



**City of Fort Lupton  
City Council  
SPECIAL MEETING AGENDA  
Tuesday, December 8, 2020  
6:30 PM  
130 South McKinley Avenue**

**Zo Stieber, Mayor**  
Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Mike Sanchez, Ward 3  
David Crespín, Ward 1  
Tommy Holton, Ward 2  
Bruce Fitzgerald, Ward 3

**You May Join in Person or Join Remotely by Registering at:  
<https://attendee.gotowebinar.com/rt/4119744035617744400>**

**Pledge of Allegiance**

**Call to Order - Roll Call**

**Approval of Agenda**

**Action Memorandum**

- a. AM 2020- 204 Adopting the 2021 Budget and Financial Plan and Setting Appropriations for the Various Funds and Spending Agencies for the Period Beginning the First Day of January 2021 and Ending the Thirty-First Day of December 2021
- b. AM 2020-205 Approving a Resolution Levying General Property Taxes for the Assessed Tax Year 2020, to Fund the Cost of Government, for the City of Fort Lupton, Colorado for the 2021 Fiscal Year
- c. AM 2020-203 Approve Amended Employee Handbook and City Compensation Policy for a Total Estimated Cost of 48,100 Per Year
- d. AM 2020-206 Approving a Resolution to Opt Out Uncompensated Elected and/or Appointed Officials from the Workers' Compensation Policy and Add Them and Other City Volunteers to the Volunteer Accident Medical Plan (VAMP) for the 2021 Policy Year for the Amount of \$689.02
- e. AM 2020-207 Repairs for Well 5 by Quality Well and Pump for \$38,925.56

**Information Memorandum**

- a. IM 2020-008 Reduction in Force at the Recreation and Community Center

**Adjourn**

**Town Hall Agenda Items:**

- a. Toews Annexation

- b.** Haggler Annexation
- c.** Insurance Renewals for Work Comp, Boiler and Machinery and Cyber
- d.** Amending Section 125 Plan Documents
- e.** Library Updates
- f.** NISP Renewal
- g.** Cats
- h.** Golf Course

**Adjourn**

# CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1  
Tommy Holton, Ward 2  
Bruce Fitzgerald, Ward 3

---

## AM 2020-204

**RESOLUTION NO. 2020RXXX ADOPTING THE 2021 BUDGET AND FINANCIAL PLAN AND SETTING APPROPRIATIONS FOR THE VARIOUS FUNDS AND SPENDING AGENCIES FOR THE PERIOD BEGINNING THE FIRST DAY OF JANUARY, 2021 AND ENDING THE THIRTY-FIRST DAY OF DECEMBER, 2021**

---

- I. **Agenda Date:** Council Meeting - December 8, 2020 (Public Hearing)
- II. **Attachments:**
- a. Resolution No.2020RXX to Adopt the 2021 Budget and Financial Plan.
  - b. Link to Budget Document  
[2021 Financial Plan & 6 Year Capital Improvement Program](#)

III. **Summary Statement:**

*Each year, the City is required to adopt a budget setting the legal appropriations for the following year and establish a mill levy. Not only does the budget set the legal appropriations for each fund and spending agency, it also authorizes the procurement of goods, services and equipment to meet the goals and objectives determined by the City Council and establishes the Personnel Compensation System and Six Year Capital Improvements Program.*

---

IV. **Submitted by:** \_\_\_\_\_  
Leann Perino

V. **Finance Reviewed** \_\_\_\_\_  
Finance Director

VI. **Approved for Presentation:** \_\_\_\_\_  
City Administrator

VII. **Attorney Reviewed** \_\_\_\_\_ Approved \_\_\_\_\_ Pending Approval

VIII. **Certification of Council Approval:** \_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**IX. Detail of Issue/Request:**

*Each year the City is required to adopt a budget setting the legal appropriations for the following year. The budget not only establishes the legal appropriations for each fund and spending agency but also authorizes the procurement of goods, services, and equipment to meet the goals and objectives determined by the City Council.*

**X. Legal/Political Considerations:**

*Pursuant to Colorado Revised Statutes Title 29, Article 1, "Local Government Budget Law of Colorado", all statutory towns and cities are required to adopt an annual budget by the end of the year (C.R.S.29-1-103). If it fails to adopt a budget by the first day of the new fiscal year, then ninety percent of the amount appropriated in the current fiscal year for operation and maintenance expenses shall be deemed re-appropriated for the budget year (C.R.S.29-1-108(4)).*

**XI. Alternatives/Options:**

*The City Council may adopt the budget as is or it may continue making revisions.*

**XII. Financial Considerations:**

*The final proposed budget reflects all of the changes in estimated revenues and expenditures that were discussed at the budget retreat.*

**XIII. Staff Recommendation:**

*Approve Resolution 2020RXXX adopting the 2021 Budget and Financial plan and setting appropriations for the various funds and spending agencies in the amounts specified, for the City of Fort Lupton, Colorado, for and during the period beginning the first day of January, 2021 and ending the thirty-first day of December, 2021.*

## RESOLUTION NO. 2020RXXX

**A RESOLUTION OF THE CITY COUNCIL ADOPTING THE 2021 BUDGET AND FINANCIAL PLAN AND SETTING APPROPRIATIONS FOR THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS SPECIFIED, FOR THE CITY OF FORT LUPTON, COLORADO, FOR AND DURING THE PERIOD BEGINNING THE FIRST DAY OF JANUARY 2021 AND ENDING THE THIRTY-FIRST DAY OF DECEMBER 2021.**

**WHEREAS**, in accordance with Colorado Revised Statutes Title 29, the City Council has been presented with a complete Budget and Financial plan of all City funds and activities which covers all proposed expenditures of the City for the fiscal year beginning January 1, 2021, and ending December 31, 2021; and

**WHEREAS**, said budget shows as definitely as possible each of the various projects and programs for which appropriations are made in the budget, and the estimated amount of money carried in the budget for each such project or program; and

**WHEREAS**, said budget serves a valid public purpose in that it establishes a financial plan for the 2021 fiscal year, including public donations which will assist with economic development efforts, social services needs and provide for recreational and culture activities for the benefit of the entire community; and

**WHEREAS**, said budget has been filed with the City Clerk and available for public inspection; and

**WHEREAS**, the City of Fort Lupton's 2021 Financial Plan has established and public hearings and meetings have been held after duly published public notices.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:**

### Section 1

**REVENUE:** That the following sources are available for appropriation in the stated amounts:

|                                            |                     |
|--------------------------------------------|---------------------|
| General Fund                               | \$ 12,559,208       |
| Contingency Fund                           | 147,924             |
| Street Sales Tax Fund                      | 843,325             |
| Library                                    | 3,176,403           |
| Culture, Parks & Recreation Sales Tax Fund | 1,035,154           |
| Conservation Trust Fund                    | 80,000              |
| Cemetery and Perpetual Care Fund           | 178,760             |
| Water Sales Tax Fund                       | 1,545,900           |
| Recreation Center Fund                     | 2,002,178           |
| Utility Enterprise Fund                    | 6,951,390           |
| Storm Drainage Enterprise Fund             | 208,837             |
| Golf Course Enterprise Fund                | 1,484,302           |
| TOTAL FUNDS AVAILABLE FOR APPROPRIATION    | <u>\$30,213,381</u> |

## Section 2

**APPROPRIATION:** That out of current and probable sources of the City of Fort Lupton, Colorado, for and during the year beginning the first day of January, 2019, there is hereby appropriated the following sums of money or that portion necessary for the purposes herein named:

|                                            |                            |
|--------------------------------------------|----------------------------|
| General Fund                               | \$ 11,672,802              |
| Contingency Fund                           | 1,151,988                  |
| Street Sales Tax Fund                      | 2,675,000                  |
| Library                                    | 9,450,724                  |
| Culture, Parks & Recreation Sales Tax Fund | 954,757                    |
| Conservation Trust Fund                    | 10,000                     |
| Cemetery and Perpetual Care Fund           | 93,900                     |
| Water Sales Tax Fund                       | 2,000,195                  |
| Recreation Center Fund                     | 2,051,360                  |
| Utility Enterprise Fund                    | 6,993,853                  |
| Storm Drainage Enterprise Fund             | 730,200                    |
| Golf Course Enterprise Fund                | 1,459,267                  |
| TOTAL FUNDS AVAILABLE FOR APPROPRIATION    | <u><u>\$39,244,046</u></u> |

## Section 3

That the Budget appropriation herein summarized above does reflect uses exceeding sources by \$8,930,665; contained in 1) Contingency Fund, 2) Street Sales Tax Fund, 3) Library Fund, 4) Water Sales Tax Fund, 5) Utility Enterprise Fund, 6) Storm Drainage Fund, 7) Recreation Center Fund. The variance is funded through use of Reserves in each fund listed.

## Section 4

That the budget herein summarized above, by Fund, for the year stated, and the Six Year Capital Improvements Program, as herein submitted for the years 2021-2026, be approved and adopted as the budget of the City of Fort Lupton, Colorado.

## Section 5

No expenditure of the funds of the City shall hereafter be made except in strict compliance with said budget, except that in the case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions, which could not, by reasonable, diligent thought and attention, have been included in the original budget, may from time to time be authorized by the City Council as amendments to the original budget through a Supplemental Appropriation.

## Section 6

The Budget herein approved and adopted shall be signed by the Mayor and attested to by the City Clerk and made a part of the public records of the City.

## Section 7

The City Council hereby finds, determines and declares that this Resolution is necessary for the immediate preservation of the public peace, health and safety, and that it serves a valid public purpose.

**APPROVED AND PASSED BY THE FORT LUPTON CITY COUNCIL THIS 8th DAY OF DECEMBER 2020.**

City of Fort Lupton, Colorado

---

Zo Stieber, Mayor

Attest:

---

Maricela Pena, City Clerk

Approved as to form:

---

Andy Ausmus, City Attorney

## **Attachment b**

Link to the 2021 Budget:

[2021 Financial Plan & 6 Year Capital Improvement Program](#)

# CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1  
Tommy Holton, Ward 2  
Bruce Fitzgerald, Ward 3

---

## AM 2020-205

### RESOLUTION NO. 2020RXXX LEVYING GENERAL PROPERTY TAXES FOR THE ASSESSED TAX YEAR 2020, TO FUND THE COST OF GOVERNMENT, FOR THE CITY OF FORT LUPTON, COLORADO FOR THE 2021 FISCAL YEAR

---

- I. **Agenda Date:** Council Meeting – December 8, 2020
- II. **Attachments:**
- a. Resolution No. 2020RXXX
  - b. Certification of Values dated 11/24/2020 from the Weld County Assessor's Office.
  - c. Form DLG70 – Certification of Tax Levies for Non-School Governments

III. **Summary Statement:**

*Each year, the City adopts a property tax mill levy for the following year. The 2020 assessed valuation of **\$242,057,304** is expected to bring in approximately **\$8,619,910**. This is based on 28.877 mills to be used to support the activities of public works, public safety, and general administration and operations; 2.054 mills used for Recreation Center debt service obligation; 4.68 mills to support the Recreation Center operation & maintenance. The 28.877 General Fund mill levy is the current mill levy. The combined Recreation Center mill levy will be 6.734, an increase of 0.416 mills.*

---

IV. **Submitted by:** \_\_\_\_\_  
Leann Perino

V. **Finance Reviewed** \_\_\_\_\_  
Finance Director

VI. **Approved for Presentation:** \_\_\_\_\_  
City Administrator

VII. **Attorney Reviewed** \_\_\_\_\_ Approved \_\_\_\_\_ Pending Approval

VIII. **Certification of Council Approval:** \_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**IX. Detail of Issue/Request:**

*Each year the City is required to certify its mill levy to Weld County by December 15<sup>th</sup>. The 2020 Budget includes both the operating mill levy and the combined recreation center mill levy.*

*The breakdown, the general operating mill levy, and the recreation center mill levy (as approved by the voters in 2002), is as follows:*

| <b>Description</b>                        | <b>2020<br/>Mill Levy</b> | <b>2021<br/>Tax Amount</b> | <b>2019<br/>Mill Levy</b> | <b>2020<br/>Tax Amount</b> |
|-------------------------------------------|---------------------------|----------------------------|---------------------------|----------------------------|
| General operating expenses                | 28.877                    | \$ 6,989,895               | 28.877                    | \$ 8,767,172               |
| Recreation Center Debt Service            | 2.054                     | \$ 497,186                 | 1.638                     | \$ 497,308                 |
| Recreation Center Operation & Maintenance | 4.680                     | \$ 1,132,829               | 4.680                     | \$ 1,420,880               |
| <b>Total mill levy</b>                    | <b>35.611</b>             | <b>\$8,619,910</b>         | <b>35.195</b>             | <b>\$10,685,360</b>        |

*Based on the State of Colorado Department of Local Affairs, Division of Local Government's Property Tax Limitations Worksheet, the City may maintain the 5.5% allowable increase per C.R.S. 29-1-301. The total mill levy assessed to property owners allowable is 47.785 for a total revenue of \$11,566,838. This would increase the mill levy of residents 36%.*

*The 2021 Budget proposes keeping the general mill levy at the 2019 level of 28.877.*

*The 20% decrease in valuations requires an .416 mil increase in the mill levy to meet the 2021 Recreation Center Debt Service obligation.*

**X. Legal/Political Considerations:**

**XI. Alternatives/Options:**

*None*

**XII. Financial Considerations:**

*The City's 2021 Financial Plan is dependent upon the **\$8,619,910** anticipated to be received for general operating purposes, recreation center debt service, and recreation center operation & maintenance.*

**XIII. Staff Recommendation:**

*Approve Resolution No. 2020RXXX levying general property taxes for the tax year 2020, to fund the cost of government, for the City of Fort Lupton, Colorado for the 2020 fiscal year.*

## RESOLUTION NO. 2020XXX

### A RESOLUTION OF THE CITY COUNCIL LEVYING GENERAL PROPERTY TAXES FOR THE TAX YEAR 2021, TO FUND THE COST OF GOVERNMENT, FOR THE CITY OF FORT LUPTON, COLORADO FOR THE 2021 FISCAL YEAR.

**WHEREAS**, the City Council of the City of Fort Lupton has adopted the 2021 Budget and 6 Year Capital Improvement Plan in accordance with Colorado Revised Statutes Title 29; and

**WHEREAS**, the amount of money necessary to fund the budget for general operating expenses is \$6,989,895; and

**WHEREAS**, the amount of money necessary to cover the debt service of the Recreation Center is \$497,186; and

**WHEREAS**, the amount of money necessary to cover the operation & maintenance of the Recreation Center is \$1,132,829; and

**WHEREAS**, the 2020 net assessed valuation for the City of Fort Lupton is \$242,057,526;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:**

#### Section 1

That for the purpose of meeting general expenses of the City of Fort Lupton for the 2021 fiscal year, there is hereby levied a tax of 35.611 mills upon each dollar of the total valuation for the assessment of all taxable property within the City of Fort Lupton for the tax year 2021 as follows:

| Description                               | Mill Levy     | Dollar Amount      |
|-------------------------------------------|---------------|--------------------|
| General Fund operating expenses           | 28.877        | \$ 6,989,895       |
| Recreation Center Debt Service            | 2.054         | \$ 497,186         |
| Recreation Center Operation & Maintenance | 4.680         | \$ 1,132,829       |
| <b>Total Mill Levy</b>                    | <b>35.611</b> | <b>\$8,619,910</b> |

#### Section 2

That the City Council of the City of Fort Lupton, Colorado hereby certifies to Weld County, Colorado the mill levy as hereinabove determined and set.

#### Section 3

The City Council hereby finds, determines and declares that this Resolution is necessary for the immediate preservation of the public peace, health and safety, and that it serves a valid public purpose.

**APPROVED AND PASSED BY THE FORT LUPTON CITY COUNCIL THIS 8th DAY OF DECEMBER, 2020.**

City of Fort Lupton, Colorado

---

Zo Stieber

Approved as to form:

Attest:

---

Andy Ausmus, City Attorney

---

Maricela Pena, City Clerk

# CERTIFICATION OF VALUATION BY WELD COUNTY ASSESSOR

Name of Jurisdiction: 0407 - FORT LUPTON CITY

IN WELD COUNTY ON 11/24/2020

New Entity: No

## USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATIONS (5.5% LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2)(a) AND 39-5-128(1), C.R.S. AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2020 IN WELD COUNTY, COLORADO

|                                                                                                                    |               |
|--------------------------------------------------------------------------------------------------------------------|---------------|
| 1. PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:                                                           | \$303,606,780 |
| 2. CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: *                                                        | \$244,762,830 |
| 3. LESS TIF DISTRICT INCREMENT, IF ANY:                                                                            | \$2,705,304   |
| 4. CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:                                                            | \$242,057,526 |
| 5. NEW CONSTRUCTION: **                                                                                            | \$1,623,404   |
| 6. INCREASED PRODUCTION OF PRODUCING MINES: #                                                                      | \$0           |
| 7. ANNEXATIONS/INCLUSIONS:                                                                                         | \$21,313,950  |
| 8. PREVIOUSLY EXEMPT FEDERAL PROPERTY: #                                                                           | \$0           |
| 9. NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD OR LAND ( 29-1-301(1)(b) C.R.S.): ## | \$0           |
| 10. TAXES COLLECTED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1))(a) C.R.S.):                           | \$103.83      |
| 11. TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a) C.R.S.) and (39-10-114(1)(a)(I)(B) C.R.S.):             | \$11,530.77   |

\* This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec.20(8)(b), Colo.

\*\* New construction is defined as: Taxable real property structures and the personal property connected with the structure.

# Jurisdiction must submit respective certifications (Forms DLG 52 AND 52A) to the Division of Local Government in order for the values to be treated as growth in the limit calculation.

## Jurisdiction must apply (Forms DLG 52B) to the Division of Local Government before the value can be treated as growth in the limit calculation.

## USE FOR 'TABOR' LOCAL GROWTH CALCULATIONS ONLY

IN ACCORDANCE WITH THE PROVISION OF ARTICLE X, SECTION 20, COLO CONST, AND 39-5-121(2)(b), C.R.S. THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2020 IN WELD COUNTY, COLORADO ON AUGUST 25, 2020

|                                                                        |               |
|------------------------------------------------------------------------|---------------|
| 1. CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: @           | \$926,798,259 |
| ADDITIONS TO TAXABLE REAL PROPERTY:                                    |               |
| 2. CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: !               | \$17,383,256  |
| 3. ANNEXATIONS/INCLUSIONS:                                             | \$26,193,397  |
| 4. INCREASED MINING PRODUCTION: %                                      | \$0           |
| 5. PREVIOUSLY EXEMPT PROPERTY:                                         | \$892,026     |
| 6. OIL OR GAS PRODUCTION FROM A NEW WELL:                              | \$0           |
| 7. TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT: | \$0           |

(If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.)

DELETIONS FROM TAXABLE REAL PROPERTY:

|                                                       |         |
|-------------------------------------------------------|---------|
| 8. DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: | \$2,394 |
| 9. DISCONNECTIONS/EXCLUSION:                          | \$0     |
| 10. PREVIOUSLY TAXABLE PROPERTY:                      | \$48    |

@ This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.

! Construction is defined as newly constructed taxable real property structures.

% Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S. AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS : 1. TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY:----->

\$0

NOTE: All levies must be Certified to the Board of County Commissioners NO LATER THAN DECEMBER 15, 2020

Data Date: 11/24/2020

**CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments**TO: County Commissioners<sup>1</sup> of WELD COUNTY, Colorado.On behalf of the FORT LUPTON CITY,(taxing entity)<sup>A</sup>the City Council(governing body)<sup>B</sup>of the City of Fort Lupton(local government)<sup>C</sup>

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ assessed valuation of:

\$244,762,830

(GROSS<sup>D</sup> assessed valuation, Line 2 of the Certification of Valuation Form DLG 57<sup>E</sup>)

**Note:** If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area<sup>F</sup> the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of:

\$242,057,526

(NET<sup>G</sup> assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)  
**USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10**

Submitted: 12/08/2020 for budget/fiscal year 2021.  
 (no later than Dec. 15) (mm/dd/yyyy) (yyyy)

**PURPOSE** (see end notes for definitions and examples)**LEVY<sup>2</sup>****REVENUE<sup>2</sup>**

|                                                                                                      |              |              |
|------------------------------------------------------------------------------------------------------|--------------|--------------|
| 1. General Operating Expenses <sup>H</sup>                                                           | 28.877 mills | \$ 6,989,895 |
| 2. <Minus> Temporary General Property Tax Credit/<br>Temporary Mill Levy Rate Reduction <sup>I</sup> | < 0 > mills  | \$ < 0 >     |
| <b>SUBTOTAL FOR GENERAL OPERATING:</b>                                                               | 28.877 mills | \$ 6,989,895 |
| 3. General Obligation Bonds and Interest <sup>J</sup>                                                | 2.054 mills  | \$ 497,186   |
| 4. Contractual Obligations <sup>K</sup>                                                              | mills        | \$           |
| 5. Capital Expenditures <sup>L</sup>                                                                 | mills        | \$           |
| 6. Refunds/Abatements <sup>M</sup>                                                                   | mills        | \$           |
| 7. Other <sup>N</sup> (specify): <u>creation center voter approved mill le</u>                       | 4.68 mills   | \$ 1,132,829 |
|                                                                                                      | mills        | \$           |
| <b>TOTAL:</b> [Sum of General Operating Subtotal and Lines 3 to 7]                                   | 35.611 mills | \$ 8,619,910 |

Contact person: (print) Leann Perino Daytime phone: ( 720) 466-6120

Signed: \_\_\_\_\_ Title: Finance Director

*Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 864-7720.*

<sup>1</sup> If the *taxing entity's* boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.

<sup>2</sup> Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's **FINAL** certification of valuation).

## CERTIFICATION OF TAX LEVIES, continued

**THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.).** Taxing entities that are

Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

**CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:**

**BONDS<sup>J</sup>:**

|    |                   |                                     |
|----|-------------------|-------------------------------------|
| 1. | Purpose of Issue: | Recreation Center Construction Bond |
|    | Series:           | Series 2011                         |
|    | Date of Issue:    | October 28, 2016                    |
|    | Coupon Rate:      | 3%                                  |
|    | Maturity Date:    | December 1, 2020                    |
|    | Levy:             | 2.054                               |
|    | Revenue:          | \$497,186                           |
| 2. | Purpose of Issue: |                                     |
|    | Series:           |                                     |
|    | Date of Issue:    |                                     |
|    | Coupon Rate:      |                                     |
|    | Maturity Date:    |                                     |
|    | Levy:             |                                     |
|    | Revenue:          |                                     |

**CONTRACTS<sup>K</sup>:**

|    |                      |  |
|----|----------------------|--|
| 3. | Purpose of Contract: |  |
|    | Title:               |  |
|    | Date:                |  |
|    | Principal Amount:    |  |
|    | Maturity Date:       |  |
|    | Levy:                |  |
|    | Revenue:             |  |
| 4. | Purpose of Contract: |  |
|    | Title:               |  |
|    | Date:                |  |
|    | Principal Amount:    |  |
|    | Maturity Date:       |  |
|    | Levy:                |  |
|    | Revenue:             |  |

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.

Notes:

<sup>A</sup> **Taxing Entity**—A jurisdiction authorized by law to impose ad valorem property taxes on taxable property located within its territorial limits (please see notes B, C, and H below). For purposes of the DLG 70 only, a *taxing entity* is also a geographic area formerly located within a *taxing entity*'s boundaries for which the county assessor certifies a valuation for assessment and which is responsible for payment of its share until retirement of financial obligations incurred by the *taxing entity* when the area was part of the *taxing entity*. For example: an area of excluded property formerly within a special district with outstanding general obligation debt at the time of the exclusion or the area located within the former boundaries of a dissolved district whose outstanding general obligation debt service is administered by another local government<sup>C</sup>.

<sup>B</sup> **Governing Body**—The board of county commissioners, the city council, the board of trustees, the board of directors, or the board of any other entity that is responsible for the certification of the *taxing entity*'s mill levy. For example: the board of county commissioners is the governing board ex officio of a county public improvement district (PID); the board of a water and sanitation district constitutes ex officio the board of directors of the water subdistrict.

<sup>C</sup> **Local Government** - For purposes of this line on Page 1 of the DLG 70, the *local government* is the political subdivision under whose authority and within whose boundaries the *taxing entity* was created. The *local government* is authorized to levy property taxes on behalf of the *taxing entity*. For example, for the purposes of this form:

1. a municipality is both the *local government* and the *taxing entity* when levying its own levy for its entire jurisdiction;
2. a city is the *local government* when levying a tax on behalf of a business improvement district (BID) *taxing entity* which it created and whose city council is the BID board;
3. a fire district is the *local government* if it created a subdistrict, the *taxing entity*, on whose behalf the fire district levies property taxes.
4. a town is the *local government* when it provides the service for a dissolved water district and the town board serves as the board of a dissolved water district, the *taxing entity*, for the purpose of certifying a levy for the annual debt service on outstanding obligations.

<sup>D</sup> **GROSS Assessed Value** - There will be a difference between gross assessed valuation and net assessed valuation reported by the county assessor only if there is a "tax increment financing" entity (see below), such as a downtown development authority or an urban renewal authority, within the boundaries of the *taxing entity*. The board of county commissioners certifies each *taxing entity*'s total mills upon the *taxing entity*'s *Gross Assessed Value* found on Line 2 of Form DLG 57.

<sup>E</sup> **Certification of Valuation by County Assessor, Form DLG 57** - The county assessor(s) uses this form (or one similar) to provide valuation for assessment information to a *taxing entity*. The county assessor must provide this certification no later than August 25<sup>th</sup> each year and may amend it, one time, prior to December 10<sup>th</sup>. Each entity must use the **FINAL** valuation provided by assessor when certifying a tax levy.

<sup>F</sup> **TIF Area**—A downtown development authority (DDA) or urban renewal authority (URA), may form plan areas that use "tax increment financing" to derive revenue from increases in assessed valuation (gross minus net, Form DLG 57 Line 3) attributed to the activities/improvements within the plan area. The DDA or URA receives the differential revenue of each overlapping *taxing entity*'s mill levy applied against the *taxing entity*'s gross assessed value after subtracting the *taxing entity*'s revenues derived from its mill levy applied against the net assessed value.

<sup>G</sup> **NET Assessed Value**—The total taxable assessed valuation from which the *taxing entity* will derive revenues for its uses. It is found on Line 4 of Form DLG 57. **Please Note:** A downtown development authority (DDA) may be both a *taxing entity* and have also created its own *TIF area* and/or have a URA *TIF Area* within the DDA's boundaries. As a result DDAs may both receive operating revenue from their levy applied to their certified *NET assessed value* and also receive TIF revenue generated by any *tax entity* levies overlapping the DDA's *TIF Area*, including the DDA's own operating levy.

---

**<sup>H</sup> General Operating Expenses (DLG 70 Page 1 Line 1)**—The levy and accompanying revenue reported on Line 1 is for general operations and includes, in aggregate, all levies for and revenues raised by a *taxing entity* for purposes not lawfully exempted and detailed in Lines 3 through 7 on Page 1 of the DLG 70. For example: a fire pension levy is included in general operating expenses, unless the pension is voter-approved, if voter-approved, use Line 7 (Other).

**<sup>I</sup> Temporary Tax Credit for Operations (DLG 70 Page 1 Line 2)**—The Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction of 39-1-111.5, C.R.S. may be applied to the *taxing entity*'s levy for general operations to effect refunds. Temporary Tax Credits (TTCs) are not applicable to other types of levies (non-general operations) certified on this form because these levies are adjusted from year to year as specified by the provisions of any contract or schedule of payments established for the payment of any obligation incurred by the *taxing entity* per 29-1-301(1.7), C.R.S., or they are certified as authorized at election per 29-1-302(2)(b), C.R.S.

**<sup>J</sup> General Obligation Bonds and Interest (DLG 70 Page 1 Line 3)**—Enter on this line the total levy required to pay the annual debt service of all general obligation bonds. Per 29-1-301(1.7) C.R.S., the amount of revenue levied for this purpose cannot be greater than the amount of revenue required for such purpose as specified by the provisions of any contract or schedule of payments. Title 32, Article 1 Special districts and subdistricts must complete Page 2 of the DLG 70.

**<sup>K</sup> Contractual Obligation (DLG 70 Page 1 Line 4)**—If repayment of a contractual obligation with property tax has been approved at election and it is not a general obligation bond (shown on Line 3), the mill levy is entered on this line. Per 29-1-301(1.7) C.R.S., the amount of revenue levied for this purpose cannot be greater than the amount of revenue required for such purpose as specified by the provisions of any contract or schedule of payments.

**<sup>L</sup> Capital Expenditures (DLG 70 Page 1 Line 5)**—These revenues are not subject to the statutory property tax revenue limit if they are approved by counties and municipalities through public hearings pursuant to 29-1-301(1.2) C.R.S. and for special districts through approval from the Division of Local Government pursuant to 29-1-302(1.5) C.R.S. or for any *taxing entity* if approved at election. Only levies approved by these methods should be entered on Line 5.

**<sup>M</sup> Refunds/Abatements (DLG 70 Page 1 Line 6)**—The county assessor reports on the *Certification of Valuation* (DLG 57 Line 11) the amount of revenue from property tax that the local government did not receive in the prior year because taxpayers were given refunds for taxes they had paid or they were given abatements for taxes originally charged to them due to errors made in their property valuation. The local government was due the tax revenue and would have collected it through an adjusted mill levy if the valuation errors had not occurred. Since the government was due the revenue, it may levy, in the subsequent year, a mill to collect the refund/abatement revenue. An abatement/refund mill levy may generate revenues up to, but not exceeding, the refund/abatement amount from Form DLG 57 Line 11.

1. Please Note: Pursuant to Article X, Section 3 of the Colorado Constitution, if the *taxing entity* is in more than one county, as with all levies, the abatement levy must be uniform throughout the entity's boundaries and certified the same to each county. To calculate the abatement/refund levy for a *taxing entity* that is located in more than one county, first total the abatement/refund amounts reported by each county assessor, then divide by the *taxing entity*'s total net assessed value, then multiply by 1,000 and round down to the nearest three decimals to prevent levying for more revenue than was abated/refunded. This results in an abatement/refund mill levy that will be uniformly certified to all of the counties in which the *taxing entity* is located even though the abatement/refund did not occur in all the counties.

**<sup>N</sup> Other (DLG 70 Page 1 Line 7)**—Report other levies and revenue not subject to 29-1-301 C.R.S. that were not reported above. For example: a levy for the purposes of television relay or translator facilities as specified in sections 29-7-101, 29-7-102, and 29-7-105 and 32-1-1005 (1) (a), C.R.S.; a voter-approved fire pension levy; a levy for special purposes such as developmental disabilities, open space, etc.

# CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1  
Tommy Holton, Ward 2  
Bruce Fitzgerald, Ward 3

---

## AM 2020-203

### APPROVE AMENDED EMPLOYEE HANDBOOK AND CITY COMPENSATION POLICY FOR A TOTAL ESTIMATED COST OF \$48,100 PER YEAR

---

I. **Agenda Date:** Council Meeting – Tuesday, December 8, 2020

II. **Attachments:**

- a. Employee Handbook
- b. City Compensation Policy
- c. Resolution for Employee Handbook
- d. Resolution for City Compensation Policy

III. **Summary Statement:**

*The City's Employee Handbook has been amended and a City Compensation Policy has been created to be comply with the Colorado Pay Equity Law and the Healthy Families and Workplaces Act, both effective for January 1, 2021.*

---

IV. **Submitted by:** \_\_\_\_\_  
Laura Howe

V. **Finance Reviewed** \_\_\_\_\_  
Finance Director

VI. **Approved for Presentation:** \_\_\_\_\_  
City Administrator

VII. **Attorney Reviewed** \_\_\_\_\_ Approved \_\_\_\_\_ Pending Approval

---

VIII. **Certification of Council Approval:** \_\_\_\_\_  
City Clerk

\_\_\_\_\_ Date

**IX. Detail of Issue/Request:**

*The City's Employee Handbook was significantly updated effective September 19, 2020. The Colorado General Assembly has passed some legislation that are effective January 1, 2021, that necessitates some policy changes. The new laws are the Colorado Pay Equity Law and the Healthy Family and Workplaces Act.*

*The following policies have material changes.*

- 306 Open Position Postings and Recruitment
- 605 Sick Leave
- 607 Public Health Leave
- 614 Personal Leave of Absence

*There have been other minor changes to grammar and wording.*

*The most significant policy change is to Sick Leave. The Healthy Family and Workplaces Act mandates that employers provide paid sick leave to all employees (including temporary, seasonal and part-time employees) based on hours worked.*

*The City has been compliant with many of the Colorado Pay Equity Law. A formalized City Compensation Policy reflects the City's philosophy and practices and is recommended as a best practice to comply with the new law.*

**X. Legal/Political Considerations:**

*The majority of these changes are for the purpose of complying with current employment law. The policy changes have been reviewed by multiple attorneys.*

**XI. Alternatives/Options:**

*The City could not amend the Employee Handbook and not implement a Compensation Policy.*

**XII. Financial Considerations:**

*The estimated cost associated with the Employee Handbook changes are as follows:*

*Sick Leave for part time employees will cost approximately \$10,300 annually.*

*Public Health Leave may cost more than \$37,788 annually.*

*Please note that these are numbers are estimates. The total cost associated with these policy changes may be higher. The total cost is affected by employee leave usage.*

**XIII. Staff Recommendation:**

*Approve this AM and the associated resolutions updating the Employee Handbook and implementing the City Compensation Policy.*

— CITY OF —

# *Fort Lupton*

EST 1836

## EMPLOYEE HANDBOOK



Revised: September 19, 2020

## *FOREWORD*

### **IMPORTANT**

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

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

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THIS HANDBOOK, IF YOU HAVE QUESTIONS PLEASE TALK WITH YOUR SUPERVISOR, DEPARTMENT HEAD OR THE HUMAN RESOURCES DEPARTMENT. ALSO, THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THIS HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, SO THE CITY RESERVES THE RIGHT TO CHANGE, ADD TO, SUSPEND, INTERPRET OR CANCEL ANY OF THE PROVISIONS OF THIS EMPLOYEE HANDBOOK, AS WELL AS THE CITY'S POLICIES AND PROCEDURES.

**THIS PAGE IS INTENTIONALLY BLANK**

## **TABLE OF CONTENTS**

|                  |                                                                |     |
|------------------|----------------------------------------------------------------|-----|
| <b>Section 1</b> | <b>INTRODUCTION</b>                                            |     |
|                  | Scope of Handbook -----                                        | 101 |
|                  | Personnel Principles -----                                     | 102 |
|                  | Equal Employment Opportunity -----                             | 103 |
|                  | EEO Harassment and Related Conduct -----                       | 104 |
|                  | Open Door Policy -----                                         | 105 |
| <b>Section 2</b> | <b>YOUR CONDUCT</b>                                            |     |
|                  | General Policy -----                                           | 201 |
|                  | Attendance and Punctuality -----                               | 202 |
|                  | Appearance -----                                               | 203 |
|                  | Personal Business -----                                        | 204 |
|                  | Visitors in the Workplace -----                                | 205 |
|                  | Code of Ethics -----                                           | 206 |
|                  | Conflict of Interest -----                                     | 207 |
|                  | Safety -----                                                   | 208 |
|                  | Anti-Violence in the Workplace -----                           | 209 |
|                  | Alcohol and Drug Free Workplace -----                          | 210 |
|                  | Communication Systems Use -----                                | 211 |
|                  | Tobacco Use -----                                              | 212 |
|                  | Outside Employment -----                                       | 213 |
|                  | Outside Activities that Conflict with Your Work Schedule ----- | 214 |
|                  | Political Activities -----                                     | 215 |
|                  | Fundraising Activities and Solicitations -----                 | 216 |
|                  | Use of City Property -----                                     | 217 |
|                  | City Vehicles -----                                            | 218 |
| <b>Section 3</b> | <b>GENERAL POLICIES</b>                                        |     |
|                  | General Policy -----                                           | 301 |
|                  | Personnel Files -----                                          | 302 |
|                  | Job References -----                                           | 303 |
|                  | Keeping Employee Records Current -----                         | 304 |
|                  | Promotions and Transfers -----                                 | 305 |
|                  | Recruitment and Open Position Postings -----                   | 306 |
|                  | Selection and Hiring -----                                     | 307 |
|                  | Rehiring -----                                                 | 308 |
|                  | Certification -----                                            | 309 |
|                  | Employment of Relatives -----                                  | 310 |
|                  | Residency Requirement -----                                    | 311 |
|                  | Searches and Inspections -----                                 | 312 |
| <b>Section 4</b> | <b>YOUR WORK</b>                                               |     |
|                  | General Policy -----                                           | 401 |
|                  | Job Descriptions -----                                         | 402 |
|                  | Initial Performance Review Period -----                        | 403 |
|                  | Date of Hire/Anniversary Date -----                            | 404 |

|                  |                                           |     |
|------------------|-------------------------------------------|-----|
| <b>Section 4</b> | <b>YOUR WORK cont'd</b>                   |     |
|                  | Employment Status -----                   | 405 |
|                  | Work Assignments and Work Schedules ----- | 406 |
|                  | Meal Periods and Work Breaks -----        | 407 |
|                  | Nursing Mothers -----                     | 408 |
|                  | Emergency Closures -----                  | 409 |
|                  | Uniforms and Equipment -----              | 410 |
|                  | Remote Working -----                      | 411 |
| <b>Section 5</b> | <b>YOUR PAY</b>                           |     |
|                  | General Policy -----                      | 501 |
|                  | Pay: How it is Determined -----           | 502 |
|                  | Overtime -----                            | 503 |
|                  | Compensatory Time -----                   | 504 |
|                  | Stand-by Pay -----                        | 505 |
|                  | Time Sheets/Time Cards -----              | 506 |
|                  | Payday -----                              | 507 |
|                  | Pay Advances -----                        | 508 |
|                  | Direct Deposit -----                      | 509 |
|                  | Salary Increases -----                    | 510 |
|                  | Salary Ranges -----                       | 511 |
|                  | Paycheck Deductions -----                 | 512 |
| <b>Section 6</b> | <b>YOUR BENEFITS</b>                      |     |
|                  | General Policy -----                      | 601 |
|                  | Holidays -----                            | 602 |
|                  | Vacation -----                            | 603 |
|                  | Personal Time Off -----                   | 604 |
|                  | Sick Leave -----                          | 605 |
|                  | Sick Leave Sharing -----                  | 606 |
|                  | Public Health Leave -----                 | 607 |
|                  | Family Bereavement -----                  | 608 |
|                  | Jury Duty -----                           | 609 |
|                  | Court Appearance -----                    | 610 |
|                  | Time Off to Vote -----                    | 611 |
|                  | Family Medical Leave Act (FMLA) -----     | 612 |
|                  | Military Leave -----                      | 613 |
|                  | Personal Leave-of-Absence -----           | 614 |
|                  | Benefits -----                            | 615 |
|                  | Workers' Compensation -----               | 616 |
|                  | Transitional Duty Assignment -----        | 617 |
|                  | Retirement/Pension Fund -----             | 618 |
|                  | Wellness Program -----                    | 619 |
| <b>Section 7</b> | <b>YOUR DEVELOPMENT</b>                   |     |
|                  | General Policy -----                      | 701 |
|                  | Performance Evaluation -----              | 702 |
|                  | Training Opportunities -----              | 703 |
|                  | Educational Assistance -----              | 704 |

|                   |                                     |     |
|-------------------|-------------------------------------|-----|
| <b>Section 7</b>  | <b>YOUR DEVELOPMENT cont'd</b>      |     |
|                   | Conference and Travel Expense ----- | 705 |
| <b>Section 8</b>  | <b>CORRECTIVE ACTION</b>            |     |
|                   | General Policy -----                | 801 |
|                   | Disciplinary Actions -----          | 802 |
|                   | Dispute Resolution -----            | 803 |
|                   | Pre-disciplinary Hearing -----      | 804 |
|                   | Post-disciplinary Hearing -----     | 805 |
|                   | Administrative Leave -----          | 806 |
|                   | Suspension -----                    | 807 |
| <b>Section 9</b>  | <b>SEPARATION FROM WORK</b>         |     |
|                   | Resignations -----                  | 901 |
|                   | Terminations -----                  | 902 |
|                   | Lay-Offs/Reduction-in-Force -----   | 903 |
|                   | Exit Process -----                  | 904 |
| <b>Appendix A</b> | <b>ACKNOWLEDGEMENT FORM</b>         |     |

**THIS PAGE IS INTENTIONALLY BLANK**

## **INTRODUCTION**

Welcome to the City of Fort Lupton. The City believes that each employee who is hired has the potential to make a unique contribution to our community.

The City also believes that its employees are capable of playing a decisive role in the shaping of the City if you, as the employee, strive to display the qualities of superior customer service, dedication, honesty and expertise in your job. Everyone is expected to interact effectively with the City's residents, have pride in their work, be supportive of their co-workers and be accountable for their own performance. The opportunities to learn and grow in our job roles are limitless and we hope the job will provide you with important and worthwhile challenges.

The City's mission statement is: "To provide municipal services that build an exceptional community." Our vision is "To be economically strong and provide state-of-the-art services for all citizens, employees, and visitors." We do this with these values in mind. Integrity – Provide First-Class City Services – Open and Accessible Government – Fiscal Responsibility – Employee Well-Being – Inclusive and Friendly Environment.

We hope you will find your employment here with the City of Fort Lupton to be rewarding.

Sincerely,  
City Administrator

### **101    SCOPE OF HANDBOOK**

This Employee Handbook is provided to explain practices and policies in effect at the time of publication and supersedes previously published handbooks. Elected Officials, the City Attorney, the Municipal Court Judge, members of appointed boards and commissions and persons serving as independent contractors shall not be considered City employees for the purpose of this Employee Handbook unless superseded by the state and federal constitutions, state and federal legislation, and/or the City of Fort Lupton's Municipal Code.

This handbook contains information about your job responsibilities as an employee of the City of Fort Lupton and is designed to answer questions that may arise concerning your job. Efforts were made to address issues that are relevant to all employees, although some sections are specific only to certain groups, such as full-time employees.

**It is the responsibility of each employee to read this Employee Handbook and be familiar with its provisions. Failure to do so does not excuse non-compliance with its contents.**

Sometimes a department policy may be more detailed than the general City policy presented in this handbook. However, if conflicts exist between the Employee Handbook and departmental rules and regulations, the Employee Handbook shall govern, except as otherwise determined by the City Administrator.

Department Heads, Managers and Supervisors are responsible for the day-to-day administration of the provisions in this Employee Handbook. No Employee Handbook can anticipate every circumstance or question. After reading this handbook, if you have questions or suggestions, talk with your immediate Supervisor or your Department Head or the Human Resources Department. Human Resources or the City Administrator may clarify sections that seem unclear or open to interpretation.

## **102     PERSONNEL PRINCIPLES**

The City's expectation is that employees will conduct themselves in accordance with the values of integrity, personal responsibility, cooperation and professionalism in order to ensure that the needs of the Fort Lupton community are met. The City is committed to diversity in its work force and practices equal employment opportunity and non-discrimination in the work place. The City complies with all applicable state and federal employment laws.

## **103     EQUAL EMPLOYMENT OPPORTUNITY**

Equal employment opportunity has been, and will continue to be, a fundamental principle at the City of Fort Lupton. This means employment is based upon personal capabilities and qualifications without discrimination due to race, color, religion, sex, creed, gender, marital status, status of being partner in a civil union, persons age 40 or older, national origin or ancestry, citizenship, disability (except where physical or mental abilities are a bona fide occupational requirement and the individual is not able to perform the essential functions of the position even with reasonable accommodations), sexual orientation, genetic information, pregnancy, status as a veteran (collectively referred to as "Protected Status") or any other status protected by law.

This policy of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, promotion, compensation, benefits, and termination as well as all other terms and conditions of employment. This policy applies to all employees including managers and supervisors.

### **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 City. The Human Resources Department has overall responsibility for this policy, although each Department Head is responsible for ensuring the application of this policy in the Department.

### **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. 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 the position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City's business operations.

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 Human Resources.

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.

## **104     EEO HARASSMENT and RELATED CONDUCT**

The City strives to maintain a work environment free of unlawful harassment. In doing so, the City prohibits unlawful harassment on the basis of any Protected Class, as described above. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Prohibited behavior may include but is not limited to the following:

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

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

### **Sexual Harassment**

Sexual harassment is strictly prohibited. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

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

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

### **Complaint Process**

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 a one or more of the following: Supervisor, Department Head, Human Resources Department, and/or City Administrator who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to either of these individuals with your complaint, you should report the incident to the City Clerk, who will refer it to the City Attorney.

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 report your concern. 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.

## **Provisions**

Not every incident of inappropriate conduct constitutes harassment in violation of this policy or federal or state law. In addition, conduct that may violate this policy may not violate federal or state law. However, the City of Fort Lupton is committed to correcting inappropriate workplace conduct regardless of whether or not such conduct rises to harassment in violation of federal or state law.

Isolated incidents of offensive conduct are not necessarily harassment. For example, isolated words that offend a particular employee may not be sufficient to constitute harassment. Nonetheless, if an employee is offended by such behavior, it is important that the employee follow the procedures in this policy so the offensive behavior can be identified, evaluated and, if appropriate, corrected.

## **105     OPEN DOOR POLICY**

City leaders strive to communicate the City's philosophy and goals that affect you. At the same time, we want you to tell us how you feel about these philosophies and goals. It is important that we receive feedback from employees to formulate workable plans, policies and events for our staff members.

We value your input and efforts in solving problems and making improvements. To encourage this open exchange, we communicate through meetings and casual discussions, City policy and procedure manuals, City publications, information posted on bulletin boards and individual meetings between you and your supervisor. The City's website also helps to keep you informed about organizational operations and changes, policies, people and events.

Our Open Door policy encourages you to see and talk to management about your ideas, concerns and issues. We strongly urge you to speak to your immediate Supervisor and Department Head first before approaching Human Resources or the City Administrator.

## **YOUR CONDUCT**

### **201    GENERAL POLICY**

The policies in this section outline the City's expectations regarding employee's behavior towards each other, our partners, customers and our community. Employees should refer to this section for guidance on expectations on how to conduct themselves on a day-to-day basis.

### **202    ATTENDANCE AND PUNCTUALITY**

All employees depend upon on each other, so it is important that we all arrive to work as scheduled and be prepared to perform our duties. Employees are expected to report to work on time and to work every day they are scheduled.

Employees must notify their supervisor if they expect to be absent or late according to the department's notification procedures. Absenteeism and lateness impact an employee's performance and the service level that we provide. Patterns of absence, tardiness and/or no call no shows are unacceptable and may result in disciplinary action.

The City will consider it a voluntary resignation if an employee does not call in or report to work for two (2) consecutive work days.

### **203    APPEARANCE**

The way you look, dress, and act is part of your job requirements. Due to our frequent interaction with the public, a clean, neat and professional appearance is expected of you.

Employees' attire while on our premises is to be appropriate to the extent that no distracting or disruptive attention or reaction on the part of others is anticipated or caused. Employees should choose clothing and hair styles suitable for their position, location and work activities. Attire or appearance that in any way diminish the effectiveness of the employee's role are not permitted.

Employees must be well groomed at all times. Body odor, bad breath and extreme scents including but not limited to cigarette smoke and excessive perfume or cologne are offensive to co-workers and to the public. Please take the necessary precautions with appropriate personal hygiene.

Check with your supervisor as to what is acceptable in your department and for your position.

### **204    PERSONAL BUSINESS**

The workplace is for conducting business. Handling personal business matters while at work, including personal phone calls, personal conversations, personal Internet usage, resolving personal matters and similar work distractions should only be completed while on break. Handling personal matters during the workday should always be kept to a minimum.

## **205     VISITORS IN THE WORKPLACE**

Only authorized visitors are allowed in the workplace. Visitors are defined as anyone who is not an employee or an elected official of the City. Authorized visitors may include citizens, business owners and contractors for business purposes, and family members or friends of employees who arrive to meet an employee for a meal break or at the end of work. In most cases, visitors should be escorted by authorized personnel at all times. Please do not allow visitors to roam the premises unattended.

Except for public entrances, most entry doors to facilities are to remain locked at all times. Employees will receive access to the facilities appropriate for their position. Employees should use discretion when working during non-work hours.

The City occasionally allows children (less than 18 years old) into the workplace. If it is an employee's child, the employee should obtain prior approval from their Department Head. Parents or guardians are responsible for the safety and behavior of their children while they are visiting.

Family and friends are not allowed in the workplace to assist with work or work-related projects or to help as a volunteer without the approval of the Department Head or Human Resources Department.

## **206     CODE OF ETHICS**

This Code of Ethics details moral principles, which we believe are especially important in our role as public servants. Working for the City requires the adherence to high moral and ethical standards in order for us to gain and maintain the confidence and trust of the community.

The ethical City employee:

1. Properly administers the affairs of the City.
2. Promotes decisions that benefit only the public interest.
3. Works to proactively build public trust in the City government.
4. Keeps safe all funds and other City property entrusted to their care.
5. Conducts and performs the duties of the position diligently and carries out the business of the City promptly.
6. Maintains a positive image able to pass public scrutiny.
7. Evaluates all decisions so that the best service or product is obtained for the best value.
8. Effectively and efficiently works with fellow employees, other government agencies, special districts and other organizations to further the interests of the City of Fort Lupton and its citizens.
9. Faithfully complies with all laws, ordinances and policies applicable to the City and impartially applies them to everyone.
10. Always remembers that the taxpayer is our customer, the one who pays our salaries, therefore, they always deserve our swift, courteous attention.
11. Accepts the responsibility that the mission of a City employee is that of servant and steward for the public interest.

The ethical City employee does not:

1. Engage in outside interests or behaviors that are not compatible with the impartial and objective performance of duties.
2. Improperly influence or attempt to influence other officials to act for personal benefit and to the possible detriment of the City.

3. Accept anything of value over the limit established by state law in relation to your employment with the City.
4. Engage in any behavior that would reflect negatively on the City, department or coworkers.
5. Grant any special consideration, treatment or advantage to any citizen or business beyond that which is available to every other citizen or business.

## **207     CONFLICT OF INTEREST**

Employees have an obligation to conduct business without a conflict of interest or even the appearance of a conflict of interest. A conflict of interest occurs when an employee uses employment with the City to gain an advantage or a favor for self, family or friends. A conflict of interest also occurs when an employee's private interests interfere with the employee's responsibilities to the City. Examples of conflicts of interest include:

1. The employee influences the selection of a business for a City contract or influences the way a company conducts business with the City if the employee or the employee's family or friends has a financial interest with the company.
2. The employee accepts or seeks for family or friends any service, information or objects of value, or if the employee seeks more favorable terms than the general public would get.
3. The employee has a financial interest in a company that does business with the City or seeks to do business with the City.
4. The employee works for a company that does business with the City or seeks to do business with the City.

The employee is obligated to make known to their Department Head, Human Resources Department or City Administrator any financial interest if the employee is in a position to influence a decision on any matter under consideration before the City. If the employee is unsure if a conflict of interest exists or if there is the possibility of a conflict of interest, the employee must seek the advice of the Human Resources Department or the City Administrator.

## **208     SAFETY**

The City of Fort Lupton seeks to provide a safe working environment for its employees. To accomplish this, the City provides a workplace safety program.

### **Employee Responsibilities**

All employees are required to maintain safe working practices. Please direct all questions concerning safety problems or violations immediately to your supervisor. The City may discipline an employee for any conduct that may adversely affect anyone's safety. Such conduct may be a component of the employee's performance evaluation. Additionally, if you are injured as a result of certain safety violations, your workers' compensation benefits may be reduced. It is your responsibility to:

1. Learn and follow established safety policies and procedures.
2. Use all safety equipment as required by law and as directed by policies.
3. Immediately report on-the-job accidents and injuries to your supervisor.
4. Report all unsafe practices and procedures to your supervisor.
5. Cooperate and assist in the investigation of work accidents.
6. Actively support and participate in safety education programs conducted by the City.
7. Obtain, wear and use any and all personal protective equipment required by federal and state regulations and City or department policies.

Employees will be free from any form of retaliation, harassment and/or intimidation in the reporting of unsafe acts or conditions.

### **Incident Report**

All incidents of injury or illness must be immediately reported to your supervisor and no later than four calendar days of the incident.

## **209     ANTI-VIOLENCE IN THE WORKPLACE**

The City is committed to providing a violence-free and safe workplace for its employees. In keeping with this commitment, we have established an anti-violence policy that prohibits actual or threatened violence by employees against co-workers, other persons or property.

All credible reports of such incidents will be examined and investigated. The key to prevention is reporting any and all threats. Employees shall immediately report to a supervisor all incidents of violence, threats (whether direct or indirect), intimidation, and any other disruptive or inappropriate behaviors, whether directed against them or others. The only exception to this is a City of Fort Lupton Police Officer who receives threats from citizens in the normal course of duty, which will be handled in accordance with Police Department policies.

### **Warning Signs of Potential Workplace Violence**

Employees should understand that certain risk factors and behavior patterns might offer early warning signs of potential violent conduct. The City does not expect employees to become experts in psychology or for any employee to physically confront or subdue a threatening or potentially dangerous individual. The City also discourages employees from engaging in a confrontation with a potentially violent or dangerous individual. However, the City does expect employees to exercise reasonable judgment in identifying and reporting potentially dangerous situations in a timely and proper manner as outlined in this policy.

### **Prohibited Workplace Behaviors**

Every threat of violence at work or involving a work situation is serious and must be treated as such. Threatening behavior can include, but is not limited to, such actions as:

1. Causing physical injury to another person
2. Aggressive or hostile behavior that creates a reasonable fear of injury in another person or subjects another individual to emotional distress.
3. Throwing objects with the intent to damage property or harm or intimidate others.
4. Intentionally damaging employer property, property of another employee or property of a citizen
5. Making menacing gestures or non-verbal communications intending to intimidate, harass or create fear.
6. Displaying an intense or obsessive romantic interest in someone that exceeds the normal bounds of interpersonal interest and affection.
7. Committing acts motivated by, or related to, sexual harassment or domestic violence.
8. Attempting to intimidate, harass or frighten others through any indirect or veiled means, inside or outside the workplace.
9. Engaging in any behavior while on or off City time and/or property that is intended to intimidate, harass, create fear or harm another person or undermine public trust in the integrity of the City.
10. Possession of a weapon (other than legally concealed) while on City property or while on City business unless required in the performance of job duties.

Employees who engage in such behavior may be removed from City-controlled property and/or may be subject to disciplinary action, up to and including termination. Furthermore, employees who become aware of any of the above behaviors, irrespective of whom they may be directed at or where they occurred, must report them immediately.

While we do not expect all employees to be skilled at identifying potentially dangerous people, employees are expected to exercise good judgment and inform their Supervisor or Department Head if any person displays behavior that could be a sign of a dangerous situation. These types of behavior include, but are not limited to:

1. Bringing unauthorized weapons to the workplace (certain weapons may be authorized by the City Administrator or Chief of Police) or discussing illegal use of weapons in the workplace.
2. Displaying outward signs of extreme resentment, bitterness, hostility or anger.
3. Making threatening remarks or gestures.
4. Sudden or significant deterioration of performance.
5. Displaying irrational or inappropriate behavior.

## **Protective Orders**

In the event an employee obtains a lawfully granted restraining order or any other protective order against any person, that employee shall report the protective order and provide a copy of it to the supervisor and the Human Resources Department upon issuance. The City reserves the right to monitor such orders and take whatever action it sees fit to enforce this policy and protect its employees relative to such orders. Failure to report attainment of an order in a timely manner or cooperate with this policy may result in disciplinary action, up to and including termination.

## **Anti-Retaliation**

City management will support reasonable efforts made by supervisors and other staff dealing with violent, threatening, intimidating or other inappropriate behavior in our workplace. No employee shall subject another to retaliation for notifying the City about a real or potential threat whether it involves another employee, a citizen or any other person with whom they come into contact during the course of their duties.

## **PROCEDURE**

### **Reporting**

Employees are to immediately report incidents of violence, threats, intimidation and any other disruptive or inappropriate behaviors, whether directed against them or others. Reports should be made in the following manner:

- Prohibited behaviors demonstrated by the public are to be reported to the employee's supervisor.
- Prohibited behaviors demonstrated by a co-worker are to be reported to the employee's supervisor.
- Prohibited behaviors demonstrated by the employee's supervisor are to be reported to the employee's Department Head.
- Prohibited behaviors demonstrated by the employee's Department Head are to be reported to Human Resources or City Administrator.
- Prohibited behaviors demonstrated by Human Resources are to be reported to the City Administrator.
- Prohibited behaviors demonstrated by the City Administrator are to be reported to Human Resources, who will report the information to the Mayor.
- Prohibited behaviors demonstrated by an Appointed Official, City Attorney, City Clerk or Municipal Judge, are to be reported to Human Resources or the City Administrator.
- Prohibited behaviors demonstrated by the Mayor or a member of the City Council are to be reported to Human Resources or the City Administrator.

**Threats or assaults or any incident that requires immediate attention  
must be reported first to the Police Department**

If a supervisor is unavailable, the employee must report the incident to the next level of management, Human Resources or City Administrator. All reports must exercise reasonable judgment and decide whether to call for Police assistance or not. If the matter does not constitute an immediate threat and the Supervisor, Department Head, Human Resources or City Administrator are unavailable, the employee must report the incident the next regular business day as specified above.

### **Investigation**

The City may investigate any complaint, allegation or actual violation of this policy. The City will exercise care in the conduct of its investigation and strives to protect the privacy of the individuals involved to the extent reasonably possible and practicable. However, the City reserves the right to take whatever action it sees fit to protect its interests, the safety of its employees, and the citizens of the City of Fort Lupton. Such actions may include, but are not limited to, placing suspected violators or alleged victims on administrative leave with pay during the investigation and assisting or cooperating with a Police investigation.

## **210     ALCOHOL and DRUG FREE WORKPLACE**

To promote a safe and healthy workplace for all employees, provide a safer environment for our citizens, and comply with federal and state regulations, the City has established an alcohol and drug free environment. The City has the right to test employees to ensure this safe environment is maintained. Employees who engage in any of the following will be subject to disciplinary action:

- the sale, use, possession or transfer of illegal drugs or other controlled substances, including marijuana, regardless of its legal status,
- buying or selling such substances,
- using alcohol or controlled substances while performing their job duties, whether it be in the immediate workplace or away,
- reporting to work after using alcohol or drugs.

The consumption of alcohol on City premises, whether or not it takes place during regular business hours is prohibited. This policy does not apply to moderate and appropriate use during City-sponsored or catered functions, events, or meals.

All employees in "safety-sensitive" positions must submit to pre-employment drug testing. Employees in safety sensitive positions may be subject to random alcohol and drug testing during their employment. Also, current employees who wish to transfer into a full-time or "safety-sensitive" position will be required to take a drug test. "Safety-sensitive" positions may include:

1. Employees whose job responsibilities involve carrying a firearm during their employment with the City.
2. Designated positions in the Police Department who may deal directly with emergencies and who have the authority to issue citations to the public. This includes Code Enforcement Officers and Community Service Officers.
3. All employees holding a commercial driver's license as a requirement of their employment with the City.
4. All employees having the right to operate City vehicles, heavy equipment and/or power machinery.

All City employees are subject to reasonable suspicion and post-accident testing. If an employee is suspected of being physically and/or mentally affected by drugs or alcohol, the employee may be subject to take a test to determine whether the employee is or is not affected.

Refer to the standalone Alcohol and Drug Free Workplace Policy for more details.

## **211     COMMUNICATION SYSTEMS USE**

The purpose of this policy is to ensure the appropriate use of the City of Fort Lupton's electronic systems including, but not limited to, computers, electronic message (e-mail), Internet, voice mail, facsimile (fax), bulletin boards or any electronic communication forums and City-issued devices including but not limited to mobile devices such as company issued cell phones and/or tablets or radios. Employees should have no expectation of privacy in either sending or receiving electronic messages and other information on the Internet or other electronic media.

All business equipment, electronic communication systems, and all communications and stored information transmitted, received or contained in the City's information systems are property of the City and are to be used for job-related purposes. To ensure proper use of communication systems and business equipment, an individual designated by the City Administrator, and only at the explicit direction of the City Administrator, may monitor the use of these systems and equipment.

### **Proper Use**

All employees shall utilize the City's communication systems for approved purposes only.

1. The City maintains communication systems and such systems are City property. All messages composed, sent or received through the systems are and remain the property of the City. These messages and data are not the private property of any employee.
2. The use of the City's communication systems and devices are reserved for conducting City business. However, the employee's supervisor may permit incidental and occasional personal use of the systems during break time. The use of broadcast messages to all employees for personal use is prohibited. In addition, these systems may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations.
3. Any conduct prohibited by City policies is also prohibited when the City's communication systems are used as a medium for such conduct. Prohibited conduct includes, but is not limited to, the creation of any offensive, untrue or disruptive messages. Among those considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, disability or any other status protected by applicable state or local law.
4. The City's communication systems shall not be used to send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization. Employees may not engage in copyright or trademark infringement, downloading of anything (without permission from the City), and downloading or transmission of any legally protected materials from the internet or any other source.
5. Communications created, sent or retrieved using the City's communication systems may be read or heard by individuals other than the intended recipient. The confidentiality of any message should not be assumed. The City has the capability and the right to retrieve computer information, including messages employees send or receive and Internet sites accessed through the City's electronic media systems. Even

when an electronic mail message is erased or deleted, it may still be possible to retrieve and read the message. Further, the use of passwords for security does not guarantee confidentiality.

6. An employee's correspondence in the form of electronic mail may be a public record and may be subject to inspection under section 24-72-203 of the Colorado Open Records Act.
7. City-issued devices are the property of the City. Employees who have been issued devices by the City should not use them for personal purposes because they do not have a right nor should they expect privacy. Any device is at all times subject to the City's right to access it, with or without notice, for any reason. Devices must be surrendered/returned upon change of status including but not limited to employment termination or job change.
8. Non-exempt employees are not permitted to use City issued devices or their own personal devices or other resources to work from home or outside of normal work hours (where they are clocked in) unless they have been specifically authorized to do so by their Supervisor or a Department Head.
9. Employees who have been issued devices are responsible for maintaining the data stored on their device including but not limited to photos, movies and applications. Maintenance includes backing up all applications and complying with data storage policies and limits. Specific information can be found on the device or from the Information Technology Department.
10. Personal devices, such as mobile phones, computers or tablets, not issued by the City are not permitted to access City servers for email, calendars or any other purposes, nor are they eligible for any reimbursement cost or subsidization. Personal devices not issued by the City may not be used to conduct any City business.
11. City-issued devices are intended for business use. The City reserves and intends to exercise the right to review and audit usage logs to determine the device usage. Personal use may result in employee reimbursing the City for personal use charges. Lost or damaged phone or radio may result in the employee replacing the City's property at their expense.
12. The City reserves and intends to exercise the right to review, audit, intercept, access and disclose any messages created, received or sent over the City's electronic systems for any legitimate business purpose. If a certain employee's electronic systems are to be monitored, it will only occur at the explicit knowledge and direction of the City Administrator. The contents of such messages properly obtained for legitimate business purposes may be disclosed by the City without the permission of the employee. Such disclosure will be limited to those who have a legitimate need to know the information. Legitimate business purposes for monitoring include, but are not limited to, a need to determine whether City policy has been violated, to prevent or investigate unlawful actions, to respond to discovery requests during litigation, or to perform network/software maintenance. Disciplinary action, up to and including termination, may result from information obtained by monitoring or inspection of electronic files.
13. Notwithstanding the City's right to retrieve any electronic message for legitimate business purposes, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve any electronic messages that are not sent to them. Additionally, employees shall not use an access code in an attempt to make confidential, login to a computer or files of co-workers without the supervisor or co-workers' approval or retrieve any stored information not pertaining to the employee's job duties, unless authorized to do so by the City Administrator or Human Resources. Department Heads can access files from their department staff's computers if it is necessary to retrieve them immediately for business purposes. Employees may be notified when their systems have been accessed without their permission.

## **PROCEDURE**

Any employee who discovers a violation of this policy shall notify Human Resources or the City Administrator. Any employee who violates this policy or uses the City's communication systems for improper purposes shall be subject to discipline, up to and including termination.

*Use of the City's business equipment, communication systems  
by employees constitutes acknowledgement of this policy.*

## **212    TOBACCO AND SMOKE-FREE WORKPLACE**

In keeping with our City's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace. Smoking is prohibited within City facilities and vehicles. This prohibition includes all forms of tobacco and e-cigarettes. This restriction applies to all employees and visitors.

Employees may use tobacco outdoors in designated areas only during regularly scheduled breaks and lunch periods. The duration or number of breaks from work cannot be extended in order to use tobacco.

## **213    OUTSIDE EMPLOYMENT**

The City recognizes and respects your right to privacy and to engage in personal activities outside the scope of your employment. You have an obligation, however, to refrain from activities that conflict or interfere with your employment with the City and the City's operations, such as outside employment. You are required to notify your Supervisor or Department Head of other commitments. For some employees, paid outside employment may be acceptable if that employment in no way interferes with your performance here.

For all civilian and sworn members of the Police Department, outside employment must be pre-approved by the Chief of Police to ensure the additional job does not compromise the employee's ability to respond to City emergencies and to necessary shift changes.

## **214    OUTSIDE ACTIVITIES THAT CONFLICT WITH YOUR WORK SCHEDULE**

The City of Fort Lupton again respects your rights to participate in personal activities outside of work as long as it does not affect your job performance. If a scheduling conflict arises, discuss scheduling options with your supervisor; however, if your work schedule cannot be modified to accommodate your request, you are required to work as scheduled. If you want to change shifts with another employee, a supervisor is not responsible to find coverage for your shift so you can attend an event or activity; only you are responsible for finding coverage for your shift. Schedule changes are to be submitted in accordance with your departmental policies.

## **215    POLITICAL ACTIVITIES**

You are encouraged to participate in the electoral process and support the political candidates or ballot measures of your choice. You are free to engage in political activity associated with City, county, state and federal campaigns, but are permitted to do so *only* on your own time, with your own resources, off City premises and without giving the impression that the City is endorsing your activity. It is important that our City's operations and deliberations are impartial and that we make efforts to eliminate improper influence.

While on work time, an employee may not publicly support any candidate for office, circulate any petitions, distribute campaign or ballot literature, display campaign or ballot buttons, political badges, placards and such. In addition, employees are expected to refrain from efforts to convert others to a political cause during working hours.

Employees who choose to run for political office must do so on their own time. The City's premises cannot be used for political campaigning. If you are elected to serve on the City Council, you will be deemed to have resigned from your position with the City the day preceding your appointment. If the election is contested and it is later determined you won, you must resign the day it is decided you won the election.

City employees may respond to unsolicited general questions or requests for information about a ballot. The response must be factual, limited to the specific question or request and in no way attempt to influence the passage or defeat of the issue.

If there are any requests for information that the employee cannot answer without rendering an opinion in favor or against a proposed ballot measure, the employee will refer these requests to the City Clerk or the City Administrator.

## **216     FUNDRAISING ACTIVITIES and SOLICITATIONS**

Solicitations of employees by employees is allowed in non-work areas and on non-work time, meaning before or after work and during meal and work breaks. If visitors attempt to solicit City employees, they should be advised this is not allowed, unless authorized by the City Administrator. Also, an employee soliciting a City patron is not permitted.

## **217     USE OF CITY PROPERTY**

The use of City property shall be for work purposes only. Any exceptions to this policy must have proper authorization from the Supervisor, Department Head, Human Resources or City Administrator. Use of computer equipment and other communications media are addressed in Section 211.

## **218     CITY VEHICLES**

City-owned vehicles are to be used only for City business in the performance of the employee's job, with the authorization of the employee's Supervisor or Department Head. Personal use of City vehicles is not permitted without authorization. Only authorized personnel are permitted to drive City vehicles.

All City employees who are assigned to drive City vehicles must possess a valid driver's license for that type of vehicle. Employees for whom driving is routinely part of their duties must authorize the City to acquire a copy of the employee's driving record annually. Driving records will be submitted to the Human Resources Department and placed in the employee's file. City employees who routinely use City vehicles in the course of their work must immediately report to the Department Head or Human Resources Department all moving violations, citations and license suspensions they receive, whether it is on or off duty.

The safety of our employees is our operating concern. At no time shall a vehicle be operated in a manner that jeopardizes the safety of the employee, other employees or the public. **Seat belt use is mandatory for the driver and all passengers in all City owned vehicles in accordance with applicable law.** All mechanical issues should be reported immediately so that vehicles can be kept in safe, working condition.

If the driver is summoned to respond to an emergency, any passenger not designated as an “emergency response person” must immediately leave the vehicle at the first safe opportunity. An exception is if the passenger has received prior approval to be on a police “ride-along”.

In the event of an accident involving a City-owned vehicle, the employee will immediately contact the local Police Department and their Department Head. Any employee involved in an accident while driving on the job will be subject to a post-accident test to determine whether the employee was under the influence of alcohol and/or a controlled substance. Passengers will not be subject to testing unless it is determined that their behavior may have contributed to the accident and was reasonably suspected to be a result of drug and/or alcohol use AND they are employees of the City. Further information on testing is in the standalone Alcohol and Drug Free Workplace Policy.

*If driving is part of your job responsibilities, failure to maintain a valid driver's license may be grounds for termination.*

Refer to the standalone Alcohol and Drug Free Workplace Policy for more details.

**THIS PAGE IS INTENTIONALLY BLANK**

## **GENERAL POLICIES**

### **301 GENERAL POLICY**

The City has established several policies to explain various processes with respect to hiring and personnel record-keeping. These policies are intended to ensure compliance with applicable federal, state and local laws, as well as set up efficient guidelines in the administering of City personnel issues.

### **302 PERSONNEL FILES**

An employment history for each employee is on file with the Human Resources Department. Employees may review their file with a Human Resources Department representative at any time. Personnel files are subject to the Colorado Open Records Act (CORA). Unless otherwise required by law, the information in personnel files is confidential and may not be used or divulged for purposes unconnected with personnel management unless we have the employee's written permission and the requisite CORA processes are followed.

Occasionally, outside agencies call to verify employment or ask for information they need to conduct their business. Only an employee's position title, length of employment and current status (active or former employee) are available to these agencies. Additional information requires a release signed by the employee, unless CORA, a subpoena or another legal obligation mandates the release.

### **303 JOB REFERENCES**

Department Heads, Supervisors and co-workers who are approached either formally or informally and asked to provide information about a current or former employee of the City of Fort Lupton should refer all such inquiries to the Human Resources Department, unless otherwise authorized by Human Resources or the City Administrator.

1. Written or verbal job performance references to a prospective employer are to be reviewed by Human Resources and/or the City Administrator prior to release.
2. Typically, the only information provided is position title, length of employment and current status (either active or former employee). However, according to Colorado law, employers are granted immunity when providing references about an employee to a prospective employer, as long as the information is accurate, fair and unbiased. Once the City undertakes to provide the reference, the City has a legal duty to provide a truthful and complete reference. The City cannot give false or misleading information or omit negative information.
3. If reference information is provided in written form, a copy of the submitted written reference is kept as part of the employee's personnel file and available to the employee for review or copying.
4. Department Heads and supervisors must not give a "personal reference" or an "off the record" reference.

### **304 KEEPING EMPLOYEE RECORDS CURRENT**

Employees are responsible for keeping the Human Resources Department informed of any change of name, address and phone number. This is important in case the City finds it necessary to contact you or your emergency contact in an emergency or for administrative purposes, and to ensure that your payroll and tax records are correct.

### **305     PROMOTIONS AND TRANSFERS**

The City strives to fill vacancies by promoting employees from within our organization whenever qualified employees are available and in accordance with our continuing responsibility as an equal opportunity employer. Employees can obtain promotion and career guidance from their Supervisor, Department Head, and/or the Human Resources Department.

Promotions involve selection for a position in a higher pay range. Transfers occur when an employee goes from one position to another in a similar pay range. Both promotions and transfers can be in the same or different departments.

At all times, employees must possess the minimum qualifications for the new job. An employee's basic eligibility for a promotion is also determined by the requirements of the new job and the employee's additional qualifications and skills. In addition, an employee generally must have held their current position for at least six months. They must have both a satisfactory performance record and no adverse disciplinary actions in the last six months. When considering employees for promotions and transfers, we take into account, among many things, job performance, past work history, attendance record and required job-related skills, preferred job-related skills, abilities and qualifications needed to perform the desired job. The City may offer employees promotions to higher level positions when deemed appropriate.

An Initial Performance Review Period will apply when an employee is promoted or transferred.

### **306     OPEN POSITION POSTINGS AND RECRUITMENT**

To fill vacancies, employees are encouraged to seek additional opportunities within the City. Positions will be posted internally so that employees are aware of opportunities.

When job opportunities are posted:

- Interested employees must submit an application by the close date of the posting. Employees are required to notify their supervisor if they apply for another position within the City.
- The Human Resources Department may, at its discretion, solicit outside candidates during or after the posting period.

Job opportunities are also posted externally through a variety of resources, depending on the City's ability to recruit and attract qualified applicants. There may be times, however, when a job opening occurs and the City has on file a list of qualified applicants for a similar position that was filled within the past six months; in this case the City may decide to select from this group of applicants and not advertise or post the position.

Employees are encouraged to recommend for employment friends or acquaintances who are qualified and would be interested in a position with the City.

Employment offers are based on the needs of the City and the qualifications of the applicant.

### **307     SELECTION AND HIRING**

All selection and hiring decisions will be made based on individual qualifications and without regard any status protected by law, as described in 103 Equal Employment Opportunity.

Positions may be posted for internal applicants only if a qualified pool of current employees have been identified by the Department Head or Human Resources as potential applicants. Positions not filled by a promotion will be posted externally.

To be considered for a position, all applicants are required to fill out an employment application. Qualified applicants are those who meet or exceed the necessary education, skills and experience criteria identified in the job posting. While the City will select the most qualified candidate for positions advertised both externally and internally, City employees will be given significant consideration when qualifications are equal.

As part of the selection process, a criminal background investigation may be conducted for all City positions. A motor vehicle record will be obtained for positions requiring a valid driver's license. A credit check may be performed for positions with financial authority. Upon a conditional offer of employment, the City may require a pre-employment drug test, other types of background checks or investigations and testing. Whenever written or other kinds of tests are used in the selection process, Human Resources will determine if the tests are job-related, reliable and valid.

The completed application form, required test results, reference documentation and any other relevant material on all applicants will be managed by the Human Resources Department.

The City of Fort Lupton may screen submitted applications and resumes to create eligibility lists for certain positions. Only those applicants who meet the job requirements will be placed on eligibility lists.

## **PROCEDURE**

The Department Head will complete a requisition for open positions which will go through an approval process. Once notified of a job opening, the Human Resources Department will create a job announcement which will include starting salary range and closing date for acceptance of applications.

In collaboration with the Department Head or Supervisor, the Human Resources Department will assist with the screening of applications for qualifications, develop job-related criteria and interview questions, scheduling interviews, participate in the interviewing, provide tests if required and make reference checks on prospective new hires.

The hiring decision, start date and beginning salary will be determined between the Department Head and Human Resources. Only Human Resources is permitted to make an official job offer.

If an employee is hired internally for a position in a different department, the hiring Department Head, the employee's current Department Head and Human Resources will coordinate transfer dates.

The Human Resources Department will coordinate all external advertising, if appropriate. Letters of application received and letters of rejection to those interviewed, but not hired will be the responsibility of the Human Resources Department.

## **308     REHIRING**

A former employee may be rehired if the person is eligible for rehire AND is qualified for the open position. Employees deemed not eligible for rehire are excluded from rehire consideration.

### *Service Restoration Rules for Eligible Employees*

1. If a former employee with less than one year's prior service is rehired, the employee will be considered a new employee and will not be eligible for prior service.
2. If a former employee with more than one year's prior service is rehired, the employee's seniority will be bridged upon successful completion of the Initial Performance Review Period.

### *Rehire Service Date Adjustment*

When recognition of prior service is granted, a rehired employee's service date will be adjusted to credit the employee's prior service. For example, if an employee worked for two years and 20 days, the rehire date will have two years and 20 days subtracted and that date will become the new date of hire. This affects vacation, floating holiday and personal time off. Sick leave balances will not be restored.

Regardless of the amount of service, if an employee is rehired for the same position within 180 calendar days from the date of the separation, the employee will not re-incur an Initial Performance Review Period. If the employee is rehired into a different position within 180 calendar days of separation or rehired for the same position after 180 calendar days from the date of the separation, an Initial Performance Review Period for the new position will be applicable.

## **309     CERTIFICATION**

Some positions require certification. If required, a copy of the certification is to be provided to the Human Resources Department for placement in the employee's personnel file, with the exception of the Police Department which maintains its own files. The employee is responsible for maintaining the necessary certification while employed and ensuring that the supervisor has the required information to assist with obtaining the certification.

Copies of any new or renewed certifications must be provided to the Human Resources Department for the employee's personnel file. Failure to provide certification or failure to maintain certification may jeopardize the employee's position with the City.

## **310     EMPLOYMENT OF RELATIVES**

The City of Fort Lupton's policy is to avoid any employment situation in which the reality or appearance of favoritism, interpersonal conflicts, money matters and/or lack of confidentiality could interfere with service, morale or decision-making.

A relative in this context is defined as a spouse (or party to a civil union or domestic partnership), child, parent, sibling, grandparent, grandchild or an individual who has acquired similar relationships through marriage. The City Administrator may characterize a relative as any other person whose association with the employee is similar to any of these relationships.

1. A relative is prohibited from directly or indirectly supervising another relative.
2. A relative may not be in a position that audits, verifies, receives or is entrusted with money received or handled by another relative.
3. No employee may work in a department that handles confidential matters involving a relative of that employee, including personnel records and payroll.
4. It may create a conflict of interest if an employee and appointed or elected official are related. Preference will not be given to any employee or applicant if they are related to an appointed or elected official. The

City requires that employees or applicants disclose when they are related to an appointed or elected official.

Equally important, individuals who reside with another employee, must always avoid circumstances addressed in policy numbers 1, 2 and 3.

If a relationship happens after two individuals are employed by the City and find themselves in a position prohibited in policy numbers 1, 2 and 3, one must either transfer to another department, or resign within 30 days. The City of Fort Lupton is committed to doing its best to find the displaced employee a suitable position with the City. If the two employees cannot decide which one must leave their position, the City reserves the right to make the employment decision.

### **311     RESIDENCY REQUIREMENTS**

Appointed officials are defined by the City's Municipal code as the City Administrator, City Clerk, City Attorney and Municipal Judge. The City prefers, but does not require, that appointed City officials reside within the City. This policy does not apply to persons, firms or corporations performing the duties of these positions as independent contractors.

Some departments may require employees to live within a short commuting distance in order to quickly respond to emergency situations. This decision will be at the discretion of the Department Head.

### **312     SEARCHES AND INSPECTIONS**

The City reserves the right to conduct reasonable searches and inspections of employees, their personal effects and any City-controlled office, desk, tools, vehicle, equipment, papers, documents or work space without notice at any time. Please refer to section 211 regarding inspection of computer, electronic document or file, electronic storage device and network. This inspection does not imply an intrusion into the privacy of an employee or individual; employees or individuals should have no expectation of privacy in the workplace or on City-controlled property.

Employee searches or inspections can only be conducted by order of the City Administrator, Human Resources, Chief of Police or Municipal Judge. Lack of full cooperation or interference by any employee during an inspection or search may lead to disciplinary action. Only the City Administrator, Human Resources or Department Head can perform the inspection or search. The reason for the search or inspection, the person authorizing it, who conducted it, and the results need to be documented and forwarded to the City Administrator.

**THIS PAGE IS INTENTIONALLY BLANK**

## **YOUR WORK**

### **401 GENERAL POLICY**

We want you to have a clear understanding of how your job duties and job status are defined. This section addresses these aspects of your employment as well as establishes work schedule guidelines.

### **402 JOB DESCRIPTIONS**

Each Department Head is responsible for establishing written job descriptions for those positions in their Department. The purpose of a job description is to make the duties and responsibilities of the position clear to the employee and the supervisor, and in some cases, to detail the level of authority the position commands, to draw attention to the reason the job exists, the impact it has on the operation and to assign weight to the different duties. These job descriptions will be reviewed and approved by Human Resources before they are implemented. If significant changes in job duties and/or job responsibilities have occurred, this needs to be documented in a revised job description. Any modifications to existing job descriptions will be reviewed and approved by Human Resources.

### **403 INITIAL PERFORMANCE REVIEW PERIOD**

For full-time and part-time employees, the first six months of your employment with the City of Fort Lupton or in a new position within the City is called the "Initial Performance Review Period." For all new hire sworn Police Officers the Initial Performance Review Period will be up to the first twelve months. During this time, the Supervisor or Department Head will provide a department-specific orientation that familiarizes the employee with the department, co-workers and job duties.

Also, during this introductory period, your supervisor will monitor your job performance, capabilities and work habits, assess your progress, provide you feedback and determine whether your employment will continue. The Initial Performance Review Period is just that, a period when the supervisor measures the employee's performance to determine if the employee is capable of meeting the job standards on a consistent basis and if the employee demonstrates the motivation to exceed the standards.

*After six months (up to twelve months for sworn Police Officers), your supervisor will complete a formal evaluation on your job performance.* If the employee is meeting or exceeding all job standards and expectations, employment may continue, unless the Initial Performance Review Period is extended. Your supervisor may extend your Initial Performance Review Period for up to three months upon approval by Human Resources. If you fail to meet the job expectations at any time in the Initial Performance Review Period, your employment may be terminated.

New employees who are terminated within the Initial Performance Review Period are not entitled to the Pre-Disciplinary Action or Post-Disciplinary Action procedures. However, in cases involving a regular employee who has transferred or been promoted, the employee may be entitled upon request.

For benefits that accrue during the Initial Performance Review Period, please refer to Section 6 of the Employee Handbook. If the employee has been transferred or promoted, the employee is eligible for all benefits included with the new position during this Initial Performance Review Period.

If a condition arises during an employee's Initial Performance Review Period that requires a leave-of-absence and it is granted, then the time off will not be considered time worked for the purposes of fulfilling the six-month time requirement.

Short-term temporary and seasonal workers will not have an Initial Performance Review Period, although they should receive feedback from their supervisor letting them know if they are meeting the standard of work expected.

#### **404     DATE OF HIRE/ANNIVERSARY DATE**

An employee's date of hire is the effective date the individual began employment with the City. The anniversary date is the date the employee began working in the current position. For example, if an employee was promoted to a different capacity or department, the anniversary date changes and is now the date when the employee started the new position, but the date of hire will remain the same.

An employee returning from a leave-of-absence may have the anniversary date extended by the same length of time the employee was on leave.

There will be no change in an employee's anniversary date when an employee's position is reclassified or re-titled provided there is no significant change in the assigned tasks and responsibilities.

#### **405     EMPLOYMENT STATUS**

Each employee is in one of the following employment categories: full-time, part-time, temporary or seasonal.

**Full-Time Employees:** Regularly scheduled to work 30 or more hours per week.

**Part-Time Employees:** Regularly scheduled to work less than 30 hours per week.

**Temporary Employees:** hired for a limited duration, generally six months or less, as a temporary replacement, or to assist in the completion of a special project or to temporarily supplement the workforce. Schedule may be set or flexible as to full-time or part-time.

**Seasonal Employees:** hired to supplement the workforce for a specific season, most often summer. Schedule may be set or flexible as to full-time or part-time.

#### **Exempt Employees**

Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and state law and who are exempt from minimum wage and/or overtime pay requirements.

#### **Nonexempt Employees**

Nonexempt employees are 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 for hours worked in excess of 40 hours in a given workweek, or as otherwise required by applicable state law. The overtime basis for nonexempt police officers is 80 hours.

## **406     WORK ASSIGNMENTS AND WORK SCHEDULES**

Supervisors are responsible for scheduling work assignments and schedules. Supervisors may change work assignments or schedules based on the needs of the City. Questions concerning specific changes, the need for changes and the frequency of changes should be discussed with your supervisor.

## **407     MEAL PERIODS AND WORK BREAKS**

The City recognizes the importance of taking breaks during the workday. It provides a chance to enjoy a short rest period. Breaks should be taken away from your work area so you do not disturb those working and to give yourself relief from the workstation.

For most Departments, the City does not observe formally scheduled rest periods unless the nature of your job requires that your position be covered at all times. Some departments *do* observe formal break times. Your supervisor will notify you of your break schedule.

If the volume of work allows, employees are normally granted two paid breaks no longer than 15 minutes long; one in the first half of the work day and one in the second half of the work day. When breaks must be skipped because of workload, it does not mean you can leave early or extend the lunch period.

Employees should take a 30 to 60-minute unpaid lunch each day, unless there are special circumstances with the work schedule or the employee's personal schedule.

## **408     NURSING MOTHERS**

To ease the transition of mothers returning to work following the birth of a child, lactation accommodation will be provided for nursing mothers.

A private space will be provided, and reasonable time will be permitted, for nursing mothers to express milk during the workday for up to two years following the birth of a child. The time permitted typically will run concurrently with the time already provided for meal and rest breaks. If the breaks cannot run concurrently and/or additional time is needed, Human Resources and the employee will agree upon a schedule which might include the employee using unpaid leave (if nonexempt), vacation time, arriving at work earlier, or leaving later. In the event unpaid leave is used, the employee will be relieved of all work-related duties during any unpaid break.

Employees will be provided with 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 co-workers and the public. The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk

Employees may store expressed breast milk in designated City refrigerators. The employee must clearly label each container with her name and the date the milk was collected. Unlabeled containers, and containers left for more than three days, may be disposed of without warning. Alternatively, mothers may bring in their own small refrigerator or cooler for the temporary storage of breast milk.

Nursing mothers are responsible for using anti-microbial wipes to clean milk expression areas, and for keeping the general lactation space clean for the next user. This responsibility extends to other areas where expressing milk is permitted, equipment is cleaned, and milk storage areas.

The City reserves the right to not provide additional break time or a private location for expressing breast milk if doing so would substantially disrupt the City's operations. The City will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

#### **409     EMERGENCY CLOSURES**

When the City Administrator chooses to close the City offices, due to severe weather or any other unplanned emergency, the time off from scheduled work will be paid for full-time employees. The amount of time paid is dependent upon the employee's scheduled hours and hours worked in the shift up to the closure time. The intention is to keep the employee whole for the work day.

Examples:

- If the facility is closed for the entire day and an employee normally works a 10-hour shift, they will receive 10 hours of emergency pay.
- If the employee works 8:00 to 5:00 (with an hour long break for lunch) at City Hall and it closed at 3:00 pm on a Friday, the employee would be paid two hours of emergency pay.
- If the employee is scheduled from 8:00 to 5:00, the facility announced a 3:00 pm closure and the employee arrived at work at 7:30, took an hour long lunch and left at 3:15, they would be eligible for one hour and 15 minutes of emergency pay.

Employees who previously requested time off, were scheduled to work remotely, were not scheduled to work or were not available to work will not receive emergency closure pay. Emergency Closure pay may not be available if the employee is able to work remotely or may only be available on a partial basis. Employees who are requested by their supervisor to come in to work or requested to stay beyond their shift when the City is closed will be paid straight wages for hours worked, unless they are eligible for overtime pay or compensatory time.

Emergency Closure pay does not typically apply to Public Works Maintenance Workers, Sworn Police officers or any employee that is required to respond to emergencies. Emergency Closure pay may or may not apply in situations where the City office is required to close due to federal, state or local order. Those instances will be determined on a case-by-case basis.

The requirements of the Recreation Center and Community Center and the Library may be different than other City offices. The Department Head of the Recreation Center and Community Center and the Library Director may determine if these facility needs to close early or will be closed for an entire day due to severe weather or other emergency. In this case, the same pay guidelines will be followed for all employees who work at the Recreation Center and Community Center and the Library.

The Golf Course closes more routinely because of unfavorable, but not severe, weather conditions. When the General Manager of the Golf Course closes the facility for the entire day, full-time employees are eligible to use their floating holiday, compensatory time or vacation time to cover their absence. When the Golf Course opens late or closes early, full-time employees who were scheduled to work are eligible for emergency closure leave. In situations where an emergency closing is not authorized, employees who are unable to report for work may request paid leave, if eligible and available.

## **410     UNIFORMS AND EQUIPMENT**

Employees of some departments and certain other designated personnel may be furnished with uniforms, clothing and/or equipment or an allowance in accordance with the City's policies. All uniforms, clothing and/or equipment purchased by the City for employees are the property of the City and shall be returned to the City upon an employee's separation from employment. Failure to return City property upon an employee's separation from the City will result in a cash deduction from the final paycheck in an amount determined by the City to be equivalent to the replacement cost of such clothing and/or equipment. Uniform allowances may also be required to be repaid.

## **411     REMOTE WORKING**

Remote working is a work arrangement by which an employee performs job duties from an alternative location other than at the office on an ad hoc or regularly scheduled basis. The City recognizes the benefits gained through remote working and may grant this privilege to employees who have demonstrated commitment, length of service and trust.

Employees who have successfully completed the Initial Performance Review Period are eligible for consideration for remote working. Eligibility to work remotely is also affected by the employee's job title or job duties. For example, maintenance, front desk and police department employees would have very limited duties available to them on a remote basis. These requirements may be waived or altered during extraordinary circumstances.

Requests to work remotely will be considered on a case-by-case basis. The City will consider factors such as:

- the nature of the job or project requirements;
- whether the nature of the work lends itself to telecommuting;
- the amount of time to be spent working remotely;
- employee work performance;
- the ability of the employee to work independently; and
- the impact the arrangement may have on collaboration and co-workers.

This work arrangement requires the employee to be conscientious, committed and communicative. Unless a flexible work schedule is permitted, employees are expected to work, and be generally available during, the City's core business hours. Non-exempt telecommuting employees must accurately record all hours worked and comply with all recordkeeping requirements, including documenting meal and break periods.

Each employee requesting a work from home arrangement must:

- receive a written approval from their immediate manager or Human Resources.
- maintain high-speed connectivity to the Internet to complete their normal workflows.
- follow all security measures to protect any Company records or files, including electronic information.
- complete and follow the requirements of the Remote Working Guidelines

The City holds the right to withdraw the approval to work remotely at any time.

This policy is subject to review and changes as necessary. This policy does not form a contract of employment. Failure to comply with any aspect of this policy or related policies such as Safety and IT policies may result in the loss of privileges to work from home and may subject the employee to disciplinary action.

## **YOUR PAY**

### **501    GENERAL POLICY**

The City of Fort Lupton appreciates the efforts of its employees and understands the value of paying reasonable and competitive wages. The City strives to ensure that payroll timekeeping and paychecks are accurate.

### **502    PAY: HOW IT IS DETERMINED**

It is important to receive equitable wages for your work. For this reason, the City has established a system of wage goals that periodically assesses your pay according to:

1. The City's ability to pay
2. Relevant wages in the surrounding areas
3. Your work performance
4. Your specific job standards
5. Internal equity

Each position at the City is evaluated based on skill, effort and responsibility to determine a pay range with minimum and maximum salary amounts.

### **503    OVERTIME**

For the purposes of calculating overtime, the workweek begins Saturday at 12:00 a.m. and ends the following Friday at 11:59 p.m. Beginning and ending times for a workweek may vary within departments based on business reasons. A shift that starts in one work week and ends in another work week counts as hours worked in the first work week.

Hours worked above 40 in a workweek by a nonexempt employee require overtime payments or compensatory time off accruals. The City's regular practice for nonexempt employees is to accrue compensatory time rather than pay overtime wages (see policy on Compensatory Time below).

Public Works Maintenance employees receive overtime wages at one and a half time their regular rate of pay for all time worked over 40 hours in a week. Sworn Police Officers receive overtime wages at one and a half time their regular rate of pay for all time worked over 80 hours in the biweekly pay period.

Employees may be required to work more than their scheduled hours by their supervisor when City operations require it. All time worked above an employee's normal schedule must be approved prior to working the overtime. Only actual hours worked will determine if overtime pay or comp time is required. Any other type of leave hours will not be considered as hours worked in regards to determining overtime pay.

### **504    COMPENSATORY TIME**

Compensatory time (comp time) will be accrued at a rate of one and a half times the hours worked in excess of 40 hours in a workweek. For example, if you work 44 hours during a workweek, you would accrue six hours of comp time.

Employees are responsible for managing their comp time balances. Employees should not accrue large amounts of comp time, with the exception of those employees whose work is more seasonal in nature. Comp time generally should be used before accrued vacation time and scheduled in the same way. Employees may use comp time in lieu of vacation time or sick leave.

Comp time will be paid out on an annual basis on or around the completion of the first quarter of the calendar year, though exceptions may be necessary for administrative purposes. Comp time is paid at the rate of pay the employee is earning at the time of the payout.

Comp time balances will be paid out when an employee is transferred to an exempt position or a position that is not eligible to earn comp time or at the time of an employee's termination of employment. Comp time will also be paid out when a nonexempt employee transfers to a different position in a different department.

## **505     ON-CALL PAY**

Since many City operations must be responsive 24 hours a day, some employees must be on-call. Your Supervisor or Department Head will be able to tell you if you are expected to be on-call and will establish reasonable response times in the departmental policies. All employees on-call are expected to refrain from consuming alcohol and must comply with the City's Drug and Alcohol policy during any period specified as on-call.

Nonexempt employees will receive an additional five hours of straight wages for seven consecutive days of on-call duty. If the employee is on-call for less than five days, the employee will receive one hour of straight wages for each day, not to exceed five hours.

Should the employee be called back to work while on call, the employee will be paid a minimum of two hours at their straight wages, unless overtime applies. If the call lasts in excess of two hours, the employee will be paid on an hour per hour basis at straight wages, unless overtime applies.

## **506     TIME SHEETS/TIME CARDS**

Nonexempt employees are required to record all hours worked as well as all paid leave time for the week. Nonexempt employees are required to approve time records verifying that time worked and paid time off charged to them is accurate before submitting it for supervisor's approval. Exempt employees are required to record and approve paid time off, which is subject to supervisory approval. After the supervisor has reviewed and approved all employee time worked and paid time off, the time is then forwarded to Finance for processing.

Falsifying or altering your time worked or paid time off or recording time on another employee's time record will result in disciplinary action up to and including termination.

## **507     PAYDAY**

Employees are paid on a biweekly basis every other Friday. A single workweek begins Saturday at 12:00 a.m. and ends the following Friday at 11:59 p.m., unless otherwise determined in department policies. If that Friday is a City designated holiday, the payday is the preceding business workday.

An employee's paycheck may be released to the employee's spouse, designated family member or to another person only if authorized in writing by the employee.

## **508     PAY ADVANCES**

Pay advances cannot be provided to employees. Payouts for accrued vacation time, sick leave, comp time or PTO will only be made upon termination of employment or transfer of position, if applicable.

## **509     DIRECT DEPOSIT**

The City strongly encourages our employees to take advantage of having their paychecks automatically deposited to the financial institution of their choice. Please see the Human Resources or Finance Department for details.

## **510     SALARY INCREASES**

Your base pay may be increased in several ways:

1. Upon the successful completion of your Initial Performance Review Period, if increases have been budgeted
2. If your annual job performance evaluation shows you have met or exceeded your job expectations and if pay increases have been budgeted
3. If the City has the budget and approved an across-the-board, cost-of-living or longevity increases
4. If the City has the budget and approved an equity adjustment
5. You have been promoted to a position with a higher salary range
6. For other reasons as determined and approved by your supervisor, Department Head, Human Resources and City Administrator

All pay increases will be effective the first day of a pay period nearest the eligibility date for the raise. For example,

1. An employee is eligible for a performance evaluation pay increase. The anniversary date is on the first Friday in the bi-weekly pay period. The employee's pay increase would be effective the preceding Saturday, first date of the pay period that the anniversary date is in.
2. An employee is promoted on the second Wednesday during a bi-weekly pay period. The employee's pay increase would be effective the following Saturday, the first date of the following pay period.

## **511     SALARY RANGES**

All positions have an established salary range that defines and rewards the development of job skills, knowledge and abilities. Once an employee has reached the top of pay range, there will be no additional salary increases for that position, however, employees may be eligible for lump sum payments instead of an increase to base pay. You may wish to stay in your current position or you may pursue, if available, a promotion to a different position.

## **512     PAYCHECK DEDUCTIONS**

The City of Fort Lupton makes certain deductions from every employee's paycheck as required by law: federal and state income taxes, Medicare and Social Security, unless other regulations apply. The amount of income taxes

withheld is based on your earnings and the number of dependents you claim on your W-4 form. The number of deductions can be changed at any time as necessary. Please see the Human Resources or Finance Department.

The City matches the employee's payroll contributions to Social Security and Medicare. If you are a sworn Police Officer and hired prior to April 1, 1986, you are not required to contribute to Social Security or Medicare. Sworn Officers hired after April 1, 1986, pay only the Medicare portion of Social Security taxes.

All full-time employees are required to participate in a retirement plan. For further information, refer to Section 618.

In addition, there may be paycheck deductions authorized by you. This may include voluntary contributions to a retirement account (457 Plan), a Flex Spending Account (FSA), medical, dental and vision insurance costs, supplemental insurance and authorized charities.

There may be times when the court system or the government can require the City to withhold a specified amount from your paycheck for a specified length of time. You will be notified if this happens.

Any employee who believes that there has been an improper deduction taken from a paycheck must notify their supervisor immediately. This will be investigated and, if determined a deduction has been taken improperly, reimbursement will be made.

### ***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.

## **YOUR BENEFITS**

### **601    GENERAL POLICY**

The City of Fort Lupton is committed to providing competitive and comprehensive benefit programs for our employees. These benefits are designed to address individual as well as dependent needs.

The details regarding the benefits are contained in this section, however we have not attempted to outline the specific terms of insured benefits in this handbook. Details of your coverage will be set forth in booklets provided by the insurance carrier. In any instance of a conflict between this handbook and the applicable benefit policies and/or plan, the benefit policies and plan documents will govern.

The City reserves the right to modify the benefits offered at any time.

### **602    HOLIDAYS**

#### *Eligibility:*

- *Employees are eligible based upon their employment status (as defined below). Employees who work less than 40 hours will receive Holiday Pay on a pro-rated basis.*

The City of Fort Lupton recognizes the following days as official holidays for its staff:

|                                       |                             |
|---------------------------------------|-----------------------------|
| New Year's Day .....                  | January 1                   |
| Dr. Martin Luther King, Jr. Day ..... | third Monday in January     |
| Presidents' Day .....                 | third Monday in February    |
| Memorial Day .....                    | last Monday in May          |
| Independence Day .....                | July 4                      |
| Labor Day .....                       | first Monday in September   |
| Veterans' Day .....                   | November 11                 |
| Thanksgiving .....                    | fourth Thursday in November |
| Thanksgiving Friday .....             | Friday after Thanksgiving   |
| Christmas .....                       | December 25                 |

The Library is open to the school and closed to the public on Veterans' Day. Some of its staff receives that day off. The staff that work on Veterans' Day is eligible to take the holiday on a different day of the same work week.

The Recreation Department and the Golf Course may be open on scheduled holidays when City Hall and other City facilities are not. Staff will be informed and scheduled according to the operational needs and pay will be handled as described in the Exceptions to Holiday Pay by Employment Status section of this policy.

Departments that only schedule staff Monday-Friday:

- If the recognized holiday falls on a Saturday, it will be observed on the preceding Friday.
- If the recognized holiday falls on a Sunday, it will be observed on the following Monday.

Departments that schedule staff every day of the week:

- If the recognized holiday is the actual holiday.

For example, a full-time nonexempt Recreation Department employee works on Sunday, July 4<sup>th</sup>. The City designated holiday is Monday. The employee will be paid for hours worked for that day and receive holiday pay on the observed holiday of Monday, July 5.

The City may also grant additional holidays each year, to be determined by Council. For example, Council may decide to schedule Christmas Eve, December 24<sup>th</sup>, as an additional holiday.

Employees who are classified as full-time but do not work 40 hours per week will receive pro-rated holiday pay. For example, an employee that is scheduled for 30 hours per week will receive 75% of the normal holiday hours, which is equivalent to 6 hours.

### **Exceptions to Holiday Pay by Employment Status**

Exempt Employees who do not work on a designated holiday will receive holiday pay times the number of hours the employee would normally have worked, not to exceed eight hours. Exempt employees who work on a holiday are permitted to observe the holiday on a different day, as long as it falls within 30 days of the holiday, otherwise the holiday is forfeited.

Full-Time Nonexempt Employees who are not scheduled to work on a designated holiday will receive holiday pay at their straight wages for the number of hours the employee was scheduled, not to exceed eight hours. Employees who work on a holiday or get called in to work will receive holiday pay at their straight wages, not to exceed eight hours, plus straight pay for the hours worked, unless overtime rules apply. For example, a Public Works employee is called-in to plow snow from the streets on New Year's Day for four hours. The employee will receive straight pay for four hours, unless overtime applies, plus eight hours of straight pay for the holiday.

Sworn Police Officers who work on a holiday will be paid their regular pay for hours worked plus up to eight hours of straight pay for the holiday. Police Officers who are scheduled off on a holiday will be paid up to eight hours of straight pay for the holiday. Holiday pay will not count towards hours worked.

Part-Time Nonexempt Employees who work on a holiday will be paid at one and a half times their straight pay rate for the hours worked. If the employee does not work on the holiday, the employee will not receive pay.

Seasonal Employees who have worked for the City zero through three consecutive years and work on a holiday will receive pay at one and a half times their straight hourly rate. If the employee does not work on the holiday, the employee will not receive pay.

Beginning with the fourth consecutive year of working for the City, seasonal employees who are not scheduled to work on a designated holiday will receive holiday pay at straight wages, not to exceed eight hours. Employees who work on a holiday or get called in to work will receive holiday pay at their straight wages, not to exceed eight hours, plus straight pay for the hours worked, unless overtime rules apply.

### **Floating Holiday:**

*Eligible employment status:*

- *Full-time Employees*

Upon completion of the first six months of employment and each calendar year thereafter, employees accrue eight hours of floating holiday per calendar year. A floating holiday can be used according to the following guidelines:

1. The floating holiday must be taken during the calendar year (no later than December 31<sup>st</sup>).
2. Employee requests to use the floating holiday must be submitted in advance and are always subject to approval by the supervisor.
3. Employees are responsible for remembering to use their holiday before it is forfeited.
4. Unused holiday hours will not be paid out upon separation.

## 603 VACATION

*Eligible employment status:*

- *Full-time Employees*

The City provides a vacation benefit to its employees so that employees may enjoy time away from work for rest and rejuvenation. Employees are encouraged to schedule and use the vacation they earn.

Vacation leave is paid at the employee's straight rate of pay at the time that the vacation is used. It does not include overtime or any special forms of compensation. Vacation is pro-rated based on the employee's work schedule. For example, an employee who works 30 hours per week would earn 75% of the normal accrual.

Employee vacation accrual is as follows for employees who work a 40-hour work week:

### Vacation Hours Accrued

| <u>Years of Service</u>                                            | <u>Accrual Rate per Pay Check</u> | <u>Vacation Hours Earned</u>     |
|--------------------------------------------------------------------|-----------------------------------|----------------------------------|
| Hire date through end of 5 <sup>th</sup> year                      | 3.69 hours                        | 96 hours (2 weeks plus 16 hours) |
| Start of 6 <sup>th</sup> year through end of 10 <sup>th</sup> year | 4.62 hours                        | 120 hours (3 weeks)              |
| Start of 11 <sup>th</sup> year and beyond                          | 6.15 hours                        | 160 hours (4 weeks)              |

1. Vacation hours are accrued on a bi-weekly basis during the year.
2. Employees in their first six months do not earn vacation. After 6 months of completed employment, employees who work 40 hours per week are granted 48 hours of vacation. This amount is pro-rated for employees who work less than 40 hours per week, based on the employee's normally scheduled hours.
3. Earned vacation may be used after six months of employment, with supervisory approval.
4. An employee may accumulate a maximum of 240 hours of paid vacation time. When the vacation balance reaches the maximum amount allowed (also referred to as the vacation cap), the employee will stop accruing vacation until the balance goes below the vacation cap. This vacation cap is pro-rated for employees who are scheduled for less than 40 hours per week.
5. Nonexempt employees who do not work more than their normally scheduled amount, typically 40 hours, and use vacation during that week will not be paid for more than their normally scheduled amount. For example, if an employee who normally works 40 hours per week requests 8 hours of vacation for Friday and had 8 hours of Jury Duty on Monday, worked 26 hours between Monday and Thursday, only 6 hours of vacation will be charged.
6. Vacation requests must be approved through the City's leave approval process. Employees should consult with their supervisor regarding their expectations regarding leave requests. Requests should be presented to your supervisor with as much notice as possible. The further the request is made in advance, the more likely the request will be granted. Requests will be based on several factors, including the needs of the organization, staffing requirements and how many requests have already been granted for the same date(s).
7. Employees are encouraged to take at least five consecutive working days off each year (four consecutive days for Police Officers scheduled for 10-hour shifts).
8. Vacation leave will not accrue while an employee is on leave-of-absence or on Family or Medical Leave.
9. Accrued vacation leave, floating holiday or comp time may be used in lieu of sick leave if the employee has exhausted sick leave accruals.
10. Paid holidays occurring during vacation will not be charged to vacation leave.
11. If vacation is scheduled and a situation arises where the employee would typically take sick leave, the employee can substitute sick leave for the planned vacation leave. The same is true if the employee is

called to jury duty during the planned vacation leave. However, if an employee becomes ill or injured during a planned vacation leave, the employee may not substitute sick leave for vacation leave.

12. Employees may not request payment in lieu of vacation.
13. Separating employees will be paid for any unused vacation at their rate of base pay as of their final day of employment.

## **604    PERSONAL TIME OFF**

*Eligible employment status:*

- *Part-time Employees*

Part-time Employees receive personal time off (PTO) hours to use for planned and unplanned absences. Pre-planned absences require your supervisor's prior approval and do not count against your attendance record. Unexpected absences are those absences that do not have prior approval by your supervisor and will count against your attendance record. For unexpected absences, you must notify your supervisor prior to the beginning of your shift.

After completing one-year of continuous service with the City or one year in a part-time position, employees will earn PTO in full hour increments if they have worked hours according to the schedule below. PTO hours are earned from hire date or date you became a part-time employee and according to the total number of hours you worked during the previous twelve-month period as follows:

|                          |                |                                          |
|--------------------------|----------------|------------------------------------------|
| 1,500-1,559 hours worked | = 35 hours PTO | (minimum average of 28.8 hours per week) |
| 1,400-1,499 hours worked | = 30 hours PTO | (minimum average of 26.9 hours per week) |
| 1,300-1,399 hours worked | = 25 hours PTO | (minimum average of 25.0 hours per week) |
| 1,200-1,299 hours worked | = 20 hours PTO | (minimum average of 23.1 hours per week) |
| 1,100-1,199 hours worked | = 15 hours PTO | (minimum average of 21.2 hours per week) |
| 1,000-1,099 hours worked | = 10 hours PTO | (minimum average of 19.2 hours per week) |

Part-time employees earn a maximum of 80 hours of PTO. When the PTO balance reaches 80 hours, the employee will not earn PTO until the balance goes below 80 hours. Any unused PTO will be paid out at your current rate of pay upon separation of employment with the City. If the employee has multiple job titles, any unused PTO will be paid out at the employee's highest hourly rate.

1. Hours are granted on a yearly basis based on the hours worked in the previous twelve months.
2. Supervisory approval is required for the usage of PTO.
3. An employee may accumulate a maximum of 80 hours of paid PTO.
4. PTO requests must be completed through the City's leave approval process.
5. PTO requests should be presented to your supervisor with as much notice as possible. The further the request is made in advance, the more likely the request will be granted. Requests will be based on several factors, including the needs of the organization, staffing requirements and how many requests have already been granted for the same date(s).
6. Employees may not request payment in lieu of PTO.

For use in lieu of sick leave:

1. Employees who are unable to report to work due to illness or injury should notify their immediate supervisor before the scheduled start of their workday if possible. Also, employees must keep their supervisor informed about an extended absence and likely return-to-work date so the department can adjust their work schedules and assignments during the employee's absence.

2. Before returning to work from an illness or injury leave of three workdays or more, you may be required to provide a health care provider's verification that you are able to return to work.
3. Your supervisor may require documentation from a health care provider for a leave of only one or two days if your absences are an area of concern.
4. If PTO is to be used for scheduled surgery or other similar purposes, you are expected to give as much advance notice to your supervisor as possible. You should also let your supervisor know when you expect to return to work. A health care provider's verification stating you are allowed to return to work and any work restrictions you may have will be required.
5. Departments may establish a more restrictive leave policy as long as it is necessary for the effective operation of the department and is approved by the City Administrator.
6. For pre-planned absences (i.e. surgery), requests must be completed through the City's leave approval process.

## **605    SICK LEAVE**

*Eligible employment status:*

- *All Employees*

Another important benefit the City provides its employees is paid sick leave. Sick leave may be used if an employee:

1. Has a mental or physical illness, injury, or health condition that prevents them from working;
2. Needs to get preventive medical care, or to get a medical diagnosis, care, or treatment, of any mental or physical illness, injury, or health condition;
3. Needs to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in category (2);
4. The employee or the employee's family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or
5. Due to a public health emergency, a public official having closed either (A) the employee's place of business, or (B) the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child.

Family member is defined as (1) an immediate family member (a person who is related by blood, marriage, civil union, or adoption), (2) a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor, or (3) a person for whom the employee is responsible for providing or arranging health- or safety-related care.

Sick leave is paid at the employee's straight rate of pay at the time of the sick leave. It does not include overtime or any special forms of compensation.

Rules and practices regarding the utilization of sick leave:

1. Sick leave hours are accrued on a bi-weekly basis during the year.
2. Employees may utilize sick leave earned in one pay period at the beginning of the following pay period.
3. Nonexempt employees who do not work more than their normally scheduled hours and use sick leave during that week will not be paid for more than their normally scheduled hours. For example, if an employee who is scheduled for 40 hours per week requests 8 hours of sick leave for Friday and had 8 hours of Jury Duty on Monday, worked 26 hours between Monday and Thursday, only 6 hours of sick leave will be charged.
4. Sick leave requests must be approved through the City's leave approval process as soon as is practical.

5. Sick leave will not accrue while an employee is on a leave-of-absence or on Family and Medical Leave.
6. Employees may utilize accrued vacation time and/or accrued compensatory time when sick leave has been exhausted. All accrued sick leave must be exhausted before employees are allowed to take an unpaid medical leave-of-absence.
7. Employees may not request a payout or lump sum payment for accrued sick leave.
8. Abuse or misuse of sick leave for a reason not contemplated under this policy may be subject to disciplinary action.

The following applies to full-time employees only:

1. Employees who are scheduled to work 40 hours per week accrue sick leave at the rate of 3.08 hours per pay period. This amount is pro-rated for employees who work less than 40 hours per week, based on the employee's normally scheduled hours.
2. The maximum accrued sick leave is 720 hours. When the sick leave balance reaches 720 hours, the employee will stop accruing sick leave until the balance goes below 720 hours. This sick leave cap is pro-rated for employees who are scheduled for less than 40 hours per week. For example, an employee who works 30 hours per week may not accumulate more than 540 hours of paid sick leave.
3. Once per year, full-time employees will be permitted to convert up to sixteen (16) hours, or two (2) days of sick leave into floating holidays. Eight (8) hours of sick leave may be converted to one floating holiday. Sixteen (16) hours of sick leave may be converted to two eight (8) hour floating holidays. The sick leave balance may not go below 160 hours after the conversion of hours. For rules associated with floating holidays, please refer to policy 602 Holidays.
4. Employees hired prior to September 19, 2020, and who have three full years of continuous employment, will receive a partial payout for accrued but unused sick leave upon separation of employment as follows:
  - a. Employees hired prior to February 14, 2001, will receive 50% of their accrued but unused sick leave upon separation.
  - b. Full-time employees hired after February 14, 2001, but before September 19, 2020, will receive a payout of 25% of their accrued but unused sick leave upon separation.
  - c. Employees hired after September 19, 2020, will not receive any payout for accrued but unused sick leave upon separation.

The following applies to non-full-time employees only:

1. Non-full-time employees accumulate sick leave at the rate of 1 hour per 30 hours worked, up to 48 hours per year.
2. The maximum accrued sick leave is 48 hours. When the sick leave balance reaches 48 hours, the employee will stop accruing sick leave until the balance goes below 48 hours.
3. Non-full time employees will not receive any payout for sick leave upon separation.

Processes regarding the utilization of sick leave:

1. Employees who are unable to report to work due to illness, injury, medical care or domestic violence must notify their immediate supervisor before the scheduled start of their workday or as soon as is practical. Also, employees must notify their supervisor each work day they are using sick leave, unless advance arrangements have been made.
2. Before returning to work from a sick leave of four consecutive workdays or more, the employee may be required to provide a medical or legal certification. This certification should indicate that the employee was unable to work due to medical or domestic violence reasons and the length of time this restriction lasted.
3. If sick leave is to be used for a scheduled procedure, you are expected to give as much advance notice to your supervisor as possible. Leave requests must be completed through the City's leave approval process.

## **606     SICK LEAVE SHARING**

*Eligible employment status:*

- *Full-time Employees*

The City of Fort Lupton has established a program that allows employees to voluntarily transfer and donate their accrued sick leave to a qualifying employee experiencing a significant, medical hardship. This program is intended for employees experiencing more than two weeks' absence; this program is not intended to cover employees who have fallen a bit short on sick leave.

The City may permit a regular full-time employee to receive sick leave donations from other qualified employees under these circumstances:

1. The employee suffers from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature, or the employee must be absent to care for a family member suffering from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature, and
2. The employee has worked for the City for at least six months.
3. The employee has depleted or will soon deplete all vacation leave, sick leave and accrued compensatory time which has caused or is likely to cause, the employee to go on a leave without pay or terminate employment with the City, and
4. The employee's absence and the use of shared sick leave are justified, and
5. The employee is not covered by voluntary short-term disability insurance and
6. The receiving employee has abided by all personnel rules regarding sick leave.

Employees who wish to be considered for sick leave sharing must make a request in writing to Human Resources. Human Resources will verify eligibility for the program. If the employee is eligible, Human Resources will let employees with a balance of more than 160 hours or more know that another employee has a serious medical condition and notify how many hours of sick leave the employee has. The employee may make a statement on their behalf, but is not required to do so.

The Human Resources Department will coordinate the amount of sick leave sharing, if any, which an employee may receive under this policy, and not to exceed a total of 480 hours of donated sick leave. Hours may not be donated for a medical leave that extends beyond 12 weeks of Family and Medical Leave or a 12-week Personal Leave of Absence.

For the donating of sick leave:

1. Donating employees must retain at least 160 hours of sick leave for themselves.
2. Employees can donate 8 hours minimum up to a maximum of 120 hours of sick leave in one-hour increments.
3. Donating employees will be arranged by leave balance; the employee with the most leave will donate leave first and have it deducted from their balance.
4. Donating employees can withdraw permission to donate leave at any time.
5. Employees who have given their termination notice or are about to give their notice cannot donate unused sick leave time.

For the usage of donating leave:

1. The employee receiving the shared sick leave must be either ready to go on leave without pay due to all accrued leave benefits having been exhausted.

2. Donations may not be used for time off that extends beyond short-term disability period or 12 weeks of FMLA (LTD is available at that point), whichever is less.

A form must be completed by the donor and submitted to the Human Resource Department for approval and processing. Donating employees can withdraw permission to donate leave at any time.

Donated sick leave will be ordered by leave balance of donating employees; the employee with the most sick leave will donate leave first and have it deducted from their balance. Donating employees will only have the sick leave deducted from their leave balance when it is paid to the receiving employee.

## **607    PUBLIC HEALTH LEAVE**

*Eligible employment status:*

- All Employees

The City provides Public Health Emergency-Related Paid Leave, referred to as Public Health Leave, to all employees, as mandated by law. Public Health Leave is only available in the event of a public health emergency declared by a governing federal, state or local authority.

Employees can use Public Health Leave for any of the following purposes:

1. To self-isolate (or care for a family member who is self-isolating) due to the employee (or family member) being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
2. To seek or obtain (or care for a family member needing) medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency;
3. To seek for oneself (or care for a family member seeking) preventive care concerning a communicable illness that is the cause of a public health emergency; or
4. If the employee is excluded from work or has to care for a family member who is excluded from work, by a local, state, or federal public official or health authority having jurisdiction over the location of employment, or by the employer, due to the employee or the employee's family member having exposure to, or symptoms of, the communicable illness (whether or not they are actually diagnosed with the illness);
5. Being unable to work due to a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the public health emergency; or
6. To care for a child or other family member whose child care provider is unavailable due to a public health emergency, or if the child's or family member's school or place of care has been closed by a local, state, or federal public official or at the discretion of the school or place of care due to a public health emergency (including if a school or place of care is physically closed but providing instruction remotely).

Public Health Leave is paid at the employee's straight rate of pay at the time of the leave. It does not include overtime or any special forms of compensation.

Rules and practices regarding the utilization of Public Health Leave:

1. A total of two weeks' leave (up to 80 hours) will be granted to each employee at the start of a declared public health emergency. This leave may only be used for the reasons described above.
2. The two weeks (up to 80 hours) of Public Health Leave is equivalent to two weeks of an employee's regularly scheduled hours. For example, if an employee works 25 hours per week, they would be eligible for 50 hours of Public Health Leave.
3. If the employee's schedule is variable, the employer will average the employee's schedule over the last three months, or from date of hire if the employee has not yet worked three months.

4. Employees who are unable to report to work due to the reasons described above must notify their immediate supervisor before the scheduled start of their workday or as soon as is practical.
5. Public Health Leave will be no longer available four weeks after the official termination or suspension of the public health emergency.
6. Nonexempt employees who do not work more than their normally scheduled hours and use Public Health Leave during that week will not be paid for more than their normally scheduled hours. For example, if an employee who is scheduled for 40 hours per week requests 8 hours of Public Health Leave for Friday and had 8 hours of Jury Duty on Monday, worked 26 hours between Monday and Thursday, only 6 hours of Public Health Leave will be charged.
7. Employees may utilize sick leave, compensatory time, vacation time or floating holiday if Public Health Leave has been exhausted.

## **608     FAMILY BEREAVEMENT**

*Eligible employment status:*

- *Full-time Employees*
- *Part-time Employees*

Responding to a death of a relative is a significant personal obligation. A relative in this context is defined as a spouse (or party to a civil union or domestic partnership), child, parent, sibling, grandparent, grandchild or an individual who has acquired similar relationships through marriage. Employees may also take leave for someone with whom they share a residence. Also, the City Administrator may give special consideration to any other person whose association with the employee is similar to any of these relationships. If one of your family members passes away and you are requesting bereavement leave, documentation to prove the relationship may be required.

Employees may take up to five scheduled days of bereavement for spouse, parent and child and three scheduled days for all other recognized members. Paid leave is at the employee's straight pay rate, without differential pay, for hours normally worked.

Approval of bereavement leave will normally be granted unless there are unusual City operating needs or staffing requirements, or the employee is on a disciplinary action for poor attendance. You may, with your supervisor's approval, use any vacation leave, compensatory hours or PTO for additional time off as necessary.

## **609     JURY DUTY**

*Eligible employment status:*

- *All Employees*

If you are called for jury duty, show your supervisor your summons to serve on a jury prior to the time that you are scheduled to serve and notify your supervisor the day before or the day of if you are called in to appear. If you are required to appear for or serve jury duty, furnish your supervisor with evidence that you appeared as required or that you served on a jury for the time claimed.

Employees will be paid for the hours they would otherwise have worked at their base pay rate, excluding any special types of compensation such as shift differential. Most jury duty is not paid by the courts. If it is, employees can choose to be unpaid or to surrender their jury duty check to the City and stay at full pay.

Employees, in general, will be expected to return to work when their jury duties are over if they can return to work and complete more than half of their normal shift. Otherwise, employees are expected to return for their next scheduled shift.

All employee benefits will continue as normal during jury duty leave.

## **610 COURT APPEARANCE**

*Eligible employment status:*

- *Full-time Employees*
- *Part-time Employees*

If you receive a subpoena to testify as a witness for non-work purposes, you need to inform your supervisor as soon as possible so that job coverage can be arranged. A copy of the subpoena should be submitted prior to your planned absence.

Employees will be granted a maximum of two scheduled days paid time to appear in court as a witness if subpoenaed by a party other than the City of Fort Lupton per appearance. Compensation will be at the employee's straight pay rate, without differential pay, for the hours the employee would normally have worked. Employees are permitted to use remaining paid leave benefits of vacation, compensatory time or PTO to receive compensation for any period of witness duty extending past the two scheduled days.

## **611 TIME OFF TO VOTE**

*Eligible employment status:*

- *Full-time Employees*
- *Part-time Employees*

The City of Fort Lupton encourages its employees to participate in elections. Generally, employees are able to find time to vote before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City of Fort Lupton will grant up to two hours of paid time off to vote. The paid time will be at the employee's straight pay rate, without differential pay. Employees should request time off from their supervisor at least two days prior so the necessary time off can be scheduled at the beginning or end of the work shift to provide the least disruption to the operation as possible.

## **612 FAMILY AND MEDICAL LEAVE**

The City provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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

### **Military Family Leave Entitlements**

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

addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

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 servicemembers 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. 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 leaves, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer’s jury duty pay are not granted on unpaid leave. Paid leave does not continue to accrue when an employee is on full-time FMLA.

### **Eligibility Requirements**

Employees are eligible if they have worked for this City for at least 12 months, for 1,250 hours over the previous 12 months, and if they work at a work site with at least 50 employees within 75 miles.

### **Definition of Serious Health Condition**

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

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 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, or 26 weeks as explained above. The City uses a rolling 12-month period measured backward from the date of any FMLA leave usage.

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

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

### **Substitution of Paid Leave for Unpaid Leave**

The City requires employees to use accrued paid leave while taking FMLA leave. Paid leave used at the same time as FMLA leave must be taken in compliance with the City's normal paid leave policies. If an employee's leave of absence does not constitute paid leave as defined in the City's paid leave policies, the employee cannot use accrued paid leave, but can take unpaid leave. FMLA leave is without pay when paid leave benefits are exhausted.

### **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 will 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 Manager at least two days before their first day of return.

### **The City's Responsibilities**

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

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

### **Unlawful Acts**

FMLA makes it unlawful for the City 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.

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

### **613     MILITARY LEAVE**

*Eligible employment status:*

- *Full-time Employees*
- *Part-time Employees*

Employees serving in the uniformed services, including active, inactive, reserve and National Guard duty and service in the commissioned corps of the Public Health Service will be eligible for a military leave-of-absence in order to fulfill their obligations, if called upon, in annual field training obligations, to attend special training sessions, or other responsibilities as required under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). An employee is protected under USERRA if the employee:

- Holds a civilian job.
- Gives advance notice, if possible, to the employer that a departure for service in the uniformed services is required.
- Does not exceed a five-year cumulative limit on service (with certain exceptions).
- Is released from service under “honorable conditions”.
- Reports back to the job or applies for reemployment in a timely manner.

According to USERRA there are four categories of uniformed persons who would not be protected under this law. They are:

- A person separated from the uniformed services with a dishonorable discharge.
- A person separated with other than an honorable discharge.
- Officers dismissed from the armed forces by general court-martial.
- Officers dropped from the rolls of the armed forces by Presidential order.

An employee who is on military leave-of-absence under this regulation will be regarded as continuously employed for up to five years\* with the City while in voluntary or involuntary duty with any branch of the United States Armed Forces or National Guard. The employee must return to work within the limits outlined under USERRA.

In addition, the City of Fort Lupton prohibits discrimination against any employee who is a member of uniformed service or against applicants who are a member of a “uniformed service”. Any persons who have exercised their rights to join a uniformed service, or testified in any proceeding under USERRA, or participated in an investigation under USERRA is protected against employer retaliation.

\*The five-year limitation may be greater or less, depending on exceptions under USERRA.

To be protected under this leave policy, an employee must have served in the military “honorably”. The employee must also return to work within the limits outlined under USERRA. Please see the Human Resources Department for additional information.

## **PROCEDURE**

The City of Fort Lupton requires that an employee provide written or verbal advance notice of military leave to the employee's Supervisor or the Human Resources Department within two weeks prior to the expected leave, if possible. No notice is necessary where circumstances make giving notice impossible or notice is precluded by military necessity. Employees are also required to provide a copy of military orders to show start and anticipated end of duty dates.

Up to 15 days (or 120 hours) per calendar year will be paid by the City at the employee's normal rate of pay. Any pay differentials, overtime or other additional forms of compensation will not be paid.

Employees need to specify if they are planning to take leave that extends beyond the initial 15 days as paid or unpaid. A paid leave is defined as when an employee chooses to utilize accrued vacation, compensatory time, floating holiday or PTO when the leave is longer than the 15 days. An employee may not use accrued sick leave or a personal leave-of-absence for a military leave-of-absence. A leave without pay is when vacation accruals, compensatory time, floating holiday or PTO are exhausted or not utilized for leaves in excess of the 15 days.

### **Returning from a Military Leave-of-Absence**

The City of Fort Lupton requires, and under the employee's protection of USERRA, that an employee return to work in a timely manner. The length of absence determines the return time period. A copy of the military orders may be requested to show end of duty date. For leaves in excess of 31 days, an employee must provide documentation: Form DD-214, an endorsed copy of military orders, or a letter from the employee's Commanding Officer. Failure to return to work or make other arrangements with the Human Resources Manager may result in termination. A timely return to work period is defined under USERRA as:

| <u>Military Service Time</u> | <u>Time Return to Work</u>                                                                                                                                                                                                                         |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1-30 days                    | Not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for safe transportation. |
| 31-180 days                  | An employee must submit an 'application for reemployment' with the employer not later than 14 days after the completion of the period of service.                                                                                                  |
| 181 days or more             | The employee must submit an application for reemployment not later than 90 days after completion of the period of service.                                                                                                                         |

### **Compensation and Benefits:**

Employees are entitled to the following upon return:

- If service period was for 90 days or less, reinstatement to the same job the employee would have had if continuously employed, provided the employee is qualified for the job.
- If service period was for 91 days or more, the employee may be reemployed in another position of like seniority, status and pay.
- "Accrued seniority", meaning the employee is entitled to rights and benefits determined by seniority status that such person would have attained if the person had remained continuously employed.
- A reasonable effort by the City to train or retrain to re-qualify an employee for the former position.
- Accommodations for disability incurred during military service will be in accordance with the City's Equal Employment Opportunity policy.
- Pay increases that were provided to other employees on an "across-the-board" method.

Vacation, sick leave, floating holiday and PTO allowances will not accrue while on unpaid leave. Designated City holidays will not be paid while on an unpaid leave.

For the first 30 days of military leave, the City will continue to pay its portion of insurance coverages. If a portion of that leave is unpaid, arrangements to pay the employee portion of the premium(s) will be made. For leave longer than 30 days, the employee is eligible to elect any health benefits (medical, dental, vision and health FSA, if applicable) that they had in effect prior to losing coverage under Consolidated Omnibus Budget Reconciliation Act (COBRA). For all other insurance coverages, the benefits will be handled the same as an employee separating employment with the City.

An employee covered under this military leave policy will continue to accrue seniority while actively serving in the military. Employees can make up missed contributions, without interest, to the 414(h) Money Purchase Plan or the 457 Deferred Compensation Plan as outlined under USERRA regulations. Typically, employees may make contributions for a period of three times the length of service or five years, whichever is less. The City of Fort Lupton will match such employee's contributions.

#### **614 PERSONAL LEAVE OF ABSENCE**

*Eligible employment status:*

- *Full-time Employees*
- *Part-time Employees*

The City of Fort Lupton will consider requests for a personal leave of absence on an individual basis. Granting of a personal leave is at the discretion of the employee's Supervisor or Department Head with Human Resources' approval and will depend primarily on two things:

1. Business reasons including, but not limited to, the department's ability to handle the workload during the employee's absence.
2. A satisfactory employee performance record.

Employees who wish to be considered for a personal leave must make a request in writing to their Supervisor or Department Head and Human Resources.

A personal leave may be granted for a period greater than 14 days, but not to exceed 12 weeks in one year. A vacation for longer than 14 days for which the employee has the leave and is approved by the supervisor will not be considered a personal leave of absence.

Benefits accrual will be suspended during a leave-of-absence without pay. Employees who receive approval for personal leave will retain their date of hire, accrued benefits and employment protection only if the employee returns at the end of an approved leave.

Personal leave will not be granted to allow an employee to work elsewhere or to seek other employment. No employee is guaranteed the same position upon return to work from an unpaid personal leave of absence.

#### **Compensation and Benefits:**

For a personal leave, an employee is required to use all accrued vacation, floating holiday, compensatory time or PTO at the beginning of any leave. An employee may not use accrued sick leave for a personal leave-of-absence, unless the leave is for a medical reason and the employee does not qualify for a FMLA leave.

A leave is without pay when all accrued vacation, floating holiday, compensatory time or PTO benefits are exhausted (and sick leave for medical reasons). Vacation, holiday and sick leave will not accrue during unpaid leave. Designated City holidays will not be paid to eligible employees while on a personal leave of absence.

The City continues its portion of medical, dental and vision insurance coverage for eligible employees on paid leave. Once the employee is on unpaid leave, the employee will be treated as a terminated employee regarding employment benefits and may be eligible to continue certain benefits via COBRA.

### **Returning from a Personal Leave-of-Absence**

Employees are expected to return to work on the return date. If an employee wishes to return early from a leave, the employee must notify the supervisor and Human Resources Department at least two business days (Monday-Friday) prior to returning to work. When returning from a leave for a health condition, the employee must bring a physician's release for duty in all cases.

If the employee does not return to work on the expected return date or make other arrangements with Human Resources and the Supervisor, the employment may be terminated.

## **615    GROUP BENEFITS**

*Eligible employment status:*

- *Full-time Employees*

The City is committed to providing competitive and comprehensive group benefit programs for our employees. These benefits are designed to address individual as well as dependent needs.

Employees who work 30 or more hours per week may participate in the City's group benefits. Coverage will be effective the 1<sup>st</sup> of the month after the employee's start date. For example, if an employee's start date is May 6<sup>th</sup>, then his/her insurance would be effective June 1<sup>st</sup>. Part-time, Temporary and Seasonal employees are not eligible for group insurance through the City.

The City has not attempted to outline the specific terms of each benefit in this handbook. Details of your coverage will be set forth in booklets provided by the insurance carrier. In any instance of a conflict between this handbook and the applicable benefit policies and/or plan, the benefit policies and/or plan documents will govern.

The City reserves the right to modify the type of benefits offered at any time.

All such coverages shall terminate effective in accordance with the provisions of the benefit plan(s) upon separation of employment with City. Certain insurance coverage is portable and available under COBRA in accordance to appropriate regulations and guidelines. Upon termination, the appropriate documentation will be provided to you.

## **616    WORKERS' COMPENSATION**

*Eligible employment status:*

- *All Employees*

Employees of the City of Fort Lupton are covered by Workers' Compensation for work-related injuries or illnesses as required by the State of Colorado. A work-related injury is defined as any injury or illness that arises out of the

course and scope of employment regardless of fault. Workers' Compensation covers a portion of wages, as determined by the state legislature. This amount is not subject to tax or FICA withholding.

### **Employee Actions Affecting Benefits**

The Workers' Compensation Act states that an indemnity claim (loss wage reimbursement) shall be reduced by 50% when an injury:

1. Is caused by the willful failure of the employee to use safety devices provided by the employer, including use of vehicle seat belts.
2. Results from the willful failure to obey any reasonable rule adopted by the City for safety, such as the requirement to use safety equipment.
3. Results from employee testing positive for illegal drugs or alcohol.

An employee may also be penalized for late reporting.

All work-related injuries or illnesses must be reported immediately to your supervisor during your working shift. An injury or accident report must be completed and submitted within 48 hours. Colorado law requires that written notice of injury be provided to an employer within four working days of the incident. Workers' compensation benefits are put at risk if the employee fails to meet the state law of four-day reporting requirement.

### **PROCEDURES**

The City reserves the right to have employees participate in a post-accident drug and/or alcohol test.

### **Designated Medical Providers**

Employees seeking medical treatment beyond first aid must do so at the City's designated medical facilities. Employees will be notified separately of the designated facilities.

Employees and supervisors are encouraged to use discretion in determining if the injury is an emergency and requires a visit to a hospital Emergency Room or if the injury can be treated the next business day.

**Failure to go to these designated providers/facilities may result in medical and/or pharmacy claims not being paid by the City or its Workers' Compensation insurance carrier.**

### **Treatment**

The health care provider at the employee's chosen designated medical facility performs the initial exam, suggests a course of treatment or releases the employee to return to work. Employees are to attend all medical/treatment appointments as directed.

If the employee misses an appointment and no prior arrangements have been made, the employee may be held accountable for any charges. If an appointment is missed and the employee has not returned to work due to the injury and/or illness, continuing wage replacement benefits may be lost. Furthermore, the employee may be considered absent without permission from work.

If the employee is referred to a specialist, physical therapist, etc., the Workers' Compensation insurance carrier must first authorize the referral. When authorized treatments end, employees may be directed to return to the health care provider at the employee's chosen designated medical facility to determine whether additional treatment

or a different type of treatment is necessary, re-evaluate the employee's work restrictions, or may release the employee from further medical treatment and provide an impairment rating as required by the State. The Workers' Compensation insurance carrier must authorize all referrals or extension of treatment in order for the treatment to be paid.

An employee may consult a doctor not affiliated with or referred to by the health care provider at the employee's chosen designated medical facility. However, neither the City nor the Workers' Compensation insurance carrier will pay for any consultation unless the visit has prior approval from the City's Workers' Compensation insurance carrier. A complete medical report must be submitted from the provider to the City's Workers' Compensation insurance carrier.

For the purpose of claims management, the City's Workers' Compensation insurance carrier may require a signed release for medical information.

### **Chiropractic Care**

Injured employees may be referred for chiropractic treatment. The referral must receive prior authorization from the City's Workers' Compensation insurance carrier or treatment may not be paid.

### **Lost Time**

The appropriate certification that the employee is not able to work must be submitted in order for employees to be eligible for Workers' Compensation wage replacement benefits. If the time off is approved, the City will pay the employee for the first 3 scheduled shifts at straight pay, unless the employee qualifies for reimbursement back to the first day of injury. The Worker's Compensation insurance carrier will provide reimbursement to the employee beginning on the fourth day and in accordance with state regulations. If an employee takes time off that has not been certified by the PCP, the employee must utilize their paid leave or take the time off without pay.

Doctor's appointments are permitted to be scheduled during the work day, up to 2 hours per week. Appointments should be scheduled outside of work hours as is practical. If it is not possible to schedule follow up appointments outside of work time or the appointments exceed 2 hours per week, the employee may use sick leave, floating holiday or vacation to cover these absences for take the time off without pay. The employee may also submit a reimbursement request to the workers' compensation insurer for unpaid lost time.

## **617 TRANSITIONAL DUTY ASSIGNMENT**

*Eligible employment status:*

- *All Employees*

The purpose of this policy is to allow employees who are recuperating from an injury or illness and temporarily unable to return to their regular position, to return to work as quickly as possible

A transitional duty assignment, also referred to as modified duty, is temporary work for which the City has a need and which can be performed by an employee who is unable to return to normal duties due to medical restrictions. A designated Workers' Compensation provider for work-related injuries or a healthcare provider considered eligible under the Family and Medical Leave Act (FMLA) for non-work-related injuries must provide the care and restrictions. The City will determine if transitional duty work is available.

Transitional duty assignments are temporary as they are dependent on the need of the City and are designed to assist the employee's return to work and until able to return to normal job duties.

- Non-Work-Related: At no time shall non-work-related transitional duty assignment(s) exceed a total of twelve consecutive months or eighteen months of intermittent duty for any single injury or illness. Human Resources will evaluate the employee's transition duties for length and availability.
- Work-Related: Human Resources will evaluate the length and availability of transitional work for an employee on restrictions due to a Workers' Compensation claim.

The employee must return to normal job duties and normal schedule upon the determination by the healthcare provider that the employee is medically able.

## **PROCEDURE**

### **Non-Work Related Injuries or Illnesses**

The employee will forward information from the healthcare provider to Human Resources regarding the restrictions for the injury or illness. This information will be placed in the employee's personnel file.

Human Resources and the Supervisor or Department Head will evaluate the possibility of placing the employee in a transitional duty assignment. Subject to availability, transitional duty will be assigned fitting the restrictions as set by the healthcare provider. Transitional duty assignments may be in other City departments, if available.

In the event that no transitional duty assignments are available within the City, employees whose injury or illness is not work-related may be covered under the City's leave benefits. All City policies continue to apply.

An employee's restrictions will be re-evaluated by Human Resources after each visit to the healthcare provider. Transitional duty positions are subject to change as physical and mental limitations change. The employee will provide a copy of relevant paperwork to Human Resources. Transitional duty assignments that exceed 90 days will be reviewed on a monthly basis to ensure the assignment is beneficial to the City and the employee.

### **Work-Related Injuries or Illnesses**

Information received from the designated healthcare provider will be forwarded to Human Resources regarding the restrictions for the injury or illness.

Human Resources and the Supervisor or Department Head will evaluate the possibility of placing the employee in a transitional duty assignment. Human Resources and the Supervisor or Department Head will assign transitional duty fitting the restrictions the designated healthcare provider has set, subject to availability. Transitional duty assignments may be in the employee's department, if available, or in other City departments.

In the event that no transitional duty assignments are available within the City, employees may be covered under wage reimbursement benefits as outlined in state regulations. Employees will not lose these benefits due to the unavailability of a transitional duty assignment. All City policies continue to apply.

An employee's restrictions may be re-evaluated by Human Resources after each visit to the designated healthcare provider and transitional duty positions are subject to change as physical and mental limitations change. Human Resources will review transitional duty assignments exceeding 90 days on a monthly basis.

## **Hours of Assignment**

Transitional duty assignments may be made for any schedule, for any hour of the day or night based on the needs of the department and the City. Assignments will be made consistent with the utilized healthcare provider's restrictions or limitations. It is possible that the transitional duty assignment schedule may not coincide with the employee's schedule before the injury or illness.

### **618     RETIREMENT/PENSION FUND**

*Eligible employment status:*

- *All Employees*

All employees have the opportunity to be covered by social security and/or a pension fund.

### **Social Security**

All employees, other than sworn Police Officers, are required to contribute a percentage of their salary for Social Security tax as set by federal regulations. The City matches this amount. An additional federally regulated percentage of the employee's salary is withheld for Medicare and the City also matches this contribution.

### **Police Retirement Plan**

Sworn Police Officers participate in a private retirement program. Information regarding this program is provided separately from this handbook.

### **Civilian Full-Time Retirement Plan**

Employees are required to contribute 4% of their salary to a 414(h) account, the civilian retirement fund. The City matches this contribution. Your contributions are immediately invested in the plan. The City's matching funds are on a vesting schedule. Information regarding this program is provided separately from this handbook.

### **Deferred Compensation**

Employees who wish to contribute more for retirement savings may contribute to the 457 Deferred Compensation Plan. The City does not match the employee contribution. Please see the plan representative for more specific information.

### **619     WELLNESS PROGRAM**

*Eligible employment status:*

- *All Employees*

To promote the health and sense of well-being for its staff, the City offers use of the City of Fort Lupton Recreation Center to all employees. Employees are entitled to:

1. Adult membership at no cost to the employee and to be used only by the employee.
2. Employees may purchase punch, quarterly or annual passes for additional family\* members at a discounted rate of 20% off the residential fee.

\* Family is defined as up to four members living in the same house (two adults and two children 18 years of age or younger). Instead of the family pass, the employee has the option to purchase for family members, at a discounted rate, an adult pass or a pass for children.

If you have questions, please see the Human Resources Department.



**THIS PAGE IS INTENTIONALLY BLANK**

## **YOUR DEVELOPMENT**

### **701 GENERAL POLICY**

The City realizes and appreciates the importance of helping employees develop their abilities and expand their skills to better face the changes and challenges in the coming years. Both the employee and the City benefit from a well-qualified workforce. To accomplish this goal, the City strives to provide an ongoing performance evaluation system and strives to offer training and development opportunities as deemed appropriate and beneficial.

### **702 PERFORMANCE EVALUATION**

We want employees to know how they are doing throughout their employment with the City. Knowing the supervisor's expectations, feedback and communication are important.

Employee performance will be formally reviewed as described in policy 403 Initial Performance Review Period. Thereafter, formal performance evaluations may be completed and administered annually.

Employees are encouraged to ask their supervisor about the performance standards so what is expected is clear. Performance evaluations can increase confidence, identify strengths and expand growth opportunities. The primary goal of an evaluation is strong communication between the employee and supervisor so that the employee can be successful. Performance evaluations are intended to encourage communication.

### **703 TRAINING OPPORTUNITIES**

The City of Fort Lupton provides various training and development opportunities for employees. The Supervisor, Department Head or Human Resources may identify areas on communication, safety, leadership, personal development, job skills and other topics that are job-related and beneficial to employees and the City. In some cases, attendance at training may be required.

Training opportunities may be paid for by the City and are dependent upon the City's ability to fund. If there is an area of training or development that would assist in the completion of job responsibilities, employees are encouraged to notify and request the opportunities available from their supervisor.

#### ***Training Time Pay***

Exempt employees will be paid their regular salary for weeks in which they attend training. Nonexempt employees attending City-paid training are paid for the hours associated with this training at their straight rate of pay. The compensable hours include travel time that falls within the employee's normally scheduled hours, training time and working meal time. The hours that are not compensable include travel time that falls outside of the employee's normally scheduled work hours and meal time that includes entertainment, socializing and does not include education or is considered free time.

For example, a nonexempt employee who normally works from 8:00 to 5:00 Monday through Friday leaves for training at 6:30 a.m. and arrives at 7:45. Training begins at 8:00. There is a free lunch break from 12:00 to 1:30 pm and training concludes at 3:30. The employee arrives home at 5:00 pm. The employee would be paid for 7 hours and 30 minutes. The employee would also be eligible for a mileage reimbursement for the miles from the City or their home to the training location, whichever is shorter.

Employees who are scheduled for evening or overnight shifts and attend training will be paid for the actual training time and travel time up to their normal total shift hours. For example, an employee who works 10 hour shifts leaves at 7:00 am for 8:00 to 5:00 training with a 1.5-hour lunch and returns home by 6:00 pm is eligible for 9 hours and 30 minutes of pay.

Training time is not compensable for a more comprehensive program, like the earning of a degree, though schedule flexibility may be provided.

## **704     EDUCATIONAL ASSISTANCE**

The City of Fort Lupton recognizes that the skills and knowledge of its employees are critical to the success of the City. The Educational Assistance program encourages personal development through formal education so that employees can improve work-related skills. It also gives employees the opportunity to enhance their abilities so they can compete for promotions when the opportunities arise. While educational assistance may enhance the employee's performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to a promotion, a different job assignment or pay increases.

Eligible employees for this program are regular full-time employees who have successfully completed their Initial Performance Review Period. To maintain eligibility, employees must continue to work full-time hours and continue to meet all their job expectations while taking classes. This employee benefit is available on an equal opportunity basis and is contingent upon availability of funds.

Individual courses or courses leading to certain degree, license or certification program must be related to the employee's current job duties or a foreseeable future position in the City in order to be eligible for educational reimbursement. The City Administrator, upon recommendation by the Department Head and Human Resources, has the final decision as to whether a course expense should be reimbursable. Tuition and books are reimbursable. Student fees, lab fees, travel expenses and other material costs are not reimbursable. In certain cases, the City will pay for the educational expenses directly instead of requiring the employee to request reimbursement.

Upon the recommendation of the Department Head and Human Resources and with the approval of the City Administrator, the City may reimburse an employee for up to 100% of the tuition cost as well as up to 100% for course-required books, provided the employee completes the course work with a grade of "C" or better. If the class has a pass/fail grading system, the employee must receive a pass. If the program or class does not assign a grade or has a pass/fail grading system, a certification of completion will be required.

Expenses up to \$5,250 in a calendar year will be non-taxable to the employee. Expenses above \$5,250 in a calendar year may be taxable and must specifically be approved by the City Administrator. If the employee receives educational aid from other sources, such as Veteran's Administration Assistance, the City pays only the difference between the amount of such aid and the cost of the tuition.

If an employee separates employment from the City for any reason, educational assistance is forfeited and must be repaid to the City under the following schedule:

- 100% is due back if departure within 0-12 months of receipt of reimbursement.
- 50% is due back if departure of greater than 12 months up to 24 months of receipt of reimbursement.
- No money is due back if employee departs greater than 24 months after receipt of reimbursement.

All employees must submit the following documentation to be eligible to receive reimbursement:

1. Classes are taken at an accredited academic institution, accredited trade school or accredited training academy.
2. Classes are job-related, pertain to City government or possible future City jobs.
3. The employee must have met or exceeded job expectations on the most recent performance evaluations.
4. The employee has submitted the application to the Department Head a minimum of three weeks before the class begins.
5. Request for reimbursement must be made within thirty (30) days following the completion of the course.

**In addition, Full Degree Program (FDP)** applicants must submit at the initial time of application into the FDP the following documentation to be eligible to receive reimbursement:

1. A letter of acceptance from their academic institution where they are pursuing a degree.
2. An official listing of the program requirements.

### **Program Information**

Incompletes are not reimbursable unless made up within a one-year time frame that commences at the scheduled end of the uncompleted course. The employee will not be reimbursed until the course is completed and graded.

A job-related course is defined as a course that would contribute to the specific knowledge, skills and abilities necessary to satisfactorily perform the employee's present job or possible future City jobs. The final decision as to whether a course is job-related is at the discretion of the City Administrator. Reimbursement for other kinds of education (seminars, workshops, competency-based programs, etc.) is not available; however, they may be covered by the City as a training opportunity. Speak with your Supervisor or Department Head for specific questions.

Employees must take courses on their own time. Employees enrolled in a specially designated program that requires attendance during regularly scheduled working hours, may be granted time off or provided with a temporary flexible schedule with the approval of the Department Head. The employee may elect to use vacation leave or accrued compensatory time off during these approved work hours. An employee on an authorized leave-of-absence will receive reimbursement only upon return to active work.

The City of Fort Lupton does not reimburse expenses in advance.

Should the total amount budget for this program be exhausted during the calendar year, future requests will be denied until the next funding period.

### **PROCEDURE**

1. The employee must check with the Department Head to inquire if tuition reimbursement funds exist.
2. The employee must complete the Educational Assistance Agreement, which must be approved by the Department Head, Human Resources and City Administrator.
3. The employee must fill out an Educational Assistance Application before enrollment each quarter or semester, attach all required information and submit the application to the Department Head.
4. The Department Head will determine if the proposed course work is applicable to the job. If the Department Head approves it, the application and required information will be submitted to Human Resources a **minimum of three weeks prior to the beginning of the course.**
5. Human Resources will inform the employee as to whether or not the application fits the criteria for reimbursement and if the City Administrator approved the request.

6. Upon completion of the course, the employee will submit all receipts for tuition and books required and an official grade transcript to Human Resources within 30 days of class completion in order to qualify for reimbursement.
7. The reimbursement will be forwarded to the Finance Department for processing.

## **705     CONFERENCE AND TRAVEL EXPENSE**

It is important to recognize that not all training programs are of equal value. For this reason, Department Heads will make every effort to select training opportunities that appear to have a good chance of being highly informative and worthwhile.

Employees attending a training or conference should act responsibly with all funds spent on travel, registration, meals, accommodations and other incidentals. Department Heads will ensure that the most economical means available are chosen and in addition, will find ways for the employee to share the knowledge they have gained with appropriate co-workers so that the value of the program can benefit as many people as possible. This may involve a written report, a department training session or other appropriate methods.

Employees will be chosen to attend training or conferences based on department needs and their individual training needs. Department Heads must make every effort to fairly allocate opportunities within the work group, although business reasons will dictate that some individuals attend more trainings and conferences than others.

Department Heads must stay within budget while meeting training needs. To maximize the value received from the City's training dollars, local training opportunities should be given first consideration followed by regional and then out-of-state programs or conferences. Travel expenses within the metro area may include parking, mileage, food, and authorized miscellaneous charges. Travel beyond the Front Range may include transportation, food, lodging and miscellaneous expenses. The daily meal allowance, which includes tax and tip is equivalent to the standard meal allowance as defined by the IRS (unless exempted by the City Administrator). Employees requiring less than three meals should practice discretion and not use the entire daily meal allowance if possible. Alcoholic beverages are not included in the meal allowance and are at the employee's own expense. Mileage for personal vehicle use will be reimbursed at the current IRS rate. Use of City cars is encouraged if one is available. Receipts need to be provided for all expenses the employee is seeking reimbursement for.

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

### **Business Travel Pay**

Exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees who are required to travel for training or other business purposes are paid at their straight rate of pay. The compensable hours include travel time that falls within the employee's normally scheduled hours on any day of the week, hours worked and working meal time. The hours that are not compensable include travel time that falls outside of the employee's normally scheduled work hours and meal time that includes entertainment, socializing and does not include education or is considered free time.

For example, a nonexempt employee who normally works from 8:00 to 5:00 Monday through Friday leaves for the airport at 6:30 a.m. and arrives at the work location at 1:00 p.m. and works until 7:00 p.m. The employee would be

paid for the hours normally worked between 8:00 and 5:00 and then 2 additional hours for time worked from 5:00 to 7:00.

Travel associated with business that extends a trip (leaving two days early for vacation purposes, for example) is not compensable.

**THIS PAGE IS INTENTIONALLY BLANK**

## **CORRECTIVE ACTION**

### **801 GENERAL POLICY**

The provisions of this section are intended to provide a means for improving employee performance and resolving problems arising from misconduct by an employee or from disagreements between an employee and the employer. Disciplinary Action is a means of correcting employee behavior that is inconsistent with the expectations and standards established by the City. An informal way of presenting your dissatisfaction with an issue is to follow the procedure outlined in the Dispute Resolution section. There are two formal ways to proceed with issues when the employee is dissatisfied and they are a Pre-Disciplinary Action or Post-Disciplinary Action.

### **802 DISCIPLINARY ACTIONS**

The City of Fort Lupton is committed to a preventive approach to employee performance problems by trying carefully to match people and jobs from the start. We try to provide supervision and feedback that helps make people successful. If, however, you are not performing your work satisfactorily, exhibiting inappropriate behavior or violating City rules, policies or procedures, disciplinary action may occur.

Depending on the nature of the behavior, Department Heads or Supervisors may provide performance coaching to and to offer options for improvement. Sometimes the employee is encouraged to design individual steps toward improved performance. If this approach is not used or used without success, other corrective discipline will be applied.

Disciplinary action will vary depending on many factors, most important of which is the seriousness of the offense, as determined by the City. Disciplinary action will be administered confidentially and release of information will only be on a need-to-know basis as determined by Human Resources and/or City Administrator.

Under no circumstances should this policy be construed to contradict the City's "At-will" status of employment. The standards of conduct outlined in this policy and elsewhere apply to all City employees.

There are several forms of disciplinary actions that may be issued to employees including: coaching sessions, warnings, suspension, demotions and/or termination. The severity of a disciplinary action may vary and depends on factors such as, but not limited to, the nature of the inappropriate behavior, the time period between incidents and the overall employment record. In some circumstances the employee may be terminated without any prior action being taken, depending on the severity of the problem.

A reduction in pay resulting from an involuntary demotion may be given in conjunction with a warning. For an involuntary demotion there must be an appropriate position available; a position will not be created.

All disciplinary actions are to be documented in writing and the original placed in the employee's personnel file. Following disciplinary action, if an employee's performance or behavior significantly improves, the supervisor is encouraged to acknowledge the improvement in a memo and it will be added to the employee's personnel file.

Disciplinary actions not involving suspension, demotion or termination will be administered by a Supervisor or Department Head and will be made known to others only on a need-to-know basis. Human Resources provides consultation regarding disciplinary action. To ensure consistency among the departments, Human Resources is responsible for investigating and determining discipline for employees when the issues are related to harassment.

Only Department Heads (not Supervisors), with the approval of Human Resources, may administer suspension without pay or an involuntary demotion. The Department Head and Human Resources will administer termination procedures.

## **PROCEDURE**

In some situations where improvement is needed, coaching an employee may result in improvement sufficient to avoid further disciplinary action. Managers are required to document these coaching sessions and may maintain a copy of these documents within their own files and forward the original copy to the Human Resources Department for placement in the employee's personnel file. If the employee's subsequent job performance still does not meet expectations or if the employee's behavior is detrimental to the department, the Supervisor and/or Department Head may decide additional disciplinary action should be taken. If the issue is especially serious, the Department Head, in consultation with Human Resources, may determine that immediate termination is warranted.

### **Types of Disciplinary Action:**

- **Coaching Session** – This is a discussion between the Supervisor or Department Head and the employee. The concern and the discussion are documented in written form. The behavior or work issue is written in detail, the date of the discussion is noted, as well as the expected behavior or job performance standard. The documentation may include action steps to improve the job performance and a timeline to measure the required progress. During this discussion, the employee is not entitled to outside representation. The employee is expected to initial or sign the coaching notice. In the event the employee refuses to initial or sign, a third party witness will be called into the session to verify that the employee would not initial or sign the coaching notice. This should be noted on the form and a copy given to the employee.
- **Warning** – This is a written notice of a performance or conduct problem. The goal is to see an immediate and sustained improvement. The manager completes the appropriate documentation and discusses the problem and corrective action with the employee. If applicable, the City and/or the department policy or procedure is quoted. During this discussion, the employee is not entitled to outside representation. Following this discussion, the form is placed in the employee's personnel file. All employees who receive a warning will be asked to sign the prepared documentation. If an employee refuses to sign, the supervisor will invite a third party into the session to verify that the employee would not sign. A copy of this report should be given to the employee.
- **Involuntary Demotion** – In conjunction with a warning, the employee may be demoted involuntarily. For an involuntary demotion, there must be an appropriate position available; a position will not be created.
- **Suspension without Pay** – In conjunction with or following a warning, the Department Head and Human Resources may choose to give a suspension without pay to reinforce the severity of the issue. A suspension without pay can vary from one day to thirty days.
- **Termination** – Termination of employment results when performance or a conduct problem continues following a warning; however, termination may result without any prior disciplinary action if there is a problem of sufficient magnitude. The employee's Department Head will complete the appropriate documentation and discuss the recommended termination with Human Resources for approval.

## **803 DISPUTE RESOLUTION**

The City has created different conflict management systems to handle disputes. We really hope most problems that arise can be solved informally through discussions.

The City has maintained an open-door policy for many years and this program emphasizes that employees can take any problems to management at any level in the City. Employees are strongly encouraged to start addressing

concerns directly with their supervisor. Employees may take disputes up the chain-of-command, including their Department Head, Human Resources and the City Administrator. Employees will be assured freedom from reprisal for good faith utilization of the procedure. Any employee who is threatened, harassed or otherwise intimidated should immediately contact Human Resources or the City Administrator.

## **804 PRE-DISCIPLINARY HEARING**

Prior to the imposition of a suspension without pay, demotion, or termination, a regular employee shall be given notice and opportunity to be heard in accordance with the following procedures:

- A. Written notice. The employee shall be presented with a memorandum generally containing the following types of information:
  - Description of the performance problem, misconduct, or reason for recommended action;
  - Type of discipline or action being considered;
  - Date, time and location of a hearing with their Department Head for the employee's response to the memorandum;
  - Notice that the employee may waive the hearing;
  - Signature line for the employee to acknowledge receipt of the memorandum.
- B. Hearing: A hearing before the employee's Department Head will be held to provide the employee with the opportunity to be heard and present information concerning the proposed discipline or action. The employee may waive this hearing. Failure of the employee to appear at the Pre-Disciplinary hearing following receipt of notice, shall be deemed a waiver.
- C. Decision following hearing. A decision whether or not to impose the discipline or action shall be made within three (3) working days after the hearing. Depending on the decision, the employee may thereafter proceed in accordance to Section 805, Post-Disciplinary Action.

The procedures set forth herein shall not apply to employees in their Initial Performance Review Period or seasonal or temporary employees. With regard to such employees, the City may terminate the employment relationship at-will, with or without cause, and without following any disciplinary policies or procedures.

## **805 POST-DISCIPLINARY HEARING**

The procedure set forth in this policy shall apply only to suspension of a regular employee without pay for more than three (3) days, demotion, or termination. This policy shall not apply to the City Administrator, employees in their "Initial Performance Review Period", seasonal or temporary employees or to any reductions in force actions.

### **PROCEDURE**

1. The employee may within five (5) working days of the receipt of the decision or five (5) working days after the waiver of a Pre-Disciplinary hearing, request in writing that a meeting be held between the employee, the Department Head and the City Administrator. Such request shall specify the nature of the requested meeting and the policy or policies at issue. Such meeting shall be held as soon as practical after the request is received. The employee shall be permitted to present relevant information to the City.
2. The City Administrator shall issue a written response within ten (10) working days of such meeting, unless the City Administrator is in need of more time for investigation and the employee is provided in writing when a response will be issued.
3. The City Administrator's response may be appealed to an independent hearing officer appointed by the City Council. Such appeal shall be initiated by the filing of a notice of appeal with Human Resources within five (5)

working days of the City Administrator's response. Human Resources shall forward a copy of the notice of appeal to the City Council and the City Attorney. The City Council shall appoint an independent hearing officer within fifteen (15) working days of its receipt of the notice of appeal, and the hearing officer shall set a date and time for the appeal hearing no later than forty-five (45) working days from the date of the notice of appeal was filed with Human Resources.

The employee may be represented by an attorney at the appeal hearing conducted by an independent hearing officer, and the hearing shall be recorded by electronic means or by the employment of a certified shorthand reporter. The hearing shall be conducted pursuant to a hearing procedures established by the independent hearing officer.

Following the hearing, the independent hearing officer shall issue a written decision that determines, based upon the evidence presented, whether or not the action that gave rise to the appeal was for cause. The hearing officer shall not have any power to modify the action. The hearing officer's decision shall be rendered within fifteen (15) working days of the date of hearing.

Any appeal of the independent hearing officer's decision shall be subject to the provisions of Colorado Rules of Civil Procedures 106(a)(4).

### **Extensions of Time**

The time limits for taking any action under this policy may be extended by written agreement between the City Administrator and the employee.

## **806     ADMINISTRATIVE LEAVE**

There may be times when an incident involving an employee is under investigation. The Department Head and Human Resources may deem it appropriate during this investigation period that an employee be removed from the work environment and placed on paid administrative leave. This is not a punitive measure; it is taken in the employee's and/or the City's best interest. The employee will receive a letter regarding the administrative leave and the duration or anticipated duration.

An employee may be placed on an unpaid administrative leave if the employee has been charged with a crime in connection with their duties. The processes associated with 804 Pre-Disciplinary Hearing and 805 Post-Disciplinary Hearing will not apply. If the City proceeds with any employment action, normal processes will apply.

## **807     SUSPENSION**

The Department Head, with the approval of Human Resources, may impose a suspension without pay. This punitive measure may be for a time period not to exceed 30 days in cases involving a severe infraction.

## **SEPARATION FROM WORK**

### **901     RESIGNATIONS**

If you choose to terminate your employment relationship with the City, we request that you provide a minimum of two weeks' notice, although this is not required. This notice should be in writing and turned in to your supervisor. When you resign, your last paycheck will be available on the next scheduled payday for pick-up or mailed to your last known address.

On or before your last day of work, all City property such as your identification card, uniforms, equipment, keys, cellular phones/radios and possibly insurance cards must be returned to your supervisor. Failure to return City property upon an employee's separation from the City will result in a cash deduction from the final paycheck in an amount determined by the City to be equivalent to the replacement cost of such City property.

Any paid leave time, such as vacation time, sick leave, floating holidays, compensatory time, personal time off (PTO) or other pay categories the City may adopt, may not be used to extend the last date of employment. Employee must work the last day of employment. Vacation, sick leave, floating holiday, compensatory time or PTO may not be requested after voluntary termination notice has been given. Full-time employees who are ending their employment with the City will be paid their accrued vacation balance, sick leave (if eligible, refer to policy 605 Sick Leave) and all remaining accrued compensatory time. Part-time employees will be paid any remaining PTO hours. After an employee has given notice, the employee will be paid for an upcoming holiday provided a full-time employee works at least three days after that designated holiday or a part-time employee works the designated holiday.

If an employee submits a letter of resignation and it is accepted by the City and subsequently the employee requests to rescind the letter of resignation before the last day of employment, it is up to the Department Head whether the employee will be allowed to withdraw the resignation letter and return to the position.

### **PROCEDURE**

An employee's resignation letter should be addressed to the Supervisor or Department Head stating the last day of work and preferably the reason for leaving. The original letter will be placed in the employee's personnel file.

The last paycheck and any accrued leave payouts are issued on the next scheduled payday after the termination date. City property not returned, such as uniforms and/or equipment, are subject to deduction from the employee's final paycheck for replacement costs as determined by the City.

An employee's last day of work is considered to be the termination date and all benefits stop on that date, except medical, dental and vision coverage, which continue to the end of that month. Medical and/or dental and/or vision coverage and/or health FSA benefits (if applicable) may be extended at the employee's expense as explained in the COBRA instructions.

### **902     TERMINATIONS**

Employees may be discharged from employment for various reasons. Terminated employees will be paid for all time worked, accrued vacation, compensatory leave or PTO.

## **903     LAYOFFS / REDUCTION-IN-FORCE**

The City, in its discretion, will determine whether non-disciplinary, involuntary termination through a layoff or reduction-in-force is necessary as a result of lack of work, shortage of funds, curtailment of operations or programs, elimination of position or other circumstances in the City's best interests. In such cases, affected employees are given as much notice as practical. The City Administrator and Human Resources will determine the size and scope of the layoffs and reduction-in-force.

Several factors determine which employees will be affected, including but not limited to, the individual department's staffing needs, job performance of potentially affected employees, attendance record and length of employment with the City.

## **904     EXIT PROCESS**

Upon the notification of their departure, all employees leaving the employment of the City will be provided with critical information regarding their benefits and other housekeeping requirements. Employees are typically requested to complete an exit interview with the Human Resources Department.

Most benefits will end on the last day of work or on the last day of the month. If your last workday is also the last day of the month, then your coverage will end that day.

## ACKNOWLEDGEMENT OF RECEIPT

I HAVE RECEIVED A COPY OF OUR EMPLOYEE HANDBOOK DATED DECEMBER 26, 2020. I UNDERSTAND THAT THE HANDBOOK PROVIDES A SUMMARY OF THE CITY'S GUIDELINES AND ITS EXPECTATIONS REGARDING MY CONDUCT. I UNDERSTAND I AM TO BECOME FAMILIAR WITH ITS CONTENTS.

I UNDERSTAND THAT, EXCEPT AS MAY BE REQUIRED BY STATE LAW, MY EMPLOYMENT WITH THE CITY IS AT-WILL. THIS MEANS THAT NEITHER I NOR THE CITY IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A SPECIFIC PERIOD OF TIME AND THE EMPLOYMENT RELATIONSHIP MAY BE TERMINATED BY ME OR THE CITY AT ANY TIME, FOR ANY REASON. 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 ANY SPECIFIC DURATION.

I UNDERSTAND THAT NO REPRESENTATIVE THE CITY, OTHER THAN THE CITY ADMINISTRATOR, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND ANY SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE PRESIDENT/OWNER/EXECUTIVE DIRECTOR AND ME. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

FURTHER, I UNDERSTAND THAT THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. No oral statements or representations can change the provisions of the handbook or ANY supplement. EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT, THE CITY RESERVES THE RIGHT TO REVISE, DELETE, OR ADD TO ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY OF FORT LUPTON. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

I have read and understand the above statements.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Print name:  
  
\_\_\_\_\_



Thank You!



## Human Resources

130 S. McKinley Avenue  
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

[www.fortluptonco.gov](http://www.fortluptonco.gov)

### **City of Fort Lupton Compensation Policy**

The City of Fort Lupton shall establish a Compensation Policy to capture its compensation philosophy and practices. The City complies with all applicable laws and follows its affirmative commitments outlined in policy 103 Equal Employment Opportunity in the Employee Handbook.

Compensation is addressed in several Employee Handbook policies including but not limited to the following:

- 502 Pay: How it is Determined
- 510 Salary Increases
- 511 Salary Ranges

The City follows the Colorado Minimum Wage Order and updates pay ranges for certain positions when the minimum wage is updated.

The City's Compensation Policy is determined by City Council and administered by Department Heads, Managers and Supervisors. Human Resources plays a large part in determining pay ranges and ensuring pay equity. The City will complete an independent review of its compensation program periodically.

The City maintains job descriptions for all positions. The job description, which includes the job qualifications, is the primary factor in determining pay. The City may also take other factors into consideration (labor pool availability, for example).

The City strives to pay a competitive pay that rewards employees for performance. The City may also take the following factors into consideration when deciding employee pay: length of employment, quality of work or quantity of work.

The City completes a periodic benchmarking process to ensure that it is paying a competitive wage. The benchmarking process involves a comprehensive data analysis where the City compares its pay by position to positions for closely-related entities. The City specifically compares itself to other public entities in regards to population, size, location, proximity to Fort Lupton or entities with whom we compete for talent. The City also considers employers with similar demographic profiles (industry or employment size, for example).

The City maintains a salary range for all positions. The salary range is updated as necessary and at least once per year. This information may be obtained by completing a Request for Information through the City Clerk.

Any questions regarding this policy may be directed to Human Resources.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON REPEALING THE PERSONNEL POLICY CONTAINED IN THE EMPLOYEE HANDBOOK THAT WAS APPROVED UNDER RESOLUTION 2020R066 AND RE-ADOPTING THE PERSONNEL POLICY CONTAINED IN THE EMPLOYEE HANDBOOK EFFECTIVE DECEMBER 26, 2020.**

**WHEREAS**, the City's Employee Handbook was significantly updated effective September 19, 2020 under Resolution 2020R066; and

**WHEREAS**, the Colorado General Assembly has passed some legislation that is effective January 1, 2021, that necessitates some policy changes; and

**WHEREAS**, the new laws are the Colorado Pay Equity Law and the Healthy Family and Workplaces Act; and

**WHEREAS**, The following policies have material changes: 306 Open Position Postings and Recruitment, 605 Sick Leave, 607 Public Health Leave, 614 Personal Leave of Absence; and

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Fort Lupton hereby approves the repeal of the Personnel Policy contained in the Employee Handbook that was approved under Resolution 2020R066 and hereby adopts the new Employee Handbook effective December 26, 2020.

**APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 8<sup>th</sup> DAY OF DECEMBER 2020.**

City of Fort Lupton, Colorado

\_\_\_\_\_  
Zo Stieber, Mayor

Attest:

\_\_\_\_\_  
Maricela Peña, City Clerk

Approved as to form:

\_\_\_\_\_  
Andy Ausmus, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE CITY COMPENSATION POLICY EFFECTIVE DECEMBER 26, 2020**

**WHEREAS**, the City's Employee Handbook was significantly updated effective September 19, 2020 under Resolution 2020R066; and

**WHEREAS**, the Colorado General Assembly has passed some legislation that are effective January 1, 2021, that necessitates some policy changes; and

**WHEREAS**, the new laws are the Colorado Pay Equity Law; and

**WHEREAS**, The following policies have material changes: 306 Open Position Postings

**WHEREAS**, the City has been compliant with many of the Colorado Pay Equity Law. A formalized City Compensation Policy reflects the City's philosophy and practices and is recommended as a best practice to comply with the new law.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Fort Lupton hereby adopts the new City Compensation Policy effective December 26, 2020.

**APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 8<sup>th</sup> DAY OF DECEMBER 2020.**

City of Fort Lupton, Colorado

\_\_\_\_\_  
Zo Stieber, Mayor

Attest:

\_\_\_\_\_  
Maricela Peña, City Clerk

Approved as to form:

\_\_\_\_\_  
Andy Ausmus, City Attorney

# CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1  
Tommy Holton, Ward 2  
Bruce Fitzgerald, Ward 3

---

## AM 2020-206

**APPROVING RESOLUTION 2020-XXX TO OPT OUT UNCOMPENSATED ELECTED AND/OR APPOINTED OFFICIALS FROM THE WORKERS' COMPENSATION POLICY AND ADD THEM AND OTHER CITY VOLUNTEERS TO THE VOLUNTEER ACCIDENT MEDICAL PLAN (VAMP) FOR THE 2021 POLICY YEAR FOR THE AMOUNT OF \$689.02**

---

I. **Agenda Date:** Council Meeting – December 8, 2020

II. **Attachments:**

- a. Resolution 2020-0xx.
- b. Letter from CIRSA dated October 26, 2020

III. **Summary Statement:**

*This request is to opt out and exclude all uncompensated elected and/or appointed public officials of the City of Fort Lupton from the workers' compensation policy and add them to the Volunteer Accident Medical Plan (VAMP). This policy change does not affect Council Members. Also, this request is for VAMP coverage for all City volunteers.*

---

IV. **Submitted by:** Laura Howe  
Laura Howe

V. **Finance Reviewed** Finance Director

VI. **Approved for Presentation:** City Administrator

VII. **Attorney Reviewed** Approved Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

**IX. Detail of Issue/Request:**

*The City of Fort Lupton's uncompensated officials and volunteers have not been included on the Workers' Compensation (WC) insurance policy for most years since 2001. The City's uncompensated officials are not required to be covered by Workers' Compensation (WC) insurance, if the required application is made with the state.*

*Generally, those individuals covered by WC are compensated employee and paid elected officials. CIRSA offers the Volunteer Accident Medical Plan (VAMP) policy as an optional coverage for volunteers who are not compensated for their time while serving on a City board or committee. This coverage also covers other volunteers with the City. The benefits covered are detailed on page 4 of the CIRSA letter.*

*Under the State of Colorado Workers' Compensation Statutes, if an Unpaid Board member incurred an injury, the City would be subjected to its \$500 per claim deductible, as well as the State's regulations for payment of any and all virtually "unlimited" payouts related to the claim for expenses accrued.*

*Any possible payouts, per claim, are limited under the VAMP policy verses having higher limitations under the WC policy. Also, under the WC policy, the City runs the risk of having premium increases for WC coverage, as those premiums are based on basic coverage plus the "risk" of the entity as a whole. If there were a WC claim which reached a high level of experience, it will affect the City's risk rating and will be reflected in the overall premium to be paid for WC coverage. By having the VAMP policy available for uncompensated officials, the City will minimize its WC risk possibility.*

*VAMP also provides some cover to the City should one of its volunteers be injured while volunteering for the City, though it does not prohibit a volunteer from pursuing action against the City.*

**X. Legal/Political Considerations:**

*Not Applicable.*

**XI. Alternatives/Options:**

*There is only one alternative, per State and Federal Law, which is to include the City of Fort Lupton's uncompensated elected and/or appointed officials in the City's Workers' Compensation Insurance Policy. There is no alternative coverage for volunteers.*

**XII. Financial Considerations:**

*The City of Fort Lupton expects to have a total 141 volunteers and 50 mounted rangers covered by the Volunteer Accident Medical Plan (VAMP) for a cost of \$689.02 for 2021. The 2021 rate from CIRSA is lower than years previous. The cost is \$2.48 (version \$2.75) per volunteer and \$6.39 (versus \$7.10) per Colorado Mounted Ranger. Workers Compensation and the Volunteer Accident Medical Plan premiums are included in the 2021 budget in the General fund for all volunteers and uncompensated elected officials.*

**XIII. Staff Recommendation:**

*Approve the AM and Resolution to opt out uncompensated elected and/or appointed officials from the Workers' Compensation Policy and place them on the Volunteer Accident Medical Plan (VAMP) for the 2021 Policy year. This action will also cover other City volunteers.*

## RESOLUTION NO. 2020-XXX

**A RESOLUTION PROVIDING THAT CERTAIN ELECTED AND/OR APPOINTED OFFICIALS OF THE CITY OF FORT LUPTON SHALL BE DEEMED NOT TO BE “EMPLOYEES” WITHIN THE MEANING OF THE WORKERS’ COMPENSATION LAWS.**

**WHEREAS**, C.R.S. Section 8-40-202(1)(a)(I)(B) permits the City of Fort Lupton to opt not to include certain officials under the City of Fort Lupton’s workers’ compensation coverage; and

**WHEREAS**, such officials must not receive any compensation for service rendered as such, other than reimbursement of actual expenses; and

**WHEREAS**, said option may be exercised as to any category or combination of categories of such officials; and

**WHEREAS**, said option may be exercised for any policy year by the City Council by the filing of a statement with the Division of Workers’ Compensation of the Colorado Department of Labor and Employment not less than 45 days before the start of the policy year for which the option is to be exercised;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fort Lupton:

Section 1. *Effective with the policy year starting on January 1, 2021, the following categories of elected and/or appointed officials who receive no compensation for service rendered as such, other than reimbursement of actual expenses, shall be excluded from the definition of an “employee” for purposes of workers’ compensation coverage, and shall not be covered under the City of Fort Lupton’s workers’ compensation coverage:*

- a. *Board of Adjustment*
- b. *Cemetery Committee*
- c. *Culture Parks Recreation and Museum Committee*
- d. *Finance Committee*
- e. *Golf Committee*
- f. *Historic Preservation Board*
- g. *Library Board*
- h. *Planning Commission*
- i. *Public Safety Committee*
- j. *Senior Citizen Committee*
- k. *Special Projects Committee*
- l. *Fort Lupton Urban Renewal Authority*

Section 2. *The City of Fort Lupton’s City Clerk shall transmit a copy of the resolution to each official who is a member of the bodies identified in Section 1 above.*

Section 3. *The City of Fort Lupton shall transmit a copy of this resolution to Pinnacol Assurance and to the Division of Workers’ Compensation of the Colorado Department of Labor and Employment.*

**APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 8<sup>th</sup> DAY OF  
DECEMBER 2020.**

City of Fort Lupton, Colorado

\_\_\_\_\_  
Zo Stieber, Mayor

Attest:

\_\_\_\_\_  
Maricela Peña, City Clerk

Approved as to form:

\_\_\_\_\_  
Andy Ausmus, City Attorney

## EXCLUSION OF UNCOMPENSATED PUBLIC OFFICIALS

Name of Agency: City of Fort Lupton

Federal Employer Identification # (FEIN): 84-6000664 Business Phone #: (303) 857-6694

Mailing Address: 130 S. McKinley Ave.

Fort Lupton CO 80621  
City State Zip

If Self-Insured Employer, enter the Permit Number: \_\_\_\_\_

If not Self-Insured, enter the workers' compensation insurance carrier name and policy number:

Pinnacol Assurance  
Insurance Carrier Name Policy Number

Upcoming Policy Period: From: 01/01/2021 To: 12/31/2021  
Month / Year Month / Year

List the Governing Body for the Agency, Category of uncompensated officials (i.e. board, commission, etc.) or any combination of categories of such officials that you are opting to exclude from coverage for the upcoming policy year and Names of Officials (Attach additional pages if needed):

Name of Governing Body: City of Fort Lupton

| Category                   | Name of Official |
|----------------------------|------------------|
| <u>Please see attached</u> |                  |
|                            |                  |
|                            |                  |
|                            |                  |

C.R.S. section 8-40-202(1)(a)(I)(B) provides an option to exclude from workers' compensation insurance coverage uncompensated elected or appointed officials. You must promptly notify each official of your exercise of the option to exclude them. This form must be filed with the Division of Workers' Compensation not less than forty-five (45) days before the start of the policy period for which the option is to be exercised. Attach governing body's resolution.

By signing this form, you are certifying that the above-named uncompensated, elected or appointed public officials are designated to be excluded from worker's compensation coverage for the upcoming policy year, pursuant to C.R.S. section 8-40-202(1)(a)(I)(B). You are also certifying that these officials have been notified of this exclusion.

Signature: \_\_\_\_\_

Print Name: Christopher Cross

Date: \_\_\_\_\_ Title: City Administrator

**Submit this form with the Governing Body's Resolution to: Division of Workers' Compensation, Coverage Enforcement Unit, 633 17th St., Suite 400, Denver, CO 80202-3626. If insured, please make a copy of this completed form and send it to your insurance carrier. If you have any questions, contact the Division of Workers' Compensation Customer Service Unit at 303.318.8700.**

C.R.S. section 10-1-128(6)(a) states: "It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies."

# CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1  
Tommy Holton, Ward 2  
Bruce Fitzgerald, Ward 3

---

## AM 2020-207

### REPAIRS FOR WELL 5 BY QUALITY WELL AND PUMP FOR \$38,925.56

---

I. **Agenda Date:** Council Meeting – December 8, 2020

II. **Attachments:** a. Quality Well and Pump Quotations

III. **Summary Statement:**

Well # 5 at 451 Kahil Street has failed. An AM was approved by Council at the October 6, 2020 meeting to pull the well. The well was pulled by Quality Well and Pump and problems were identified. This AM is for repair work identified when Quality pulled the well. Staff was on hand when the well was pulled and when the camera work was performed

---

IV. **Submitted by:** \_\_\_\_\_  
Jon Mays, Supervisor, WWTP

V. **Finance Reviewed** \_\_\_\_\_  
Finance Director

VI. **Approved for Presentation:** \_\_\_\_\_  
City Administrator

VII. **Attorney Reviewed** \_\_\_\_\_ Approved \_\_\_\_\_ Pending Approval

VIII. **Certification of Council Approval:** \_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**IX. Detail of Issue/Request:**

The City has 5 non-potable wells that are connected to the non-potable system. This water is used for irrigation and industrial use. Well 5 is at 451 Kahil Street south of the High School ball fields. This Well has failed and does not pump any water. This Well is a vertical turbine pump with a motor on top and a drive shaft inside the Column going down to the pump at the bottom of the Well. Jacobs and Quality Well and Pump checked the Well and determined that the problem was down in the Well. Quality Well and Pump are one of very few contractors who have equipment to pull large municipal well. They have performed several jobs for the City and have performed very well. When they pulled the well they discovered that the pump at the bottom of the well was disconnected from the column shaft. They ran a camera into the well and determined how the pump head was lying and then "fished" the remaining parts out. They ran a camera again and identified a hole in the well casing 46 feet below the surface. This hole could cause damage to a new pump or could cause the well to collapse which would require a new well to be drilled. The attached quotations are for reconditioning the well and relining the casing with new stainless-steel casing. The second quote is to rebuild the well pump and install new column pipe and drive shaft.

**X. Legal/Political Considerations:**

None

**XI. Alternatives/Options:**

The System can operate without this well. However, if not repaired, then water rights could be lost.

**XII. Financial Considerations:**

*There is \$29,894.58 remaining of the \$30,000 budgeted in miscellaneous repairs and maintenance in the Utility Fund that can be allocated for this purchase.*

**XIII. Staff Recommendation:**

Staff recommends repairing the Well and accepting the Quality Well and Pump quotations. Jacobs.

# PROPOSAL: Pump Repair



Name: \_\_\_\_\_ City Of Ft Lupton  
Address: \_\_\_\_\_  
City, ST, ZIP: \_\_\_\_\_  
Phone: \_\_\_\_\_

Date: December 1, 2020  
Location: \_\_\_\_\_

We hereby submit specifications and estimates for:

This is a estimate to reline, sonarjet, and bail on the well. During the video inspection of the casing we did find a hole at 46' which it is suggested to reline the well to prevent the well from collapsing, or doing any damage to the wet end if the gravel starts coming in to the well.  
Reline with stainless steel screen.

## DESIGN POINT

GPM (total) \_\_\_\_\_  
PSI (at pump) \_\_\_\_\_  
Pumping Level \_\_\_\_\_  
Column Losses \_\_\_\_\_  
Design TDH \_\_\_\_\_  
Estimated BHP \_\_\_\_\_  
Est. Pumpbowl Eff. **84.0%**  
Est. Pumping plant HP \_\_\_\_\_

Not all pump repairs and service which may be necessary can be anticipated until the pump is removed from the well and thoroughly inspected. All changes or modifications to this proposal will be approved by the customer as the job progresses.

| Quantity | Description                                   | Price each   | Total               |
|----------|-----------------------------------------------|--------------|---------------------|
| 55       | Install 24" liner, per foot                   | \$ 55.90     | \$ 3,074.50         |
| 25       | Liner, Steel 24"dia x .375" wall solid per ft | \$ 122.21    | \$ 3,055.25         |
| 30       | Liner, 24" Johnson Screen SS per ft           | \$ 444.64    | \$ 13,339.20        |
| 1        | Jet Blast Fracking, 0-40'                     | \$ 3,500.00  | \$ 3,500.00         |
| 1        | Sand Bucket/Bailing Setup charge              | \$ 164.00    | \$ 164.00           |
| 3        | Sand Bucket Hourly charge                     | \$ 245.00    | \$ 735.00           |
| 40       | Mileage charge, rig & pickup                  | \$ 4.85      | \$ 194.00           |
|          |                                               | <b>Total</b> | <b>\$ 24,061.95</b> |

The stated price on this proposal is an estimate only. Upon removing the pump and after further inspection, additional repairs may be warranted, which cannot be anticipated at this time. The customer shall be informed of and approve any charges above the estimated price shown on this proposal.

All materials are guaranteed to be as specified. All work shall be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs shall be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner shall carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Chris Jones  
Quality Well and Pump

**Customer's Acceptance of Proposal:** The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as stated above.

Customer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# PROPOSAL: Pump Repair



Name: \_\_\_\_\_ City of Ft Lupton  
 Address: \_\_\_\_\_  
 City, ST, ZIP: \_\_\_\_\_  
 Phone: \_\_\_\_\_

Date: December 1, 2020  
 Location: \_\_\_\_\_

We hereby submit specifications and estimates for:

This is a estimate to pull, rebuild/ replace, and set turbine pump assembly. Went to locations and started pulling the pump to find that the pump is disconnected from the rest of the assembly and had to be fished out. The wet end is ok and can be repairable. it will need to be reringed, new bowl shat, and bowl bushings. All the line shaft is all bent or wore beyond repair so will need to be replaced. the column pipe is all bad thin so needs to be replaced. The packing gland is wore and will need to be machined and rebushed. Basket strainer was rusted off so will need new. Motor was left on site.

## DESIGN POINT

GPM (total) \_\_\_\_\_  
 PSI (at pump) \_\_\_\_\_  
 Pumping Level \_\_\_\_\_  
 Column Losses \_\_\_\_\_  
 Design TDH \_\_\_\_\_  
 Estimated BHP \_\_\_\_\_  
 Est. Pumpbowl Eff. **84.0%**  
 Est. Pumping plant HP \_\_\_\_\_

thoroughly inspected. All changes or modifications to this proposal will be approved by the customer as the job progresses.

| Quantity     | Description                                            | Price each  | Total            |
|--------------|--------------------------------------------------------|-------------|------------------|
| 1            | Rebuild existing pump bowls 12 inch, 3 stage           | \$ 3,675.00 | \$ 3,675.00      |
| 1            | Line shaft, 416SS 1.500" x 5'                          | \$ 391.80   | \$ 391.80        |
| 4            | Epoxy Coated Column/Stainless Linesshaft 8"/1-1/2"/10' | \$ 1,749.19 | \$ 6,996.76      |
| 1            | Re-machine packing gland                               | \$ 384.00   | \$ 384.00        |
| 2            | Flange Gasket, 8"                                      | \$ 24.90    | \$ 49.80         |
| 1            | Basket Strainer 8"                                     | \$ 463.00   | \$ 463.00        |
| 30           | Chesterton Packing - Graphite 3/8" per inch            | \$ 3.25     | \$ 97.50         |
| 5            | Turbine pump, labor                                    | \$ 245.00   | \$ 1,225.00      |
| 4            | Set turbine pump, hourly rate                          | \$ 245.00   | \$ 980.00        |
| 2            | Shop labor                                             | \$ 79.00    | \$ 158.00        |
| 1            | Disassemble, inspect, and identify bowl assy.          | \$ 175.00   | \$ 175.00        |
| 1            | Assemble new/rebuilt bowl assy.                        | \$ 149.75   | \$ 149.75        |
| 40           | Mileage charge, rig only                               | \$ 2.95     | \$ 118.00        |
| <b>Total</b> |                                                        | <b>\$</b>   | <b>14,863.61</b> |

The stated price on this proposal is an estimate only. Upon removing the pump and after further inspection, additional repairs may be warranted,

which cannot be anticipated at this time. The customer shall be informed of and approve any charges above the estimated price shown on this proposal.

All materials are guaranteed to be as specified. All work shall be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs shall be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner shall carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Chris Jones  
 Quality Well and Pump

**Customer's Acceptance of Proposal:** The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as stated above.

Customer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Mike Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1  
Tommy Holton, Ward 2  
Bruce Fitzgerald, Ward 3

---

IM 2020-008

## REDUCTION IN FORCE AT THE RECREATION AND COMMUNITY CENTER

---

I. **Agenda Date:** December 8, 2020

II. **Attachments:** None

III. **Issue/Request:**

*In response to the operational restrictions caused by the global pandemic, the City furloughed 78 employees from Coyote Creek Golf Course and the Recreation and Community Center in April 2020. Coyote Creek has recalled all of its employees from furlough or they have resigned. The Recreation Center has recalled some employees from furlough and some have resigned. There are 23 employees who are still classified as furloughed/inactive.*

*Effective Wednesday, December 9, 2020, the City will notify the remaining inactive employees that these positions have been eliminated. These employees are primarily employed in the Aquatics and Fitness groups, though there are employees in the Operations and Sports groups as well.*

*The end of the pandemic and a return to normal operations are not yet in sight. Staff decided it was time to make a final decision on the employment status as well as provide these employees with some finality.*

IV. **Legal/Political Considerations:**

*The City fulfilled its legal requirements and reported the furlough to the state under the requirements of the Worker Adjustment and Retraining Notification (WARN) Act back in April. We have verified that we have no further reporting requirements.*

*The laid off employees continue to be eligible for unemployment benefits.*

*The City Attorney has approved the letter to employees.*

VI. **Financial Considerations:**

*One employee will be due a payout of Personal Time Off. There will be modest savings with these employees no longer having access to their free Recreation Center benefit.*

*In anticipation of a return to normal operations, the City has budgeted these positions for 2021. The employees who formerly occupied these positions would be eligible to apply for any openings for which they are qualified but would have to do so as formal applicants/external applicants.*

VIII. **Submitted by:**

Chris Cross  
\_\_\_\_\_  
City Administrator

IX. **Approved for Presentation:**

\_\_\_\_\_  
City Administrator