professional (SAP). (The employee shall be required to sign an authorization for release of information so that the SAP can report the results of the assessment to the Human Resources Manager
- Drug/Alcohol testing in accordance with the Drug/Alcohol Procedures Manual and/or mandated Federal and State legislation
- In-patient/out-patient treatment and rehabilitation
- Assignment to another position and/or classification
- Employment agreement
- Disciplinary action, up to and including termination

Last revised: 3/04

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GENERAL

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**POLICY AND PROCEDURE # 36
EMPLOYEE RECORDS**

Policy Statement

Official employee records shall be maintained in City Human Resources. The employee shall receive a copy of all material that is forwarded for inclusion in the employee's record. Employees may review, and upon request, receive a copy of any information in their record.

Internal Accessibility

Unless otherwise directed by court order, only administrative, management, supervisory personnel with a need to know, or person in-interest may review an employee's personnel file.

Employees who want a copy of their personnel file must submit a request to Human Resources and pay the same \$.50 per page charge as paid for external requests.

External Accessibility

- **Open Records Act:** Personnel records shall be released in accordance with the Open Records Act.
- **Employee References:** External release of employment information shall be limited to the dates of employment, classification history, and salary information, unless authorized in a release executed by the employee. Any requests for additional information should be directed to Human Resources and will be handled in accordance with applicable state laws.

Changes in Personal Information

Employees are responsible for notifying their Supervisor and Department Human Resources within the sooner of five (5) working days or three shifts of any change in name, address and/or telephone number. Human Resources will forward the information to Payroll.

Service Awards

It is the policy of the City to periodically recognize an employee for length of regular service, which includes all periods of City employment in a regular position.

Out-Processing

Upon separation, an employee must report to their Department's Human Resource Office, at a mutually agreed upon time, for the purpose of out-processing. Out-processing includes final disbursement of salary and benefits information and the completion of necessary forms.

Last revised: 3/04

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**POLICY AND PROCEDURE # 37
CHARITY DRIVES AND EMPLOYEE SOLICITATION**

Policy Statement

The City recognizes that many employees wish to share with others who are in need. Within limited conditions, employee representatives and/or charitable organizations may be approved to conduct fundraising sales and campaigns or collect donations of disposable goods from City employees.

Employee Giving Campaign

The annual Employee Giving Campaign is the only charitable; fundraising effort authorized to solicit City employees in the workplace. The annual campaign shall raise and distribute funds to health and human charitable service agencies that provide direct, information and referral, education and/or advocacy services to residents in residents of their primary service delivery area of El Paso and Teller Counties in the following areas of need:

- Basic needs and self-sufficiency
- Early childhood and youth development
- Health and wellness
- Family support and safety

In addition to the Qualified Campaign Participants, the City will, through its campaign manager, process the distribution of payroll deductions to other employee-designated, charitable organizations defined under IRC Section 501(A) as described in 501(c)(3). Such designations to non-participating agencies shall be made only during the Employee Giving Campaign.

Campaign Responsibilities

Employee Campaign Committee

City and Colorado Springs Utilities (CSU) employee volunteers, who work with the campaign manager to plan, organize and conduct the annual Employee Giving Campaign. The co-chairs will be one senior manager each from the City and Colorado Springs Utilities.

The Employee Campaign Committee is responsible for an annual accounting of campaign expenses, which will be shared equally between the City and CSU. The Employee Campaign Committee will review and certify as Qualified Campaign Participants those organizations which request and meet the criteria for inclusion in the annual Employee Giving Campaign.

Campaign Manager

A Colorado Springs-based, non-profit organization which, at no cost to the City or CSU, works with the Employee Campaign Committee to plan, organize and conduct the annual campaign

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and to manage the distribution of received payroll deductions. Distributions of collected funds will be to designated Qualified Campaign Participants and other non-profits so designated by employees during the annual Employee Giving Campaign. Specific responsibilities are contained in the annual agreement between the City/CSU and the Campaign Manager.

Qualified Campaign Participants

The Annual Employee Giving Campaign shall be open to two categories of health and human services, non-profit organizations that provide support to residents of El Paso and Teller counties.

- Umbrella organizations that have at least seven (7) member, charitable agencies that provide direct, education, information and referral and/or advocacy services to residents of El Paso and Teller counties, Colorado who are in need of health and human services.
- The City/CSU sponsored health and human service organizations that:
 - are supported by the City/CSU through the use of facilities or equipment or through the sharing of operating or maintenance funding
 - have a direct relationship to the City/CSU by providing enhanced services to the programs of the City/CSU; or
 - act as an agent of the City/CSU to operate, manage or administer a function of the City/CSU

All organizations must be charitable organizations as described in 501(c)(3) of the Internal Revenue Code.

Disposable Goods and/or Donations

Department heads can authorize requests for charity drives or support of additional charitable activities that are confined within their departments.

Charitable organizations may request, through employee representatives or the Mayor, permission to collect disposable goods for distribution to the needy. Requests must be accompanied by written verification of the organizations 501(c)3 status and specific dates and location of collection efforts. Mayor, or designee, approval must be received prior to the placement of boxes for food, clothing, or toy donations in areas of City buildings accessible to the public and/or employees.

If several requests are received, a single box may list several agencies. Items placed in the box will be distributed among the agencies listed.

Fundraising Product Sales

Except as authorized by the Mayor, an employee shall not solicit charitable contributions or sell goods and services for profit or charity on City time or property.

City employees often represent organizations that sell products as a part of their annual fundraising efforts. Although actual sales may not occur during the employees' normal work hours

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and may not disturb the work of fellow employees, notices of product sales or displays of the product may be placed in employee break rooms or other areas not accessible to the public.

The City is not responsible for any loss of product or money that may result from the conduct of the sale on its premises.

Should such product sales or fundraising events become disruptive to the conduct of official City business, the Chief/Deputy Chief may disallow such product sales.

No private, for-profit organization may solicit employees of the City of Colorado Springs for the purpose of offering product sales or membership/product discounts.

Last revised: 1/11

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**POLICY AND PROCEDURE # 38
BULLETIN BOARDS**

Policy Statement

Each Department shall designate official bulletin boards in sufficient numbers to assure that all employees have daily access to posted information. Each employee is required to read and/or have knowledge of information that is posted on official bulletin boards.

Bulletin boards within common areas of public access are designated official City bulletin boards. Information posted on official bulletin boards must pertain to official City business or activities.

If a department chooses, it may provide bulletin boards mounted in non-public areas, such as cafeterias and breakrooms, for the limited purpose of posting announcements or notices of community events and activities and/or announcements of an upcoming event or sale, as well as official announcements. The department may establish further limitations for the posting of such items.

No posted notice or message may promote a personal opinion or a political, illegal or offensive agenda or material.

Electronic Bulletin Boards/Electronic Classified

If a department chooses, it may establish electronic bulletin boards for official use and/or for Postings that are limited to announcements or notices of community events or of an upcoming event or current event or sale. The department may establish further limitations for the posting of such items.

No posted notice or message may promote a personal opinion, political, illegal or offensive agenda or material.

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**POLICY AND PROCEDURE # 39
EMPLOYEE GROUPS**

Employee Groups

An employee may not be prohibited from, or coerced into, joining an employee group. An employee group, or any member thereof, may not solicit membership or conduct business meetings on City time.

An Employee Group is defined as any organization that is comprised of City employees whose primary purpose is to interact with City Management on employer-employee matters for the betterment of the work environment. Whether a group qualifies as an employee group will be determined by the Police or Fire Chief, or designee.

An employee group may, however, with the prior approval of the Chief utilize the following in accordance with City policy:

- City buildings or facilities after work hours to conduct business meetings.
- Interoffice mail system.
- Bulletin boards.

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**POLICY AND PROCEDURE # 40
SEARCH AND SEIZURE**

Policy Statement

An employee may be subject to a search involving work site, a City-assigned piece of equipment or property, and 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.

Last revised: 3/04

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**POLICY AND PROCEDURE # 41
EMPLOYEE RESPONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES
FOR BUSINESS USE**

Policy Statement

City Vehicles shall be used for official City business only. A vehicle operator using a City vehicle must possess a valid, appropriate Colorado Driver's License.

General Provisions

An employee whose driver's license is suspended or revoked by the State of Colorado must immediately notify their supervisor in writing and cease operating under said license.

An employee must report any ticket that impacts the employee's ability to perform the job and any DUI/DWI to the immediate supervisor within 24 hours of receipt.

Vehicles are to be operated by employees except for those instances involving:

- An emergency situation
- Operations necessary to support repairs and /or servicing.
- As authorized by Fleet Management

Unless authorized by the Chief/Deputy Chief, City owned vehicles shall only be used to transport passengers who are City employees or individuals engaged in official City business.

An employee operating a City owned vehicle within the scope of their employment is covered by the City's self-insurance program.

An employee in violation of this policy or transporting a non-City employee could be held personally liable for damages in the event of a vehicle accident.

An employee who is authorized to operate a privately owned vehicle on official City business must comply with the Financial Responsibility law for the State of Colorado. Failure to comply with the insurance law is subject to corrective action.

The City is not liable for damage to personal vehicles used for City business.

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SWORN PPM POLICY AND PROCEDURE # 41
EMPLOYEE RESPONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES
FOR BUSINESS USE

The City is not responsible for the loss or damage to any personal property that is in City owned or privately owned vehicles.

Traffic citations received while operating a vehicle on City business are the responsibility of the employee unless it can be shown the City has responsibility.

Last revised: 3/04

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**POLICY AND PROCEDURE # 42
OTHER EMPLOYMENT**

Policy Statement

Employment with the City of Colorado Springs is considered to be an employee's primary job. In accordance with Department procedures, any supplemental employment is secondary and subject to the review and approval of the Chief.

Employment Restrictions

An employee may not hold simultaneous positions with the City, or any entity that is owned by the City and/or operates under the auspices of the City Council, if the combined hours exceed 40 hours per week. An exception, as defined by the Fair Labor Standards Act, is occasional, sporadic part-time employment. Examples of this type employment are sports officials or instructors. The part-time employment cannot be in the department of the employee's regular assignment.

An individual under contract with the City or Colorado Springs Utilities may not become or remain an employee of the City or the Colorado Springs Utilities.

The City will not employ individuals who cannot establish proof of their legal right to work within the United States.

Extra Duty

In accordance with the provisions of the Fair Labor Standards Act, an employee may be engaged by a separate and independent employer in fire protection, law enforcement or related activity. Such employment is voluntary and the hours worked do not combine to form a joint employment relationship with the City of Colorado Springs. The Mayor shall establish the hourly rate to be charged to the business or activities hiring Police and Fire Personnel for extra duty. Such rate may include an administrative fee.

Last revised: 1/11

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**POLICY AND PROCEDURE # 43
NEPOTISM**

An applicant or employee shall not receive preferential consideration because of a relationship to another employee. Specifically, no two members of an immediate family (parent, guardian, child, brother, sister, grandparents, and grandchild, including these relatives in-law, step or half, or any other family member residing in the employee's household), excluding a partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the "Colorado Civil Union Act," Article 15 of Title 14 ("Spouse") or two people who plan to be married, shall be employed in a direct supervisory relationship.

Nothing prevents spouses or two people who plan to be married from working for the City, or same unit, except in the following circumstances:

- One spouse directly or indirectly exercises supervisory, appointment, or dismissal authority or disciplinary authority over the other spouse.
- One spouse would audit, verify or receive, or be entrusted with monies received or handled by the other spouse.
- One spouse has access to the other spouse's confidential information, including payroll and personnel records.
- Should marriage or any other event cause a violation of this policy, either employee must, within 90 days, secure other employment which does not violate this policy or resign.

The application of this policy will apply prospectively; therefore, current employees in assignments which violate this policy are exempt from its application in their current positions. If an employee seeks a transfer or promotion, the new assignment cannot put the employee in greater conflict of this policy, than they have in their current position.

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