



PERSONNEL HANDBOOK

ADOPTED FEBRUARY 16, 2022

PERSONNEL HANDBOOK REVISIONS

Resolution 2022-08, approved April 20, 2022, updated Chapter 7, Sections 7.02 and 7.03

Resolution 2022-10, approved May 4, 2022, updated Chapter 12, Section 12.06

Resolution 2022-26, approved August 17, 2022, updated Chapter 8, Section 8.03, Chapter 9, Section 9.04

Resolution 2023-05, approved April 5, 2023, updated Chapter 3, Section 3.10, Chapter 3, Section 3.19, Chapter 7, Section 7.09, Chapter 7, original Sections 7.09-7.12 are renumbered, Chapter 9, Section 9.05

Resolution 2023-33, approved September 6, 2023, updated Chapter 3, Sections 3.02, 3.03, 3.04, and 3.05, adding new Section 3.06, with original Sections 3.06 and 3.07 being renumbered and amended, which resulted in original Sections 3.08-3.25 being renumbered; and amending Chapter 7, Sections 7.03 and 7.06

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IMPORTANT INFORMATION ABOUT THE EMPLOYEE HANDBOOK

AT THE CITY OF CRIPPLE CREEK, NEITHER THE EMPLOYEE NOR THE ORGANIZATION IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT WITH THE CITY OF CRIPPLE CREEK IS AT-WILL. EITHER THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED; NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF THE CITY OF CRIPPLE CREEK, OTHER THAN THE CITY COUNCIL, ACTING IN ITS OFFICIAL CAPACITY AS A GOVERNMENTAL BODY ACCORDING TO LAW, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE MAYOR OR CITY ADMINISTRATOR AND THE EMPLOYEE.

THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. THE CITY OF CRIPPLE CREEK RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY OF CRIPPLE CREEK. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

CITY OF CRIPPLE CREEK PERSONNEL HANDBOOK

CHAPTER 1

GENERAL INTENT AND AUTHORITY

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

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

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

1. City Attorney.
2. Municipal Judge.
3. Consultants or special staff as designated by the City Administrator.
4. These guidelines apply without limitation to the City of Cripple Creek Police Department.

Section 1.04 - Lexipol Policy: These guidelines apply without limitation to the City of Cripple Creek Police Department. Any Lexipol or similar policies regarding any matter addressed by these guidelines are terminated and of no force of effect.

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

Section 1.06 - Distribution of Handbook: A copy of the Personnel Handbook and any amendments thereto shall be furnished to all existing and new employees upon approval of the Handbook or changes by City Council. Each employee shall review and acknowledge the receipt of the Personnel Handbook on the “Acknowledgment of Receipt.” All employees are expected to abide by this Personnel Handbook. Failure by an employee to receive a physical copy of this Handbook does not preclude an employee’s responsibility to abide by these guidelines.

CITY OF CRIPPLE CREEK
PERSONNEL HANDBOOK

CHAPTER 2

DEFINITIONS

Section 2.01 - Definition of Terms: The following are definitions of terms found throughout this Personnel Handbook:

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

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

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

City Administrator: The City Administrator is appointed by the City Council and is the chief executive officer for the City of Cripple Creek. Appointed by the city council, the city administrator is responsible for coordinating departments within the city and other external organizations.

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

Colorado Family Care Act: State law which expands the Federal Family and Medical Leave Act (FMLA) by allowing “eligible” employees to take job protected, unpaid leave, or to substitute appropriate paid leave if the employee has accrued it of up to 12 weeks of leave to care for parties to civil unions and domestic partners with serious health conditions.

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

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

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

Department: A major subdivision of City government.

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

Dismissal: Involuntary termination of an employee.

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

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

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

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

Family Medical Leave Act: Federal law that allows “eligible” employees of a covered employer to take job-protected, unpaid leave, or to substitute appropriate paid leave where available.

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

Gender Expression: Means an individual’s way of reflecting and expressing the individual’s gender to the outside world, typically demonstrated through appearance, dress and behavior.

Gender Identity: Means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth.

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

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

Non-Exempt Employee: An employee that qualifies for overtime under the Federal Fair Labor Standards Act or any applicable state laws.

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

Overtime: Authorized time worked by a non-exempt employee in excess of their normal work period, and for which compensation above their normal hourly wage is required by the Fair Labor Standards Act or any applicable state laws.

Part-Time: A position, or an employee occupying a position, either regular or temporary, in which the employee is regularly scheduled to work less than twenty-nine (29) hours per week and no greater than 1560 hours a year.

Part-Time Substitute: A position, or an employee occupying a position, in which the normal workweek is less than twenty-nine (29) hours per week and no greater than 1560 hours a year. An employee who holds this title will be called in by a supervisor to assist as staffing shortages occur. This position is paid on an hourly basis and receives no benefits except as required by law. Employment may be terminated if one shift is not covered in a three-month time frame.

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

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

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

Regular: An at-will employee of the City of Cripple Creek.

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

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

Reserve Firefighter: A position, or an employee occupying a position, in which the normal work period is 14 consecutive days and not more than 106 hours and no greater than 1560 hours a year. This position is paid on an hourly basis and receives no benefits except as required by law.

During the Academy the normal workweek is not more than 40 hours. Once out of the academy, employment may be terminated if 24 hours are not worked in a one-month time frame.

Resignation: Voluntary separation of employment by the employee.

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

Sexual Orientation: Means an individual's identity, or another individual's perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.

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

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

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

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

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

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

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

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CHAPTER 3

GENERAL RULES AND PROVISIONS

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

1. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other relative.
2. One relative would audit, verify or receive, or be entrusted with monies handled by the other relative.
3. One relative would have access to confidential information including payroll and personnel records of the other relative.

In the event two employees marry or form a civil union and one of the above situations applies, the City will try to arrange a transfer. If no such transfer is available, one of the employees must terminate within 60 days from date of marriage or registration of the civil union certificate. The decision as to which one resigns will be left to the two employees.

Section 3.02 - Romantic Relationships: If a romantic relationship develops between two people at work where one is in a supervisory position over the other, or the relationship interferes with either employee's work duties; both parties are responsible for reporting the relationship to the Human Resources Department. Such relationships can be disruptive to the work environment, create a conflict of interest or the appearance of a conflict of interest, and lead to complaints of favoritism, discrimination, or sexual harassment. Steps may be taken to change the work relationship to avoid any conflict of interest. However, the City will not discharge an employee or refuse to hire or promote any person solely on the basis that such employee or person is married to or plans to marry another employee of the City.

Section 3.03 - Equal Employment Opportunity and Unlawful Harassment: The City is dedicated to the principles of equal employment opportunity. The City prohibits unlawful discrimination against applicants or employees on the basis of their membership or perceived membership in a protected class, including those based upon disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin or ancestry, military status, or any other applicable status protected by state or local law. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment means to engage in, or the act of engaging in, any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at an individual or group of individuals because of that individual's or group's membership in a protected class, which conduct or communication is subjectively offensive to the individual alleging harassment and is objectively

offensive to a reasonable individual who is a member of the same protected class. The conduct or communication is a violation of this policy if:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Notwithstanding the above, petty slights, minor annoyances, and lack of good manners do not constitute harassment unless the slights, annoyances, and lack of good manners, when taken individually or in combination and under the totality of the circumstances, meet the standards for harassment set forth in this section. Factors to consider under the totality of the circumstances include:

- The frequency of the conduct or communication, recognizing that a single incident may rise to the level of harassment.
- The number of individuals who engaged in the conduct or communication.
- The type of nature of the conduct or communication, recognizing that conduct or communication that, at one time, was or welcome between two individuals may become unwelcome to one or more of those individuals.
- The duration of the conduct or communication.
- The location where the conduct or communication occurred.
- Whether the conduct or communication is threatening.
- Whether any power differential exists between the individual alleged to have engaged in harassment and the individual alleging the harassment.
- Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading.
- Whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class.

Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mails, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct such as assault or blocking an individual's movements.

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

Section 3.04 - ADA and Religious Accommodation: The City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the City or cause a direct threat to health or safety. The City will make reasonable accommodation for employees whose work requirements interfere with a religious

belief, unless doing so poses undue hardship on the organization. Employees needing such accommodation are instructed to contact their supervisor or the Human Resources Department immediately.

Section 3.05 - Pregnancy Accommodation: Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. Reasonable accommodations are changes to the work environment or the way things are usually done at work. Examples of possible reasonable accommodations include the ability to sit or drink water; receive closer parking; have flexible hours; receive appropriately sized uniforms and safety apparel; receive additional break time to use the bathroom, eat, and rest; take leave or time off to recover from childbirth; and be excused from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy. If an employee requests an accommodation, the City will engage in a timely, good faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City's business operations. An "undue hardship" is a significant difficulty or expense for the City.

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

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

Section 3.06 Break Time to Pump Breast Milk: Nursing employees have the right to take reasonable break time to express breast milk for their nursing child. For one year after the child's birth, covered employees may take reasonable break time each time such employee has need to express the milk. City employees must be provided with a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public which may be used by the employee to express breast milk. A bathroom, even if private, is not a permissible location to provide for pumping breast milk. If the space is not dedicated to the nursing employee's use, it must be available when needed by the employee. A space temporarily created or converted into a space for expressing breast milk or made available when needed by the nursing employee is sufficient provided that the space is shielded from view and free from any intrusion from coworkers or the public. When an employee is using break time at work to express breast milk, they either must be completely relieved from duty or paid for the break time.

Section 3.07 - Sexual Harassment: Because sexual harassment raises issues that are to some extent unique in comparison to other harassment, the City believes it warrants separate emphasis.

The City prohibits sexual harassment and inappropriate sexual conduct. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when those advances, requests, or other conduct rise to the level of unlawful harassment as defined in Section 3.03 of this Handbook.

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

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails, or text messages.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

Section 3.08 - Complaint Procedure: The City has established a program designed to prevent harassment, deter future harassers, and protect employees from harassment and other unfair labor practices as well as discrimination based upon their membership or perceived membership in a protected class. If you believe there has been a violation of the EEO policy or harassment based on a protected class, including sexual harassment, please use the following complaint procedure. The City expects employees to make a timely complaint to enable the City to investigate and correct any behavior that may be in violation of this policy.

Report the incident to your non-involved Supervisor, Department Manager or the Human Resources Department who will promptly investigate the matter and take reasonable corrective action, if warranted. In any case in which the Human Resources Department is a witness to or confronted with a situation involving the City Administrator, the activity should be reported to the Mayor or a member of City Council. Your complaint will be kept as confidential as practicable. If you prefer not to go to any of these individuals with your complaint, you should report the incident to the City Administrator.

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

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

Section 3.09 - Outside Employment: Employees may hold outside jobs as long as they continue to meet the performance standards of their job with the City. Employees should consider the

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

Employees involved in or contemplating outside work should discuss the issue with their supervisor. Despite any outside employment or business venture, employees are still required to perform their duties with the City. Any conflicts with a second job will not be acceptable excuses for not meeting expectations or attendance requirements, including any overtime work.

Any outside work must not create or appear to create a conflict with the City's business interests. Employees are not permitted to use any of the City's equipment or paid time off benefits for purposes related to an outside job or receive any income or material gain from individuals outside the City for materials produced or services rendered in the performance of their City position. Employees cannot receive any material gain for use of City tools, equipment, material or facilities.

Section 3.10 - Conflicts of Interest: Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This guideline establishes only the framework within which the City wishes the organization to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for that employee or for a relative.

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

If an employee has any situations, which may be an actual or potential conflict of interest, the employee must disclose this to the City Administrator as soon as possible.

Section 3.11 - Business Courtesies: Employees shall not solicit for or accept any gift or item of value. A gift or item of value includes, without limitation, accepting gift cards/vouchers, gratuity (i.e. accepting tips on the City transit system), lodging, event tickets, recreation, entertainment, meals, or other similar personal benefits. Any activity that could be considered a bribe or a means of improper influence on a direct official action is prohibited.

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

- Food and refreshment of nominal value (under \$75.00, except as noted below) on infrequent occasions in the ordinary course of a breakfast, luncheon, dinner meeting or other meeting where arrangements are consistent with the transaction of official business. No employee is allowed to accept gifts from any single source with a cumulative value of \$75.00 per vendor per calendar year.
- Transportation, lodging, meals or refreshments, in connection with attendance at widely attended gatherings sponsored by industrial, technical or professional organizations; or in connection with attendance at public ceremonies or similar activities financed by non-governmental sources where the employee's attendance is the result of an invitation to him/her in his/her official capacity.
- Rewards and prizes given in contests which are open to the public or to a broad group of employees.
- Discounts and similar benefits, including favorable rates, are acceptable even when they are offered to a limited class of employees, provided that the class is defined so as not to discriminate among employees on the basis of employment or position.
- Purchasing of articles or admission at advantageous rates where such rates are offered to all employees with no financial or otherwise beneficial gain to the organization.
- Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, informational materials, or other items of nominal value (\$50.00 or less).
- Commendations, certificates or plaques for outstanding individual or group performance.
- A gift motivated solely by a family relationship or personal friendship.

A gift or gratuity, the receipt of which is prohibited under this section, shall either be returned to the donor, pay for the item at market value, or if it is not practical to return it, it may, with approval be given to charity or shared with the office. All employees should anticipate situations in which they may be offered an unacceptable item of value and to take positive steps to avoid such situations before they actually arise.

The above list is not intended to be an all-inclusive list. If employees have any question whether a situation may violate business courtesies, discuss the matter with your manager. If there is a disagreement, refer the matter to the City Administrator for a final determination.

Section 3.12 - Hours of Work, Schedules and Attendance:

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

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

2. Meal Periods and Breaks: A non-exempt employee's normal work schedule will include a one-hour lunch break for each 8-hour workday and one 15-minute paid break period for every 4 hours worked. Operational requirements may prevent the use of break periods. No additional compensation shall be paid in lieu of the missed break. Unused work breaks cannot be accumulated in order to shorten the workday.
3. Accommodations for Nursing Mothers: The Colorado Nursing Mothers Act, which can be found at C.R.S. § 8-13.5-101 requires that the City as an employer provide reasonable paid or unpaid break time for an employee who is a nursing mother to express milk for up to two years after the child's birth. The City will provide the use of a room, office, or other private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from coworkers and the public. The City will make a reasonable effort to identify a location within close proximity to the work areas for the employee to express milk.
4. Attendance and Punctuality: All employees are expected to be on time and punctual for showing up to work. In addition, regular attendance is considered an essential function and is necessary for the efficient operation of the City. Employees who are going to be late or absent must notify their Department Manager or his/her designee as soon as possible prior to the start of their shift. Poor attendance and excessive tardiness are disruptive and may result in disciplinary action, up to and including termination.
5. Job Abandonment: Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the third day. The Department Manager shall notify the Human Resources Department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for re-hire.

Section 3.13 - Emergency Closings: At times, severe weather or other exigent circumstances may require the closing of City offices. When operations are officially closed by the City Administrator due to emergency conditions, the time off from scheduled work will be paid. Employees in essential operations will be expected to work when other operations are officially closed. In these circumstances, employees who work will receive their regular pay. If an emergency closing occurs and an employee had previously scheduled time off, that time off may not be changed to reflect emergency closing.

Section 3.14 - Business Travel, Reimbursement for Costs: The City will compensate employees and officials for travel when they travel outside the City of Cripple Creek and its immediate vicinity.

Travel expenses are established by the U.S. General Services Administration. Mileage expenses are established by the IRS. Please see supervisor or Finance Department for further information on current amounts.

Section 3.15 - Political Activity: Employees are encouraged to be involved in matters of responsible citizenship. Employees may participate in political activities under the following conditions:

1. No employee shall be a candidate for the office of Mayor or City Council. Any employee desiring to hold such office shall resign from City employment upon filing for the office.
2. Political activity on the national, state or county level is unrestricted, except that any employee desiring to hold such office shall refrain from any campaign activity while on duty or while identified by uniform, badge, or other City identification. The state level includes any governmental subdivision of the State, except the City.
3. Employees whose principle employment is in connection with federally financed activities face further restrictions and should inquire of the City Administrator's office before involving themselves in political activities.

Section 3.16 - Smoke Free Workplace: Smoking is prohibited within all areas of City buildings and in City vehicles. Smoking includes the use of any tobacco product, to include smokeless tobacco, as well as vaporizers, vape liquids, electronic or e-cigarettes, and electronic or vapor smoking accessories. Employees may smoke in designated outdoor areas. This restriction applies to all employees and visitors, at all times, including non-business hours.

Section 3.17 - Alcohol and Drugs: The City is committed to a safe, healthy, and productive work environment for all employees that is free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs, as defined by the Controlled Substances Act, employee judgment, resulting in increased safety risks, injuries, and faulty decision making. This includes working after the apparent use of marijuana, regardless of marijuana's legal status. Furthermore, working after the use of alcohol, a controlled substance or abuse of any other substance is prohibited. This policy also pertains to employees who are on Standby as discussed in Section 6.07 of this Handbook.

In accordance with the Drug-Free Workplace Act of 1988, the City prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during work time, on City premises, or other work sites. Any employee who is convicted or pleads guilty or no contest under a criminal drug statute for a violation occurring in the workplace must notify the City within five days of such conviction or plea. Testing is an important element in the City's efforts to ensure a safe and productive work environment. The City has issued a separate statement for this testing program. Please refer to this separate statement, the Human Resources Department, or your supervisor if you have specific questions.

Section 3.18 - Safety: In order to promote development and implementation of safe working practices and conditions, the following rules apply:

The City is committed to a safe work environment for employees. Employees should report any unsafe practices or conditions to their supervisor.

If employees are injured on the job, no matter how minor, they must immediately report this fact in writing to their supervisor.

If medical treatment for an on-the-job injury is needed, it must be obtained from one of the City's designated medical providers. If not, the employee may be responsible for the cost of medical treatment.

1. Department managers shall:
 - a) Ensure that safety rules and regulations are posted.
 - b) Periodically conduct safety inspections of the work site to detect hazardous areas or practices for correction as appropriate.
 - c) Maintain a record of said inspections and results therefrom.
 - d) Shall post the location of all exits from the workplace and emergency escape procedures, where appropriate.
2. It is the responsibility of all employees to cooperate in making the safety program work. Employees must but are not limited to the following:
 - a) Be informed of and observe established safety practices.
 - b) Notify supervisors of any unsafe conditions they discover.
 - c) Use personal protective equipment such as steel toed shoes, safety vests, safety glasses, and hard hats where required.
 - d) Not remove guards or other protective devices from machinery and equipment.
 - e) Not engage in "horseplay."
 - f) Attend any required training or orientation to increase safety awareness.
 - g) Not report to work with alcohol or drugs in their system which might impair normal behavior or ability to function safely. Refer to the City of Cripple Creek Drug and Alcohol Testing Policy.
 - h) Report all job-related injuries or illnesses to their supervisors immediately.
 - i) Assist supervisors in their investigation of any accident of which they have knowledge.
 - j) Refrain from smoking in "no smoking" areas to include all City buildings and vehicles.
 - k) Refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.
3. The City and departments have adopted safety programs, prescribed practices and standards. Employees are required to comply with them, and to report violations to their Supervisor or Department Manager.

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

Section 3.19 - Accidents and Injuries: Employees shall report all accidents and injuries to their immediate supervisor or Department Manager as soon as possible. Minor injuries requiring only first aid may be treated at the work site. Employees incapacitated by serious injury shall be transported to a medical facility by ambulance or other emergency vehicle. The employee or the supervisor must file an First Report of Injury with the Human Resources Department within twenty-four (24) hours of the accident.

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

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

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

Section 3.20 - Communication Systems: The City's computer network, access to Internet, e-mail, and voice mail systems are business tools intended for employees to use in performing their job duties. Therefore, all documents and files are the property of the City. All information regarding access to the City's computer resources, such as user identifications, access codes, and passwords are confidential City information and may not be disclosed to non-City personnel.

All computer files, documents, and software created or stored on the City's computer systems are subject to review and inspection at any time. Employees should not assume that any such information is confidential, including e-mail either sent or received.

Computer equipment should not be removed from the City premises without written approval from a department manager. Upon separation of employment, all communication tools should be returned to the City.

Personal Use of the Internet: Some employees need to access information through the Internet connection provided by the City in order to do their job. Use of the Internet is intended for business purposes only. The City prohibits the display, transmittal, or downloading of material that is in violation of City guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time.

Software and Copyright: The City fully supports copyright laws. Employees may not copy or use any software, images, music, or other intellectual property (such as books or videos) unless the employee has the legal right to do so. Employees must comply with all licenses regulating the use of any software and may not disseminate or copy any such software without authorization. Employees may not use unauthorized copies of software on personal computers housed in City facilities.

Unauthorized Use: Employees may not attempt to gain access to another employee's personal file of e-mail messages or send a message under someone else's name without the latter's express permission. Employees are strictly prohibited from using the City communication systems in ways that management deems to be inappropriate. If you have any question whether your behavior would constitute unauthorized use, contact your immediate supervisor before engaging in such conduct.

E-mail: The City's email account is to be used for business purposes only. The City prohibits the display, transmittal, or downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time. No one may solicit, promote, or advertise any outside organization, product, or service through the use of e-mail or anywhere else on City premises at any time. Management may monitor e-mail from time to time. Employees should be aware that emails might be public records and subject to public disclosure.

Employees are prohibited from unauthorized use of encryption keys or the passwords of other employees to gain access to another employee's e-mail messages.

Voice Mail: The City voice mail system is intended for transmitting business-related information. The City reserves the right to access and disclose all messages sent over the voice mail systems for any purpose. Employees must use judgment and discretion in their use of voice mail.

Telephones/Cell Phones/Mobile Devices: Employee work hours are valuable and should be used for business. Excessive personal phone calls and text messages can significantly disrupt business operations. Employees should use their break or lunch period for personal phone use.

Confidential information should not be discussed on a cell phone or mobile device. Phones and mobile devices with cameras should not be used in a way that violates other City guidelines such as, but not limited to, EEO/Sexual Harassment and Confidential Information.

For safety reasons, employees should avoid the use of cell phones and mobile devices to make calls while driving. Employees must park whenever they need to use a cell phone. Generally, stopping on the shoulder of the road is not acceptable. Employees are prohibited from using a cell phone or other device to text while operating a motor vehicle. Texting is permitted only where the vehicle is at rest in a shoulder lane or lawfully parked.

City lines should not be used for personal long-distance calls.

Postage: The use of City postage for personal correspondence is not permitted.

Section 3.21 - Fair Campaign Practices Act and Open Meetings Law: E-Mail communications between and among City officials and employees shall not violate the provisions of the Fair Campaign Practices Act. Specifically, e-mail communications shall not in any way attempt to influence the outcome of an election.

Section 3.22 - Social Media Policy: The City may authorize employees to use social media for fulfilling job duties, to enhance City communications efforts, and other business reasons. This policy applies to the use of social media by any City employee if such use is authorized by the City or if an employee's personal use of social media is also business-related.

1. Limitations on Use of Social Media:

- a) City Departments shall not create social media accounts unless authorized by the City Administrator. Employees shall not establish any social media accounts in their capacity as a City employee unless authorized to do so by their Department Manager, after the Department Manager has received authorization to do so by the City Administrator. Unauthorized postings made by an employee on social media sites are considered personal communications and are not City communications. Employees are personally responsible for the content they publish.
- b) All accounts authorized by the City are the property of the City; therefore, those employees authorized to participate in social media must provide their Department Manager with all information required to access and post on authorized sites, such as user names, passwords, and the like. Employees may not use social media for purposes beyond that authorized by their Department Manager. Employees who exceed their authorization or who violate this policy may have their social media privileges revoked and may be subject to discipline.
- c) The City Administrator may, at any time, and in their sole discretion, terminate any City social media account established or created pursuant to this policy.
- d) Regardless of the forum, be it public or private, all business-related participation in social media by City employees shall be subject to the Colorado Open Records Act (C.R.S. § 24-72-101 et seq.) and employees do not have an expectation of privacy concerning their participation. The City may monitor all business-related employee use of social media, as well as any non-business-related use that occurs on City work time or using City resources, and may take any necessary steps to disable access to social media during City work time or through City resources.
- e) Employees shall not post, release or otherwise disseminate proprietary, confidential, sensitive, or personally identifiable information (unless written consent is provided), and may not comment on pending litigation on social media websites.
- f) City employees may not use City resources (including City issued e-mail addresses) or work time to sign up for, access, or publish content to social media accounts for personal use.

2. Personal Use of Social Media Outside of Work: Absent prior approval of the City Administrator, employees who engage in personal use of social media outside of work:
 - a) May not use the trademark, logo, or name of the City or that of any City department or program, unless such use constitutes “Fair Use” under applicable copyright law;
 - b) May not use their affiliation with the City in association with that personal use;
 - c) May not speak as a representative of the City in the course of their personal use of social media.

Nevertheless, employees may do the following, without prior approval of the City Administrator:

- a) Employees may list the City as their employer, and may list their job titles with the City on social media sites; and
- b) Employees may provide information and links regarding City-sponsored events on social media sites.

If an employee is designated to speak as a City representative on social media sites, they must ensure that their profile and related content is consistent with how they wish to represent themselves to colleagues, citizens, and other stakeholders.

Personal postings by an employee concerning the City are not prohibited provided they comply with guidelines set forth below or in this handbook. If you publish or post regarding City matters, you should include a disclaimer making clear the posting is your own and does not necessarily represent City positions, strategies, or opinions.

When you use social media, use good judgment. The City requests that you be respectful of the City, our employees, our constituents, our partners and affiliates, and others.

3. Requirements for City-Authorized Use of Social Media by Employees:

- a) Employees who are authorized to participate in social media on behalf of the City must always be aware that they represent the City of Cripple Creek in an official capacity and shall do so in a professional manner. Employees may not use their participation in social media in a manner that detracts from the work of the City or which, in the sole opinion of the City Administrator, negatively impacts the mission, reputation, function, or professionalism of the City.
- b) Employees must identify themselves by name and position title and use their work e-mail address in registering for and participating in social media

websites. All employee postings or other interaction on social media websites shall contain a disclaimer that the views expressed belong to the individual employee and are not those of the City.

c) Employees must confine their use of City social media accounts to discussion of subject matter that relates to City business and to their employment area of expertise.

d) Online statements shall be true, accurate, legal, and ethical. False and defamatory statements are not permitted, and employees making such statements may be subject to discipline.

e) Employees shall not use ethnic slurs, profanity, personal insults, or engage in any business-related conduct on social media sites that would not be acceptable in the City's workplace. Employees who violate this policy may be subject to discipline.

f) Employees are prohibited from posting, using, or otherwise infringing upon material that is copyrighted or trademarked by third parties. In addition, employees are required to credit other authors for borrowed content and to protect the intellectual property of others.

g) Employees shall not mention vendors, suppliers, clients, citizens, co-workers, or other individuals without their prior written consent.

h) Social media sites are not the appropriate place to make a complaint such as alleged discrimination, unlawful harassment, or safety issues. Complaints of that nature should be made consistent with the complaint procedure in the handbook so that the City is afforded an opportunity to promptly address and investigate such complaints in an unbiased and effective manner.

Section 3.23 – Violence in the Workplace Policy:

Anti-Violence: Employees must not engage in intimidation, threats or hostile behaviors, physical abuse, vandalism, arson, sabotage, bullying, use of weapons, carrying unconcealed weapons on to City property, or any other act, which in management's opinion is inappropriate to the workplace. In addition, employees must refrain from making offensive comments regarding violent events and/or behavior or comments approving of such behavior. Employees are expected to report any prohibited conduct to management. Employees should directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

Anti-Bullying: The City is committed to providing a safe and healthy work environment for all employees. As such, the City will not tolerate bullying of any kind. This policy applies to employees while working, attending work functions and traveling on business.

Bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the workplace or in the course of employment. Such behavior violates City policies which state all employees will be treated with dignity and respect.

Bullying can be intentional or unintentional. Bullying can include:

- Verbal bullying: slandering, ridiculing or maligning a person or his or her family or associates; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying: pushing, shoving, kicking, poking, tripping, assaulting or threatening to assault, damaging a person's work area or property.
- Gesture bullying: nonverbal threatening gestures; glances that can convey threatening messages.
- Exclusion: unintentionally disregarding a person or excluding a person from work-related activities.

The following are examples of some, not all, behavior that may constitute or contribute to evidence of bullying:

- Repeatedly singling out a person.
- Pointing at or raising your voice at an individual, whether in public or private.
- Shutting a person out; not allowing him or her to speak or express him- or herself (ignoring or interrupting); interfering with email or other forms of communication; not including him or her in meetings without a valid business reason for doing so.
- Humiliation in any form; verbal or obscene gestures, personal insults or offensive nicknames.
- Constant criticism unrelated or minimally related to job performance; public reprimand.
- Hampering an individual's ability to do his or her work; assigning menial tasks not aligned with normal job duties; taking credit for another's work or ideas.
- Spreading rumors or gossiping about another.

If you are subjected to bullying, or witness or suspect bullying is taking place, report it to your supervisor and/or to the Human Resources Department immediately. Reports of bullying will be addressed under the Employee Problem Procedure in Section 11.01 of this Handbook.

Inspections: We may conduct searches after notice is given and with the employee's consent of employees' personal effects. This may include, but is not limited to, lunch bags, boxes, purses, personal computers, packages, or vehicles.

We may conduct searches of the above items without employee consent if we have a reasonable suspicion to believe that illegal activity is taking place and after obtaining a warrant to do so. Any illegal and unauthorized articles discovered may be taken into custody and will be turned over to law enforcement representatives.

Employees do not have a reasonable expectation of privacy in lockers, desks, cabinets, or file drawers, all of which are keyed by the City and copies of those keys are kept by the City.

Section 3.24 – Weapons in the Workplace

Possession of a weapon is prohibited while in/on City property or while on City business unless required in the performance of duties (i.e., Police Officers), or specifically authorized by the City Administrator.

Section 3.25 - Data Disposal Policy

During the course of your employment, the City will collect certain information that is classified as “personal identifying information,” or PII, under applicable laws. Such information may include, but is not limited to:

- Your first and last name or initials;
- Username(s) and password(s);
- Social security number;
- Driver license or other identification card number;
- Medical documentation;
- Biometric data;
- And more.

The City may keep these records in paper and/or electronic format. When such documentation is no longer needed, pursuant to records retention requirements and best practices, the City will either (a) destroy the records or (b) arrange for their destruction, e.g. by shredding, erasing, or otherwise modifying the personal identifying information in such a manner as to render it unreadable or indecipherable through any means.

Section 3.26 – Confidential Information Obtained During Employment

During the course of your employment, you may be given or obtain confidential or otherwise sensitive information pertaining either to the City or individuals or third-party organizations. This information must be kept confidential and used only to further the City's interests. Misuse or abuse of such confidential information may be grounds for disciplinary action.

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CHAPTER 4

NATURE OF EMPLOYMENT

Section 4.01 - Nature of Employment - Employment at Will: The City of Cripple Creek is an At Will Employer. Employment with the City of Cripple Creek is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City of Cripple Creek may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. Department Managers are not authorized to enter into contracts or agreements that contradict or in any way are inconsistent with this policy.

Section 4.02 - Re-Hire: Any former regular employee who resigned from the City in good standing may be considered for re-employment. Persons interested in re-employment should file a completed City application form with the Human Resources Department. The individual will then proceed through the regular hiring procedures with other applicants. The compensation of an employee re-hired (including all benefits) will be subject to provisions for new hires.

Section 4.03 - Appointment to Acting Capacity: When, in the opinion of the City Council or the City Administrator, as appropriate, a vacancy occurs which requires immediate filling and it is not feasible to make an immediate regular appointment, the appointing authority may appoint, for a period of up to six (6) months, an employee from another position to fill the vacant position in an acting capacity. The individual's pay in the acting position shall be adjusted within the range for the acting position or as the City Administrator deems appropriate. Upon expiration of the acting appointment, the individual will return to his/her previous position and pay. However, the employee's previous pay may be adjusted if the employee would normally have received an adjustment in the regular position during the period of temporary appointment. The employee's anniversary date will not be affected.

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CHAPTER 5

EMPLOYMENT PROCEDURES AND PRACTICES

Section 5.01- Employment Classifications/Status:

A. Employees of the City are classified as either exempt or nonexempt under federal and state wage and hour laws, and are further classified for administrative purposes, such as the administration of fringe benefits like paid time off or holidays. These classifications do not determine eligibility for participation in the City's group health plan. Eligibility for participation in the City's group health plan is governed by the terms of the plan documents as well as applicable law. To obtain a copy of the Summary Plan Description or to discuss whether you are eligible to participate in the City's group health plan, please contact the Human Resources Department. The following classifications are used throughout this Handbook.

1. Review Period: Each newly hired or appointed employee must serve a six (6) month [twelve (12) month for Fire, Police and Communications Department] review period. The review period is a time for the employee, the supervisor, and the Department Manager to decide whether or not the individual is suitable for the position and can satisfactorily perform the essential functions of the job for which they were hired. During the Review Period, the employee may be terminated with or without cause under the provisions applicable to all City employees under Chapter 10.06 of this Handbook.
2. Temporary Employees: Employees hired in a job established for a temporary period or for a specific assignment. Temporary employees are ineligible except as required by law for City benefits.
3. Part-Time Substitute: A position, or an employee occupying a position, in which the normal workweek is not more than 29 hours per week or 24 hours per week for the Fire Department. An employee who holds this title will be called in by a supervisor to assist as staffing shortages occur. This position is paid on an hourly basis and receives no benefits except as required by law. Employment may be terminated, and the employee listed as inactive if one shift is not covered in a three-month period.
4. Part-Time Employees: An employee who is scheduled to work on a regular basis but less than twenty-nine (29) hours in a seven (7) day work period. Part-time employees are currently ineligible except as required by law for City benefits.
5. Full-Time Employees: An employee whose regularly scheduled hours are forty (40) or more hours during a seven (7) day work period. The Fire Department and Police Officers have different standards for hours worked according to FLSA guidelines. Full-time employees are currently eligible for City benefits.

6. Exempt: Employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) or applicable state law and who are exempt from minimum wage and/or overtime pay requirements.
7. Nonexempt: Employees whose job positions do not meet FLSA or applicable state exemption tests, and who are not exempt from minimum wage and overtime pay requirements. Nonexempt employees are eligible to receive overtime pay or compensatory time (when previously approved by the Department Manager), for hours worked in excess of 40 hours in a given workweek, or as otherwise required by applicable state law. Law enforcement and fire protection personnel are covered by the FLSA's section 207 (k) exemption.
8. Reserve Firefighter: A position, or an employee occupying a position, in which the normal work period is 14 consecutive days and not more than 106 hours. This position is paid on an hourly basis and receives no benefits except as required by law.

During a Reserve Firefighter's attendance at the academy, the normal workweek is not more than 40 hours. Once out of the academy, employment may be terminated if 24 hours are not worked in a one-month period.

B. Changes in Status.

1. Review Period: Immediately prior to the expiration of the review period, the immediate Supervisor or Department Manager shall complete a performance evaluation. This will be signed by the Department Manager and submitted to the Human Resources Department.
2. Transfer or Reassignment: When a job vacancy is announced, any City employee may apply for the position. All qualified applicants will be considered without guarantee of selection. City officials have full discretion regarding the hiring process, subject to any applicable mandatory legal requirements.
3. Promotion: When a job vacancy is announced, any City employee may apply for promotion to the position. All qualified applicants will be considered without guarantee of selection. City officials have full discretion regarding the hiring process, subject to any applicable mandatory legal requirements.

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

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

functions of the job. During and after the review period, the employee may be terminated with or without cause under the provisions applicable to all City employees pursuant to Chapter 10.06 of this Handbook.

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

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

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

Exit interviews may be conducted by the Human Resources Department to gather constructive feedback from employees who leave the City. Information gained may identify opportunities for the City to improve.

Interviews are scheduled at the convenience of the employee and Human Resources before the employee's last day of employment. Although participation in the exit interview is voluntary, it is highly encouraged.

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

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CHAPTER 6

COMPENSATION

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

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

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

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

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

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

Section 6.03 - Pay for Exempt Employees: Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period on a weekly basis. The City is committed to complying with salary basis requirements which allows properly authorized deductions.

Section 6.04 - Overtime/Work Period: This overtime policy applies to all employees who are non-exempt under terms of the Fair Labor Standards Act (FLSA). All non-exempt employees must obtain authorization in advance by the respective Department Manager prior to working

overtime. Overtime will be held to an essential minimum. Overtime hours worked during the work period shall be paid at a rate of one and one-half (1½) times the employee's base rate.

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

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

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

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

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

The compensatory time balance is payable to the nonexempt employee at termination.

Section 6.05 - Personal Use of City Vehicles: Some employees may be authorized to take a City vehicle to their home during off-duty hours. Such privilege will be granted only on the basis of a recognized need for that individual to respond to City emergencies or other frequent needs during off-duty hours. When such privilege is granted, the vehicle will be used for transportation to and from City business only. No other use of City vehicles will be permitted without prior authorization from the City Administrator.

Section 6.06 - Call-In Pay: When a non-exempt employee is called into duty during scheduled off hours, the employee is entitled to a minimum of two (2) hours pay.

Section 6.07 - Standby: Operational necessity of the City may require that an employee be on standby awaiting a call out for return to work. An employee who is placed on standby must be available for contact by telephone. During the standby period, the employee is able to engage in non-work related activities.

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

An employee assigned to standby that is not available for call out or who is incapable of performing assigned duties, will be subject to disciplinary action, up to and including termination.

Section 6.08 - Performance Evaluation Increase: The City of Cripple Creek may, subject to City Council budget approval, grant annual merit increases to employees based on the procedure outlined in the City's pay plan or the pay for performance system set forth in Section 6.01 hereof.

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

Section 6.09 - Administrative Pay Corrections: The City takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of payroll so corrections can be made as quickly as possible.

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

Section 6.11 - Termination Pay: An employee who is dismissed shall receive a final paycheck within the time period prescribed by law.

THE CITY OF CRIPPLE CREEK
PERSONNEL HANDBOOK

CHAPTER 7

EMPLOYEE LEAVE BENEFITS

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

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

All eligible non-exempt employees that work on a recognized City holiday will be paid straight time for their regularly scheduled shift up to a maximum of ten hours, plus the hours worked on the holiday at time and one-half. For example, an employee who normally works an eight-hour shift and has to work 8 hours on a scheduled City holiday, would be paid 8 hours at straight time and 8 hours at time and one-half. There shall be no pyramiding of overtime rate. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

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

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

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

0-59 months	3.08 hours per payroll	80 hours per year
60-119 months	4.62 hours per payroll	120 hours per year
120 or more months	6.16 hours per payroll	160 hours per year

Firefighters:

0-59 months	4.32 hours per payroll	2 weeks per year
60-119 months	6.48 hours per payroll	3 weeks per year
120 or more months	8.64 hours per payroll	4 weeks per year

Police:

0-59 months	3.24 hours per payroll	2 weeks per year
60-119 months	4.85 hours per payroll	3 weeks per year
120 or more months	6.47 hours per payroll	4 weeks per year

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

Vacation time taken must have prior approval of the Department Manager so as to minimize disruption. Vacation leave is granted in not less than quarter-hour units. Upon separation of employment, employees will receive pay for earned, unused vacation.

The maximum amount of vacation leave employees will be allowed to carry is 240 hours (6 weeks).

The maximum amount of vacation leave employees (Firefighters) will be allowed to carry is 337 hours (6 weeks).

The maximum amount of vacation leave employees (Police) will be allowed to carry is 252 hours (6 weeks).

Employees may elect to sell vacation hours with prior approval of their supervisor; however, in no circumstances may an employee sell vacation if doing so would bring their balance below 40 hours, 56 hours for Firefighters, and 42 hours for Police. Employees may not sell greater than 80 hours and 112 hours for Firefighters of vacation in a calendar year. A form must be completed with this request, which can be obtained through the payroll department and will be processed with the next regularly scheduled payroll. In order to be processed, it must be submitted to payroll by the Monday of the payday week. A schedule of pay period start/end dates and check distribution dates is available.

Section 7.03 - Sick Leave: Full-time employees accrue sick leave at the rate of one (1) day per month or a maximum of twelve (12) sick days per year. Employees not classified as full-time accrue sick leave at the rate of one hour for every thirty (30) hours worked, up to a maximum of 48 hours per year. Unused sick leave may be carried over into the next calendar year up to a maximum of 520 hours for full-time employees, 730 hours for full-time firefighters, 546 hours for full-time police, and 48 hours for employees not classified as full-time. Sick leave is granted in not less than quarter-hour units.

All employees: 1) begin accruing paid sick leave when the employee's employment begins; 2) may use paid sick leave as it is accrued; and 3) may carry forward and use in subsequent calendar years paid sick leave that is not used in the year in which it is accrued up to the maximum amount allowed.

To be eligible to utilize paid sick leave, the intended use of sick leave must be reported to the immediate supervisor prior to the start of each scheduled workday or prior to leaving the worksite. In the cases where treatment, surgery, or other regimen are scheduled in advance, at

least 30 days' notice must be given to the Department Manager, or as soon as practicable. If the employee is unable to contact the Department Manager in the case of an emergency, every effort should be made to have another party contact the Department Manager. An exception to this policy may be granted by the Department Manager in special circumstances or in the case of an extended illness. Unused sick leave is not compensable and is not paid out upon separation of employment.

Employees may use accrued paid sick leave to be absent from work for the following purposes:

- a) The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- b) The employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- c) The employee or family member has been the victim of domestic abuse, sexual assault, or harassment and the use of sick leave is to:
 - (I) Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by the domestic abuse, sexual assault, or harassment;
 - (II) Obtain services from a victim services organization;
 - (III) Obtain mental health or other counseling;
 - (IV) Seek relocation due to the domestic abuse, sexual assault, or harassment; or
 - (V) Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
- d) A public official has ordered the closure of the employee's place of business or the school or place of care of the employee's child due to a public health emergency.
- e) The employee needs to grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a covered family member;
- f) The employee needs to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member's school or place of care; or
- g) The employee needs to evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other

unexpected occurrence or event that results in the need to evacuate the employee's residence.

The City encourages employees, to the extent possible, to schedule routine and preventive appointments with health care providers on regularly scheduled days off.

Employees may be provided an additional amount of paid sick leave during a public health emergency in an amount based on the number of hours the employee works.

Employees taking sick leave may be required to submit medical verification when such leave is for four (4) or more consecutive workdays. The City may also require reasonable documentation that the paid sick leave is for an authorized purpose. Abuse of sick leave may be subject to disciplinary action up to and including termination.

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

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

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

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

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

Section 7.06 - Military Leave: The City supports those who serve in the armed forces to protect our country. In keeping with this commitment, and in accordance with state and federal law, employees currently on active reserve or active duty status with the U.S. Army, Navy, Air Force, Marines, Coast Guard, or certain types of service in the National Disaster Medical System, who must be absent from work for military service are entitled to take a military leave of absence. Affected employees should provide copies of military orders and military rate of pay to their supervisor and the Human Resources Department as soon as possible. Employees granted a military leave of absence are re-employed and paid in accordance with the laws governing veteran's re-employment rights. The City will provide compensation that supplements military

pay up to the employee's current pay for the first 15 days of leave; after that time leave is without pay. As with other types of unpaid leave, vacation and sick leave benefits will not accrue during the unpaid military leave. Benefits may be affected depending on the status of the military leave and will be evaluated based on the duration of the leave; but there shall be no loss of pay, seniority, sick leave, or other benefits for the entire time the employee is engaged in military training or active service order or authorized by proper authority pursuant to law, whether for state or federal purposes, but not exceeding the equivalent of three weeks of work in the leave year established by the City.

Section 7.07 - Bereavement Leave: Employees may be provided paid leave for up to a maximum of the equivalent of an employee's regular work week, per occurrence, due to a death in their immediate family. Immediate family is defined as the employee's spouse, civil union partner, parent, child, sibling; the employee's spouse's parent, civil union partner, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration will also be given to any other person, whose association with the employee was similar to any of the above relationships, subject to approval of the City Administrator.

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

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

Section 7.08 - Family Medical Leave Act (FMLA): The City provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- 1) Incapacity due to pregnancy, prenatal medical care or childbirth.
- 2) To care for the employee's child after birth, or placement for adoption or foster care.
- 3) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
- 4) Serious health condition that makes the employee unable to perform the employee's job.
- 5) Additional reasons as may be promulgated by State or Federal legislation.

Military Family Leave Entitlements:

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

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition.”

Benefits and Protections:

During FMLA leave, the City maintains the employee’s health coverage under any group health plan on the same terms as if the employee had continued to work.

Employees must continue to pay their portion of any insurance premium while on leave. Employees must make prior arrangements with HR to pay the required employee contribution for such benefits while on leave if leave is without pay.

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

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

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

Eligibility Requirements for FMLA Leave:

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

Definition of Serious Health Condition:

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of

the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave:

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

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

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

Substitution of Paid Leave for Unpaid Leave:

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

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

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

Worker's Compensation:

Employees with a workers' compensation injury may be eligible for FMLA when the injury is one that meets the criteria for a serious health condition.

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

Employee Responsibilities:

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

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

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

City Responsibilities:

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

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

Unlawful Acts:

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

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;

- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

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

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Section 7.09 – Family and Medical Leave Insurance Program (FAMLI): The City of Cripple Creek has voted to opt out of participating in the FAMLI state-run family leave program. All eligible employees of the City of Cripple Creek can participate in FAMLI on an individual basis. FAMLI provides benefits and protections, including partial income protection for eligible employees who are temporarily unable to work due to their or a family member's qualifying medical or legal reason, specifically, for the care of a newborn, adopted child, or fostered child; to care for a family member with a serious health condition; for the employee's own serious health condition; for qualifying military exigency leave; or to address safety needs or the impact of domestic violence and/or sexual assault. Partially paid leave is available for up to 12 weeks in a calendar year or up to 16 weeks under certain circumstances related to pregnancy and childbirth. Please see Human Resources to obtain additional copies of the required notices to employees of local government employers who have opted out of FAMLI that are distributed upon hiring, delivered to employees within thirty days after the decision by the City of Cripple Creek to opt out of the FAMLI program, and posted with other labor notices in the City's offices.

Section 7.10 - Colorado Family Care Act (FCA): The City of Cripple Creek provides up to 12 weeks of unpaid, job protected leave to eligible employees to care for their partners in a civil union or domestic partnership, who have serious health conditions. Generally, leave under the Family Care Act is administered consistent with FMLA regulations. Contact the Human Resources Department if you need Family Care Leave.

Section 7.11 - Voting Time Off: Employees are encouraged to fulfill civic responsibilities by participating in municipal, state, and federal elections. Generally, employees are able to find time to vote either before or after their regular work schedule. However, if an employee does not have three or more non-scheduled work hours between 7:00 a.m. and 7:00 p.m. in which to vote, the City will grant up to two (2) hours of paid time-off to vote. Employees must notify their supervisor prior to Election Day so that the necessary time can either be scheduled at the beginning or the end of the employee's shift so as to cause the least amount of disruption.

Section 7.12 - Domestic Abuse Leave: Employees subject to domestic abuse may be eligible for a leave of absence. Please see the Human Resources Department for more information.

Section 7.13 - Leave of Absence Without Pay: A leave of absence without pay may only be granted by approval of the City Administrator and is not guaranteed. This request shall be routed

through the Human Resources Department. The City will not continue paying for insurance benefits during this period; the employee is not entitled to reinstatement to the same or equivalent positions following leave without pay, and no leave benefits will accrue while the employee is on leave without pay. A leave of absence shall not exceed six months in duration. Failure to return from a leave of absence could lead to termination even if notice is given.

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

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

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CHAPTER 8

INSURANCE, RETIREMENT AND OTHER BENEFITS

Section 8.01 - Medical, Dental, Vision, GAP, Disability and Life Insurance: Currently, the City of Cripple Creek provides medical, dental, vision, GAP, disability and life insurance for eligible full-time employees and their eligible family members. The insurance premiums for employees and family members of eligible employees are rates set by the insurance provider and payable by the employee. The insurance premium shall be deducted from the employee's paycheck on a bi-weekly basis. Health insurance coverage for employees and their eligible family members will be offered on the first of the month following date of hire and will be continued until the end of the month following termination or resignation. For the purpose of this policy, termination or resignation will be defined as the last day an employee is performing his/her job for the City.

Coverage and/or payment of premiums are subject to change at any time by action of the Mayor and City Council. For more information about these Plans, please refer to the Summary Plan Description or contact the Human Resources Department. In the event the above information conflicts with the actual terms and conditions of coverage, the latter governs.

Section 8.02 - Retirement and Social Security: All regular full-time employees are required to participate in the Colorado Retirement Association (CRA) or Fire and Police Pension Association (FPPA). Reference plan documents for specific details.

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

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

Section 8.03 - Workers' Compensation: Employees are provided with Workers' Compensation Insurance coverage for injuries that result from their employment. The injury should be reported within twenty-four (24) hours to the Department Manager, Supervisor and also to the Human Resources Department. Pursuant to Section 8-43-102(1), C.R.S., written notice must be given to the City within ten (10) days after the occurrence of the injury if injured on the job, even if no medical treatment is needed. If medical treatment for an on-the-job injury is needed, it must be obtained from one of the City's designated medical providers. If not, the employee may be responsible for the cost of medical treatment. No matter how minor the injury may appear, the employee's Department Manager must be notified. Non-compliance with the notification requirement could result in an employee's loss of benefits.

Employees missing work due to a Workers' Compensation disability are entitled to benefits under the Workers' Compensation Law, but are not entitled to accrue or utilize holiday, sick or

vacation time as provided for in this handbook. It is the City's expectation that all City employees schedule their appointments during non-working hours to the extent practicable.

Section 8.04 - Employee Training and Development:

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

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

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

The City has a separate guideline for tuition reimbursement. This guideline also includes provisions regarding criteria, processes, eligible expenses, and tuition program limitations. Please see the Human Resources Department for guidelines.

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CHAPTER 9

SAFETY AND ACCIDENT PREVENTION

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

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

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

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

Section 9.04 - Reporting Accident or Injury: In the event that an employee sustains an on-the-job injury or does damage to City equipment or to public or private property, the employee must report the facts to his/her Department Manager as soon as possible. A follow-up written report with appropriate statements from the employee and other witnesses shall be prepared by the Department Manager within ten (10) days. Accidents involving City vehicles shall be reported to and investigated by the local Police Department. Such reports are necessary to comply with laws and initiate insurance and Worker's Compensation reporting procedures. Failure to notify the Department Manager, or to prepare a report, can result in disciplinary action up to and including termination. Refer to the City of Cripple Creek Drug and Alcohol Testing Policy.

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

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, or the unauthorized use of a City vehicle or equipment may result in disciplinary action, up to and including termination.

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

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CHAPTER 10

EMPLOYEE DISCIPLINE/DISCHARGE

Section 10.01 - Nature of Employment Relationship with the City: Employment with the City is on an “at will” basis. This means that an employee may end their employment with the City at any time and for any reason. The City may also terminate an employee’s employment or alter the terms and conditions of that employment at any time and for any reason, with or without cause and with or without notice. There is no guarantee of continued employment with the City, even if the employee has performed in accordance with the City’s expectations or even exceeded them. No City employee has any entitlement or reasonable expectation to any procedure with regard to discipline or termination, and the City makes no representation that it will engage in any form of progressive discipline or restrict any disciplinary action that it may take with regard to any action of an employee.

Section 10.02 - Code of Conduct: To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees as well as the City. All employees are expected to conduct themselves in a manner that produces a favorable reflection on the City. Interpersonal relations, on-duty and off-duty behaviors should demonstrate tact, courtesy, and good judgment.

A non-exhaustive list of examples of unacceptable actions/behavior is set forth below.

- Conduct deemed by the City as unbecoming a City employee
- Violation of City or Department written or verbal policies or procedures
- Unsatisfactory work habits to include but are not limited to: tardiness, violation of break and lunch policy, departing prior to the designated time, excessive absenteeism, any absence without notice, neglecting work duties, or wasting time during work hours
- Abuse of overtime regulations, including claiming time not actually worked, failure to accept authorized overtime assignments or working unauthorized overtime
- Smoking anywhere except in a designated smoking area
- Insubordination
- Impairment due to the use of alcohol or non-prescribed drugs
- Abuse of prescribed or over-the-counter drugs
- Consumption, possession, selling of alcohol or non-prescribed drugs, or the sharing of prescribed medications with persons other than the employee with the prescription, in the work place or on City time
- Failure to adhere to City’s policies outlined in the Drug/Alcohol Policies and Procedures Manual
- Abuse of paid leave

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

Adherence to this Code of Conduct is the minimum expectation that the City has of all employees. Adherence by the employee to the Code of Conduct does not create any guarantee of continued employment by the City.

Section 10.03 - Personal Appearance: Dress, grooming and personal cleanliness standards contribute to the safety and morale of all employees and affect the business image the City presents to citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their position. Employees who appear for work inappropriately dressed for their job will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work. Questions about what constitutes appropriate attire should be addressed to the Department Manager.

Section 10.04 - Off-Duty Conduct: As part of its right to terminate or alter the conditions of employment for any employee of the City for any reason or no reason, with or without cause, the City reserves the right to take any action including dismissal from employment, in response

to off-duty conduct of employees which: (a) relates to a bona fide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of the particular employee; or (b) is necessary to avoid a conflict of interest or the appearance of such a conflict with any of the employee's responsibilities.

Section 10.05 - Disciplinary Actions: Disciplinary actions may include a formal or informal discussion with the employee about the matter, a verbal reprimand, a written reprimand, suspension, demotion, or dismissal. Disciplinary measures shall be imposed at the sole discretion of the City, after full review and approval by the City Human Resources Department. During this review and approval process, the Human Resources Department shall make the City Administrator aware that a Disciplinary Action is pending and the City Administrator shall be advised when different stages of the disciplinary process take place. Employees have no contract right or reasonable expectation of progressive discipline or any particular form of discipline. Actions taken by management in an individual case do not establish a precedent in other circumstances.

Section 10.06 - Pre-Termination Conference: In the event of a disciplinary action resulting in dismissal, and where the City does not deem immediate termination of employment to be necessary in order to protect the public health, safety, and welfare, the affected employee is entitled to a pre-termination conference with their Department Manager and a representative of the Human Resources Department which includes: 1) a notice from the employee's Supervisor, approved by the Department Manager, of the intent to terminate employment; in the case of an employee who reports directly to the Department Manager, the notice shall come from the Department Manager; in the case of a Department Manager, the notice shall come from the City Administrator; 2) a statement of the basis for terminating employment, which may be as simple as that the City no longer wishes to continue the employment relationship without anything more; and 3) an opportunity for the employee to respond. The pre-termination review conference is intended to be informal.

At the conclusion of the conference, the Department Manager will make the decision whether to make the termination final or to amend it at the Department Manager's discretion. The decision may occur at the meeting or afterwards if more time is needed. The employee will be notified in writing of the Department Manager's decision no longer than three calendar days after the conference. The Department Manager may determine to proceed with the termination action for any reason or no reason, with or without cause, and at their sole discretion. If the Department Manager decides to make the termination final, employment will be terminated as of the date of the written notification of the Department Manager's decision. The pendency of an appeal to the City Administrator does not cause any stay or suspension of the termination decision.

The employee may submit a written appeal to the City Administrator within ten (10) calendar days of the date of the written notification of the Department Manager's decision to make the termination final. If the final day for the appeal falls on a Saturday, Sunday, or legal holiday, the final date to file the appeal shall be the next day that is not a Saturday, Sunday, or a legal holiday. The appeal should state that the employee wishes to remain with the City and why the employee believes the termination to be inappropriate. The City Administrator shall then

render a written decision within a reasonable time after the submission of the appeal. The City Administrator's decision is final and may be based upon any reason or no reason, with or without cause.

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CHAPTER 11

EMPLOYEE PROBLEM AND GRIEVANCE PROCEDURE

Section 11.01 - Employee Problem Procedure: If you have a work-related problem or concern, you are encouraged to use the following procedure. If you have a problem, normally it should be discussed immediately with your supervisor, if it is appropriate.

If you and your supervisor were not able to resolve the issue, request an opportunity to discuss the matter with the Department Manager and a representative of the Human Resources Department. This normally should be done within 5 calendar days. If the final day for the request to discuss the matter falls on a Saturday, Sunday, or legal holiday, the final date to make the request shall be the next day that is not a Saturday, Sunday, or a legal holiday. Usually, the problem is satisfactorily resolved at the department level.

However, if the problem is not resolved to your satisfaction at this level, you may appeal the matter within 10 calendar days to the City Administrator. If the final day for the appeal falls on a Saturday, Sunday, or legal holiday, the final date to file the appeal shall be the next day that is not a Saturday, Sunday, or a legal holiday. Such an appeal should be presented in writing stating the nature of the problem. The City Administrator shall then render a written decision within a reasonable time after the submission of the appeal. The City Administrator's decision is final.

Section 11.02 - Employee Grievance Procedure: If you believe that you have experienced EEO Harassment, as defined in Section 3.03 of this Handbook, or Sexual Harassment, as defined in Section 3.06, or if you believe that you have been denied ADA and Religious Accommodation as defined in Section 3.04 or Pregnancy Accommodation as described in Section 3.05, please use the Complaint Procedure described in Section 3.07 of this Handbook. The City expects and encourages employees to make a timely complaint to enable the City to investigate and correct any behavior that may be in violation of these policies.

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CHAPTER 12

DRIVING GUIDELINES

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

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

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

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

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

Motor Vehicle Grading Criteria (last two years)

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

Motor Vehicle Grading Criteria (last three years)

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

1. Driving under the influence of alcohol/drugs
2. Driving under suspension or revocation of license
3. License suspended within the last three years
4. Reckless driving
5. Leaving the scene of an accident
6. Vehicular homicide, manslaughter, or assault arising out of the use of a vehicle
7. Speeding 20 MPH or more above the limit
8. Racing
9. Chemical test refusal
10. Fleeing or eluding a police officer
11. Passing a stopped school bus
12. Making a false accident report
13. Similar offenses

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

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

Section 12.05 - Reporting a Serious Violation: Employees shall immediately report by the next working day any serious violation which violates this policy, or if the employee's license is suspended or revoked during employment, to the City's Human Resources Department. See section 12.04 for a non-exhaustive list of serious violations.

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

1. You must possess and carry a valid driver's license or a CDL if it is required for the position.

2. You must comply with all traffic laws (i.e. wearing seatbelts; obeying all speed limits; obeying all traffic signs and signals; proper lane changes). The Human Resources/Risk Management Department will continually observe employees driving for the City and record seatbelt usage.
 - a) For Police and Fire, reference Police and Fire departments emergency response procedures.
3. Do not use a cell phone while operating a vehicle to include the use of texting.
4. Do not operate a vehicle while under the influence of alcohol.
5. Do not operate a vehicle while under the influence of an illegal substance.
6. Do not operate a vehicle while under the influence of a prescription drug unless under the care of a physician and proper usage of the medication is being adhered to. If you notice drowsiness or other problems while driving, stop the operation of the vehicle and inform your supervisor.
7. Do not allow anyone that is not a city employee or volunteer who has been previously authorized through the Human Resources department to operate a city vehicle. Also, do not let a city employee or volunteer that is not qualified to drive under these policies operate a city vehicle.
8. Report any unsafe driving by another city employee to a supervisor as soon as possible.
9. As stated in Section 6.05 of this Handbook, no personal use of city vehicles is allowed except as stated.
10. There will be no passengers allowed in city vehicles unless they are an employee, a volunteer who has already signed a waiver, or fall within specific department requirements which have been previously approved by the Human Resources Director.
11. Employees who are involved in an accident with a City vehicle must first notify the City Police Department, or local agency if outside of City limits, and then the Department Manager or Supervisor regardless of how minor the accident may be.

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

ACKNOWLEDGMENT OF RECEIPT

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED FEBRUARY 16, 2022. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:

EMPLOYMENT WITH THE CITY OF CRIPPLE CREEK IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE CITY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON OR NO REASON. THE CITY HAS THE SAME RIGHT.

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

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

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

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

Employee's Signature

Date

Employee's Name