

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB18

ORDINANCE NUMBER: 2018-18

TITLE: AN ORDINANCE ADOPTING THE BLACK HAWK EMPLOYEE HANDBOOK DATED SEPTEMBER 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Pursuant to Article VIII, Section 18 of the City of Black Hawk Home Rule Charter, the City of Black Hawk Employee Handbook, dated September 2018, attached hereto as **Exhibit A** and incorporated herein by this reference, is hereby adopted by the City Council.

Section 2. Nothing in the approval of this Ordinance and the adoption of the City of Black Hawk Employee Handbook, dated September 2018, shall be construed to modify the authority of the City Manager to enter into employment agreements with department directors consistent with Section 2-42(d) of the City of Black Hawk Municipal Code.

Section 3. All previous versions of the City of Black Hawk Employee Handbook are hereby deleted in their entirety.

Section 4. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 12th day of September, 2018.


David D. Spellman
Mayor

ATTEST:


Melissa A. Greiner, CMC
City Clerk



EXHIBIT A

CITY OF BLACK HAWK EMPLOYEE CODE OF ETHICS

We take pride in providing quality service with professionalism, integrity, and honesty.

In fulfilling our responsibilities,
we respect the dignity, diversity, and uniqueness of each other,
the Black Hawk community, and the environment.

The principles of effectiveness, fiscal responsibility, and safety
guide us in enhancing the well-being of the community.

We value teamwork, a sense of humor, open communication, and creativity.

We actively promote trust among ourselves and a partnership with the people we serve.

TABLE OF CONTENTS

Employee Code of Ethics

NO.	POLICY TITLE
-----	--------------

SECTION 1 GENERAL PROVISIONS

- | | |
|-----|--|
| 101 | Nature of Employment |
| 102 | Employee Relations |
| 103 | Equal Employment Opportunity |
| 104 | Recruitment & Hiring |
| 105 | Disqualification of Applicants |
| 106 | Hiring of Relatives |
| 107 | Elected Official & Staff Relationships |
| 108 | Personal Relationship Policy |
| 109 | Medical Examinations |
| 110 | Employment Reference Checks |
| 111 | Harassment Policy |
| 112 | Workplace Violence Policy |
| 113 | Workplace Bullying Policy |
| 114 | Outside Employment |

SECTION 2 EMPLOYMENT STATUS & RECORDS

- | | |
|-----|---|
| 201 | Employment Categories |
| 202 | Applications - Authority |
| 203 | Rules Subordinate to State Law & Rules of Court |
| 204 | Prerogatives Reserved |
| 205 | Violation of Employee Guidelines |
| 206 | Amendments to Policies |
| 207 | Administrative Procedures |
| 208 | Access to Personnel Files |
| 209 | Personnel Data Changes |
| 210 | Introductory Period |
| 211 | Compensation Philosophy |
| 212 | Compensation Policy |
| 213 | Salary Advancement / Special Circumstances |

SECTION 3 EMPLOYEE BENEFIT PROGRAMS

- 301 Employee Benefits
- 302 Vacation Benefits
- 303 Flextime / Job Sharing
- 304 Holidays
- 305 Work-Related Injury Leave
- 306 Sick Leave Benefits
- 307 Time Off To Vote
- 308 Bereavement Leave
- 309 Jury Duty
- 310 Witness Duty
- 311 Benefits Continuation (COBRA)
- 312 Medical Insurance
- 313 Dental Insurance
- 314 Vision Insurance
- 315 Licensure Assistance
- 316 Membership Dues
- 317 Employee Development
- 318 Life Insurance
- 319 Short Term Disability
- 320 Long Term Disability
- 321 Sick Leave Donation
- 322 Pension Plans
- 323 Deferred Compensation / Variable Match Program
- 324 Employee Assistance Program

SECTION 4 TIMEKEEPING / PAYROLL

- 401 Timekeeping
- 402 Paydays / Pay Periods
- 403 Employment Termination
- 404 Final Pay
- 405 Administrative Pay Corrections

SECTION 5 WORK CONDITIONS & HOURS

- 501 Safety
- 502 Work-Related Injuries / Illnesses
- 503 Modified Duty / Early Return to Work Program
- 504 Work Schedules
- 505 Employee Transportation & Equipment
- 506 Mail Systems
- 507 Smoking / Tobacco Products
- 508 Overtime

- 509 On-Call Time
- 510 Emergency Closing
- 511 Business Travel Expenses

SECTION 6 LEAVES OF ABSENCE

- 601 Family & Medical Leave
- 602 Military Leave
- 603 Administrative Leave

SECTION 7 EMPLOYEE CONDUCT

- 701 Employee Conduct & Work Rules
- 702 Attendance & Punctuality
- 703 Personal Appearance
- 704 Return of Property
- 705 Resignation
- 706 Solicitation
- 707 Drug & Alcohol Use
- 708 Employee Issue / Problem-Solving Procedures
- 709 Employment Relationship
- 710 Use of Computers, Electronic Mail, & the Internet
- 711 City Website & Social Media Policy

SECTION 8 MISCELLANEOUS

- 801 Life-Threatening Illnesses in the Workplace
- 802 Employee Political Activities
- 803 Conflict of Interest / Incompatible Activities

SECTION 9 DEFINITIONS

101 NATURE OF EMPLOYMENT

The City of Black Hawk (City) generally does not offer individual employees a formal employment contract with the City. Employment is “at will,” meaning that the employee or the City may end employment at any time for any lawful reason.

No supervisor or other representative of the City, other than the City Council, has the authority to enter into any agreement guaranteeing employment for any specific period. No such agreement shall be enforceable unless it is in writing, approved by the City Council and signed by the Mayor and the employee.

This Employee Handbook is not a contract. It does not create any agreement, express or implied, guaranteeing employees any specific terms or conditions of employment. Nothing contained in this Handbook shall be construed as creating a contract guaranteeing employment for any specific duration. Neither does it obligate employees to continue employment for a specific period of time. Unless an employee has entered into an employment agreement that supersedes this document, either the employee or the City may terminate the employment relationship at any time. Neither does the Handbook guarantee any prescribed process for discipline and discharge. The provisions of the Handbook have been developed by management and adopted by City Council and supersede all existing policies and practices. These provisions may be amended or cancelled at any time at the City's sole discretion.

102 EMPLOYEE RELATIONS

The City believes the working conditions, wages, and benefits it offers its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City fully demonstrates its commitment to employees by responding effectively to employee concerns.

103 EQUAL EMPLOYMENT OPPORTUNITY

The City of Black Hawk fully supports the Equal Employment Opportunity regulations and intent. The City of Black Hawk provides an Equal Employment Opportunity to all employees, applicants, and candidates for employment without regard to race, creed, color, sex (including pregnancy), sexual orientation (including transgender status), age (40 or older), genetic information, marriage to a co-worker (within parameters listed in Section 106), physical or mental disability, religion, Vietnam era or veteran status, national origin, or any other status protected by law. Equal Employment Opportunity

includes, but is not limited to, hiring, training, promotion, transfer, demotion, and termination.

It is the City of Black Hawk's intent that all employees benefit from a safe work environment free from all forms of discrimination including harassment. Discrimination or harassment based on race, creed, color, sex (including pregnancy), sexual orientation (including transgender status), age (40 or older), genetic information, marriage to a co-worker (within parameters listed in Section 106), physical or mental disability, religion, Vietnam era or veteran status, national origin, retaliation for engaging in protected activity, or any other status protected by law is considered a violation of its policies and practices.

The City of Black Hawk believes that it is all employees' singular and collective responsibility to deal fairly and honestly with their peers, subordinates, and superiors as well as applicants to ensure a work environment free of discrimination.

Any employee, applicant, or candidate who feels that they have been discriminated against based on any of the forms of discrimination and/or harassment set forth above, or any other status protected by law shall without fear of reprisal:

- ***If employed***, contact the: 1) Immediate Supervisor or 2) Department Head or 3) City Manager in the respective order shown, unless the situation warrants skipping a level of supervision (i.e., where the perpetrator of alleged discriminatory action(s) is the Supervisor).
- ***If an applicant or candidate***, contact the City Manager.

The City of Black Hawk will, upon receipt of information that may not reflect support of its Equal Employment Opportunity practices, investigate the circumstances and if needed, take appropriate actions to eliminate the persistence of such circumstances. The employee or applicant may be asked to provide additional information for the investigation. The City will attempt to maintain confidentiality of the situations and parties involved, but it makes no guarantee of absolute anonymity. Employees and external parties may be provided with information on a "need to know" basis as a part of the investigative process. Proof of either discrimination or a false accusation may result in termination of employment for employees and/or legal action for employees, applicants, and/or candidates.

104 RECRUITMENT & HIRING

Recruitments

The City's primary goal when recruiting new employees is to fill vacancies with persons who have the best available skills, abilities, or experience needed to perform the work. Decisions regarding the recruitment, selection, and placement of employees are made on the basis of job-related criteria.

The City offers current employees transfers or promotions when appropriate. Management prefers to hire from within and will first consider current employees with the necessary qualifications, skills, and abilities to fill vacancies.

To be considered for a vacant position, current employees must have completed their introductory period, have a satisfactory performance record, and have no disciplinary actions. Management retains the discretion to make exceptions to the policy.

Job Announcements

Internal Announcement Posting:

Announcements for vacancies of City positions will first be posted internally in City offices for at least five (5) working days when an opening becomes available.

Public Announcement Posting:

Announcements for vacancies of City positions (including contract positions), that cannot be filled from within, shall be posted by Employee Services for at least five (5) working days with the City Clerk's Office. Advertisements shall be placed in approved publications and online services when necessary to attract qualified applicants.

Employment Applications

All applicants for a vacant position with the City shall complete a City Application for Employment. Certain positions may require resumes as well.

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

105 DISQUALIFICATION OF APPLICANTS

An applicant may be disqualified for consideration of employment when any of the following factors exist:

- 1) They do not possess the minimum qualifications for the job;
- 2) They are not physically or mentally fit to perform the functions of the position, or if a person with a disability is unable to perform the essential functions of the position with or without reasonable accommodation;
- 3) They have demonstrated an unsatisfactory employment record or personal record as evidenced by the results of a background or reference check;

- 4) They have given false information in their application or practiced deception during the selection process; or
- 5) Any lawful reason the City deems appropriate.

106 HIRING OF RELATIVES

In order to expand the pool of qualified applicants for an organization the size of the City of Black Hawk, the City allows the employment of immediate family members with the following conditions:

- 1) Immediate family members shall not work in the same department;
- 2) An immediate family member shall not directly or indirectly exercise any type of authority over the other immediate family member;
- 3) An immediate family member shall not audit, verify, receive, or be entrusted with moneys received or handled by the other immediate family member; and
- 4) An immediate family member shall not have access to the employer's confidential information, including payroll, and personnel records.

107 ELECTED OFFICIAL & STAFF RELATIONSHIPS

The City shall not hire immediate family of members of the City Council. If an immediate family member of an employee is elected or appointed to the City Council, the employee must resign their position with the City prior to the commencement of the term of office of the elected relative.

108 PERSONAL RELATIONSHIP POLICY

Objective

The City of Black Hawk strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business and enhancing productivity. Although this policy does not prevent the development of friendships or romantic relationships between certain co-workers, it does establish boundaries as to how relationships are conducted while on-duty and within the working environment; however, under certain circumstances, further defined below, such relationships are prohibited.

Individuals in supervisory or managerial roles, and those with authority over others' terms and conditions of employment, are subject to more stringent requirements under this policy due to their access to sensitive information, and their ability to affect the terms and conditions of employment of individuals in subordinate positions.

This policy does not preclude or interfere with the rights of employees protected by any applicable statute concerning the employment relationship.

Procedures

- 1) A “personal relationship” is defined as a relationship between individuals who have a continuing relationship of a romantic or intimate nature. Purely platonic cohabitation, such as a shared domicile for financial convenience, is not a violation of policy.
- 2) Employee off-duty conduct is generally regarded as private, as long as such conduct does not create interference with the workplace. Exceptions to this principle are:
 - a. Employees in a personal relationship shall not work in the same department;
 - b. Employees in a personal relationship shall not directly or indirectly exercise authority over the other employee in the personal relationship.
 - c. Employees in a personal relationship shall not audit, verify, receive, or be entrusted with moneys received or handled by the other employee in a personal relationship; and
 - d. Employees in a personal relationship shall not have access to employer’s confidential information, including payroll and personnel records.
- 3) Any supervisor, manager, or other City official in a sensitive position with the City of Black Hawk, and employees working within the same department, must immediately disclose the existence of a romantic or intimate relationship with another co-worker. Disclosure may be made to the immediate supervisor or the Administrative Services Director.
- 4) During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
- 5) During non-working time, such as lunches, breaks, and before and after work periods, employees engaging in interactions in non-work areas should observe an appropriate workplace manner.
- 6) Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on City premises, whether on-duty or not.
- 7) Employees who allow personal relationships with co-workers to affect the work environment adversely will be subject to appropriate corrective action. Failure to change behavior and maintain expected work responsibilities is viewed as a terminable matter.
- 8) With regard to Item 2, when a violation of policy, problem, or potential risk is identified, the City of Black Hawk will work with the parties involved to consider

options for resolving the problem, such as transfer to other departments, if another position is available.

- 9) With regard to Item 2, if one or both parties refuse to accept a reasonable solution or to offer of alternative position in another department, if available, such refusal will be deemed a voluntary resignation from both parties.
- 10) Failure to cooperate with the City of Black Hawk to resolve a conflict or problem caused by a romantic or intimate relationship between co-workers or among managers, supervisors, or others in positions of authority over another employee in a mutually agreeable fashion may be deemed insubordination and cause for immediate termination.
- 11) Any concerns about the administration of this policy should be addressed to the Administrative Services Director.

109 MEDICAL EXAMINATIONS

To help assure that applicants are able to perform the essential functions of the job or employees are able to perform their duties safely, medical examinations may be required based on the requirements of the job.

After a Conditional Job Offer has been made to an applicant, the applicant will complete the Medical Review Form and a medical examination will be performed at the City's expense by a health professional of the City's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam and Medical Review Form. For selected positions, psychological examinations may also be administered.

Current employees may be required to take medical examinations or periodic medical examinations as needed to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at the City's expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially.

110 EMPLOYMENT REFERENCE CHECKS

Employee Services staff will respond to all reference check inquiries from other employers. Responses to such inquiries will be limited to factual information that can be substantiated by the City's records to the extent allowed by the Colorado Open Records Act, C.R.S. section 24-72-200.1, *et seq.*, as the same may be amended from time to time, and other applicable provisions of Colorado law.

111 HARASSMENT POLICY

The City of Black Hawk fully supports the Equal Employment Opportunity regulations. It is the City of Black Hawk's intent that all employees enjoy a safe work environment free from all forms of discrimination including harassment. Discrimination, inappropriate behavior or harassment based on race, creed, color, sex (including pregnancy), sexual orientation (including transgender status), age (40 or older), genetic information, marriage to a co-worker (within parameters listed in Section 106), physical or mental disability, religion, Vietnam era or veteran status, national origin, or any other status protected under applicable federal, state, or local law is considered a violation of its policies and practices.

The City of Black Hawk believes it is all employees' singular and collective responsibility to deal fairly and honestly with their peers, subordinates, and superiors as well as applicants to ensure a work environment free of discrimination and harassment. Disrespect for or abuse of anyone's dignity through verbal, physical, or visual slurs of a sexual or intimidating nature through derogatory or other inappropriate conduct is unacceptable and may result in termination of employment.

Sexual harassment is a specific form of discrimination/harassment that undermines the integrity of the employment relationship. The City of Black Hawk will not tolerate harassment by City of Black Hawk employees or by those who work with the City of Black Hawk including suppliers, general public, consultants, or any other vendors. Unwelcome sexual advances, requests of sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when one or more of the following examples exist:

- 1) Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment.
- 2) Submission to or rejection of the conduct is the basis for an employment decision affecting the employee.
- 3) The conduct substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work situation or atmosphere.

Harassment and/or discrimination based on race, creed, color, sex (including pregnancy), sexual orientation (including transgender status), age (40 or older), genetic information, marriage to a co-worker (within parameters listed in Section 106), physical or mental disability, religion, Vietnam era or veteran status, national origin, or any other factors protected by law undermines the employment relationship. Harassment may take the form of verbal or physical conduct that disparages, threatens, or shows aversion to an individual because of the aforementioned factors. Harassment may also include slurs, jokes, degrading comments, degrading pictures, degrading symbols, or other written, verbal, or physical conduct because of the aforementioned factors. This form of harassment may exist if one or all of the following exist:

- 1) The conduct substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work situation or atmosphere.

- 2) The conduct adversely affects an employee's employment or work opportunities.

Any employee, applicant, or candidate, who feels that they may have encountered harassing circumstances, shall **without fear of reprisal** contact City of Black Hawk management as outlined below.

- 1) ***If employed***, contact the: 1) Immediate Supervisor or 2) Department Head or 3) City Manager in the respective order shown, unless the situation warrants skipping a level of supervision.
- 2) ***If an applicant or candidate***, contact the City Manager.
- 3) ***If the City Manager is a party***, contact the City Attorney.

The City of Black Hawk will, upon receipt of information that indicates a possible lack of support of its Equal Employment Opportunity practices, investigate the circumstances and if needed, take appropriate actions to eliminate the persistence of such circumstances. The employee, applicant, or candidate may be asked to provide additional information for the investigation. The City of Black Hawk will attempt to maintain confidentiality of the situations and parties involved, but it makes no guarantee of absolute anonymity. Employees and external parties may be provided with information on a "need to know" basis as a part of the investigative process. Proof of discrimination, harassment, or a false accusation may result in termination of employment for employees and/or legal action for employees, applicants, and/or candidates.

112 WORKPLACE VIOLENCE POLICY

The City is committed to providing a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees shall review and understand all provisions of this workplace violence policy.

Prohibited Conduct

The City does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- 1) Causing physical injury to another person;
- 2) Making threatening remarks;
- 3) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- 4) Intentionally damaging employer property or property of another employee;

- 5) Possession of a weapon while on-duty unless required in the performance of duties (*i.e.*, Police Officers). See Section 701, Employee Conduct & Work Rules, #12; and
- 6) Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting Procedures

Any potentially dangerous situations **must** be reported immediately to any supervisor, Department Director, or the Chief of Police. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The City will actively intervene at any indication of a possibly hostile or violent situation.

Risk Reduction Measures

Hiring: Staff with hiring authority will take reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

Safety: The City conducts annual inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

Individual Situations: While the City does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform any supervisor, Department Director, and the Chief of Police if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:

- 1) Discussing weapons or bringing them to the workplace;
- 2) Displaying overt signs of extreme stress, resentment, hostility, or anger;
- 3) Making threatening remarks;
- 4) Sudden or significant deterioration of performance; or
- 5) Displaying irrational or inappropriate behavior.

Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person shall not attempt to challenge or disarm the individual. Employees shall remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice shall

be given. Otherwise, the employee shall cooperate, follow the instructions given and notify the Police as soon as possible.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts may be subject to termination of employment. Non-employees engaged in violent acts on the City's premises will be reported to the proper authorities and fully prosecuted.

113 WORKPLACE BULLYING POLICY

The City of Black Hawk's policy is to promote a work environment free from workplace bullying. A safe work environment is the responsibility of all employees, and employees are responsible for making their personal safety and the safety of others in the workplace a priority.

Bullying is defined as the repeated, health-endangering mistreatment of a person on-duty by a co-worker, supervisor/manager, or customer. The mistreatment may involve repeated acts of:

- 1) Shouting, yelling, screaming, or swearing;
- 2) Insults, put-downs, name-calling, or belittling;
- 3) Public humiliation, criticism, or scolding;
- 4) Cruel or offensive pranks, jokes; or
- 5) Physical behavior, such as pushing, blocking, or tripping.

Cyber-bullying is defined as the intentional and repeated mistreatment of others through the use of technology, such as computers, cell phones and other electronic devices. Cyber-bullying involves the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others. The City imposes certain responsibilities and obligations subject to City policies, and local, state, and federal laws. In making appropriate use of City's computing resources, employees are not permitted to use mail or messaging services to harass, intimidate, or otherwise annoy another person, for example, by broadcasting unsolicited messages, or sending unwanted mail. If the City is made aware that cyber-bullying/harassment is taking place through the use of the City's services, and/or personal technological devices, such actions will result in, but not limited to, corrective action up to and including termination. The corrective actions taken by the City does not shield from any criminal charges that may be taken against the harasser.

Such conduct by City employees is prohibited and may result in termination of employment and, where appropriate, referral for prosecution by legal authorities.

An employee who observes or has knowledge of any conduct listed above shall immediately report the same to any supervisor or Department Director. Complaints will be investigated promptly and follow-up action taken as determined appropriate. To the extent feasible, complaints and investigations will be handled in a confidential manner and anonymity preserved.

114 OUTSIDE EMPLOYMENT

Employees may hold outside jobs as long as they continue to meet the performance standards of their jobs with the City. Employees shall consider the impact that outside employment may have on their health and physical endurance. All employees will be held to the City's performance standards and will be subject to the City's scheduling demands, regardless of any outside work requirements.

If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be asked to terminate the outside employment if they wish to remain employed by the City.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City for materials produced or services rendered while performing their jobs.

Requests for approval of outside employment must be made in writing and submitted to the Department Director (who may develop more restrictive requirements) for consideration.

201 EMPLOYMENT CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefits eligibility.

Each employee is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws.

In addition to the above categories, each employee will be classified to one other employment category:

FULL-TIME employees are those who are not in an introductory status and who are regularly scheduled to work the City's full-time schedule. Generally, they are eligible for the City's benefits package, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to an introductory status and who are scheduled to work less than 30 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for the City's other benefit programs.

INTRODUCTORY employees are those full-time or part-time employees whose performance is being evaluated to determine whether further employment in a specific position, or with the City, is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification. Generally, introductory full-time employees are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each program, and the annual market adjustment if awarded. Introductory employees (excluding Communications and Police officers completing six months of service) are not eligible for annual bonus awards. (See Sections 210 and 212).

202 APPLICATIONS – AUTHORITY

The guidelines set forth in this chapter shall be applicable to all classified employees of the City to the extent of and according to the provisions hereinafter set forth, except as otherwise provided by ordinance or statute or the City Charter.

203 RULES SUBORDINATE TO STATE LAW & RULES OF COURT

Notwithstanding any other provisions of this chapter, the Personnel Policies will be subject to and subordinate to state statute and controlling judicial decisions.

204 PREROGATIVES RESERVED

The City of Black Hawk has and retains all rights to manage its business whether heretofore or hereafter exercised and regardless of the frequency or infrequency of its exercise, including but not limited to the exclusive right in accordance with its judgment and subject to applicable statutes, ordinances, and regulations, to:

- 1) Hire, promote, discharge, retire, demote, transfer, assign, lay-off, and recall employees to work;
- 2) Ascertain the employee's skill, ability, efficiency, and qualifications and otherwise evaluate performance;
- 3) Determine the starting and quitting times, the number of hours on the shift to be worked, days off to be taken, and the number of hours in the employee's work week;
- 4) Revise, eliminate, combine, or establish new jobs and classifications;
- 5) Maintain the efficiency of employees, control and regulate the use of equipment, and other property of the City;
- 6) Close down or expand the operation of the City or any part thereof and reduce, alter, combine, transfer, or cease any department operation or service;
- 7) Determine the number, size, location, and operation of facilities and departments or groups thereof;
- 8) Subcontract and determine the services to be rendered, bought, or sold;
- 9) Determine the assignment of work and the size and composition of the workforce;
- 10) Make, change, and enforce rules, policies and practices not in conflict with the provisions of these policies;
- 11) Establish quality standards; and
- 12) Introduce technological changes, new, improved or modified services, methods, techniques and equipment, and otherwise generally manage the operation and direct and supervise the workforce.

205 VIOLATION OF EMPLOYEE GUIDELINES

Violation of any of the employee guidelines will not be tolerated. Any employee who believes that they have been treated unjustly may file a grievance in accordance with procedures established within these policies.

206 AMENDMENTS TO POLICIES

Amendments to these Personnel Policies may be proposed by the City Manager to the City Council as required. All amendments shall become effective upon adoption by the City Council or on such date as the City Council shall designate.

207 ADMINISTRATIVE PROCEDURES

The City Manager, at any time deemed necessary or proper for the purpose of enforcement or implementation of these policies, may adopt, amend, or rescind written administrative procedures, rules, or regulations consistent with these policies. Such procedures, rules, or regulations shall be effective on the dates specified by the City Manager, provided that such procedures, rules, or regulations shall be circulated to City Council and all Department Directors prior to the effective date thereof. Copies of such procedures, rules, or regulations shall be located with each department within the City and placed on record in the City Clerk's office, together with these Policies, the same to be open to public inspection during normal office hours.

208 ACCESS TO PERSONNEL FILES

The City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance, and salary increases, and other employment records.

Personnel files are the property of the City and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so. Release of the contents of the personnel file will be done in accordance with the provisions of the Colorado Revised Statutes, 1973, section 24-72-201, *et seq.*, as amended. In the event of any conflict between these policies and the requirements of the Colorado Open Records Act, the Act shall control.

Employees who wish to review their own files shall contact Employee Services. With reasonable notice, employees may review their own personnel files in the City's offices and in the presence of an individual appointed by the City to maintain the files. Employees may and are encouraged to review their file periodically.

209 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the City of any changes in personnel data **within ten (10) business days of the change**. Personal mailing addresses, home and cellular telephone numbers, names of dependents, individuals to

be contacted in the event of an emergency, educational accomplishments, and other such status reports shall be accurate and updated as needed.

210 INTRODUCTORY PERIOD

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance to see if the new employee meets the City's expectations.

Every employee who is appointed into a full-time or part-time position must serve an introductory period. The introductory period applies, irrespective of starting pay, and will last six (6) months, excluding Communications Officers who will have an introductory period of twelve (12) months and Police Officers who will have an introductory period of eighteen (18) months. During said introductory period, specific goals and expectations with standards pertaining to the employee's performance and other job-related criteria will be presented to the introductory employee and periodic reviews will take place during the period.

All new and rehired employees work on an introductory basis for the first six (6) months (twelve [12] for Communications Officers and eighteen [18] months for Police Officers) after their date of hire, including existing City employees who transfer or are promoted to a new position (excluding horizontal transfers). Any significant absence will automatically extend an introductory period by the length of the absence. Additionally, if the City determines that the designated introductory period does not allow sufficient time to evaluate the employee's performance thoroughly, the introductory period may be extended for a period not to exceed an additional six (6) months.

During the initial introductory period, new employees are eligible for those benefits that are required by law. They may also be eligible for other City-provided benefits, subject to the terms and conditions of each benefits program. Employees shall read the information for each specific benefit program for the details on eligibility requirements.

Introductory employees shall not receive any pay adjustment or increase during the first six (6) months of the initial introductory period, excluding market adjustment, if awarded. Communications and Police Officers serving a twelve (12) and eighteen (18) month introductory period, respectively, will be eligible to receive any pay adjustment or increase after the first six (6) months of their eighteen (18) month introductory period (excluding market adjustment and tenure awards if applicable). Additionally, employees shall not be promoted above the position for which the employee was hired nor receive a transfer during the initial introductory period, unless approved by the City Manager.

Upon satisfactory completion of the initial introductory period, employees enter the appropriate employment classification.

211 COMPENSATION PHILOSOPHY

The City strives to be a cutting-edge employer of choice; a city where employees thrive, local businesses succeed, and residents and guests enjoy. Everything the City does is for the benefit of people—our employees, our business community, our residents, and our guests. We demonstrate this through our history as pioneer leaders during our mining era and in our current unique business environment. We value our employees and their contributions to our City's success.

The compensation system must be flexible enough to ensure that the City is able to recruit and retain a highly qualified workforce, while providing the structure necessary to manage the overall compensation program effectively.

212 COMPENSATION POLICY

As an employer, the City believes it is in the best interest of both the organization and our employees to fairly compensate our workforce for the value of the work provided. The City will use a compensation system that will determine the current market value of a position based on the skills, knowledge, and behaviors required of a fully competent individual, based on an annual survey of comparable cities' compensation plans in determining salary ranges and annual market adjustments as follow:

Competitive Set:

The Competitive Set is comprised of target municipalities in the Denver metro area in direct competition for employment with similar job descriptions as the City of Black Hawk.

Salary Range:

The City of Black Hawk's salary range is an important component of our effective compensation program and helps ensure that pay levels for the City's jobs are competitive externally and equitable internally. The salary range controls overall base salary cost by providing a cap on the range paid for particular jobs. The salary range was established with entry levels 10% higher than the average of like positions within the competitive set. A range of 30% is the span between the minimum and maximum base salary paid by the City of Black Hawk. The City may, from time to time, review starting salaries if it is apparent the market has changed for given positions.

Supervisors and Department Directors have the latitude to compensate new employees as much as fifteen percent (15%) above the starting salary for each position, with City Manager approval.

Annual Salary Adjustment Review:

- The annual salary adjustment review will match *existing positions* to the local market through an annual survey of data collected from the Competitive Set.
- In order for a position to be included in the annual survey, there must be enough comparable positions within the Competitive Set to establish accurate data for the position.
- The average starting salaries of the Competitive Set will be compared to the previous year's average starting salaries to establish movement from the previous year.
- All employees will receive an Annual Salary Adjustment equal to the overall average percentage increase, if an increase is reflected in the survey and if approved by City Council. In other words, all employees will receive the same Annual Salary Adjustment percentage, if approved by City Council.
- Employees at or above the maximum salary range will not receive the annual salary adjustment for as long as their salary exceeds the maximum of the range.
- The Annual Salary Adjustment will be effective January 1 of each year.

Annual Bonus Program:

The Black Hawk City Council will review and adopt the recommended bonus program as part of the annual budgetary process. Bonus programs are dependent upon the City's fiscal soundness and are no way guaranteed to be awarded each year.

Transfers, Promotions, Demotions, Introductory Period, and Introductory Bonus

- **Newly hired employees** – upon successfully completion of their introductory period, will receive a 2.5% increase in their base salary including newly hired Communication Officer II; Fire Engineer; Police Officer IV; and Utility Operator IV. Newly hired Communications Officer I; Firefighter, Senior Firefighter; Police Officer I, II, III; and Utility Operator I, II, III positions are excluded from this program.
- **Current employees** – announcements for vacancies for City positions will first be posted internally in City offices for at least five (5) working days when openings become available:
 - **Vertical Promotion with Supervision** – Employee moves to a different position which has a higher starting salary, the position is considered supervisory, brings greater responsibility and pay, together with a change in the nature of the job:
 - Shall be subject to the application process;

- Shall move to the minimum of the new pay range or 5% increase in base pay, whichever is greater (not to exceed the maximum of the new pay range);
 - Shall serve an introductory period;
 - Shall be eligible for 2.5% Introductory Bonus.
- **Horizontal Promotion** – Employee moves to next level of their current position upon fulfillment of promotion criteria i.e. Communication Officer I to Communications Officer II; Firefighter to Senior Firefighter, Police Officer I, to Police Officer II, Police Officer II to Police Officer III, Police Officer III to Police Officer IV; Utility Operator I to Utility Operator II, Utility Operator II to Utility Operator III, Utility Operator III to Utility Operator IV:
 - Shall not be subject to the application process;
 - Shall receive 5% increase in pay;
 - Shall not serve introductory period;
 - Is not eligible for 2.5% Introductory Bonus
 - **Vertical Transfer *without* Supervision** – Employee moves to a different position which has a higher or lower beginning salary, together with a change in the nature of the job:
 - Shall be subject to the application process;
 - Shall move to the minimum of the new pay range if current salary is below the new position's pay range;
 - Shall keep current salary if above the minimum of the new pay range (not to exceed the maximum of the new pay range);
 - Shall take a reduction in pay to the top of the new pay range if current salary is above the pay range for the new position;
 - Shall serve an introductory period;
 - Eligible for the 2.5% Introductory Bonus upon successful completion of the introductory period. The Introductory Bonus will be a cash payout if the employee is at the maximum salary range.
 - **Lateral Transfer** – Employee keeps the same position but moves to a different department i.e. Administrative Assistant or Executive Administrative Assistant:
 - Shall be subject to the application process;
 - Shall keep current salary not to exceed the maximum of the pay range;
 - Shall serve an introductory period;
 - Is not eligible for the 2.5% Introductory Bonus;

- **Voluntary Demotion** – Employee voluntarily requests to move to a permanent position having a lower starting salary than previously worked. The new position will generally have a lower level of responsibility or required skill:
 - Salary for the new position is subject to review on a case by case basis but shall not exceed the maximum salary range of the new position;
 - Shall serve an introductory period;
 - Is not eligible for the 2.5% Introductory Bonus
- **Involuntary Demotion** – Employee is permanently reassigned to a position with a lower starting salary than worked previously provided a suitable position is available. The new position will generally have a lower level of responsibility or required skill.
 - Shall not be subject to the application process;
 - Salary for the new position is subject to review on a case by case basis but shall not exceed the maximum salary range of the new position;
 - Shall serve introductory period;
 - Is not eligible for the 2.5% Introductory Bonus.

Longevity Adjustment

- Upon completion of 5 years of full-time service with the City of Black Hawk, employees in good standing will be eligible for a one-time 5% salary increase on their 5 year anniversary, up to the maximum of their salary range.
- Starting with an employee's 6 year anniversary and every anniversary thereafter, an employee in good standing will receive a 1% salary increase up to the maximum of their salary range.
 - Employees whose salaries exceed the established Salary Range will receive the Longevity Adjustment in a cash payout.
 - Cash payouts qualify for the employer contribution into the employee's retirement plans.

213 SALARY ADVANCEMENT / SPECIAL CIRCUMSTANCES

Department Directors, upon special circumstances, may submit recommendations for salary advancement to the City Manager who shall have final authority with respect to the approval or disapproval of all recommended salary movement.

301 EMPLOYEE BENEFITS

Eligible employees at the City are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon employee classification. Details of these benefit programs can be found elsewhere in the Employee Handbook.

Accruals of vacation, sick, and holiday leave will not occur if the employee is absent from work in a non-paid status.

The Finance Department shall maintain records of annual leave and its use. Each Department Director shall develop and maintain a leave schedule for their employees.

302 VACATION BENEFITS

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classifications are eligible to earn and use vacation time as described in this guideline:

- Full-time employees
- Introductory full-time employees

Paid vacation time accrues from the date of hire. The amount of paid vacation time employees receives increases with the length of their employment as shown in the following schedule.

VACATION ACCRUAL SCHEDULE

YEARS OF ELIGIBLE SERVICE	VACATION HOURS PER YEAR
• Upon initial eligibility	96 HOURS
• After completion of 5 years of service	120 HOURS
• After completion of 10 years of service	160 HOURS

Vacation time will accrue each pay period based on the Vacation Accrual Earning Schedule and employee eligibility.

The length of eligible service is calculated on the basis of a "benefit year". This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. They can request use of vacation time after it is earned.

Paid vacation time may be used in minimum increments of one-half (½) hour. To take vacation, employees must complete an authorized leave request and submit it to their supervisor for approval. It is suggested that employees give, at a minimum, two (2) weeks of notice for a vacation leave. Requests will be reviewed based on a number of factors, including City needs and staffing requirements.

In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. Unused vacation leave benefits will be allowed to accumulate until the employee has accrued a total of 40 days' worth (320 hours) of vacation leave benefits. However, when an employee's vacation leave benefit accrues beyond 30 days (240 hours) as of seven days prior to the first pay date in December of each year, and only in the event that the employee has completed five (5) years of service as a full-time employee, all days and portions of days above 30 days may be cashed out or converted to sick leave at the employee's then current wage rate in an amount equal to one (1) hour for every two (2) vacation leave hours accrued over the 30 day minimum. If the total amount of unused vacation time reaches a "cap" equal to three hundred twenty (320) hours (40 days), further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.

Vacation time is only paid for time off and is paid at the employee's base wage rate at the time of vacation. Active employees may not cash out vacation time in lieu of time off. Vacation time will not be advanced before it is earned.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work. Employees who transfer from full-time employment to part-time employment will also be paid for unused vacation time.

303 FLEXTIME / JOB SHARING

FLEXTIME SCHEDULING:

Flexible schedules are variable work hours requiring employees to work a standard number of core hours within a specified period of time, allowing employees greater flexibility in their starting and ending times or days of the week. Some considerations include the impact to City operations, eligibility criteria, length of time for alternative schedule i.e., seasonal or permanent, as determined by the Department Director.

Flextime arrangements may be suspended or cancelled at any time.

JOB-SHARING:

Subject to Department Director and City Manager approval, multiple part-time employees may split what would ordinarily be a single full-time position.

304 HOLIDAYS

Holiday pay will be calculated based on the employee's straight-time wage (as of the date holiday time is taken) times the number of hours used. Eligible employee classifications:

- Full-time employees
- Introductory full-time employees

Holiday Bank: Holiday leave is provided to enable employees to enjoy periodic respite from their regular duties. Eligible employees shall be afforded the opportunity to take holiday leave.

Amount, Accrual, and Usage: Eligible employees are provided a Holiday Bank of eighty-eight (88) hours per year at the beginning of each calendar year. If an eligible employee is hired during the year, they will receive the number of holiday bank hours left during the remainder of that year. Holiday Banks must be used within the year earned and cannot be carried over from one year to the next. Paid holiday leave may be used in minimum increments of one-half (1/2) hour.

Effect of Holidays and Vacations: When a legal holiday falls during an employee's scheduled vacation, such holiday shall first be charged to the holiday bank and if no hours remain in the quarterly holiday bank then charged to the employee's annual vacation leave.

The City will grant holiday time off to eligible employees for the following holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24)
- Christmas (December 25)
- New Year's Eve (December 31)

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If an eligible, non-exempt employee is required to work on an actual holiday, they will receive "Holiday Pay," which is defined as one-and-one-half (1½) their regular rate for the actual hours worked, up to the amount of hours recognized for that holiday (eight [8] hours for a full day). All hours worked on a holiday in excess of the recognized hours will be paid at the employee's straight-time rate.

Eligible non-exempt employees may elect to work on a designated holiday and retain their holiday hours to use another day, with prior permission from their supervisor. However, in such case the employee is not eligible for "Holiday Pay" and will be paid at their straight-time rate.

Essential personnel, including uniformed fire department personnel, police officers, dispatchers, and Public Works personnel who are necessary for the operation of the City will receive "Holiday Pay" for the actual holiday hours if their shifts start on the holiday and they work the number of hours recognized for that holiday.

ALL holiday leave must be used by the end of the calendar year. In unusual circumstances, any essential personnel may request to carry forward up to twenty-four (24) hours of holiday leave, to be used in the first quarter of the following year. The City Manager upon recommendation of the Department Director may approve the request.

Upon termination of employment, the remaining scheduled holiday hours for the year will be deducted from the employee's Holiday bank. If the deduction results in a negative Holiday bank balance, such hours will be deducted from the employee's final leave paycheck at straight-time rate.

Floating Holiday: Eligible employees may designate thirty-two (32) hours during a calendar year as a floating holiday, to be used as a paid time off. Floating Holiday time is prorated for new hires based on the calendar quarter hired. Floating Holiday time may be used in minimum one-half (1/2) hour increments following receipt of supervisory approval. It is suggested that employees give, at a minimum, two (2) weeks of notice for a floating holiday leave request. Requests will be reviewed based on a number of factors, including City needs and staffing requirements.

Payout of unused Floating Holiday hours at the time of termination of employment will be administered as follows:

- **Introductory Employees**

Introductory employees are ineligible to receive payout of unused Floating Holiday hours.

- **Full-Time Employees**

Full-time employees who have unused Floating Holiday hours at time of termination of employment will be paid for unused Floating Holiday hours as noted below.

Paid in the employee's final leave paycheck at straight-time in increments of eight (8) Floating Holiday hours per quarter worked during the calendar year:

- Terminations occurring during January – March are eligible for payout of eight (8) hours Floating Holiday, less any Floating Holiday hours used for the year.
- Terminations occurring during April – June are eligible for payout of sixteen (16) hours Floating Holiday, less any Floating Holiday hours used for the year.
- Terminations occurring during July – September are eligible for payout of twenty-four (24) hours Floating Holiday, less any Floating Holiday hours used for the year.
- Terminations occurring during October – December are eligible for payout of thirty-two (32) hours Floating Holiday, less any Floating Holiday hours used for the year.

305 WORK-RELATED INJURY LEAVE

Section 1 – State Law

Employees are covered under the Colorado Workers' Compensation Act against injuries and illnesses occurring in the course of City employment through insurance purchased by the City. The law provides for payment of all medical expenses and, under certain circumstances, compensation for loss of income.

Section 2 – Compensation for Loss of Income Pursuant to Workers Compensation Benefits

Any employee who misses more than three (3) shifts or three (3) days of work due to on-the-job injuries or job-related illnesses may be eligible for disability benefits under workers' compensation. Payment for the first three (3) days of missed work is only made if the employee is off work more than two (2) weeks. The wage replacement is called temporary total disability and is calculated under Colorado law at sixty-six and two-thirds (66 2/3) percentage of the employee's average weekly wage, subject to a maximum established annually by the State of Colorado.

Employees who receive temporary total disability payments under workers' compensation coverage may opt to receive one hundred percent (100%) of wages during the absence by allocating earned sick leave and/or vacation time to supplement the difference between the workers' compensation disability paid and one hundred percent (100%) of the employee's base wage rate. However, this option may never be used in lieu of benefits provided under workers' compensation.

306 SICK LEAVE BENEFITS

The City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses, injuries, or other medical reasons. Eligible employee classifications:

- Full-time employees
- Introductory full-time employees

Eligible employees will accrue sick leave benefits at the rate of ninety-six (96) hours per year. Sick leave benefits begin accruing from the date of hire. Sick leave benefits are calculated on the basis of each pay period and will accrue at a rate of 3.69 hours per pay period.

Paid sick leave may be used in minimum increments of one-half ($\frac{1}{2}$) hour. Eligible employees may use sick leave benefits for absences due to their own illness or injury or that of an immediate family member.

Employees who are unable to report to work due to illness or injury shall notify their direct supervisor at least one hour before the scheduled start of their workday if possible, and, in any event, as early as possible. The direct supervisor must also be contacted on each additional day of absence.

If an employee is absent for three (3) or more consecutive work days due to illness or injury, a physician's statement shall be required, verifying the absence and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Before returning to work from a sick leave absence of three (3) consecutive work days or more, employees shall be required to provide a physician's verification that they may safely return to work, which shall include any work restrictions.

Sick leave benefits will be calculated at the employee's base wage rate at the time of absence.

As an additional condition of eligibility for sick leave benefits, employees must apply for any other available compensation and benefits, such as short-term/long-term disability and workers' compensation. Accrued leave benefits must be used to supplement any

payments that an employee is eligible to receive from City-provided short term/long term disability insurance programs to bring the employee up to their base earnings (sick leave first, then vacation leave). Accrued leave benefits may be used to supplement any payments that an employee is eligible to receive from Workers' Compensation. The combination of any such disability payments and accrued leave benefits cannot exceed the employee's normal weekly earnings. Employees may also utilize the Sick Leave Donation Program (Section 321) if approved.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 60 days' worth (480 hours) of sick leave benefits. However, if an employee's sick leave benefit accrues beyond 30 days (240 hours) as of seven days prior to the first pay date in December of each year, and only in the event that the employee has completed five (5) years of service as a full-time employee, all days and portions of days above 30 days may be cashed out or converted to vacation leave at the employee's then current wage rate in an amount equal to one (1) hour for every two (2) sick leave hours accrued over the 240 hour limit.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other absence, except as provided for in this Handbook. Sick leave benefits **must** be used before other accrued leave for every instance of absences due to their own illness or injury or that of a family member. Employees may use other accrued leave for their own illness or injury or that of a family member only after sick leave accruals have been exhausted.

Sick time will not be advanced before it is earned. Unused sick leave benefits will not be paid upon termination of employment.

307 TIME OFF TO VOTE

The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, the City will grant up to two (2) hours of paid time off to vote.

Employees shall request time off to vote from their supervisor at least two (2) working days prior to Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal schedule.

308 BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an immediate family member, they shall notify their supervisor immediately.

Upon Department Director approval, eligible employees may receive up to three (3) days or twenty-four (24) hours of paid bereavement leave per bereavement to employees in the following classifications:

- Full-time employees
- Introductory full-time employees

Bereavement pay is calculated based on the base wage rate at the time of absence. Approval of bereavement leave will occur in the absence of unusual operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

309 JURY DUTY

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to one (1) week of paid jury duty leave over any one (1) year period.

Jury duty pay will be calculated on the employee's base wage rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

- All employees

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

Any remuneration received by the employee from the court for jury duty while the employee was on paid jury duty leave must be remitted to the City. The City will continue to provide all benefits for the full term of the jury duty absence.

310 WITNESS DUTY

The City expects employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed as witnesses in a case directly related to their

employment with the City of Black Hawk, they will receive paid time off for the entire period of witness duty.

Employees will be granted time off to appear in court proceedings or if required to appear by deposition as a witness when requested by a party other than the City. Employees shall use any available paid leave benefit, excluding sick leave, to receive compensation for the period of this absence.

The subpoena shall be shown to the employee's supervisor immediately after it is received so that City's operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

311 BENEFITS CONTINUATION (COBRA)

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

The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

312 MEDICAL INSURANCE

The City covers a portion of the medical insurance premiums of all eligible employees and their dependents. The amount of medical insurance premiums paid by the City will be established annually by the City Council. If an employee agrees annually to participate in the City's group medical insurance policy ("group plan"), the employee shall pay any portion of the premium not covered by the City. This allocation may be changed only with the approval of the City Council and may be changed at budget time. Coverage begins the first day of the month after the date of hire.

313 DENTAL INSURANCE

The City provides all eligible employees and their dependents dental insurance coverage. All dental insurance premiums will be paid in full by the City. This guideline

may be changed only with the approval of the City Council and may be changed at budget time. Coverage begins the first day of the month after the date of hire.

314 VISION INSURANCE

The City provides vision insurance to all eligible employees and their dependents. The City pays the full vision insurance premium for employees and dependents. This guideline may be changed only with the approval of the City Council and may be changed at budget time. Coverage begins the first day of the month after the date of hire.

315 LICENSURE ASSISTANCE

The City will pay for all licenses and certifications except for regular driver's licenses required of employees to properly conduct their job duties as defined in their job descriptions. Employees shall contact their supervisor for payment or reimbursement.

316 MEMBERSHIP DUES

The City encourages employees to belong to professional organizations relating to their job duties. Employees shall contact their supervisor to obtain advance approval for payment of annual membership dues as budgeted.

317 EMPLOYEE DEVELOPMENT

At the City's discretion, the City may provide employees with additional necessary education, training, training equipment, and testing in order to educate and train employees in their position. Because such education and training represents a great benefit to the employee and a great expense to the City, certain employees may be required to enter into a training reimbursement agreement. A training reimbursement agreement requires certain employees to reimburse the City for all pre-defined, calculated costs incurred by the City in providing education, training, training equipment, and testing if the employee elects to leave employment with the City on their own accord prior to the specified period of time.

318 LIFE INSURANCE

The City covers the premium for every eligible employee's term life insurance policy equal to two (2) times the employee's annual base wage rate up to a maximum of three hundred thousand dollars (\$300,000.00). Employees shall refer to the information provided by the City for more information on this benefit. This guideline may be changed

only with the approval of the City Council and may be changed at budget time. Coverage begins the first day of the month after the date of hire.

319 SHORT-TERM DISABILITY

The City provides Short-Term Disability coverage at no cost to eligible City employees. Eligible employees shall refer to the information provided by the City for more information on this benefit. The City Council may increase or decrease this benefit at any time. The City will continue to pay disability insurance premiums for employees on Short-Term Disability. Employees may also utilize the Sick Leave Donation Program (Section 321) if approved. This guideline may be changed only with the approval of the City Council and may be changed at budget time. Coverage begins the first day of the month after the date of hire.

320 LONG-TERM DISABILITY

The City provides Long-Term Disability coverage at no cost to full-time City employees. Eligible employees shall refer to the information provided by the City for more information on this benefit. The City Council may increase or decrease this benefit at any time. The City will not pay Disability Insurance for employees on Long-Term Disability. Employees may also utilize the Sick Leave Donation Program (Section 321) if approved. This guideline may be changed only with the approval of the City Council and may be changed at budget time. Coverage begins the first day of the month after the date of hire.

321 SICK LEAVE DONATION GUIDELINE

Legislative Intent

The City has sick leave, short-term disability, long-term disability, and injury leave programs which provide income protection for employees who suffer job-related or non-job related injuries or illnesses that result in time off from work.

However, when an employee encounters unexpected hardships and the programs detailed above are not sufficient, the City has a donation program which provides other City employees with the opportunity to donate their own sick leave OR vacation time voluntarily.

Policy

- 1) Donation program requests will be recommended to the City Manager by Employee Services in conjunction with the Department Director. Recommendations will be reviewed and various factors considered which may

include but are not limited to personal circumstances, expected length of time needed, length of service, sick leave history, performance, department needs, etc.

- 2) Maximum amounts of total donation time accepted for the recipient will be determined by Employee Services on a case-by-case basis.
- 3) Recipients must have used all sick time balances, unused available holiday hours, and floating holiday hours and have a balance of no more than forty (40) hours vacation time before donated hours are granted. Recipients shall continue to use sick leave and vacation leave over forty (40) hours as it accrues while receiving donated hours.
- 4) Employee Services shall determine if disability coverage has been used in lieu of donated hours.
- 5) Employees may donate one (1) to twenty (20) hours total per recipient from any one or any combination of the following sources:
 - a. Sick Time
 - b. Vacation Time
 - c. Time will be donated on a one-hour for one-hour basis and will be credited to the recipient's sick time balance. Donating employees must retain a minimum balance of one hundred twenty (120) hours sick leave after the donation. There are no minimum balance requirements for vacation time.
- 6) All donations will be kept strictly confidential.

General Procedure

- 1) Donation program requests may be initiated directly by the eligible employee, other employees, or the Department Director.
- 2) Donation programs will be recommended by the Department Director submitting a memorandum to Employee Services explaining the justification for the recommendation.
- 3) Donation programs will be authorized if approved by the City Manager in conjunction with Employee Services and the Department Director.
- 4) Employee Services will issue a notice informing employees of the donation program and stating maximum donated hours accepted and deadline dates.
- 5) Employees who meet the requirements outlined in this guideline and who wish to donate hours must complete a Donation Form prior to the deadline date.
- 6) Actual donated hours will be transferred on a pay period by pay period basis. Employees whose donations were received first in Employee Services will be used first.

- 7) If the employee requires additional time after all hours originally donated have been used, consideration will be given to hours in excess of the maximum requested, or to another donation program following the same guidelines.
- 8) Donations may be approved posthumously for active employees at the time of their death.

322 PENSION PLANS

The City requires all employees except certain Fire personnel to pay into Social Security in accordance with Federal regulations. The current contribution into Social Security is 6.20% from the employee's pay and 6.20% by the City. Additionally, all employees are required to pay Medicare tax of 1.45% with a 1.45% match from the City.

The City has established a 401(a) money purchase plan. The plan requires all full-time employees, except Fire personnel participating in F.P.P.A., to contribute six percent (6%) of their base wage rate as a condition of employment. Employee contribution elections are irrevocable for the life of the plan. The City shall contribute six percent (6%) of employees' base wage rate which is also irrevocable.

The state requires certain full-time Fire personnel to contribute a percentage of their base wage rate to F.P.P.A. based on the member contribution rate implementation schedule as established by F.P.P.A. and the City to contribute a percentage of the eligible employees' base wage rate to F.P.P.A. based on the employer contribution rate as established by F.P.P.A. All administrative fire department employees are ineligible for this benefit.

Employee contributions to Social Security, Medicare, F.P.P.A., and the 401(a) plan will be deducted from each employee's bi-weekly check. City contributions will be made on a bi-weekly basis from the date of hire.

323 DEFERRED COMPENSATION / VARIABLE MATCH PROGRAM

Deferred Compensation

The City provides all full-time employees the opportunity to defer current income through tax-deferred contributions into a 457 Plan. Eligible employees interested in deferring current income should contact Employee Services. Eligible employees may elect to participate in the 457 Plan at any time.

Variable Match Program

Employees participating in the 401(a) Defined Contribution Plan are eligible to receive additional contributions from the City through the **Variable Employer Match Program**. This program is designed to encourage employees to save more for their retirement and incentivizes through an employee/employer variable match. The City shall contribute two percent (2%) of eligible employees' base wage rate into the employees' 457 Deferred Compensation accounts (457) for eligible employees who contribute a minimum combined six percent (6%) of their base wage rate between their 401(a) and 457 accounts. The more an employee contributes to their 457 account, the more the City will contribute to their 457 Deferred Compensation account up to a combined maximum of twelve percent (12%) City contribution between the employees' 401(a) and 457 accounts. Details on this plan are available in Employee Services. Certain conditions apply depending on employee's hire date.

324 EMPLOYEE ASSISTANCE PROGRAM

Recognizing employees or a member of their family may have challenges which adversely affect the employee's job performance; the City has contracted with a private firm to make available to all full-time employees a confidential counseling and referral service. While the City recognizes resolution of difficulties is in the best interest of both the employee and the City, such problems remain the employee's responsibility. Therefore, it is incumbent upon the employee to take advantage of the assistance offered and ensure personal problems do not have a detrimental effect on job performance.

401 TIMEKEEPING

Accurately recording time worked and leave time is the responsibility of every employee. Time worked is all the time actually spent on the job performing assigned duties. Leave time is time used from the employees accrued leave bank.

All non-exempt employees shall accurately record the number of hours worked on the day their shift began, as well as record any leave time (holiday, float, vacation, or sick) needed to reach the minimum required hours (40, 80, 182) for a pay period. Overtime work must always be approved by the immediate supervisor before it is performed.

Exempt employees shall accurately record any exception to their regular schedule, i.e. holiday, floating holiday, vacation, or sick leave if four (4) or more hours of leave are used.

Altering, falsifying, or tampering with time records, or recording time on another employee's time record may result in termination of employment. Authorized Supervisors may make changes to employee timecards in the absence of the employee.

It is the employee's responsibility to certify the accuracy of all time recorded. The supervisor will approve and submit for payroll processing. Additionally, if corrections or modifications are made to an employee's time record, both employee and supervisor must verify the accuracy of the changes.

402 PAYDAYS / PAY PERIODS

Employees are paid every other Friday (one week following the conclusion of the bi-weekly pay period. Each pay period will cover two weeks, beginning at 0001 hours on a Saturday and ending at 2400 hours on a Friday, with the exception of Fire personnel who operate on a 24-day cycle. Each paycheck will include earnings for all work performed and accrued leave recorded through the end of the previous bi-weekly payroll period, with the exception of Fire personnel.

In the event that a regularly scheduled payday falls on a bank holiday, employees will receive pay on the day immediately preceding the bank holiday.

403 EMPLOYMENT TERMINATION

Separation of employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION: Employment separation initiated by an employee who chooses to leave the organization voluntarily.

TERMINATION: Employment separation initiated by the organization.

LAYOFF/REDUCTION IN FORCE: Involuntary employment separation initiated by the organization due to reduction in force or services.

404 FINAL PAY

Employees will receive their final pay in accordance with applicable state law.

FINAL PAYCHECK: The final paycheck through the last day of employment will be issued on the regularly scheduled pay date per the official payroll calendar. It will include all deductions currently on file.

ACCRUED LEAVE PAYOUT: Upon termination of employment, employees will be paid for unused vacation/float/holiday accruals which have been earned through the last day of employment. The leave is paid out at the employee's base wage rate and does not include any additional earnings, employer's contributions, scheduled deductions, or an employer's match to either the 401(a), 457, or the FPPA pension plan and is subject to taxation. A hard check will be sent to the mailing address on file the pay period following the final paycheck and separation of service.

Employee benefits will be affected by employment separation in the following manner. All accrued, vested benefits that are due and payable at termination of employment will be paid as stated above. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. See Section 311, Benefits Continuation (COBRA).

405 ADMINISTRATIVE PAY CORRECTIONS

The City takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the event there is an error in the amount of pay, the employee shall promptly bring the discrepancy to the attention of the Finance Department so that corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected in the next regular paycheck.

Overpayments will also be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the City will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

EXHIBIT A

501 SAFETY

To provide a safe and healthful work environment for employees, customers, and visitors, the City has established a workplace safety program including Loss Control Standards. This program is a top priority for the City. Department Directors, in coordination with the City Manager, have responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The City provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memorandum, email, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, the City of Black Hawk Safety Committee, or with another supervisor, or bring them to the attention of their Department Director. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. **Employees must immediately report any unsafe condition to the appropriate supervisor.** Violations of safety standards causing hazardous or dangerous situations, or failing to report, or where appropriate, failing to remedy such situations is strictly prohibited.

In the case of on the job accidents that result in injury, regardless of how insignificant the injury may appear, employees shall immediately notify their Department Director or the Authorized Supervisor. Authorized Supervisor shall notify Department Director immediately upon notification of injury. Such reports are necessary to comply with state and federal laws and initiate workers' compensation benefits procedures.

502 WORK RELATED INJURIES / ILLNESSES

Section 1 – Reporting Work-Related Injuries/Illnesses

Employees shall immediately report every work-related injury or illness, regardless of severity, to the Authorized Supervisor. The supervisor shall immediately or by the beginning of the next business day report the incident to their Department Director and Employee Services by submitting the completed Workers' Compensation First Report of

EXHIBIT A

Injury. Other required reports pursuant to the City's Loss Control Standards may be submitted within two (2) business days following the incident. Based on the information provided, Employee Services shall submit a Workers' Compensation First Report of Injury form to the City's workers' compensation administrator by the next business day of the occurrence. In the event an employee is able to inform the Authorized Supervisor and does not do so or fails to do so in a timely manner, that employee may be denied coverage and the City may take other appropriate action as it determines necessary.

Any fraudulent claim for Workers' Compensation benefits or any claim filed against the City for an injury or illness incurred while working for another employer, while engaged in self-employment, or a personal business activity shall be grounds for immediate dismissal.

Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

Section 2 – Medical Treatment for Work-Related Injuries/Illnesses

The injured employee shall report to the City's designated medical provider of their choice for medical treatment, except in the case of a minor injury that can be treated with a first aid kit. In the event of a life or limb-threatening emergency, the employee will be sent to the most appropriate emergency medical facility. The City's designated medical provider must provide follow-up care following treatment at an emergency medical facility. If an unauthorized medical provider treats an employee, the employee will be responsible for payment of said treatment. Such action may also affect other benefits of Workers' Compensation and their personal leave time.

The designated medical provider shall authorize any referrals for additional or specialized treatment. An adjuster from the City's workers' compensation administrator must approve any additional physicians or health care providers.

Immediately following each medical appointment, the employee shall report their status to their Department Director or their designee and Employee Services to furnish medical documentation and discuss the case.

Section 3 – Returning from Work-Related Injuries/Illnesses

An injured employee may not return to work without a written release from the City's designated medical provider stating that the employee may resume duties and responsibilities of their position without restrictions. A copy of the written release must be forwarded to the Department Director or their designee and Employee Services.

Employees who believe they are unable to satisfactorily perform their work after being released for duty by the designated medical provider shall immediately contact their

EXHIBIT A

Department Director or their designee and Employee Services. Employee Services may refer an employee for a second medical evaluation.

503 MODIFIED DUTY / EARLY RETURN TO WORK PROGRAM

The City has established an Early Return to Work Program that will enable an employee, based upon medical opinion, to continue using their valuable knowledge, skills, and abilities while they are temporarily limited by an injury or illness, provided the assignment is beneficial to the City. The City will make an effort to provide temporary work assignments for an employee who is recovering from a medically documented mental or physical injury, illness, or medical condition that is sustained on or off the job if the illness, injury, or medical condition precludes the employee from satisfactorily performing the essential functions of their position.

Section 1 – Program Criteria

Employees will be approved for the Early Return to Work Program if the following criteria are satisfied:

- 1) A licensed physician has determined that the employee may be released to an early return to work assignment.
- 2) A suitable temporary position, to the extent such a position exists within the City, is identified by the City as consistent with the medical restrictions placed upon the employee by a licensed physician.
- 3) Work assignments will be consistent with the employee's physical or mental capabilities during their recuperation period, prior to returning to full duty status.
- 4) The City may require additional medical evaluation(s) by a licensed physician designated by the City with the expense of such evaluation(s) to be paid by the City.
- 5) The City makes a written offer of the modified employment to the employee and gives the employee a starting date and time for the modified employment.
- 6) Temporary assignments are granted as a privilege, not a right or entitlement. Modified duty assignments are intended for employees with a temporary illness, injury, or medical condition and will be provided only if there is a reasonable expectation that the employee will resume their regular duties at the end of the temporary assignment. This section is not intended as a reasonable accommodation under the Americans with Disabilities Act (ADA).
- 7) An employee on a temporary assignment has no rights to a temporary position or task no matter how long they are on the temporary assignment.
- 8) Employees suffering from a job-related injury or illness shall have priority in receiving modified duty assignments. Employees with a non-job related injury, illness, or medical condition in modified duty assignments may be replaced by an

EXHIBIT A

employee suffering from a job-related injury, illness, or medical condition at the discretion of the Department Director or designee and Employee Services.

Section 2 – Responsibilities of the Employee

- 1) The employee shall provide a licensed physician's statement and recommendation for modified duty. The physician's statement shall include the nature of the disability, the probable length of the disability, the prognosis for recovery, and the nature of the duty restrictions.
- 2) If a temporary assignment is not available and the employee is currently on leave, they shall contact their Department Director or their designee regularly to determine if a temporary assignment has become available.
- 3) An employee who believes they are no longer able to satisfactorily perform a modified duty assignment after they have been released by their physician to work a modified duty assignment, shall immediately notify their supervisor, modified duty supervisor (if assigned to another department), and Employee Services and return to the treating physician for a medical evaluation.
- 4) Immediately following each medical appointment, the employee shall report to their Department Director or their designee and Employee Services to furnish medical documentation and discuss the case. The employee may be required to submit to a periodic physical evaluation as a condition of continued modified duty status.
- 5) While on an Early Return to Work assignment, the employee is expected to adhere to all existing personnel policies, follow the direction of their supervisor and modified duty supervisor (if assigned) and maintain acceptable performance standards as a condition of continued employment.
- 6) Any problems with an Early Return to Work assignment shall be immediately reported by the employee to the supervisor, modified duty supervisor (if assigned to another department), and Employee Services.

Section 3 – Responsibilities of the Department

The Department Director or their designee is responsible for assisting Employee Services to find an appropriate modified duty assignment and the placement of the employee that has sustained an injury or illness. The temporary assignment shall benefit the City and be tailored to the employee's skills and abilities. This placement may be either at their usual place of employment or another area within the City. Cooperation and participation in the program is mandatory to the extent of identifying and placing employees in early return-to-work duty assignments whenever possible.

The Department Director or their designee in conjunction with Employee Services shall complete a review of the employee's modified duty status after receipt of each physician's report to determine whether the assignment is appropriate and whether it shall be continued.

EXHIBIT A

Section 4 – Program Duration

An employee on Total Temporary Disability through a Workers' Compensation claim is not required to accept an offer of modified employment. However, any temporary disability payments being paid under Injury Leave and/or under C.R.S. Section 8-42-106 shall cease if the employee declines such an offer, and the employee will continue on accrued leave according to the workers' compensation laws, if applicable, or be in a non-paid status.

The Early Return to Work Program to which an employee is assigned will be monitored weekly and if advantageous for the worker and the City, the program will continue for not more than 480 hours of work per temporary injury, illness, or medical condition. Additionally, the assignment may be terminated earlier if the City determines that it no longer has a need for the performance of the modified employment or if the employee reaches maximum medical improvement or is released to regular employment, whichever comes first.

Section 5 – Return to Regular Assignment

A medical examination and clearance for return to regular assignment is required before an employee assigned to modified duty can return to their original position.

504 WORK SCHEDULES

The normal work schedule for all Exempt employees is a 40 hour week. All non-exempt employees' work schedules will be a regular schedule as identified by the Authorized Supervisor. Alternate shifts in accordance with section 7(k) of the Fair Labor Standards Act may also be applicable depending on positions worked, i.e., Sworn Police Officer and certain Fire personnel. Some employees as part of their regular duties may be required to be placed in an "On-Call" status. Subject to the provisions of Section 509 of these guidelines, department procedures will be promulgated to govern "On-Call" status.

Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flextime scheduling is available in some cases to allow employees to vary their starting and ending times each day within established limits. Employees shall consult their Authorized Supervisors for details. Flextime arrangements may be suspended or cancelled at any time.

EXHIBIT A

505 EMPLOYEE TRANSPORTATION & EQUIPMENT

Motor Vehicle Records Review. Each prospective employee must have a valid Colorado driver's license of the appropriate type. Employee Services will order and review a current Motor Vehicle Review at the appropriate stage of the hiring process and once annually during the employee's tenure with the City.

Use of City-Owned Vehicles. City-owned vehicles are to be used for official business only and shall carry no passenger other than on or in connection with official business. An employee authorized to drive a City vehicle must have a current and valid Colorado operator's license with appropriate vehicle class designation and meet the driving records standards as established by the City, see Motor Vehicle Records Review Policy. Employees operating City vehicles are required to observe all traffic laws and the dictates of common sense and good judgment. Employees shall notify their Supervisor immediately upon receipt of a traffic violation or conviction. Violation of the driving records standards, as listed in the Motor Vehicle Records Review policy, will not be tolerated.

Accidents in City-Owned Vehicles and/or Equipment. If, while operating a City-owned vehicle, or using City equipment, an employee is involved in an accident resulting in any injury or damage to any property, the employee shall:

- 1) Make every effort to protect the scene until the local law enforcement agency arrives and releases the vehicle or equipment. Wherever possible, vehicles shall not be moved until released by proper authorities.
- 2) If the accident occurs within the Black Hawk City limits, notify the Police Department immediately; otherwise notify the appropriate law enforcement agency.
- 3) Regardless of the degree of fault or damage in a collision, a property damage report must be prepared by the City driver and turned in to the Department Director and Employee Services.
- 4) The City employee shall not discuss the accident with anyone outside the City, other than the investigating police agency. All inquiries received by the employee for information shall be directed to Employee Services.
- 5) Report the accident and/or loss to their Department Director and Employee Services immediately if possible, but not later than the next business day.

Use of Private Vehicles. Employees required to use their personal cars in the performance of their duties shall be reimbursed by the City for the mileage driven at the most current IRS rate. If, while using a privately owned vehicle on City business, the employee is involved in an accident, the responsibility for taking care of any damage or injury to others is with the employee. The Department Director will be notified within twenty-four (24) hours or the next business day for accidents occurring weekends or holidays, that the accident has occurred. The employee is responsible for notifying their insurance agent and supervising the settlement of the claim through their agent.

EXHIBIT A

Overnight Use of City Vehicles. The City Manager will determine which City employees will be authorized to keep City vehicles in their possession overnight. Periodic reviews and criteria for justification will be established in administrative regulation as promulgated by the City Manager through the Department Directors.

506 MAIL SYSTEMS

The use of City-paid postage for personal correspondence is not permitted.

507 SMOKING / TOBACCO PRODUCTS

In keeping with the City's intent to provide a safe and healthful work environment, use of tobacco products and electronic smoking devices in City buildings and vehicles is prohibited.

This guideline applies to all employees.

508 OVERTIME

When operating requirements or other needs cannot be met during normal working hours, non-exempt employees will be encouraged to volunteer for overtime work assignments. In certain circumstances, non-exempt employees may be required by their supervisor to work overtime hours. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state laws at the following rate(s):

- 1) One and one-half ($1\frac{1}{2}$) times straight-time rate for all hours worked over a 40-hour in a 7-day authorized workweek for non-exempt employees.
- 2) One and one-half ($1\frac{1}{2}$) times straight-time rate for all hours worked over 80 in a 14-day pay period for sworn police officers.
- 3) One and one-half ($1\frac{1}{2}$) times straight-time rate for all hours worked over 182 in a 24-day work period for firefighters.

When a non-exempt employee accumulates hours in excess of the standard pay-period (40, 80, or 182 hours) with a combination of worked time and leave time, they will be paid straight time for all hours during the pay period. If the employee actually physically works hours in excess of the standard pay period, those excess hours worked will be paid at one and one-half ($1\frac{1}{2}$) times straight time.

EXHIBIT A

509 ON-CALL TIME

Many City of Black Hawk positions are not staffed 24 hours a day. All Departments make every effort to schedule all work, including overtime, during normal working hours. However, there are times when emergencies occur or circumstances arise that require work outside of normal work hours. As such, certain staff members are required to be 'On-Call' so that required services can be made available in these circumstances.

Each Department creates an On-Call schedule for the upcoming month. These schedules are distributed to Police dispatch as well as numerous City departments. Changes to the On-Call schedule should be avoided when possible and any changes must be distributed in a timely manner.

When On-Call; staff must be available at all times by phone. Staff shall make arrangements so that phone service is reliable wherever they are during their On-Call shift. Staff shall be able to respond to their duty station in less than one hour from the time they receive the dispatch phone call. While On-Call, staff is free to engage in personal activities and pursuits, however, no alcohol or other controlled substance shall be consumed.

If staff is dispatched during the On-Call shift, hourly pay will start at the time of dispatch and will end when they return home. Dispatch will include being called for technical assistance and will not necessarily require mobilization.

For each On-Call shift, City employee will be compensated with a daily lump sum stipend, to be determined annually.

510 EMERGENCY CLOSING

At times, emergencies such as severe weather, fires, or power failures, can disrupt City operations. In extreme cases, these circumstances may require the closing of a work facility as determined by the Mayor, City Manager, or their designee. Employees shall use their accrued vacation/float/holiday time if City facilities are closed due to an emergency.

When weather conditions are severe and operations are officially open, all scheduled employees will be expected to make reasonable efforts to get to work. Employees unable to arrive for work on any such day shall use their accrued vacation/float/holiday time. All employees who are unable to report to work shall call their department supervisor and report their absence one (1) hour prior to the start of their work day or it may be considered an unexcused absence.

EXHIBIT A

511 BUSINESS TRAVEL EXPENSES

The City will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All City-related travel must be approved in advance by the Department Director. Please see the Employee Business Travel Policy for detailed procedures.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved in advance. Additional expenses arising from such non-business travel are the responsibility of the employee.

Mileage reimbursement for use of personal vehicles in the conduct of City business will be based on the most current IRS rates. Department Directors must approve all requests for mileage reimbursements. Please see the Employee Business Travel Policy for detailed procedures.

Meal reimbursements will be provided for meals when an employee is on City business and away from the normal workplace according to the Employee Business Travel Policy. Expenses may not include meals for guests unless approved by the Department Director. In no case may meal expenses be provided for family members. Liquor expenses, whether or not associated with a meal, will not be reimbursed. Please see the Employee Business Travel Policy for detailed procedures.

Any employee who is involved in an accident while traveling on business must promptly report the incident to their Department Director and Employee Services.

Abuse of this Business Travel Expenses guideline, including falsifying expense reports to reflect costs not incurred by the employee, shall not be tolerated by the City, and may subject the employee to civil and criminal penalties.

EXHIBIT A

601 FAMILY & MEDICAL LEAVE

The Family and Medical Leave Act, as amended by the National Defense Authorization Act (collectively, "FMLA"), provides eligible employees with job-protected leave for between twelve (12) and twenty-six (26) weeks during a twelve (12)-month period. Full-time and part-time employees who have worked for the City for at least twelve (12) months and at least twelve hundred fifty (1,250) hours during the prior twelve (12) months ("Eligible employees") are eligible for FMLA Family and Medical Leave as set forth below:

- 1) Eligible employees may take up to twelve (12) weeks of leave within a twelve (12) month period (the twelve (12) month period is measured forward from the date the employee's first FMLA leave begins) for the following reasons:

Medical Leave:

- Employee's serious health condition or pregnancy-related disability.

Family Leave:

- Birth of a child or parent's care of child following birth;
 - Placement of a child with employee for adoption or foster care; or
 - Serious health condition of employee's child, spouse, or parent.
- 2) Eligible employees who are family members of covered military service members may take up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.
 - 3) Eligible employees with a covered member serving in the National Guard or Reserves who is on active duty in support of a contingency operation may take up to twelve (12) weeks of leave in a single twelve (12) month period for any qualifying exigency.

GUIDELINES: Intermittent or a reduced leave schedule may be taken as agreed upon in advance by the Department Director.

PROCEDURE: Eligible employees must make requests for leave to their supervisors at least thirty (30) days' in advance of foreseeable events and as soon as possible for unforeseeable events so that the necessary approval can be obtained. Requests for leave must be made in writing stating the reason for the leave, the starting date, and the anticipated return to work date. If notification and appropriate certification are not provided in a timely manner, approval for leave may be delayed. Employees shall complete a standard Leave Request Form.

CERTIFICATION: Certification of any serious health condition is required (on a form available from Employee Services) and the employee must present a fitness-for-duty certificate prior to returning to duty. The City may, at its discretion and expense, require certification by a City- designated health care provider. Documentation confirming family relationship, adoption or foster care may be required.

EXHIBIT A

COORDINATION OF LEAVES: If an employee is approved for FMLA leave, the employee must first use their sick leave to the extent that it has been accrued, and then must use their accumulated vacation leave to the extent that it has been accrued. Leave taken for the employee's own "serious health condition" which qualifies for Workers Compensation benefits will be counted toward the twelve (12) week period. It is the intent of the City that leave under this Section run concurrently with all other accrued or otherwise available leave.

BENEFIT CONTINUATION: During the time that an employee is on FMLA Leave with or without pay, there will be no loss of credited service for longevity or retirement. The City will maintain coverage under any applicable group plan (this includes medical, dental, vision, life, and disability) for the duration of the employee's FMLA leave. Such coverage will be maintained at the same level and under the same conditions as would have been provided if the employee had continued in employment for the duration of the leave. In other words, the City and the employee will continue the same contribution responsibilities as existed when the employee began the leave.

An employee's contributions and the City's contributions to City-funded retirement plans will be suspended during leave without pay and will resume when the employee returns to active employment.

Leave accruals such as medical leave, holidays, or vacation leave will be suspended during leave without pay and will resume when the employee returns to active employment.

RE-EMPLOYMENT RIGHTS: An eligible employee who takes FMLA leave, except for certain highly compensated employees as defined by the FMLA, and returns to work within the maximum period allowed will be restored to the position held at the time the leave began or an equivalent position subject to the rules of the FMLA. Any salary increases or benefit changes, which are not dependent on performance, will be made effective on the date which the employee returns to work.

WHY FMLA LEAVE MAY BE DENIED: Examples of reasons for which the City may deny a request for leave under the FMLA leave include:

1. An employee fails to give timely advance notice when the need for the FMLA leave is foreseeable;
2. An employee fails to provide, in a timely manner, a requested medical certification to substantiate the need for FMLA leave due to a serious health condition;
3. Notification and appropriate certification confirming family relationship is not provided in a timely manner;
4. An employee advises the City, either before or during the taking of leave, that he or she does not intend to return to work and the employment relationship is terminated; or

EXHIBIT A

5. An employee fraudulently obtains FMLA leave from the City.

Any procedures not covered by this policy will be handled in accordance with federal regulation 29 C.F.R., Part 825, as amended.

602 MILITARY LEAVE

A military leave of absence will be granted to employees to attend scheduled drills or training or if called to or volunteering for active duty with the U.S. armed services.

The employee's notice to the employer may be either verbal or written. The notice may be informal and does not need to follow any particular format. Although USERRA does not specify how far in advance notice must be given to the employer, an employee should provide notice as far in advance as is reasonable under the circumstances. In regulations promulgated by the Department of Defense under USERRA, 32 C.F.R. 104.6(a)(2)(i)(B), the Defense Department 'strongly recommends that advance notice to civilian employers be provided at least 30 days prior to departure for uniformed service when it is feasible to do so.' 20 C.F.R. 1002.85(c) and (d).

During the first 120 hours of military leave, the employee shall receive their pay in full, however, benefit accruals such as vacation, sick leave, and holiday benefits shall be suspended until such time as the employee returns to active employment.

The employee shall pay over to the City any and all monies earned and received from military service during the first one hundred twenty (120) hours of authorized military leave. After the expiration of the first one hundred twenty (120) hours, the employee's leave shall be without pay and the employee may retain any military pay earned for days in excess of the first one hundred twenty (120) hours of authorized military leave.

Employees on two (2) week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on military leave longer than one hundred and twenty (120) hours must apply for reemployment in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or status, or something comparable. They will be treated as though they were continuously employed for purposes of determining benefits based upon length of service.

603 ADMINISTRATIVE LEAVE

An employee may be placed on Administrative Leave with or without pay by a Department Director (or by the City Manager for Department Directors). Federal and

EXHIBIT A

state wage and hour laws will determine when employees can be placed on Administrative Leave without pay imposed in good faith as corrective action for infractions of workplace conduct rules. The policy is applicable to all employees.

DRAFT

EXHIBIT A

701 EMPLOYEE CONDUCT & WORK RULES

As a member of the City of Black Hawk team, every employee is expected to observe the highest standards of conduct, professionalism, and personal integrity at all times. Each employee shall demonstrate sincere respect for the rights and feelings of others, including fellow employees, customers, supervisors, and visitors. Additionally, employees shall refrain from any behavior or activity on or off the job which might be harmful to the employee, co-workers, or the City. Every employee is responsible for protecting the property and the interests of the City. To assure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

Listed below is a sample of behaviors and activities that are considered inappropriate. This list is illustrative, not all-inclusive:

- 1) Theft or inappropriate removal or possession of City property or property of any other employee or resident;
- 2) Falsification of benefit claim records, timekeeping records, work orders, employment applications, purchase orders, work reports or any other record, report, or form;
- 3) Working under the influence of alcohol or any other substance. (Employees using a prescription medication which might impair their functioning shall advise their supervisor.);
- 4) Possession, distribution, sale, transfer, or use of alcohol and any other substance in the workplace, while on-duty, or while operating employer-owned vehicles or equipment;
- 5) Fighting or threatening violence in the workplace which provokes or is likely to provoke a fight either on or off the job;
- 6) Boisterous or disruptive activity in the workplace;
- 7) Negligence, carelessness, or improper conduct leading to damage of employer-owned property or to the property of co-workers or conduct that affects the effective and efficient delivery of City services;
- 8) Insubordination or other disrespectful conduct by refusal to perform work assigned, work emergency overtime, or comply with a verbal or written instruction of any authorized City supervisor or refusal to cooperate in investigations of accidents or employee misconduct when the employee is involved or has relevant information;
- 9) Violation or disregard of safety, health, fire, security, or other employment regulations, signs, and notices;
- 10) Failure to accurately report any incident, accident, or personal injury occurring on the job;

EXHIBIT A

- 11) Sexual or other unlawful harassment;
- 12) Possession of dangerous and unauthorized materials, such as explosives, knives, or firearms while on-duty;
- 13) Excessive absenteeism, tardiness, or any absence without notice;
- 14) Wasting time/disregarding job duties, loitering, and/or neglecting work during work hours;
- 15) Unauthorized absence from workstation during the workday without showing good cause;
- 16) Unauthorized use of telephones, mail system, or other employer-owned equipment;
- 17) Unauthorized disclosure of confidential information;
- 18) Violation of City policies and procedures or department operating rules, regulations, or guidelines;
- 19) Unsatisfactory performance or conduct;
- 20) Abuse of position by accepting favors or gifts or using one's position to secure appointments or advantage for oneself or one's relatives;
- 21) Abusive language which tends to interfere with efficient operations of City business, or verbal interference with job performance of other employees, including but not limited to verbal threats, intimidation or coercion, directed toward fellow employees, supervisors, or citizens;
- 22) Carelessness resulting in injury to co-workers, the public, or to one's own safety;
- 23) Conviction of any crime involving physical violence or theft, conviction of driving under the influence of alcohol or drugs; or conviction of a state felony or serious federal offense;
- 24) Making or publishing false (including social media), vicious or malicious statements concerning any employee, supervisor, administrator, elected official or the government of the City;
- 25) Engaging in or conducting any discriminatory act, conduct, or activity within the scope of employment which discriminates directly or indirectly against any person or class of persons on the basis of race, creed, color, sex (including pregnancy), sexual orientation (including transgender status), age (40 or older), genetic information, marriage to a co-worker, physical or mental disability, religion, Vietnam era or veteran status, national origin, or any other status protected by law; and/or
- 26) Other acts or omissions which negatively affect the City.
- 27) Employees serving under a Performance Improvement Plan are not eligible for the Annual Bonus Program, if awarded by City Council.

EXHIBIT A

702 ATTENDANCE & PUNCTUALITY

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

Poor attendance and excessive tardiness are disruptive and may lead to termination of employment.

In the event an unauthorized, unexcused or unexplained absence in excess of three (3) days occurs, the employee is deemed to have abandoned the position and resigned from City employment.

703 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City presents to customers and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, non-exempt employees will not be compensated for the time away from work.

Employees shall adhere to the following principles:

- 1) Appropriate workplace apparel and overall presentation are important as they imply good individual judgment and promote a professional City image.
- 2) Employees are required to dress comfortably, but appropriately, in all weather conditions.
- 3) Safety should be the primary factor when selecting clothing, jewelry, and footwear for the workplace. Employees who are required to wear personal protective equipment, and/or special footwear by the nature of their job shall do so unless specifically directed otherwise by the supervisor/manager.
- 4) Appropriate dress and presentation involves a balance between projecting the desired City image, while allowing functionality for required work.
- 5) All employees are prohibited from wearing/displaying body art in the workplace. Body art is defined as visible body piercings (except ears), ear gauges, tongue piercings, tattoos above the collar, atypical hairstyles and/or colors. For purposes of this policy, atypical shall be based on application of the principals set forth in the Policy regarding the propriety of workplace apparel and overall presentation.

EXHIBIT A

Appropriate Attire Types

Appropriate – Field & Office	Inappropriate – Field and Office
Slacks	
<ul style="list-style-type: none">• Khakis, corduroys or any other style• Jeans (must be clean and free of rips, holes, and tears)	<ul style="list-style-type: none">• Sweatpants, leggings, shorts, exercise clothing unless working out on-duty as a condition of employment• Mini Skirts
Shirts	
<ul style="list-style-type: none">• Company logo encouraged & required if purchased with City funds• Polo collar knit or golf shirts• Oxford or other dress shirts, long/short sleeved - men• Blazers or sport coats• Jackets, sweaters, or hoodies• Blouses or work appropriate tops - women• Turtle Necks	<ul style="list-style-type: none">• Shirts with writing (other than company logo)• Beachwear• Crop tops• T-shirts• Low cut or revealing tops (women)
Shoes	
<ul style="list-style-type: none">• Boots – required out in the field• Recreational Shoes (tennis, hiking, etc.)• Ladies – low heeled shoes for office, suggested	<ul style="list-style-type: none">• Flip flops

704 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all City property immediately upon request or upon termination of employment. The City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

705 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two (2) weeks written resignation notice from all employees in order to be in good standing and thereby eligible for rehire.

EXHIBIT A

706 SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time for any purpose.

The City recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities while on-duty unless the employee is on an approved work break or otherwise off-duty. Employees shall not solicit or distribute literature concerning these activities while wearing a City uniform, whether on or off-duty, without the express authorization of the City Manager.

Additionally, the posting of written solicitations on City bulletin boards is restricted. These bulletin boards display important information, and employees shall consult them frequently for:

- Employee announcements
- Internal memoranda
- Job openings
- Organization announcements
- Payday Notices
- Workers' compensation insurance information
- Insurance information
- Other Federal and state regulations

If employees have a message of interest to the workplace, they may submit it to the Department Director for approval. All approved messages will be posted by the department.

707 DRUG & ALCOHOL USE

Alcohol and Drug-Free Workplace

In compliance with the Drug-Free Workplace Act of 1988 and the Federal Motor Carrier Safety Regulations (FMCSR), the City of Black Hawk has a longstanding commitment to provide a safe, quality-oriented and productive work environment. The City takes the problem of drug and alcohol abuse seriously, and is committed to providing a substance abuse-free workplace for its employees. Substance abuse of any kind is inconsistent with the behavior expected of our employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines our ability to operate effectively and efficiently.

EXHIBIT A

Substance Abuse

The City recognizes alcohol and drug abuse as potential health, safety and security problems. The City expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to termination of employment.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the misuse of prescription and over the counter products on City premises or at any time and any place while on-duty. While we cannot control an employee's behavior off the premises on their own time, we certainly encourage employees to behave responsibly and appropriately at all times. However, any off-duty activity, including drug or alcohol-related activity, that leads to the employee's arrest and conviction may be grounds for termination of employment. All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. Employees may ask Employee Services for assistance in seeking help to address substance abuse. Employee Services can also help determine coverage available under the City's medical insurance plan. See the Benefits Overview document for more information.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the City.

Section 1 – Guideline

The use of over the counter medications that impair judgment or reaction time, controlled substances, and the misuse of alcohol increase the risk of accidents, jeopardize the safe work environment, and cause harm to an individual's health. On-the-job use of controlled substances or alcohol by City employees poses a serious threat to co-workers, members of the public, as well as the individual employee and will not be tolerated. The goal of the City is to provide employees with a workplace which promotes health and safety. The purpose of this guideline is:

- 1) To establish procedures to support the City's safety and health program;
- 2) To minimize the City's exposure to potential liability resulting from damage or injury caused by an impaired employee; and
- 3) To reduce accidents that result from employee use of controlled substances and alcohol.

EXHIBIT A

Section 2 - Authority

National Treasury Employees Union v. Von Raab, 489 U.S. 656, 109 S.Ct. 1384 (1989); Bannister v. Bd. of Cty's Comm., 928 F.Supp. 1249 (D.Kan. 1993); Watson v. Sexton, 755 F.Supp. 583 (S.D.N.Y. 1991); American Postal Workers Union v. Frank, 725 F.Supp. 87 (D.Mass. 1989) and American Fed. of Gov't Employees Local 2391 v. Martin, 969 F.2d 788 (9th Cir. 1992).

Section 3 - Definitions

Accident: The injury to property or to a person resulting from the act or omission of an employee while that employee is engaged in the performance of any duties for the City.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. Includes beer, wine, liquor, and over the counter products containing alcohol; e.g., cough suppressant, mouthwash, etc.

Alcohol Use: The consumption of any beverage, mixture, or preparation including any medication, containing alcohol.

Blood Alcohol Concentration (BAC): Grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath in accordance with C.R.S § 42-1-1301, as amended.

Chief of Police: Refers to the Black Hawk Police Chief. Where this guideline applies to non-police department personnel, the Department Director shall have the same duties and responsibilities as does the Chief of Police under this guideline.

City: City of Black Hawk, Colorado, in its capacity as employer of the employees subject to this guideline.

Critical Incident: Any incident resulting in death or serious bodily injury, significant property damage, or the discharge of a firearm (except firing range or euthanizing animals) while acting under the authority of the City of Black Hawk Police Department.

Collection Site: A place where individuals present themselves for the purpose of providing breath or body fluid to be analyzed for alcohol or specified controlled substances.

Controlled Substance: Any drug listed in 21 U.S.C. § 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, cocaine, marijuana, PCP and "crack." They also include "legal drugs" which are not prescribed by a licensed medical practitioner or are prescribed legally but used illegally.

EXHIBIT A

Drug: Any substance (other than alcohol) that has known mind- or function-altering effects on a person. These include, but are not limited to, controlled substances prohibited by Colorado or federal criminal laws. A prescribed drug is any substance prescribed for the individual by a licensed medical practitioner, and which is used in the manner, combination, and quantity prescribed and over the counter medications that impair judgment and reaction time. For the purpose of this guideline, the term Controlled Substance shall also mean Drug.

Employee Services: Refers to Employees Services employees who are responsible for administering programs and processes associated with the hiring and retention of personnel.

Job Impairment: An employee's behavior or condition which adversely affects performance (e.g. reduced alertness, coordination, reaction, response, or effort) or threatens the safety of the employee or others, or property; or exhibits conduct detrimental to the public's perception of the City of Black Hawk or its personnel.

On-Duty Time: Means all time from the time an employee sets foot on the City's property for purposes of beginning a shift, until such time as the employee is relieved from work. On-duty time shall include time during which the employee is "On-Call" or anytime an employee is providing services on behalf of the City. Finally, on-duty shall include, for the purposes of this guideline only, extra-duty time where an employee is wearing a Black Hawk Police Department uniform.

Reasonable Suspicion: Suspicion of substance use based on specific, objective observations or facts.

Substance Abuse Professional (SAP): Licensed physician, licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Substance Use: The use by ingestion, inhalation, absorption or injection, whether voluntary or involuntary, of a controlled substance, drug or alcohol.

Section 4 - Procedures, General

Employees are subject to all testing requirements under this guideline, including pre-employment, reasonable suspicion, post-accident, return-to-duty, and follow-up testing.

- 1) Any test for drug or alcohol use must conform to the standards established and approved by the City.

EXHIBIT A

- 2) Employee Services, Department Director, or supervisor requesting a test for controlled substances or alcohol must comply with all record-keeping requirements of this guideline.
- 3) Employee Services, Department Director, or supervisor may authorize tests for drugs or alcohol use only by the specific procedures outlined below.
- 4) Except for the second or confirmation test of a split sample (where applicable), all costs for drug or alcohol testing are the responsibility of the City. Employees or applicants who request a test of the split sample must pay for that test.
- 5) The employee shall be solely responsible for the costs associated with any treatment, counseling or rehabilitation.

Section 5 - Prohibitions

All employees are subject to the following guidelines. This guideline prohibits the use of alcohol, drugs, or controlled substances that result in job impairment. It also prohibits the illegal possession, manufacture, use, sale, or transfer of a controlled substance while on-duty by employees.

- 1) **ALCOHOL PROHIBITIONS:** Any alcohol use that could affect performance including:
 - a. Use while on-duty.
 - b. Any use prior to reporting for duty, where such use may impair the employee's ability to perform any job.
 - c. Reporting for duty while under the influence of alcohol.
 - d. Use during the eight (8) hours following an accident, or until the employee undergoes a post-accident test.
 - e. Refusal to take a required test. Refusal shall mean the failure to submit to a test upon request by Employee Services, Department Director, or Supervisor.
- 2) **DRUG PROHIBITIONS:** Any drug use that could affect performance including:
 - a. Use of any drug, except by doctor's current prescription and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to perform his or her duties safely, this includes over the counter medications that impair judgment and reaction time. Employees must inform their supervisor of any medication being taken which could interfere with the performance of their job duties. The Employee Services, Department Director, or Supervisor, or designee may require verification from a licensed practicing physician that the

EXHIBIT A

prescription will not adversely affect the employee's ability to perform their job duties safely.

- b. Testing positive for such drugs.
- c. Refusing to take a required test. Refusal shall mean the failure to submit to a test upon request by Employee Services, Department Director, or supervisor.

Section 6 - Consequences for Violations of Prohibitions

- 1) The employee who tests positive, or otherwise violates this policy, will be subject to corrective action, up to and including Administrative Leave without pay or termination.
- 2) The employee shall immediately be removed from all duties pending the results of the drug or alcohol test. Employees will be paid for time spent in alcohol or drug testing; however, may be placed on Administrative Leave without pay or terminated if test results are positive.
- 3) Depending on the circumstances, the employee's work history/record, and any state law requirements, the City of Black Hawk may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms. Should the employee test positive from subsequent testing, the employee will be immediately terminated.
- 4) If the employee who tests positive is permitted to continue employment with the City, the employee may not return until all return-to-duty requirements are met. Before returning to duty, the employee must undergo a return-to-duty test for:
 - a. Alcohol (if the prohibited conduct involved alcohol). Any alcohol test showing a presence of alcohol.
 - b. Drugs (if the prohibited conduct involved drugs) with a verified negative result.
 - c. Return-to-duty tests with a positive drug result or BAC showing alcohol use will result in the employee not returning to work. Additionally, such a positive drug result may result in termination of employment.
- 5) Prior to being allowed to return to duty, the City may require the employee to be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or drug use. Additionally, if the employee is identified as needing assistance in resolving the problem, the employee shall be solely responsible for the cost of any prescribed counseling and/or treatment. Furthermore, as a condition to returning to work, the employee may be subject to unannounced follow-up alcohol or drug tests administered by the City following the employee's return-to-duty. The number and frequency of the tests are to be

EXHIBIT A

determined by Employees Services and the Department Director. Follow-up testing may be done for up to sixty (60) months following an employee's return-to-duty.

- 6) The City will not hire applicants to whom a contingent offer of employment has been made who test positive for controlled substances or alcohol for positions requiring a Commercial Driver's License (CDL). For all other positions, post-offer testing will include controlled substances (excluding marijuana) and alcohol.

Section 7 – Rehabilitation

Employee Services will provide the names of counseling and treatment programs to an employee testing positive for drugs and/or alcohol. The employee bears the responsibility for all costs associated with counseling, rehabilitation and post-return-to-work testing.

Section 8 - Tests Required for Employees

Methods for testing for alcohol may include a Portable Breath Test (PBT), Breathalyzer, Evidential Breath Testing device (EBT), or other test authorized for all alcohol testing. For drug testing, urine specimen collection, and testing shall be conducted by a laboratory capable of analyzing samples and keeping such samples in a safe and secure manner. The drugs to be tested include any scheduled controlled substance.

1) Pre- Employment:

Before performing any job duties, an employee must submit to testing for drugs and alcohol. Prior to performing a pre-employment drug and alcohol test, the City must notify the applicant that testing is required under this guideline. The City will not hire applicants to whom a contingent offer of employment has been made who test positive for controlled substances or alcohol for positions requiring a CDL. For all other positions, post-offer testing will include controlled substances (excluding marijuana) and alcohol.

2) Post-Accident Testing:

As soon as possible following an accident, the City shall test each surviving employee for alcohol and drugs when either:

- a. The accident involved a fatality or serious injury requiring immediate medical attention;
- b. The employee received a citation under state or local law for a moving traffic violation arising from the accident;
- c. The accident violated a significant department safety guideline or procedure;

EXHIBIT A

- d. The accident involved significant property damage; or
- e. Any accident where there is reasonable belief that an employee may be under the influence of alcohol or drugs at the time of the accident or near accident.

Alcohol tests shall be conducted within two (2) hours of the accident if possible. A test administered by on-site police or public safety officials under separate authority may be used, and a blood or breath alcohol test and a urine drug test performed by such local officials, using procedures required by their jurisdictions, shall be acceptable. The staff member shall remain in the presence of the immediate supervisor or designated authority until testing is complete.

Drug tests shall be completed within thirty-two (32) hours of the accident. Beyond this period, attempts to test shall cease and a record prepared and maintained by the Police Chief or his designee indicating why the test was not performed.

An employee who is subject to post-accident testing must remain available, or the City may consider the employee to have refused to submit to testing. The employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident, or until they submit to an alcohol test, whichever comes first.

NOTE: Nothing in this guideline shall be construed to require the delay of necessary medical attention for injured people following an accident. Also, the employee is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency care.

3) Post-Critical Incident Testing:

As soon as practical, the City may require a test of each employee involved in a critical incident. Those procedures and time periods set forth under the requirements for post-accident testing shall also apply to post-critical incident testing.

4) Reasonable Suspicion Testing:

The City may initiate a drug or alcohol test when there is reasonable suspicion to believe the employee has violated the prohibitions of this guideline. The decision to test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The documentation for suspicion testing must be completed within twenty-four (24) hours of the observed behavior or before the results are released, whichever is earlier.

EXHIBIT A

5) Random Testing:

Random drug testing shall be administered by Employee Services as required by federal law for those employees required to possess Commercial Drivers' License (CDL) as more particularly described in their approved Job Description.

The conditions for selection and notification of random testing are:

- a. Selection of employees shall be made by a scientifically valid method.
- b. Employees Services shall assure that random tests are unannounced and spread reasonably throughout the year.
- c. Employees Services shall ensure that the employees selected for random tests precede immediately to the collection site upon notification of selection.

In the event an employee who is selected for a random test is on vacation, layoff, or an extended medical absence, Employee Services can select another employee for testing or keep the original selection confidential until the employee returns to duty. If an employee is skipped, Employee Services must document the reason why.

6) Return-to-Duty Testing:

In the event an employee who has violated these alcohol or drug prohibitions is permitted to return to their position, they shall complete a return-to-duty test which need not be confined to the substance involved in the violation.

7) Follow-Up Testing:

If an employee who has violated these alcohol or drug prohibitions is returned to their position, the City may require the employee to undergo unannounced follow-up testing following the employee's return to duty. The number and frequency of the tests are to be determined by the City.

8) Testing Safeguards:

Urine, saliva, breath testing, and/or portable breath testing shall be used to collect specimens for testing of the presence of alcohol or controlled substances. The City shall ensure the integrity of the collection system to maintain confidentiality and ensure that the test results are attributed to the correct employee.

Although other departments in the City may use other, different or more restrictive specimen collection procedures, it is the express intent of the City that the collection procedures under this guideline be less restrictive and limiting.

EXHIBIT A

Section 9 - Employee Drug Test Notifications

The City shall contact the employee to verify a positive or negative test result as soon thereafter as is practical. The employee shall also be told which drugs were verified positive. An employee testing positive for any controlled substance or alcohol shall have the option to have the sample re-tested, at his expense.

An applicant to whom an offer of employment has been made shall be notified of the results of the drug test if the applicant requests the results within 60 days of being notified of the disposition of the employment.

708 EMPLOYEE ISSUE / PROBLEM-SOLVING PROCEDURES

Section 1 - Introduction

The City seeks to provide a workplace in which all employees are treated as an important part of our team, and where employees are treated fairly. In the event an employee has a dispute with a supervisor or the City of Black Hawk, the City provides this procedure for dispute resolution. All disputes between any employee and the City are intended to be resolved in accordance with the following procedure. This policy is intended to provide employees with appropriate and prompt responses to problems and concerns through this dispute resolution process. Please note, however, that the City reserves the right to modify this procedure at any time and nothing in this procedure shall be construed to constitute a contract between an employee and the City of Black Hawk or to constitute any part of a contract between an employee and the City.

A grievance is a concern or complaint by an employee concerning any matter related to the employee's employment with the City. All grievances must be in writing. The employee must state clearly and concisely all the known facts related to the grievance, including "who, what, where, when, and why." Clearly explain why the employee disagrees with the act or omission that forms the basis for the grievance. Also explain what remedy the employee is requesting. The employee must sign and date the grievance.

Employees are assured freedom from restraint, interference, discrimination, or reprisal in the presentation of their problems. The City has established procedures to be followed in the problem-solving process. The City has determined that for the problems described in Section 2 below, the Department Director will make the final decision and that for the problems described in Section 1 below, the City Manager will make the final decision.

EXHIBIT A

Section 1 - Problems Addressable to the City Manager

The following issues/problems may be subject to review and final decision of the City Manager.

- 1) A complaint received regarding the conduct of a Department Director;
- 2) Loss or damage to City property as described in Section 505 of this Employee Handbook;
- 3) Conflict of interest as described in Section 803 of this Employee Handbook;
- 4) Forms of harassment as described in Section 110, 111, and 112 of this Employee Handbook; and
- 5) Demotions as described in the "Definitions" Section at the end of this Employee Handbook.

Section 2 - Issues/Problems Addressable to the Department Director

Problems that are not specifically defined in Section 1 above shall only be appealable to the Department Director of the employee. These problems include, but are not limited to: hiring decisions, transfers, promotions, appointments, evaluations, and outside employment.

Section 3 - Issue/Problem-Solving Steps

Preliminary Step

An employee must first address their concern(s) with their immediate supervisor. This may be done orally in an informal discussion. If the employee's informal attempt to resolve the matter is not successful, the employee may implement the formal grievance process.

Step 1

An employee must submit their grievance in writing to their supervisor. The employee submits the problem in writing to the immediate supervisor within ten (10) working days of the incident that gives rise to the problem. The employee shall attempt to resolve the problem with the immediate supervisor. The employee shall not attempt to circumvent this process by any form of communication to any person beyond the immediate supervisor. If the employee's grievance is with their supervisor, the employee shall submit their grievance in writing to their Department Director.

The employee's supervisor will respond in writing within ten (10) working days following receipt of the grievance. All grievances and replies in Step 1 must be in writing. If the grievance is not settled in Step 1, then the employee may proceed to Step 2.

EXHIBIT A

In the event of a claim of sexual harassment, the employee may go directly to the Department Director or City Manager as is appropriate. All decisions of the Department Director related to problems described in Section 3 of this process shall be final.

Step 2

Within five (5) working days following receipt of the written answer to the employee's Step 1 grievance from the employee's supervisor (or within five (5) days after the immediate supervisor should have issued a written decision), the employee may appeal the supervisor's decision to their Department Director. The appeal shall state the nature and circumstances of the employee's problem with appropriate documentation. The Department Director will then undertake an investigation of the grievance and the underlying facts. Within five (5) working days following receipt of the employee's written grievance the Department Director will meet with the employee in person to discuss the grievance. The Department Director may request additional information from the employee, the supervisor or other relevant parties. The Department Director will then provide a written response to the grievance within ten (10) working days following the date of the meeting or the date of receipt of requested information.

Step 3

Employees may only appeal decisions of the Department Director to the City Manager for problems which are described in Section 1 of this Chapter. If a problem described in Section 1 of this Chapter is not satisfactorily resolved at the Department Director level, the employee may submit a written appeal to the City Manager. The City Manager may appoint a designee to investigate the facts giving rise to the problem and subsequent reviews. The City Manager then reviews all relevant information concerning the situation and communicates a final decision in writing to all parties concerned within a reasonable period of time.

709 EMPLOYMENT RELATIONSHIP

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

- 1) The City of Black Hawk and the employee have the right to end the employment relationship at any time for any reason, with or without notice or cause.
- 2) 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.
- 3) At-will employees have no right to return to employment in a former City position or right to employment in any other City position.

EXHIBIT A

- 4) The at-will relationship established by the promulgation of this policy supersedes any prior oral, written or implied employment relationship.
- 5) 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 City Manager. 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.
- 6) In the event an employee is terminated by the City and believes the basis for termination is erroneous, the employee may seek a “name-clearing” meeting with the City Manager or the City Manager’s designee by written request made within ten (10) calendar days of the date of termination. Such meeting shall only be an opportunity for the employee to address potentially stigmatizing statements made by supervisors as part of the employee’s termination.

710 USE OF COMPUTERS, ELECTRONIC MAIL, & THE INTERNET

Access to the Internet and use of City WiFi is given principally for work-related activities or approved educational/training activities. Incidental and occasional personal use and study use is permitted. This privilege shall not be abused and must not affect a user’s performance of employment-related activities.

All computer equipment and technology which is provided to employees, volunteers and independent contractors of the City is and shall remain the property of the City. This includes hardware and software, as well as electronic mail (“e-mail”) and access to the Internet. Computer equipment and technology are provided to City employees to aid them in performing job-related tasks. Computer equipment and technology provided by the City must be used appropriately.

Any questions regarding these procedures shall be referred to the Department Director or Finance Director.

Appropriate Use

Appropriate use of City-provided computer equipment and technology includes, but is not limited to:

- 1) Official City business.
- 2) Purposes that benefit the City as determined by the appropriate supervisor or Department Director.
- 3) Purposes that benefit the employee, and thereby the City, as determined by the appropriate supervisor. For example, City-provided computer equipment and

EXHIBIT A

technology may be used to aid an employee in pursuit of relevant training, education, or certification, as determined by the Department Director.

Inappropriate Use

Inappropriate use of City-provided computer equipment and technology includes, but is not limited to:

- 1) Using such technology and/or equipment for personal monetary profit.
- 2) Transmitting or storing any information that is threatening, harassing, sexually explicit, or derogatory toward any minority, ethnicity or gender.
- 3) Circumventing security measures or intentionally impairing the operation of City resources.
- 4) Removing or disposing of computer equipment without approval of the IT Manager.
- 5) Installing hardware from any source without the approval of the IT Manager.
- 6) Performing or attempting to perform any maintenance on City-provided computer equipment without approval of the IT Manager.
- 7) Installing software from any source without approval of the IT Manager. Any unlicensed or personal software installed may be deleted without notice.
- 8) Disabling any software without approval of the IT Manager. This includes, but is not limited to, anti-virus software and security software.
- 9) Storing confidential, proprietary, or copyrighted data on storage devices in violation of any law or license agreement.
- 10) Using any Internet resources in violation of any license term, condition, or agreement.
- 11) Violating federal, state, or local laws in any manner.
- 12) Using data media provided by any entity other than the City without scanning for viruses prior to use.
- 13) Using computer equipment in such a way that it is susceptible to excess wear or damage, or in a manner for which it was not designed to be used.
- 14) Allowing unauthorized individuals to access City-provided equipment and/or technology, including the disclosure of an employee's password to unauthorized individuals.
- 15) Accessing pornography via the Internet or storing pornography, except for legitimate use by law enforcement in the course of official business, as determined by the Police Chief.
- 16) Accessing or subscribing to list servers, newsgroups, chat rooms, streaming video and/or audio, and instant messaging services, unless used for legitimate City business purposes, with the prior approval of the Department Director.

EXHIBIT A

- 17) Accessing another employee's e-mail without authorization.
- 18) Computer game software may not be used while on-duty or scheduled breaks. Police dispatch and employees who work twenty-four (24) hour shifts are allowed to use computer game software during "stand down" periods.

Violation of this Policy

In all circumstances, use of Internet access and email systems must be consistent with the law and City policies. Violation of this policy is a serious offense and, subject to the requirements of law, may result in a range of sanctions from restriction of access to electronic communication facilities to termination of employment.

Security and Privacy

The systems that facilitate the transfer of e-mail and access to the Internet are owned by the City. Employees shall have no expectation of privacy when using City-provided computer equipment and/or technology, even though some features may seem to indicate privacy.

E-mail stored or saved on City-provided computer equipment is subject to the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.*, as amended, and the City's Public Records Policy. For more information, please review the City's Public Records Policy.

The City may conduct an inspection of its computer equipment and technology at any time for any reason. The City may monitor e-mail, Internet, and computer usage at any time without the consent or knowledge of the employee.

The City may allow employees to access e-mail via technology that is not administered or provided by the City (off-site computers). When this occurs, such e-mail will be centrally stored in City computer equipment, and will be subject to this Section 710.

The City will provide official e-mail accounts to those employees entitled to e-mail privileges. All official City business shall be conducted within official City e-mail accounts.

Employees shall not expect that e-mail will be retained on City-provided computer equipment for any particular length of time. The City may delete e-mail from City-provided computer equipment at any time.

Personal Use

While occasional personal use of City-provided computer equipment and technology is permitted, all personal use shall be subject to this Section 710. Personal use must not interfere with official City business or legitimate use of the computer system. The IT Manager may track personal use, and the City may terminate employment when such personal use is excessive.

EXHIBIT A

Use of Electronic Commerce

Employees may utilize websites and other Internet resources to aid in the purchasing of resources for the City. All transmission of credit, purchasing, or debit card numbers to websites or any other Internet resource must proceed via a secure connection. Purchasing over the Internet shall comply with all other applicable City purchasing policies.

711 CITY WEBSITE AND SOCIAL MEDIA POLICY

Policy Statement

This policy establishes guidelines for the creation and use by the City of Black Hawk of website and social media sites as a means of conveying City of Black Hawk information to the public.

Purpose

The intended purpose behind the use of City of Black Hawk's website and social media sites is to disseminate information from the City, about the City, to the public. The City of Black Hawk has a primary interest and expectation in deciding what is communicated on behalf of the City on City of Black Hawk on the City's web page and social media sites. For the purpose of this policy, social media refers to any facility for online publication and commentary, including without limitation social networking sites such as Facebook and Twitter, content hosting sites such as YouTube, as well as blogs and wikis.

This policy is in addition to and complements any existing or future City of Black Hawk policy regarding the use of technology, computers, smartphones, email or the internet. This policy is applicable to all City personnel.

This policy does not govern personal use of social media websites during work hours, which is outlined in Section 710, Personal Use

City of Black Hawk Professional Website

- 1) The creation or use by any City department or City employee of a City-related website is subject to City-wide policies, procedures and practices related to the City's web site as established by the Administrative Services Director or his/her designee and approved by the City Manager.
- 2) The City of Black Hawk's website at <https://www.cityofblackhawk.org> is the City's primary and predominant internet presence.

Policy – City of Black Hawk Professional Social Media Sites

- 1) The creation or use by any City department or City employee of a City-related social media site is subject to City-wide policies, procedures and practices

EXHIBIT A

related to all City social media sites as established by the Administrative Services Director or his/her designee and approved by the City Manager.

- 2) All approved City of Black Hawk social media sites shall be managed by the Administrative Services Director or his/her designee. Proposed social media content will be provided by the Administrative Services Director or his/her designee in conjunction with Department Directors or their designee for the monthly social media calendar. There will be only one official City site per social media venue (i.e. one City Facebook, one City Twitter, etc.). Creation of an unauthorized City social media site is prohibited.
- 3) The Administrative Services Director or his/her designee will monitor the content on City social media sites – including comments -- to ensure adherence to this City of Black Hawk Social Media Policy, related policies and procedures, and also to ensure they further the interests and goals of the City of Black Hawk.
- 4) City social media sites, whenever possible, will make clear that they are maintained by the City of Black Hawk and that they follow the City of Black Hawk Social Media Policy. The official City logo shall be used on all social media accounts to identify the authenticity of the site and maintain a uniform, professional appearance. Profile pictures or banners on social media sites will be consistent with the look of the City website and approved by the Administrative Services Director or his/her designee. All posts and comments will be made or generally identified as “City of Black Hawk” without use of an individual’s name. The Administrative Services Director or his/her designee will confirm compliance with this requirement.
- 5) Wherever possible, City social media sites should link back to the official City of Black Hawk website for forms, documents, online services and other additional information necessary to conduct business with the City of Black Hawk. City social media sites should be used in a way to encourage visitors to visit the City of Black Hawk web site. The City of Black Hawk’s website at <https://www.cityofblackhawk.org> will remain the City’s primary and predominant internet presence. The Administrative Services Director or his/her designee will confirm compliance with this requirement.
- 6) Responses to comments posted on City social media pages by visitors to City pages will be made by the Administrative Services Director or his/her designee. Responses will be provided in as timely a manner as possible during the standard workday (Monday through Friday, 0800 - 1700). Social media is not expected to be routinely monitored or responses made after normal business hours or during weekends and holidays.
- 7) City of Black Hawk employees representing the City of Black Hawk via City social media accounts must conduct themselves at all times as representatives of the City of Black Hawk and act in the best interest of the City. Anyone who fails to conduct themselves in an appropriate manner may be subject to corrective action in accordance with established City policies.

EXHIBIT A

- 8) The Administrative Services Director or his/her designee posting to City social media shall adhere to applicable federal, state and local laws, regulations and policies.
- 9) City social media pages are considered a limited public forum. All posts, comments, and other associated content and activity on such pages are considered public property and will be retained by the City in accordance with Colorado law. The City of Black Hawk encourages and appreciates dialogue and engagement on City pages and asks that it be done in a civil and respectful manner. The City will not regulate, remove or control comments or posts based on the viewpoints expressed therein, even if critical of the City, its policies and its operations. However, comments or posts that are sexual or obscene in content or links to obscene content; solicitations of commerce or links to commercial sites; content that compromises the safety or security of the public or public systems; or content that violates legal ownership interests of another party may be hidden from public view and archived for record.
- 10) Content must be managed, stored and retrieved to comply with these laws. All City social media material, when no longer posted, must be archived according to the City's adopted records retention policy.
- 11) Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication, is a public record. The Black Hawk City Clerk or his/her designee is responsible for responding completely and accurately to any public records request for public records on social media. Wherever possible, social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.

Policy – Employee Personal Social Media Sites

City employees may have personal social networking and social media sites, and these sites should remain personal in nature and be used to share personal opinions or non-work related information. Following this principle helps ensure a distinction between sharing personal and City views.

City employees must never use their City e-mail account in conjunction with a personal social networking or social media site.

The following guidance is for City employees who decide to have a personal social media or social networking site or who decide to comment as a member of the public on posts about official City business:

- 1) State your name and, if relevant, your position with the City, when discussing City business; and
- 2) Use a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions of the City for which I work." Or, when commenting on a

EXHIBIT A

City site, "This comment is from my perspective as an individual citizen, not as an employee of the City."

- 3) Even with a disclaimer, an employee commenting on the City of Black Hawk official website and/or official social media sites may be considered to be acting in his or her capacity as an employee and speaking pursuant to their official duties.

DRAFT

EXHIBIT A

801 LIFE-THREATENING ILLNESSES IN THE WORKPLACE

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the City will make reasonable accommodations in accordance with all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact their Department Director or the Administrative Services Director for information and referral to appropriate services and resources.

802 EMPLOYEE POLITICAL ACTIVITIES

Federal and State Elections and Campaigns. Employees are free, on their own time and away from any office of the City, to participate in all federal, state, and county partisan campaigns and to openly express their views and support for candidates. Employees shall refrain from any political activities which give the appearance that they are endorsed by the City or which interfere with the performance of their normal duties. Any employee whose position is funded by a federal program and/or monies shall be subject to the provisions of 5 United States Code, Section 1501, et seq., as amended, commonly known as the Hatch Act.

Local Elections and Campaigns. Candidates for Office. Any employee desiring to be a candidate for municipal office in the City of Black Hawk shall resign from the employ of the City. Candidates who are unsuccessful in their bid for elected office may apply for reemployment.

Activities. Employees, while on City time, shall not publicly support or endorse any candidates for municipal office in the City of Black Hawk, shall not circulate or cause to be circulated any nominating petitions for such office, shall not distribute any campaign literature or display any campaign buttons, car stickers or placards on behalf of any candidate for municipal office in the City of Black Hawk.

Solicitation of Contributions for Political Parties or Candidates. Employees shall not be required to make any contribution to a political party, elected official, or candidate, and their refusal to do so shall not be used to penalize them in any way. An

EXHIBIT A

employee, while on City time or on City property, shall not make any solicitation of such contributions from any other employee.

803 CONFLICT OF INTEREST / INCOMPATIBLE ACTIVITIES

As a matter of guideline, the City shall strive to ensure that every effort is made to promote public confidence in government by assuring the citizens of the impartiality, integrity, and honesty of City employees. As such, employees will ensure that their actions present neither a conflict of interest nor the appearance of a conflict with the public trust. Following are examples of activities which are incompatible with City employment or could be construed as a conflict of interest:

- 1) Any employment or activity which involves the use for private gain of the City's time, facilities, equipment, uniform badge, or privileged or confidential information;
- 2) Receipt or acceptance by employees of any money or other consideration from anyone other than the City for performance of their duties as a City employee;
- 3) Use of excess leave time that impairs the employee's efficiency in the performance of their duties as a City employee;
- 4) Performance of an act in other than one's capacity as a City employee which may later be subject, directly or indirectly, to control, inspection, review or audit by such employee or by the City department in which the employee is employed;
- 5) Employees and members of their families shall not solicit or accept personal gifts offered because of the employee's duties, functions, or responsibilities for the City;
- 6) Employees shall comply with Colorado State and Criminal Statutes dealing directly with conflict of interest situations;
- 7) Employees shall contact their supervisor before engaging in an activity which may be considered incompatible or construed as a conflict of interest. The City Manager or their designate shall make the final decision regarding interpretation of conflict of interest;
- 8) The City Manager may promulgate administrative regulations dealing with guidelines, reporting and other appropriate items regarding this Section;
- 9) Engagement in incompatible activities and/or presence of conflict of interest may result in termination of employment.

EXHIBIT A

DEFINITIONS

The following terms wherever used in this Handbook shall have the following meaning:

- 1) "Advancement" means a salary increase.
- 2) "Applicant" means a person who has filed a completed application for employment, submitted a resume, or otherwise applied for a specific job for which the City is currently receiving applications within established personnel policies.
- 3) "Appointment" means the placing of a person in a position on a full-time or part-time basis.
- 4) "Demotion" means the change of an employee from one position to a lower paid position, with a change in job title and responsibilities.
- 5) "Discharge" means involuntary separation of any person subject to these policies.
- 6) "Employee development" means any form of instruction designed to increase the proficiency, qualifications, knowledge, skills, and abilities of City employees.
- 7) "Full-time employee" means one who is not in an introductory status and who is regularly scheduled to work the City's full-time schedule. Generally, they are eligible for the City's benefits package, subject to the terms, conditions, and limitations of each benefit program.
- 8) "Grievance" is a complaint by an employee concerning any matter related to the employee's employment with the City. All grievances must be filed in writing.
- 9) "Holiday pay" is defined as one-and-one-half (1½) the employee's regular rate for the actual hours worked, up to the amount of hours recognized for that holiday (eight [8] hours for a full day). All hours worked on a holiday in excess of the recognized hours will be paid at the employee's straight-time rate.
- 10) "Immediate family" means spouses, including common law spouses, partners in a domestic partnership, partners in a civil union, parents, grandparents, brothers and sisters, children, and grandchildren, as well as the above members of step-families, adoptive families and in-law families of an employee. For purposes of the City's family and medical leave guideline, "immediate family" shall only include those relations contained within the federal Family and Medical Leave Act.
- 11) "Introductory employee" means an employee recently hired, promoted into a position, or transferred to a significantly different position, serving an introductory period.
- 12) "Introductory period" means the length of time (six [6] months for full-time employees other than Communications and Police Officers which serve a twelve [12] and eighteen [18] month introductory period, respectively) during which an employee's skills, abilities, attitude, and other job-related criteria are evaluated to determine their suitability for appointment to a regular position.

EXHIBIT A

- 13) "Layoff" means the separation of an employee from a position because of lack of work or non-availability of funds, abolishment of a position, reduction in service levels, or reduction in workforce.
- 14) "Modified Duty Supervisor" means Authorized Supervisor for assigned modified duty.
- 15) "Normal Business Hours" mean 0800 hours to 1700 hours Monday through Friday.
- 16) "On- duty" means:
 - a. Under FSLA: compensable hours worked. Includes all time an employee must be on duty, or on the employer's premises or at any other prescribed place of work from the beginning of the first principal activity of the workday to the end of the last principal work activity of the workday. Also included is any additional time the employee is allowed (i.e., suffered or permitted) to work.
 - b. Under FMCSA: See Section 707 Drug & Alcohol Use, Section 3, Definitions: On-Duty Time
- 17) "Overtime" means authorized time worked by an employee in excess of their normal work period.
- 18) "Paid Status" means an employee is paid wages for time worked or from hours recorded as earnings from the employee's leave bank, i.e. vacation, holiday, floating holiday or sick leave. It does not include earnings from disability benefits or leave hours donated through the Sick Leave Donation program.
- 19) "Part-time employee" means a non-exempt employee who is paid on an hourly basis and whose regular work week is less than or equal to twenty-nine (29) hours.
- 20) "Position" means a specific job in the City as authorized by appropriate City ordinance and assigned the appropriate pay level.
- 21) "Promotion" means the movement of an employee from one pay level to a higher pay level.
- 22) "Tenure" means the total number of months of service to the City as of the most recent date of hire to a full-time position.
- 23) "Termination" means permanent separation of an employee from the City employment rolls, resulting from death, discharge, layoff, resignation, or retirement.
- 24) "Non-paid status" means an employee who is on a type of leave authorized by law, including by way of example disability leave or Family and Medical Leave, and who has otherwise exhausted any form of accrued paid leave offered by the City, or who is on Administrative Leave without pay.
- 25) "Working conditions" means those factors, both physical and psychological, which comprise an employee's work environment.