

O-2009-43

AN ORDINANCE

REPEALING AND REENACTING TITLE 4 OF THE LAKEWOOD MUNICIPAL CODE  
PERTAINING TO THE CITY'S PERSONNEL POLICIES

WHEREAS, the Personnel Polices for the City of Lakewood are reviewed periodically for the purpose of recommending necessary additions, deletions and clarifications and;

WHEREAS, the City Manager has recommended to the City Council amendments to the Personnel Polices which seek to reflect current laws and practices and;

WHEREAS, it is the desire of the City Council of the City of Lakewood to incorporate changes in this ordinance to the Personnel Policies of the City of Lakewood.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Title 4 of the Lakewood Municipal Code relating to the Personnel Policies of the City of Lakewood is hereby repealed and reenacted as Title 4 of Lakewood Municipal Code as follows:

**Title 4**

**PERSONNEL POLICIES**

**GENERAL POLICIES\***

**Chapters:**

- 4.01 General Provisions**
- 4.02 Pay Plan\*\***
- 4.03 Recruitment\*\*\*\***
- 4.04 Examinations\*\*\*\***
- 4.05 Vacancies\*\*\*\***
- 4.06 Working Hours — Pay Rates — Leaves\*\*\***
- 4.07 Employee Separations\*\***
- 4.08 Duty Fitness Exams**
- 4.09 Employee Development**
- 4.10 Performance Evaluations\*\*\*\***
- 4.11 Employee Transportation**
- 4.12 Employee Political Activities**

- 4.13 Personnel Records
- 4.14 Equal Employment Opportunity Policy Statement
- 4.15 Harassment and Related Inappropriate Conduct
- 4.16 Miscellaneous Rules

**PERSONNEL MERIT SYSTEM POLICIES\*\*\*\*\***

**Chapters:**

- 4.17 General Provisions
- 4.18 Probation
- 4.19 Transfers — Promotions — Demotions
- 4.20 Disciplinary Action and Appeal Procedures
- 4.21 Grievance Procedures

**POLICIES APPLICABLE TO EXECUTIVES**

**Chapters:**

- 4.22 Removal or Suspension
- 4.23 General Provisions
- 4.24 Salaries

**POLICIES APPLICABLE TO TEMPORARY/SEASONAL EMPLOYEES**

**Chapters:**

- 4.25 General Provisions

**POLICIES APPLICABLE TO ELECTED OFFICIALS**

**Chapters:**

- 4.26 Elected Officials

\* (General Policies apply to all employees except temporary/seasonal employees or as otherwise specified herein.)

\*\* (This Chapter does not apply to the City Manager, Municipal Judges, City Council or provisional employees.)

\*\*\* (This Chapter does not apply to the City Council except as otherwise noted.)

\*\*\*\* (This Chapter does not apply to the City Manager, Municipal Judges or City Council.)

**\*\*\*\*\* (Personnel Merit System Policies apply to all employees except the City Manager, Court Administrator, Municipal Judges, Department Directors, Division Managers, City Council, provisional employees and all temporary/seasonal employees or as otherwise specified herein.)**

### **General Policies\***

**The following chapters under general policies do not apply to temporary/seasonal employees or as otherwise specified herein.**

### **Chapter 4.01**

### **GENERAL PROVISIONS**

#### **Sections:**

- 4.01.010 Applications and authority.**
- 4.01.020 Rules subordinate to relevant judicial decisions and rules of court.**
- 4.01.030 Prerogatives reserved.**
- 4.01.040 Amendments to policies.**
- 4.01.050 Administrative procedures.**
- 4.01.060 Definitions.**

#### **4.01.010 Applications and authority.**

The Personnel Policies set forth in this Chapter shall be applicable to all employees of the City to the extent of and according to the provisions hereinafter set forth, except as otherwise noted or provided by ordinance or statute or the City charter. Unless provided otherwise, the authority and responsibility vested in the City Manager by the terms of the City Charter are vested in the Presiding Municipal Judge with respect to the Municipal Court. The Presiding Judge of the Municipal Court shall continue to have the power and authority to promulgate such court rules and orders as may be necessary and proper providing, however, that such rules and orders do not conflict with the requirements of the Personnel Merit System or Colorado Supreme Court Rules. The authorities and responsibilities vested in the City Manager are vested in the City Attorney with respect to the City Attorney's Office. The Director of Employee Relations shall serve as an advisor to the Municipal Court and City Attorney's Office in matters involving the Personnel Merit System.

Any policy giving decision-making authority to the City Manager, Presiding Municipal Judge, City Attorney, department director, division manager, or other supervisor allows for a designee to act on that person's behalf in his/her absence. "Administrative Regulations" and the "Employee Benefits Book," which contain further information about policies in this manual, are updated regularly on COLOR, the City of Lakewood's employee intranet. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.01.020** Rules subordinate to relevant judicial decisions and rules of court.

The Personnel Policies are subordinate to relevant judicial decisions and officially adopted rules of court, which shall take precedence in the event of a conflict or inconsistency with the Personnel Policies. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.01.030 Prerogatives reserved.**

The administration of the City of Lakewood may manage the City's business using its best judgment and following applicable statutes, ordinances, and regulations, to:

- A. Discipline Personnel Merit System employees for cause;
- B. Hire, promote, retire, demote, transfer, assign, lay off, and recall employees to work;
- C. Judge the skill, ability, efficiency, and qualifications of all employees, and otherwise evaluate employee performance;
- D. Determine and change any conditions of employment, including, but not limited to, the starting and ending times, the number of hours on the shift to be worked, days off to be taken, and the number of hours in the employee's workweek;
- E. Revise, eliminate, combine, or establish new jobs, benefit plans, and classifications;
- F. Establish compensation plans and programs;
- G. Maintain control and regulate the use of City property and equipment;
- H. Reduce or expand the operation of the City or its departments;
- I. Determine the number, size, location, and operation of facilities and departments, groups, or divisions;
- J. Determine City services and subcontract for them as required;
- K. Determine work assignments and the size and composition of the work force;
- L. Make, change, and enforce rules, policies, guidelines and practices;
- M. Establish quality standards; and
- N. Introduce technological changes and new, improved, or modified services, methods, techniques, and equipment; manage operations; and direct and supervise the work force. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.01.040 Amendments to policies.**

The City Manager may from time to time propose Personnel Policy amendments to the City Council. Amendments shall become effective when adopted by the City Council or on an effective date designated by the City Council. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.01.050 Administrative procedures.**

The City Manager may change written administrative procedures, rules, or regulations according to these policies. Changes shall take effect on the dates specified by the City Manager after each department director receives a copy. Copies of changes and of these policies shall be maintained in each division and in the Employee Relations Department. The Personnel Policies shall be public records available for inspection by the public during normal business hours. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.01.060 Definitions.**

As used in these Personnel Policies, the following terms shall have the following meanings:

**Administrative Leave:** Time off with or without pay, granted at the discretion of a supervisor in consultation with the Department of Employee Relations. Administrative leave without pay, or significant leave of any kind, must be approved through the Department of Employee Relations.

**Alternative Duty:** A temporary adjustment to an employee's job duties incorporating physician-ordered medical restrictions. Alternative Duty may include temporary assignment to a different position and/or temporary limitations on the number of hours worked.

**Appeal:** The employee's formal challenge to a disciplinary action.

**Applicant:** A person who has filed an application for employment, submitted a résumé, or filed a promotional consideration form for an open job.

**Appointment:** The placing of a person in a regular full-time, regular part-time, provisional full-time, provisional part-time, temporary, or seasonal position.

**Classification:** Determination of the occupational group and pay level of a position based on the duties performed, authority, responsibilities exercised, and the pay level of comparable positions.

**Compensation:** Pay, wage, allowance, and all other forms of valuable consideration an employee earns for services to the City.

**Compensatory Time:** Time off accrued by an eligible non-exempt employee as compensation in lieu of paid overtime. Also known as "comp time," compensatory time is accrued at a rate of time and one-half of the overtime hours worked.

**Contractor or Independent Contractor:** An individual who performs work for the City, but is not a City employee. Contractors must meet classification criteria governed by federal agencies, including the Internal Revenue Service, the federal and state Departments of Labor, and the Division of Workers' Compensation and Unemployment. An independent contractor must also meet the criteria as set forth in Section 4.03.060.

**Demotion:** An employee moving from one pay level to a lower pay level. This can be a temporary, involuntary, or voluntary assignment.

**Department Director:** The head of a distinct department. Except for the City Attorney, department directors report directly to the City Manager or Presiding Municipal Judge.

**Disciplinary Action:** Action taken by the Disciplinary Authority against an employee for cause, which may include reprimand, suspension, demotion, or termination.

**Disciplinary Authority:** The City Manager, a department director, a division manager, or a supervisor, within limits of authority.

**Employee Development:** Instruction designed to maintain or increase the proficiency, qualifications, knowledge, skills, and abilities of City employees.

**Exempt:** An employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees receive a salary rather than an hourly wage.

**Family and Medical Leave:** An unpaid leave of absence available to eligible employees that complies with and affords employees the protections of the Family and Medical Leave Act (FMLA).

**Full-Time Employee:** An employee who works a minimum of 37 average hours in a workweek through a one-year period.

**Grievance:** A formal complaint initiated by eligible employees about the work environment.

**Hostile Work Environment:** Unwelcome, unreasonably offensive, severe, or pervasive attacks on someone's protected status occurring in any place business activities are conducted. It is not a hostile work environment for a supervisor to create legal, ethical expectations or position changes.

**Immediate Family:** This definition is part of Administrative Regulation, "Sick Leave."

**Journey Step:** The maximum pay step of the Police Agents' pay level.

**Market Data:** Wage and pay data obtained from a variety of relevant markets, including the public and private sector.

**Maximum Medical Improvement (MMI):** A point at which a physical or mental impairment has stabilized and no further treatment is reasonably expected to improve the condition. The requirement for future medical maintenance, which will not significantly improve the condition or the possibility of improvement or deterioration over time, shall not affect a finding of MMI.

**Medical Separation:** A separation from employment based upon the determination that, owing to illness or injury, an employee cannot perform the essential functions of his/her job with or without reasonable accommodation. A Medical separation is not disciplinary in nature, so appeal rights do not apply.

**Non-exempt:** An employee who is subject to the overtime provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees are paid an hourly wage.

**Overtime:** Authorized recorded time of non-exempt employees in excess of 40 hours per week (or 80 hours in a two-week pay period for police agents, police sergeants, and court marshals). City administrative regulations and the Fair Labor Standards Act offer certain exceptions to overtime.

**Part-Time Employee:** An employee who is paid an hourly wage and normally works an average of 20-36 hours per week through a one-year period.

**Pay Level:** The establishment of a pay range for positions with comparable market data, competency, and authority. For police agents, the pay level is a series of pay steps.

**Performance Review and Development System (PRD):** A method for documenting, evaluating, and managing employee performance.

**Personal Leave of Absence:** A period from 30 days to one year in which an employee is temporarily away from his/her job for authorized personal reasons and is using accrued leave other than sick leave.

**Personnel Register:** A five-day minimum posting to City employees outlining the essential functions, requirements, and details of a vacant position.

**Position:** A specific job in the City within a classification, occupational group, and pay level. These positions can be regular or provisional (authorized in the budget), or temporary/seasonal.

**Probationary Employee:** An employee hired, promoted, transferred, or demoted, serving a probationary period. A probationary employee is at will only during his/her initial probationary period.

**Probationary Period:** The six- to twelve-month time during which an employee's skills, abilities, performance, and other job-related criteria are evaluated to determine his/her suitability for appointment to a regular position. Police agents serve a two-year probationary period.

**Promotion:** The movement of an employee from one pay level to a level with higher pay and increased responsibility. This can be a temporary, permanent, voluntary, or involuntary assignment.

**Promotional List:** A list of candidates eligible for a promotion. This list expires after a certain period of time, depending on department standards.

**Provisional Employee:** A full- or part-time employee hired for a period of less than two years who receives benefits (except pension contributions), but is not entitled to all rights and privileges afforded a regular employee.

**Reclassification:** A newly assigned classification of a position based on a study of various criteria pertaining to the position.

**Reduction in Force:** Non-disciplinary termination of an employee from a position because of a reorganization; completion or alterations of required programs, projects, or services; changes in methodology by which the service is provided; reductions in service levels; budgetary or related economic restraints, restrictions, or decisions; or other situations. Also known as RIF.

**Regular Employee:** An employee who has been assigned to a full- or part-time position in the City, receives benefits (including pension contributions), and is afforded the rights and privileges described in the Personnel Policies.

**Resignation:** A voluntary separation from employment.

**Retirement:** Separation from the City by an employee who meets specific criteria outlined in the Employee Benefits Book.

**Seasonal Employee:** A full- or part-time hourly employee hired for a designated period, generally less than nine months. Seasonal employees are entitled to limited benefits and privileges.

**Seniority:** The total number of months of service since the last date of appointment to the employee's current regular position. With the authorization of the Director of Employee Relations, seniority may be reinstated to an earlier date. Seniority will be represented by the date reflected in the "date in current job" field in the Human Resources Information System (HRIS).

**Special Review:** A set time period after an employee's overall performance is rated "Needs Improvement" or "Unacceptable." This is a tool to improve and/or develop an employee's performance. If performance does not improve, the employee may be terminated.

**Step or Pay Step:** The pay allocation within the police agents' pay level.

**Suspension:** A period during which an employee is prohibited from reporting to work. A suspension may be imposed with or without pay and may be used during a pending criminal prosecution or any other circumstances in which an appropriate disciplinary authority determines it is warranted. The City may delay disciplinary action through the suspension period.

**Temporary Employee:** An employee who has not been assigned to a regular or provisional position and whose work schedule is generally part-time. Temporary employees are entitled to limited benefits and privileges.

**Tenure:** The total number of consecutive months of service to the City as of the most recent date of hire to a regular or provisional position, regardless of department or classification. Tenure will be represented by the date reflected in the "date started" field in the Human Resources Information System (HRIS).

**Termination:** Involuntary separation from employment.

**Transfer:** The movement of any City employee from one position to another with the same or similar pay level and degree of responsibility, and/or from one department/division to another department/division. This may be a temporary assignment.

**Transitional Status:** The temporary employment status assigned to an employee after an injury or illness that causes the employee to be unable to perform one or more of the essential functions of his/her position, with or without reasonable accommodation. An employee may need to work an alternative schedule or reduced-hour schedule. An employee placed on transitional status may be offered alternative duty. Transitional status may result in medical separation if an employee is ultimately unable to perform the essential functions of his/her job, with or without reasonable accommodation, in accordance with Section 4.07.030.

**Work Environment:** Any work area on or off City property where City business is conducted. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## **CHAPTER 4.02**

### **PAY PLAN\*\***

**The following chapter does not apply to the City Manager, Municipal Judges, City Council and may not apply to all provisional employees.**

#### **Sections:**

- |                 |  |
|-----------------|--|
| <b>4.02.010</b> | <b>Pay concepts and philosophies.</b>            |
| <b>4.02.020</b> | <b>Establishment of classifications.</b>         |
| <b>4.02.030</b> | <b>Maintenance of plan.</b>                      |
| <b>4.02.040</b> | <b>Placement of positions within pay levels.</b> |

<b>4.02.050</b>	<b>New positions.</b>
<b>4.02.060</b>	<b>Reclassification.</b>
<b>4.02.070</b>	<b>Pay.</b>
<b>4.02.080</b>	<b>Use of pay ranges.</b>
<b>4.02.090</b>	<b>Pay advancement.</b>
<b>4.02.100</b>	<b>Bonus plan.</b>
<b>4.02.110</b>	<b>Incentive pay for police agents.</b>
<b>4.02.120</b>	<b>Additional regulations.</b>

#### **4.02.010 Pay concepts and philosophies.**

The City Council has authority over the City's broad compensation concepts and philosophies. At this time, the City embraces a market-driven, performance-based pay system that recognizes budgetary influences and constraints.

At least annually, the Department of Employee Relations shall study the factors affecting the level of pay for all positions and make corresponding pay recommendations to the City Manager. The City Manager shall annually review the pay ranges. The pay plan and base pay compensation levels for regular full-time and regular part-time, as well as for provisional and temporary/seasonal positions, shall be set forth in Administrative Regulations "Pay Plan" and "Temporary Part-time and Seasonal Pay Plans." All regular and provisional employees shall be assigned a pay range. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.02.020 Establishment of classifications.**

The City Manager is authorized to implement and maintain a classification system, paying positions the appropriate biweekly base pay as established by Chapter 4.02. The City Manager shall issue the classification titles and corresponding occupational category levels. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.02.030 Maintenance of plan.**

The City Manager shall periodically order a study of the duties, responsibilities, and associated factors of all positions within the City. The study shall address the appropriate pay rates and classifications for each position based upon market data, nature of work, duties, responsibilities, and authority within that position. The City Manager shall make amendments to the classification plan whenever data indicates the necessity for a change. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.02.040 Placement of positions within pay levels.**

Positions in the City shall fall within the pay levels prescribed by the City Manager. Final determination of the placement of positions in pay levels and classifications shall be approved by the City Manager after considering the recommendation of the Department of Employee Relations. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.02.050 New positions.**

Any position added to the City Pay Plan shall be assigned an appropriate classification upon approval by the City Manager after considering the recommendation of the Department of Employee Relations.

New positions should be requisitioned through the annual budget process. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.02.060 Reclassification.**

A reclassification of a position may be considered when a study has shown that the duties and level of responsibilities (especially decision making) of a current position have significantly changed, or when sustained market data indicate. (This may include a position that goes from regular part-time to regular full-time or from regular full-time to regular part-time.) A position may move to a higher level, a lower level, or remain at the same level. Requests for reclassification shall be submitted in writing as directed by the Administrative Regulation "Reclassification/Classification Requests," which require personnel to list reasons for reclassification. The Department of Employee Relations may reclassify positions with good and sufficient reason. Reclassifications shall not be proposed solely for the purpose of effecting pay adjustments or individual promotions/demotions.

Reclassifications should be requisitioned through the annual budget process. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.02.070 Pay.**

Employees shall be assigned a base pay rate in conformance with the pay plan. The City Manager shall establish by written order to the Director of Employee Relations the base pay rate of each City employee. Relevant factors in establishing and/or changing base pay rates include competence, diligence, and efficiency. In addition, the City Manager may, at his/her discretion, grant pay increases at any time to any of the employees as long as doing so does not exceed the budget.

The City Manager is authorized to make an exception to the assignment of an employee's pay in the pay plan.

Employees shall be paid biweekly. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.02.080 Use of pay ranges.**

The department director shall, in consultation with the Department of Employee Relations, authorize appointments or reinstatements at a rate within the pay range for the position's classification. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.02.090 Pay advancement.**

Pay advancement shall be in conjunction with pay plans and dependent upon the budget and employee performance. The City Manager has final authority over recommended pay adjustments. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.02.100 Bonus plan.**

The City Manager may establish a bonus plan to specify criteria for bonus awards. The City Manager has final authority over awards relating to the bonus plan, and shall not grant any bonus award that would exceed the total compensation budget for the fiscal year. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.02.110 Incentive pay for police agents.**

Incentive pay is an amount above and beyond the step pay that a sworn police agent may receive to recognize exceptional performance, skills, and/or abilities demonstrated in the previous performance review period. This is not guaranteed and is reviewed annually. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

**4.02.120 Additional regulations.**

In special circumstances and to the extent allowed by law, the City Manager may issue administrative regulations for the proper implementation of the pay plan. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**CHAPTER 4.03\*\*\*\***

**RECRUITMENT**

**The following chapter does not apply to the City Manager, Municipal Judges, or City Council.**

**Sections:**

- 4.03.010 Eligibility for employment.**
- 4.03.020 Area for consideration.**
- 4.03.030 Announcement of vacancies.**
- 4.03.040 Application forms and résumés.**
- 4.03.050 Disqualification of applicants.**
- 4.03.060 Independent contractors.**

**4.03.010 Eligibility for employment.**

Applicants may be eligible for employment consideration with the City if they possess the minimum qualifications of the job, meet established selection criteria, and are able to perform the essential functions of the position with or without reasonable accommodation. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.03.020 Area for consideration.**

When appropriate, individuals shall be recruited from a broad geographical area to ensure well-qualified candidates. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.03.030 Announcement of vacancies.**

The Department of Employee Relations shall prepare and post recruiting notices in venues that are designed to attract the most qualified candidates. All recruiting notices and other vacancy publicity shall explicitly state that the City is an Equal Opportunity Employer. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.03.040 Application forms and résumés.**

The City requires each candidate for employment to submit an application on a form provided by the City. An applicant may also submit a résumé with the completed application. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.03.050 Disqualification of applicants.**

Applicants may be disqualified for employment consideration for reasons including, but not limited to, the following factors:

- A. They do not possess the minimum qualifications for the job.
- B. They are unable to perform the essential functions of the position with or without reasonable accommodation.
- C. The employment record or personal record including, without limitation, the reference checks, criminal history, credit history, motor vehicle record, or any City of Lakewood record, is unsatisfactory to the City. See Administrative Regulation "Background Checks."
- D. They have given false or incomplete information on the application or other pertinent documents or have engaged in deception during the selection process. See Administrative Regulation "Background Checks."
- E. The applicant is not, in the City's determination, the best candidate for the position, or the applicant's qualifications and abilities do not closely meet the City's organizational needs at the time of the vacancy.
- F. The applicant is a current employee on probation. Exceptions to this provision may be made by the employee's current department director and the Director of Employee Relations.
- G. The applicant is on special review. Exceptions to this provision may be made by the employee's current department director and the Director of Employee Relations. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.03.060 Independent contractors.**

From time to time, departments may require the services of an independent contractor. The Department of Labor and the Internal Revenue Service oversee many of the laws that govern independent contractors. Because the City may face liability as a result of a misclassification, it is important for department directors to determine the correct classification of an employee or independent contractor. The Department of Employee Relations should help supervisors determine if an individual is an independent contractor. See Administrative Regulation "Independent Contractors." The factors tending to show true independent contractor status include:

- A. Significant opportunity for loss or profit;
- B. Substantial investment by the independent contractor in facilities, equipment, tools, materials and vehicles;
- C. Low degree of control exercised by the City of Lakewood; e.g., the contractor may perform work on his/her own premises, and the City may have the right to control or direct only the result of the work and not the means or method of accomplishing the result;
- D. Relative impermanency of the relationship with the City of Lakewood;
- E. Services that are not an integral part of the City of Lakewood's business. (Ord. O-2007-7 § 1, 2007).

**CHAPTER 4.04**

**EXAMINATIONS\*\*\*\***

**This chapter does not apply to the City Manager, Municipal Judges, or City Council.**

**Section:**

**4.04.010 Nature and type.**

**4.04.010 Nature and type.**

Pre-employment examinations may be administered to measure job-related qualifications, performance, physical fitness, and/or agility, but may only test functions necessary to the position in question. The Department of Employee Relations, in conjunction with the hiring department, shall be responsible for developing, implementing and maintaining examinations, in accordance with applicable laws and regulations. The Department of Employee Relations and the hiring supervisor shall be responsible for determining the examinations, if any, that are necessary for any given position. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## CHAPTER 4.05

### VACANCIES\*\*\*\*

The following chapter does not apply to the City Manager, Municipal Judges, City Council, or provisional employees.

#### Sections:

- 4.05.010 Applications for vacancies.**
- 4.05.020 Eligibility list.**
- 4.05.030 Promotional list.**
- 4.05.040 Appointment.**

#### **4.05.010 Applications for vacancies.**

A. Applications for all positions must be submitted to the Department of Employee Relations on or before the stated deadline. Promotional and eligibility lists may be used to fill the vacancy, but if no list exists, the following shall occur:

##### For Non-Exempt Vacancies

A City of Lakewood Personnel Register shall be posted on all official City bulletin boards, including COLOR, for a minimum of five working days. Vacancies include new positions and provisional positions changing status to regular positions. Job shares do not need to be posted if the status changes to regular full-time or two regular part-time positions. During this period, eligible non-probationary employees may apply by submitting the Application for Promotional Consideration to the Department of Employee Relations. Vacancies may also be advertised externally.

##### For Exempt Vacancies

A City of Lakewood Personnel Register may be posted on official City bulletin boards, including COLOR, or advertised externally. A department director, working in conjunction with the Department of Employee Relations, may appoint an individual to fill an exempt vacancy without seeking applications if the appointee meets the essential qualifications of the open position.

B. The requirements of Paragraph 4.05.010(A) shall not apply in the event of a reduction in force requiring the transfer of a qualified employee to a vacant position.

C. The requirements of Paragraph 4.05.010(A) shall not apply in the event of a reclassification. See Section 4.02.060, Reclassification. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, Ord. O-99-18 § 1 (part), 1999).

#### **4.05.020 Eligibility list.**

Whenever an adequate pool of qualified applicants exists, the Department of Employee Relations may establish an eligibility list as a means of recommending qualified individuals to fill existing or future vacancies. Individuals on this list are not guaranteed placement in a position. The list shall remain active for up to 12 months

from the date the related recruitment process closes. If an eligibility list will be established during a recruitment, the Personnel Register advertising the position must state this intention. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.05.030 Promotional list.**

Whenever a position has the potential to become vacant, a promotional list may be considered. If an adequate pool of qualified applicants exists, as determined jointly by the Department of Employee Relations and the appropriate department director, a promotional list may be established to recommend qualified employees for promotion to fill existing or future vacancies. Individuals on this list are not guaranteed placement in a position. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.05.040 Appointment.**

The City Manager retains final authority over job appointments. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**CHAPTER 4.06**

**WORKING HOURS -- PAY RATES -- LEAVES\*\*\***

The following chapter does not apply to the City Council, except as otherwise noted.

**Sections:**

- 4.06.010 Workweek.**
- 4.06.020 Days off.**
- 4.06.030 Overtime, compensatory time, and flex hours.**
- 4.06.040 Shift differential.**
- 4.06.050 Alternative scheduling.**
- 4.06.060 Attendance.**
- 4.06.070 Vacation.**
- 4.06.080 Sick leave.**
- 4.06.090 Workers' compensation.**
- 4.06.100 Military leave.**
- 4.06.110 Personal leave of absence.**
- 4.06.120 Family and medical leave of absence.**
- 4.06.130 Non-job-related jury or non-job-related court leave.**
- 4.06.140 Holidays.**
- 4.06.150 Emergency response.**
- 4.06.160 Hours to vote.**
- 4.06.170 Domestic violence leave.**
- 4.06.180 Pay deductions.**
- 4.06.190 Recording hours worked.**

**4.06.200 Workplace Accommodation for Nursing Mothers Act.**  
**4.06.210 Parental involvement in K-12 Education Act.**

**4.06.010 Workweek.**

All full-time employees work a minimum of 37 average hours in a workweek in a one-year period. Part-time employees normally work an average workweek of 20 to 36 hours in one year. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.06.020 Days off.**

Employees may have regular days off each week. In the event of an emergency, or when deemed necessary, an employee may be required to work on his/her off days. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.06.030 Overtime, compensatory time, and flex hours.**

A non-exempt employee who records and is paid for more than 40 hours in a workweek (or 80 hours in a two-week pay period for police agents, police sergeants, and court marshals) shall be paid time and one-half based on his/her hourly rate (overtime), or shall receive compensatory time at a rate of time and one-half. Overtime and comp time must be approved in advance by the supervisor.

Flex time is an hour-for-hour exchange of time that can be used when an employee (other than police agents, police sergeants, and court marshals) works 40 hours of regular time in a workweek, but some of the time worked may be outside the normal eight-hour day. For example, an employee may work a 10-hour day and take off two hours early on another day to avoid overtime for the week. Flex time cannot be banked and must be used in the same workweek. A workweek begins on Sunday at 12:00 a.m. and ends on the following Saturday at 11:59 p.m. Police agents, sergeants, and court marshals may flex time in an 80-hour, two-week period. See Administrative Regulation "Overtime and Compensatory Time." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.040 Shift differential.**

For non-exempt, non-sworn personnel, a shift differential may be authorized via Administrative Regulation "Shift Differential." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.050 Alternative scheduling.**

The City has implemented an alternative scheduling program for employees who meet certain criteria. Alternative schedules may include stretch pay, time off without pay, teleworking, flex scheduling, and job sharing. Refer to Administrative Regulations "Alternative Scheduling" and "Teleworking" for detailed information. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

**4.06.060 Attendance.**

An employee shall be at his/her place of work as assigned.

An employee who is unable to report to his/her place of work is required to notify his/her immediate supervisor prior to the start of a work shift or as designated by specific department directive. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.070 Vacation.**

All regular and provisional full-time and part-time employees may accrue vacation time based on tenure and position.

A. Accrual and usage. Vacation accrues monthly for active employees who receive paid time through the second pay date of the month. Accruals stop when an employee's total number of vacation hours reaches the maximum allowed. Accrued vacation may be used with supervisory approval.

B. Maximum accumulation. Maximum accumulation of vacation is based on hire date and position. Vacation hours in excess of maximum accumulations are not allowed except in rare circumstances, such as when the employee has been denied the opportunity to take vacation time by the City. This must be approved through the Department of Employee Relations.

C. Records of leave. The Finance Department shall maintain vacation records. Each department director shall maintain vacation schedules for the department's employees.

D. Effect of holidays and vacations. When a holiday falls during an employee's scheduled vacation, the holiday will not be charged against the employee's accrued vacation hours.

E. Effect of sick leave. If an employee becomes ill while on vacation, the time off will be claimed as vacation. The department director may grant exceptions to this rule under extraordinary circumstances; for example, if an employee is hospitalized during a vacation.

F. Opportunity for leave and waiving of vacations. No employee may waive vacation in exchange for additional compensation. If City operations require an employee's presence on the job, the employee shall not lose or forfeit any accrued vacation hours.

G. Payment for vacation. Upon termination, an employee shall be paid for all accrued vacation hours at his/her regular hourly rate. See the Employee Benefits Book for further information. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.080 Sick leave.**

Regular and provisional full- and part-time employees accrue sick leave hours based on hire date and position. Sick leave shall be used when an employee is ill or injured for a non-job related reason, or for medical or dental appointments. Sick leave may also be used when the employee is needed to care for sick or injured immediate family members.

Additionally, sick leave may be used for the death of an employee's immediate family member. Up to 40 hours of sick leave may be authorized, depending upon the circumstances. Refer to Administrative Regulations "Sick Leave" and "Family Medical

Leave Act,” which describe in further detail the usage of sick leave. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.090 Workers’ compensation (also applies to City Council).**

Employees injured on the job are entitled to workers’ compensation benefits as provided by the Workers’ Compensation Act. This self-insurance program offers medical bill payment and salary protection when work is missed due to the injury. An injured employee must notify his/her supervisor of the injury in writing immediately. Pursuant to Colorado Law, written notice must be given to the Risk Management Division, Department of Employee Relations, within four working days of the occurrence of the injury. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.100 Military leave.**

Military leave may be granted to employees in accordance with applicable state and federal laws. Regular and provisional full-time employees are allowed 15 paid days off per year for military leave with advance written notice. Refer to Administrative Regulation “Military Leaves of Absence.” (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.110 Personal leave of absence.**

A department director, in conjunction with the Department of Employee Relations, may grant a personal leave of absence to a regular or a provisional full- or part-time employee who has been employed by the City for at least 12 consecutive months. The employee must submit a written request describing the reason for the leave. A personal leave of absence may not exceed one year. The City Manager may grant a personal leave of absence to a department director.

Temporary/seasonal employees are not eligible for a personal leave of absence. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.120 Family and medical leave of absence.**

The City of Lakewood complies with the federal Family and Medical Leave Act to allow employees time off for personal or family medical situations. The City will provide eligible employees with up to 12 weeks of unpaid leave during a 12-month period, under certain qualifying circumstances. Qualifying circumstances may include an employee’s serious health condition, the birth, placement or adoption of a child, or an employee’s need to care for the serious health condition of a qualifying immediate family member. See the Administrative Regulation “Family and Medical Leave Act” for more specific information. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.06.130 Non-job-related jury or non-job-related court leave.**

Regular and provisional full- and part-time employees shall be granted time off with pay when performing jury duty. Temporary and seasonal employees will be paid the first three days of jury service. Jury duty will be paid if the time served occurred during the employee’s normal work hours, or, if by attending jury duty, the employee

was unable to work his/her normal hours. Hours spent performing jury duty will count as hours worked. The employee may keep stipends paid for jury duty.

An employee subpoenaed to appear before a court, administrative agency, or other official entity as a witness in a non-job-related matter may use accumulated personal leave, except for sick leave.

Employees who are parties in any non-job-related legal proceeding may use personal leave, except sick leave, when required for court appearances and other absences. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

#### **4.06.140 Holidays.**

The City Manager is authorized to designate City holidays for all employees.

Designated Police Department personnel and other City employees who are allowed or required to group holidays shall receive eight hours off with pay for each designated holiday.

Official City holidays that fall on Sunday shall normally be observed on the following Monday; those that fall on Saturday shall normally be observed on the preceding Friday. Refer to Administrative Regulation "Holiday Pay." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

#### **4.06.150 Emergency response.**

Employees may be required to work to support essential services during large-scale emergencies affecting the City. This would normally include employees in essential positions, such as sworn personnel and police communications and records personnel. Essential employees are defined according to the type of emergency and the human resources needed. The supervisor of the areas affected by the emergency shall have the authority for scheduling, deployment, and overtime. Any non-essential employee may also be required to work to support essential services during large-scale emergencies affecting the City, and will be paid at his/her normal rate. See applicable Administrative Regulations "City Closing Policy," "Overtime and Compensatory Time," and "On-Call, Call Back and Unscheduled Split Shift Compensation." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

#### **4.06.160 Hours to vote.**

An employee registered to vote in a general election may be excused from work to vote on Election Day for up to two hours during polling hours (typically 7:00 a.m. to 7:00 p.m.). The employee must request the time off to vote prior to the day of the election. The supervisor may specify the hours during which an eligible employee may leave the workplace to vote, but if it is more practical for the employee to vote at the beginning or the end of the work shift, the employee may request that time. However, the supervisor may then specify whether the employee may leave at the beginning or end of his/her shift. An employee who chooses to vote via mail-in ballot is not excused from work on Election Day, and an employee who has at least three consecutive hours off already during polling hours must vote on his/her own time. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

**4.06.170 Domestic violence leave.**

The City permits victims of domestic abuse, who have been employed with the City for 12 months or more, to take up to three working days of leave in any 12-month period to seek a civil protection order to prevent domestic abuse, obtain medical care or counseling for themselves or their children, make their homes secure, or seek legal assistance pertaining to these issues. Employees will be required to use appropriate personal accrued leave time if it is available; otherwise, the time will be unpaid.

See the Benefits Book for further information, and the Administrative Regulation "Leave for Victims of Domestic Abuse." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

**4.06.180 Pay deductions.**

The City of Lakewood makes a good-faith commitment to comply with the Fair Labor Standards Act and avoid improper deductions of hours or pay. Any employee who believes there has been an improper deduction should notify the Department of Finance. The appropriate department shall take prompt action to reimburse the employee if necessary, and to ensure further compliance. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

**4.06.190 Recording hours worked.**

All non-exempt employees are required to record and submit all hours worked in the actual pay period in which the hours are worked. All hours in excess of 40 in a workweek (for police agents, sergeants and court marshals only, for all hours recorded over 80 in a two-week pay period) will be considered overtime and must be accurately recorded as overtime or compensatory time. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

**4.06.200 Workplace Accommodation for Nursing Mothers Act.**

To comply with the Colorado Nursing Mothers Accommodation Act, the City of Lakewood makes reasonable efforts to provide break times and private rooms in which nursing mothers may express breast milk for up to two years after the child's birth. Breaks may be paid or unpaid, depending on individual job descriptions and available leave. An employee wishing to express breast milk at work shall work with her supervisor to determine the location and break schedule. This law does not apply to police dispatchers or police agents and sergeants assigned to patrol, because of the emergency nature of their jobs. Refer to the Administrative Regulation, "Hours of Work."

**4.06.210 Parental Involvement in K-12 Education Act.**

To comply with the Parental Involvement in K-12 Education Act, the City entitles non-executive, non-supervisory full-time employees up to 18 hours of leave a year (and not to exceed 6 hours a month) to attend a child's school activities. Part-time employees take leave on a pro-rata basis. Eligible employees are required to use accrued vacation, holiday, and/or compensatory time. If no such accrued leave is available, the leave will be unpaid. Refer to Administrative Regulation, "Parental Involvement in K-12 Education Act."

## CHAPTER 4.07

### EMPLOYEE SEPARATIONS\*\*

The following chapter does not apply to the City Manager, Municipal Judges, City Council, or provisional employees.

#### Sections:

- 4.07.010**      **Reduction in force.**
- 4.07.020**      **Resignation.**
- 4.07.030**      **Transitional status and medical separations.**
- 4.07.040**      **Retirement.**

#### **4.07.010**      **Reduction in force.**

A reduction in force may occur through the abolishment of a specific position, program, funding source, or the need to reduce a number of employees. See Administrative Regulation "Reduction in Force," which outlines layoff circumstances and procedures. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.07.020**      **Resignation.**

Written resignations should be submitted at least two weeks prior to the effective resignation date. Provided the supervisor receives two weeks' notice, an employee may request, or may be directed to use, accrued compensatory time during any or all of this period. The department director, after consultation with the Department of Employee Relations, may place an employee on paid administrative leave for any or all of the two-week period. Appropriate notification of the resignation shall be sent to the Department of Employee Relations. An exit interview is available through the Department of Employee Relations for employee feedback. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.07.030**      **Transitional status and medical separations.**

An employee who can no longer perform the essential functions of his/her job because of injury, illness, or other medical condition, with or without reasonable accommodation, may be considered for transitional status. Once placed on transitional status, the employee's prognosis, treatment plan, and progress toward Maximum Medical Improvement (MMI) or return to work status will be periodically monitored to determine if and when the employee may return to work and whether the employee requires assignment to Alternative Duty. As part of this process, the Department of Employee Relations shall informally review the employee's transitional status every 90 days.

Transitional status may not exceed 12 months, except upon the approval of the Director of Employee Relations and the City Manager. If an employee has been on transitional status multiple times over a period, including the span of several months for the same or differing injuries or illnesses, the number of months will be added together

to determine the length of time the employee has been on transitional status. The time frame will be determined by the circumstances of the illness or injury. When the transitional status time frames reach a total of 12 months or 365 days, the employee will be considered for a medical separation. FMLA must be exhausted prior to the medical separation.

An employee placed on transitional status who has exhausted applicable Family Medical Leave hours may be separated from employment at any point if s/he will not be able to perform the essential functions of his or her job with or without reasonable accommodation. The ability to perform the essential functions of the job may be determined by a Duty Fitness Examination, as set forth in 4.08.010 and Administrative Regulation, "Duty Fitness Examinations." A separation under these circumstances will constitute a medical separation. Medical separations are not disciplinary and do not fall within the scope of the Disciplinary Procedure set forth in Section 4.20.040.

When the Department of Employee Relations, in conjunction with a physician's opinion and/or department director, determines that a medical separation may be necessary, it shall provide the employee written notice stating the department's rationale and setting a meeting to review the employee's circumstances. This informal, pre-separation review shall be conducted solely for all parties to consider the reasons that have led the Department to initiate a medical separation.

At this review, the employee may respond, orally and/or in writing, to the Department's reasons for considering a medical separation. Because this review is informal, the employee is not entitled to legal counsel at any administrative meeting.

If, following this informal review, the Department of Employee Relations, in conjunction with a designated physician and the employee's department director, determines that a medical separation is necessary, the employee will be notified in writing. This decision is final and cannot be appealed. Refer to Administrative Regulations "Transitional Status/Medical Separation" and "Family Medical Leave Act." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

#### **4.07.040 Retirement.**

Employees who meet certain age and service requirements are eligible for retirement from the City. Retirees are eligible for certain continued benefits, such as those outlined in the Benefits Book. Retirement terms are governed by applicable City policies, administrative regulations, and state and federal law. See the Employee Benefits Book for eligibility information as well as potential retiree benefits. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## **CHAPTER 4.08**

### **DUTY FITNESS EXAMS**

**The following chapter does not apply to Municipal Judges or City Council.**

**Section:**

**4.08.010 General.**

**4.08.010 General.**

The City of Lakewood has an obligation to provide a reasonably safe work environment. When the City determines that an employee may lack the ability to perform the essential functions of his/her job safely or reliably, the City may, at its expense, require the employee be examined by a physician or other health-care provider selected by the City. Non-routine evaluations may be required when:

A. A physical or mental condition appears to be adversely affecting an employee's ability to perform the essential functions of the job.

B. The employee's physical or mental condition may be adversely affected by the requirements of his/her position.

C. A safety or liability concern is identified that could be caused by the employee's physical or mental condition.

Refer to Administrative Regulation "Duty Fitness Examinations." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**CHAPTER 4.09**

**EMPLOYEE DEVELOPMENT**

**The following chapter applies to all employees except as otherwise specified herein.**

**Sections:**

**4.09.010 Policy.**

**4.09.020 Tuition assistance for employee development.**

**4.09.030 Meeting/training reimbursement.**

**4.09.010 Policy.**

The Department of Employee Relations, in consultation with employees and supervisors, determines City-wide training needs. Under the direction of the City Manager, the Department of Employee Relations will organize, coordinate, and administer intra-City training programs to advise and assist departments in developing, administering, and evaluating departmental training programs. Employee Relations will also administer a tuition assistance program, if available; and evaluate the effectiveness of training efforts. Each department is allotted a training budget for specialized training needs. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.09.020 Tuition assistance for employee development.**

Employees who wish to enroll in college courses for employee development may be reimbursed for a portion of tuition costs in accordance with the Administrative

Regulation "Tuition Assistance Program" and federal law. To be eligible for reimbursement, the courses must be related to the employee's work and/or career with the City of Lakewood. See Administrative Regulation "Tuition Assistance Program." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.09.030 Meeting/training reimbursement.**

The City may pay or reimburse the full cost of attendance at business and professional meetings or training sessions as approved by the department director. See Administrative Regulation "Training/Meeting Reimbursement." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**CHAPTER 4.10**

**PERFORMANCE EVALUATIONS\*\*\*\***

**The following chapter does not apply to the City Manager, Municipal Judges, or City Council.**

**Section:**

**4.10.010 General.**

**4.10.010 General.**

Each employee's performance shall be formally reviewed and evaluated at least annually in a format approved by the Department of Employee Relations. Performance reviews are not subject to appeal or grievance. See the "Supervisor's Manual for Performance Review and Development" on the City's intranet, COLOR. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**CHAPTER 4.11**

**EMPLOYEE TRANSPORTATION**

**Sections:**

- 4.11.010 Use of City-designated vehicles.**
- 4.11.020 Accidents while operating City-designated vehicles.**
- 4.11.030 Use of private vehicles.**
- 4.11.040 Rental cars for business purposes.**
- 4.11.050 Overnight use of City-designated vehicles.**
- 4.11.060 Use of cell phones.**

**4.11.010 Use of City-designated vehicles.**

City-designated vehicles are to be used for authorized City business only, and shall carry passengers only in connection with official business. An employee

authorized to drive a City vehicle must have a current and valid operator's license with appropriate vehicle class designation and a good driving record. Employees are required to observe all traffic laws and City and departmental regulations. All occupants are required to wear seatbelts, and no smoking is allowed in City vehicles. Drivers should avoid distracting themselves with activities such as talking, texting on cell phones, or eating. Should an employee be considered a risk, lose his/her license, or fail drug or alcohol testing, the employee may be prohibited from using City vehicles and may be terminated. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.11.020 Accidents while operating City-designated vehicles.**

If an employee is involved in an accident resulting in injury or damage to any property while operating a City-designated vehicle, the employee shall:

- A. Notify the local law enforcement agency;
- B. Make reasonable efforts, while staying safe, to protect the scene until the local law enforcement agency arrives and releases the vehicles. When possible, vehicles should not be moved until released by proper authorities;
- C. Prepare a vehicle accident report regardless of the degree of fault or damage in a collision, and forward it through his/her supervisor to Risk Management, Department of Employee Relations;
- D. Refrain from discussing the accident with anyone outside the City, other than the investigating police agency. All inquiries shall be directed to Risk Management, Department of Employee Relations;
- E. Report the accident to his/her supervisor no later than the next day. Refer to Administrative Regulation "Report of Accidents with City Vehicles;"
- F. Be tested for drugs/alcohol as required by City policy or the Department of Transportation. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.11.030 Use of private vehicles.**

- A. If an employee is required to use his/her personal car in the performance of his/her duties, the City will either reimburse the employee in accordance with Internal Revenue Service guidelines for the mileage driven or provide a car allowance at the rates specified by the City Manager.
- B. Each employee required to use his/her personal car shall maintain automobile insurance as required by state law.
- C. If the employee is involved in an accident while using a private vehicle on City business, the employee shall be responsible for damage or injury to others to the extent permitted by law. Risk Management must be notified within 48 hours. The employee is responsible for notifying his/her insurance agent and supervising the settlement of the claim through his/her agent.
- D. The City shall not be responsible for the following occurrences to privately owned vehicles:
  1. vehicle theft,
  2. theft of other private property,

3. vandalism, and/or
4. damage to the vehicle.

E. If City property is lost or damaged while under transport in a private vehicle despite the employee's care, the City may accept liability for the damage or loss.

Risk Management must be notified within 48 hours whenever such damage or loss has occurred. In the case of City property that is stolen or vandalized, a police report must be made with the local police jurisdiction. See Administrative Regulation "Car Allowances." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

#### **4.11.040 Rental cars for business purposes.**

Each employee required to use a rental car in the performance of his/her duties shall always elect loss damage waiver (LDW) coverage. For details, contact Risk Management, Department of Employee Relations. Requirements may change depending on the state in which a rental car is being secured. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

#### **4.11.050 Overnight use of City-designated vehicles.**

The City Manager will determine which employees will be authorized to keep City vehicles overnight. City vehicles shall not be used for personal reasons while at the employee's home. Periodic reviews and criteria for justification may be evaluated. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

#### **4.11.060 Use of cell phones.**

The City provides cell telephones to certain employees who need them to perform their jobs. The City encourages the responsible use of cell telephones by its employees while they are on City business. Refer to Administrative Regulation "Safe Use of Cell Phone While Driving," which addresses the use of cell phones while operating a City vehicle. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004)

## **CHAPTER 4.12**

### **EMPLOYEE POLITICAL ACTIVITIES**

#### **Sections:**

- 4.12.010 Federal and state elections and campaigns.**
- 4.12.020 Local elections and campaigns.**
- 4.12.030 Solicitation of contributions for political parties or candidates.**

#### **4.12.010 Federal and state elections and campaigns.**

An employee is free, on his/her own time and away from City offices, to participate in federal, state, county, and municipal campaigns and to openly express his/her views and support for candidates. An employee shall refrain, however, from any political activities which give the appearance that s/he represents the City or that interfere with the performance of his/her duties. Any employee whose position is federally funded shall be subject to the provisions of the Hatch Act, which prohibits such

employees from running for public office in a partisan election, using official authority or influence to interfere with or affect the results of an election or nomination, and coercing contributions from subordinates in support of a political party or candidate. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.12.020 Local elections and campaigns.**

A. An employee running for municipal office in the City of Lakewood shall not campaign or conduct political activities during working hours. Successful candidates shall resign from the employ of the City immediately upon election to municipal office.

B. Employees on City time shall not publicly support local candidates or ballot issues in the City of Lakewood, circulate nominating petitions, distribute any campaign literature or advertising, or display on City property any campaign literature or advertising on behalf of any candidate for municipal office in the City of Lakewood. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.12.030 Solicitation of contributions for political parties or candidates.**

An employee shall not be required to make any contribution to a political party, issue committee, an elected official, or to a candidate. His/her refusal to do so shall not be used to penalize the employee in any way. An employee on City time or in the workplace shall not solicit any such contributions. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

## CHAPTER 4.13

### PERSONNEL RECORDS

**Sections:**

- 4.13.010 General.**
- 4.13.020 Retention and destruction.**
- 4.13.030 Release of personnel information.**

**4.13.010 General.**

The Department of Employee Relations maintains information on each employee pertinent to his/her employment with the City. Every employee shall update his/her name, address, emergency contact information, and home telephone number in the HRIS system. A supervisor shall report any change in an employee's employment status to the Employee Relations Department. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.13.020 Retention and destruction.**

The Department of Employee Relations shall retain all personnel records and the Department of Finance shall maintain all payroll records of present and past City employees according to the direction of the state archivist. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.13.030 Release of personnel information.**

A. During office hours, an employee, former employee, designated representative, or legally designated personal representative of a deceased employee may examine the employee's personnel file as permitted by law. The employee or former employee may designate a representative by filing a signed, notarized document with the Department of Employee Relations.

B. An employee's personnel file shall be available to: 1) supervisors or potential supervisors of that employee, and 2) any employees assigned to the Department of Employee Relations.

C. The Department of Employee Relations may verify to a prospective employer the dates of employment, pay at separation, and the latest or last position title the City employee held. This is the only information that can be shared without a signed, notarized employee release form. Other employee information may be released to prospective employers, collection agencies, credit bureaus, loan officers, and other parties who need to know as long as the employee provides a signed, notarized release of information form.

D. In the event of conflict between this paragraph concerning the disclosure of personnel information and the requirements of the Colorado Open Records Act, Section 24-72-201, et seq. C.R.S., the provisions of the Colorado Open Records Act shall prevail.

E. The City will maintain employee medical information regarding each employee and his/her dependents or beneficiaries separate from other personnel records. It shall protect that information from unauthorized disclosure as required by state and federal law, including the Health Insurance Portability and Accountability Act (HIPAA). Refer to Administrative Regulation "Health Insurance Portability and Accountability Act (HIPAA), Privacy Regulations for Protected Health Information." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## CHAPTER 4.14

### EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

**Section:**

**4.14.010 Policy.**

**4.14.010 Policy.**

The City of Lakewood provides equal employment opportunities to all persons without regard to race, color, creed, national origin, religion, ancestry, sex, sexual orientation or gender expression, age, military service, veteran status, marital status, disability, or any other applicable status protected by state or federal law. The City does not tolerate unlawful discrimination or harassment of any kind.

The City promotes an atmosphere of respect and acceptance in all interactions both internally and externally. The City recognizes that its citizens and employees have varied backgrounds, experiences, and differences and works hard to create a culture of inclusion. The City strives to reflect its community while fostering the development and advancement of qualified individuals.

Any employee who believes s/he has been the subject of discrimination should immediately file a formal written complaint to report the alleged act to his/her supervisor or department director, or the Department of Employee Relations. Supervisors who receive these complaints shall immediately contact the Department of Employee Relations. The City of Lakewood, nor any of its employees, will not in any way retaliate against any individual who files such a complaint. Any individual found to have retaliated against an individual for filing such a complaint may be subject to whatever action the City deems appropriate, up to and including termination.

The City will act promptly to investigate reported discrimination. Based on its investigation, the City may take whatever action it deems appropriate, up to and including termination, to achieve an immediate remedy when an allegation is determined to be valid. Refer to Administrative Regulation "Equal Employment Opportunity." (Ord. O-2007-7 § 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § (part), 1999).

## CHAPTER 4.15

### HARASSMENT AND RELATED INAPPROPRIATE CONDUCT

**Sections:**

**4.15.010 Policy.**

**4.15.020 Definitions of sexual harassment.**

**4.15.030 Harassment.**

**4.15.040 Workplace violence.**

**4.15.050 Reporting harassment, sexual harassment, and workplace violence.**

**4.15.010 Policy.**

The City of Lakewood strongly disapproves of and does not tolerate unlawful harassment of any kind. Any harassment or offensive, inappropriate conduct that violates federal, state, or local laws or City policy is a violation of this policy and is grounds for discipline, up to and including termination. Such harassment includes harassment related to an individual's race, color, creed, religion, national origin, ancestry, sex, sexual orientation or gender expression, age, military service, veteran status, marital status, disability, or any other applicable status protected by state or federal law. It is the responsibility of every employee to avoid offensive or inappropriate conduct and to ensure that the work environment is free from harassment. Any employee who believes he/she has been the subject of harassment should immediately file a formal written complaint to report the alleged act to his or her supervisor or department director or the Department of Employee Relations. Supervisors who receive these complaints shall immediately contact the Department of Employee Relations. The City of Lakewood, nor any of its employees, will not in any way retaliate against any individual who files such a complaint. Any individual found to have retaliated against an individual for filing such a complaint may be subject to whatever action the City deems appropriate, up to and including termination.

The City will act promptly to investigation reported harassment. Based on its investigation, the City may take whatever action it deems appropriate, up to and including termination, to achieve an immediate remedy when an allegation is determined to be valid. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.15.020 Definitions of sexual harassment.**

For the purposes of this policy, the term "sexual harassment" refers to any unwelcome sexual attention, sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

- A. submission to such conduct is made either explicitly or implicitly a condition of an individual's employment, such as quid pro quo or an individual using power of his or her position. Also, using the power of one's position, such as a supervisor with a subordinate, to gain favors or to coerce someone,
- B. submission to or rejection of such conduct is used as the basis for employment decisions,
- C. such conduct unreasonably interferes with an individual's work performance, or
- D. such conduct creates an intimidating, hostile, or offensive working environment.

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

- A. Written form, including but not limited to e-mail, letters, notes, cartoons, posters, or calendars.

B. Oral form, including but not limited to comments, jokes, foul or sexually obscene language, gossiping, questions about another's sex life, or repeated unwanted requests for dates.

C. Physical gestures and other nonverbal behavior, including but not limited to unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.15.030 Harassment.**

The City prohibits all types of harassment. This policy applies to applicants, employees, volunteers, supervisors, and others. Classes protected from harassment include race, color, national origin, sex, sexual orientation and gender expression, ancestry, religion, disability, age, military, veteran, marital status, or any other applicable status protected by state or federal law. 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. Actions based on an individual's age over 40, race, sex, color, religion, ancestry, national origin, disability, or any other applicable status protected by state or local law will not be tolerated. Prohibited behavior includes not only physical force, but also verbal and/or abusive behavior, including, but not limited to the following:

A. Negative cartoons, e-mails, posters, drawings, photographs, or other visual material;

B. Verbal conduct such as derogatory comments, slurs, insults, comments threatening violence, demeaning or hostile remarks, or jokes;

C. Physical conduct such as assault or aggressive physical contact, tickling, bullying, horseplay that results in physical or emotional harm, and/or threatening or similar behavior.

Harassing behavior includes intimidating, menacing, tampering, stalking, erratic, explosive, or raging behavior. It may also include acting on negative stereotypes, hostile acts, and demeaning or hostile pranks. Any such behavior is considered harassment if a reasonable person could find such conduct creates a hostile situation or environment. It is not a hostile work environment for a supervisor to create legal, ethical expectations or position changes.

See Administrative Regulation "Harassment." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.15.040 Workplace violence.**

All violent conduct is prohibited in the workplace. The City of Lakewood requires a work environment free of threats of violence, intimidation, and violent acts, and all employees and volunteers have the responsibility to report abusive or potentially dangerous conduct to management. In addition, employees must refrain from making bizarre or offensive comments regarding violent events and/or behavior. Employees should directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

City employees, volunteers or contractors may not openly carry firearms into any workplace that has been posted with notice that the open carrying of firearms is prohibited. Any employee, volunteer, or contractor who has a concealed handgun permit and who desires to carry a concealed firearm into a municipal building that is not protected by security personnel and electronic screening devices must first notify the Department of Employee Relations. This restriction does not apply to those employees whose job description includes the carrying of firearms, such as sworn police personnel and court marshals.

In addition, no City employee, except for those whose job description includes the carrying of weapons, volunteer, or contractor shall bring any other weapons into the workplace. See Administrative Regulation "Workplace Violence." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

**4.15.050 Reporting harassment, sexual harassment, and workplace violence.**

The City of Lakewood will act promptly to investigate reported harassment, sexual harassment, and workplace violence. Based on its investigation, the City may take whatever action it deems appropriate, up to and including termination, upon completion of the disciplinary action process, and may effect an appropriate remedy when an allegation is determined to be valid.

Any employee who believes s/he has been the subject of unlawful harassment should file a formal complaint to report the alleged act immediately to his/her immediate supervisor or department director or to the Department of Employee Relations. Supervisors receiving such complaints shall immediately inform the Department of Employee Relations. Refer to the Administrative Regulations "Workplace Violence" and "Harassment." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**CHAPTER 4.16**

**MISCELLANEOUS RULES**

**Sections:**

- 4.16.010 Conflict of interest.**
- 4.16.020 Drug- and alcohol-impairment-free workplace.**
- 4.16.030 Safe work practices.**
- 4.16.040 Life-threatening illnesses.**
- 4.16.050 Privacy in the workplace.**
- 4.16.060 Liability for theft or damage of personal belongings.**
- 4.16.070 Criminal arrests and background checks on current employees.**

**4.16.010 Conflict of interest.**

The City prohibits its employees from engaging in any activity, practice, or act which conflicts with or is perceived to conflict with the interest of the City or its citizens. This may include outside employment. Any situation that creates an actual conflict of

interest or the appearance of such a conflict must be carefully avoided. An employee should notify his/her supervisor of any possible conflict of interest. Refer to Administrative Regulation "Conflict of Interest." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.16.020 Drug- and alcohol-impairment-free workplace.**

It is the City's intent to maintain a drug-free and alcohol-free, healthy, safe, and secure work environment. The City enforces a zero tolerance policy for drug use. In some positions, alcohol impairment that impairs an employee's work ability could lead to termination upon confirmed medical testing.

When the Department of Employee Relations determines that a separation may be necessary, it shall provide the employee with written notice.

Some positions, depending on job duties and exposure to privileged information, may require a pre-employment drug test. All employees who exhibit behavior indicative of being under the influence of drugs or alcohol may be subject to "reasonable suspicion" tests. Refer to Administrative Regulation "Drug and Alcohol-Impairment-Free Workplace Program." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.16.030 Safe work practices.**

The efficiency and effectiveness of the City is enhanced by safe work practices. All employees are expected to be aware of and follow safe work practices as part of the job. The City Manager shall require the Department of Employee Relations, Division of Risk Management, to coordinate safety matters with all City departments. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.16.040 Life-threatening illnesses.**

The City of Lakewood is committed to equal employment opportunities for all City employees and applicants. The City recognizes that employees and applicants with life-threatening conditions should be treated with compassion and understanding. Harassment or discriminatory practices directed at such employees or applicants will not be tolerated.

The City recognizes that most life-threatening illnesses pose no risk of transmission to co-workers through ordinary workplace contact. Some examples of these conditions are HIV/AIDS, heart disease, and cancer.

Employees who face a medically acknowledged risk of transmission from an employee who has a communicable disease may take reasonable steps to avoid transmission, as long as doing so does not cause undue hardship for the work team or the organization.

The City also recognizes the need for education about life-threatening illnesses. Refer to Administrative Regulation "Life-Threatening Illnesses." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.16.050 Privacy in the workplace.**

Any property belonging to the City of Lakewood, including but not limited to desks, lockers, files, computers, e-mail, voicemail, vehicles, and cell phones, are not private and can be searched without notice at any time. The City reserves the right to inspect any personal property an employee brings into a City building, any property an employee uses on the job, and any property an employee takes out of the workplace. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

**4.16.060 Liability for theft or damage of personal belongings.**

The City is not responsible for theft or damage of personal belongings at work or during work-related travel. (Ord. O-2007-7 § 1, 2007).

**4.16.070 Criminal arrests and background checks on current employees.**

The City requires any employee to notify his/her supervisor or the Department of Employee Relations in the event s/he is arrested and/or charged with any criminal offense (excluding minor traffic violations such as speeding tickets). Failure to notify may subject the employee to disciplinary action. The supervisor, in consultation with Employee Relations, will determine the relevance of the arrest to the employee's position. The Department of Employee Relations may initiate a criminal background check on an employee when it is in the interest of the City, such as when there is reason to believe the employee has been arrested or convicted of a crime that could compromise his/her City position, his/her coworkers, or if the crime constitutes cause for discipline.

An employee must notify his/her supervisor or the Department of Employee Relations when the employee is the subject of a restraining order that may affect his/her job functions or responsibilities. Only pertinent information will be considered for an employment action. An employee in a position of trust may have a background check performed periodically to ensure that the public's trust is being maintained. This includes an employee working in an enforcement position and those working with vulnerable populations. Refer to Administrative Regulation "Background Checks." (Ord. O-2007-7 § 1, 2007).

**PERSONNEL MERIT SYSTEM POLICIES\*\*\*\*\***

**The following chapters under the Personnel Merit System Policies apply to all employees except the City Manager, Court Administrator, Municipal Judges, department directors, division managers, City Council, provisional employees, and all temporary/seasonal employees, or as otherwise specified herein.**

## CHAPTER 4.17

### GENERAL PROVISIONS

**Section:**

**4.17.010 Violation of policies.**

**4.17.010 Violation of policies.**

Violation of any policy shall be grounds for disciplinary action, including but not limited to reprimand, suspension, demotion, or termination for non-exempt employees. Exempt employees may be reprimanded, suspended in accordance with applicable law, demoted, or terminated. An employee who has been terminated or suspended for more than two days and believes that the discipline was unjust may file an appeal according to procedures in these policies. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## CHAPTER 4.18

### PROBATION

**Section:**

**4.18.010 Probation.**

**4.18.010 Probation.**

Every employee who is appointed into a regular full-time or regular part-time position must serve a probationary period of at least six months. When the Department of Employee Relations and the department director find that special circumstances exist an employee may have the probationary period modified or waived. However, employees cannot be taken off an established probation early. During the probationary period, the supervisor shall develop goals for the employee's performance and shall periodically review them with the employee. Employees not meeting the standards or goals may be given an extended probationary period, transferred, demoted, or terminated.

During the initial probationary period, a newly hired employee is employed at the will of the City and may be terminated or demoted for any reason or no reason, without notice, and without application of Chapter 4.20.

A post-probationary employee who is promoted, transferred, or demoted may be removed from the new position and placed in a different position for any or no reason, without notice. During the subsequent probationary period, the only provisions of Chapter 4.20 that apply will be those related to termination for cause.

During any probationary period, an employee may not apply for a transfer, promotion, or demotion. The Department of Employee Relations and the employee's department director may jointly make exceptions to this provision if they find that the circumstances warrant an exception. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1,

2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999)

## CHAPTER 4.19

### TRANSFERS —PROMOTIONS —DEMOTIONS

#### Sections:

- 4.19.010**     **Transfers.**
- 4.19.020**     **Promotions.**
- 4.19.030**     **Demotions.**
- 4.19.040**     **Temporary assignments.**

#### **4.19.010**     **Transfers.**

A.     A department director, after consultation with the Department of Employee Relations, may transfer a qualified employee to another position at the same pay level, or to another assignment at a similar pay level in a different occupational group within the same or different department. Typically, a transferring employee will continue at his/her current pay rate. Transfers may be made involuntarily or when an employee applies for a vacant position. If the position is non-exempt, the position must be posted internally for five working days. In the case of reorganization, the provisions of Chapter 4.05, "Vacancies," apply.

B.     Except as provided in these policies, probationary employees may not apply for a transfer without the approval of the Department of Employee Relations and the recommendation of the employee's current department director.

C.     A department director, in his/her sole discretion, may transfer an employee to the same position in another department. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.19.020**     **Promotions.**

A.     Promotions must involve a definite increase in duties and responsibilities, must conform to the performance-based pay principles, and must not be made merely to effect an increase in the employee's compensation. The Director of Employee Relations, in conjunction with the department director, will approve all promotions.

B.     Movement by an employee from one occupational group to another in a higher range may be considered a promotion. A representative of the Department of Employee Relations shall determine whether a change in status is a promotion or transfer using current pay range information. As such, the employee shall receive compensation at an appropriate place in the pay range based upon the recommendation of the department director.

C.     Probationary employees, except those on promotional lists, may not apply for promotion. Exceptions may be made by the Department of Employee Relations upon the recommendation of the department director. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.19.030 Demotions.**

A department director, upon consultation with the Department of Employee Relations, may demote an employee:

- A. Who requests a demotion into a vacant position and successfully competes for the position;
- B. As a result of a reduction in force or reorganization; or
- C. For cause as set forth in Section 4.20.020.

An employee may not be demoted into a position for which s/he is unqualified or unable to perform the essential functions. Demoted employees will be expected to serve a probationary period, which will typically last at least six months. If the employee previously performed the duties of the position to which he or she was demoted, the probationary period may be waived. Employees not meeting the standards or goals may be given additional probationary time, reassigned to a different classification, or sent through the disciplinary action process. In that case, the provisions of Chapter 4.05, "Vacancies," apply.

The probationary period may be waived by the employee's new department director if the employee previously held a similar position in the City. An employee demoted due to a reduction in force may apply for transfers during his/her probationary period. An employee who receives or accepts a demotion will most likely experience a decrease in pay and will be paid within the range assigned to the employee's new position. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.19.040 Temporary assignments.**

All temporary assignments and pay decisions are made by the department director, in consultation with the Department of Employee Relations.

A. All employees may occasionally be asked to take on additional duties during an employee's absence or during a period of special need, with no change in pay, pay level, or job title.

B. Temporary promotion: A temporary promotion occurs when an employee takes on 100 percent of the duties and responsibilities of a higher-level position for at least 30 days but will be returning to his/her original assignment within a reasonable period of time, typically no longer than one year. During the temporary promotion, the employee will be paid within the range assigned to the higher-level position.

C. Temporary assignment with pay increase: The employee takes on a limited portion of the duties and responsibilities of a higher-level position for at least 30 days, but will return to his/her original assignment within a reasonable period. A temporarily assigned employee should receive a pay increase to reflect his/her increased duties, but may or may not be paid within the range assigned to a higher-level position.

D. Temporary assignment with pay decrease: An employee may temporarily take on all duties and responsibilities of a lower-level position for at least 30 days, but for no more than one year. An employee temporarily assigned to a lower-level position may or may not be paid within the range assigned to the lower-level position. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## CHAPTER 4.20

### DISCIPLINARY ACTION AND APPEAL PROCEDURE

#### Sections:

<b>4.20.010</b>	<b>Disciplinary action.</b>
<b>4.20.020</b>	<b>Definitions.</b>
<b>4.20.030</b>	<b>Forms of disciplinary action.</b>
<b>4.20.040</b>	<b>Disciplinary procedure.</b>
<b>4.20.050</b>	<b>Appeal of disciplinary action.</b>
<b>4.20.060</b>	<b>Modification of disciplinary action.</b>
<b>4.20.070</b>	<b>Time limits.</b>

#### **4.20.010 Disciplinary action.**

The City of Lakewood is committed to providing a productive, safe, and professional work environment. Inappropriate conduct is not tolerated. Disciplinary action may be taken for unsatisfactory performance or unacceptable conduct. Discipline need not be progressive, and the City may take any steps appropriate for the circumstances. Each disciplinary action is unique to the situation and does not set a precedent for future disciplinary actions against others. Medical separations are not considered disciplinary actions and are not subject to the disciplinary action procedure. See Chapter 4.07.030. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.20.020 Definitions.**

A. "Disciplinary authority" for the City of Lakewood shall be the City Manager, the department director, the division manager, and the appropriate supervisor. A department director shall have the authority to reprimand, demote, suspend without pay, and/or terminate. Division managers shall have the authority to reprimand and/or suspend without pay for up to two working days. Supervisors shall have the authority to reprimand and/or to effect temporary and immediate administrative leave with pay. Administrative leave is non-disciplinary (see definition in Section 4.01.060).

B. "Disciplinary action" refers to action taken by the disciplinary authority against an employee for cause, including reprimand, suspension, demotion, or termination. When a position is eliminated or reduction in force occurs, resulting demotions or terminations shall not be deemed disciplinary action, and therefore the employee is not entitled to any appeal rights under Sections 4.20.050 and 4.20.060. See applicable Administrative Regulations "Conduct of Appeals of Disciplinary Actions" and "Modification of Disciplinary Action by City Manager."

C. "Cause" for disciplinary action includes, but is not limited to:

1. Unsatisfactory work performance, including a failure to demonstrate a reasonable competence, failure to perform the duties of the position in a satisfactory manner, or failure to demonstrate acceptable work conduct and behaviors as determined by management.

2. Violation of work hours or department attendance policies, including job abandonment. Job abandonment results when an employee does not report for work as scheduled or does not give reasonable notice of absence before his/her scheduled work shift. See Administrative Regulation "Unexcused Absences."

3. Failure or refusal to follow a supervisor's instructions.

4. Harassment, including physical or verbal abuse. Some examples are: intimidating, menacing, tampering, stalking, erratic or raging behavior, threats of violence, horseplay that results in physical or emotional harm, and threatening behavior. It may also include insults; comments or actions based on negative stereotypes; hostile acts, pranks, or remarks; and circulating offensive or demeaning materials. See Administrative Regulations "Workplace Violence" and "Harassment."

5. Entry of a plea of guilty or nolo contendere or entry into a deferred judgment and sentence or conviction for a felony.

6. Failure to report an arrest and/or charge of a crime (excluding minor offenses and traffic offenses). An employee who does not wish his/her supervisor to know about the arrest or charge may inform the Department of Employee Relations instead.

7. Committing a morally vile crime, any crime that involves the abuse of public office, or any breach of law consistent with the terms of Section 24-34-402.5, C.R.S.

8. Conduct outside the workplace that interferes with the employee's ability to properly perform his/her duties or that substantially prejudices the conduct of the City's business. This also pertains to inappropriate conduct outside the workplace that affects the public trust by an employee in a position of authority, including, but not limited to, enforcement and child-care-related positions.

9. Violation of conflict of interest provision as set forth in Section 4.16.010. See Administrative Regulation "Conflict of Interest."

10. Falsification or material omission in the employment application process, any City-related record, and/or any verbal or written communication.

11. Any conduct demonstrating dishonesty in the workplace.

12. Any theft, willful or negligent damage, waste, or unauthorized or improper use of property or assets belonging to the City, an employee, or anyone else. Unauthorized or improper employee use of City services, software, Internet, phone mail, e-mail, or equipment. Refer to Administrative Regulations "E-mail Systems Usage Policy" and "Internet Access and Usage Policy."

13. Disclosing sensitive or confidential information.

14. Possession or use of alcohol or drugs or being under the influence of alcohol or drugs while on duty or on call. Testing positive on a drug or alcohol test, regardless of when or how the alcohol or drugs were consumed. If an employee is taking medication that could affect judgment, impair the ability to do the job well or safely, or makes the employee appear to be under the influence of drugs or alcohol, s/he shall bring medical documentation to his/her supervisor.

15. Any action or condition that poses a direct threat to anyone's health or safety or to City property.

16. Failure to maintain specified department physical or mental fitness levels.

17. Conduct that violates any federal or state anti-discrimination law pertaining to employment, including all forms of harassment or discrimination.

18. Refusal or neglect to work overtime as directed, to work a designated shift or schedule, working overtime without authorization, or to answer or efficiently operate pagers or cell phones.

19. Violation of state or federal law or City policies, procedures, ordinances, administrative regulations, or department rules.

20. Conduct that would compromise or harm the City's or the public's interest, such as damaging a reputation or sabotaging a negotiation.

21. Any other unsatisfactory performance, breach of confidentiality, or unacceptable conduct which, in the opinion of management, affects the employee's performance or the effective functioning of other employees, or undermines public trust in the integrity of the City.

D. Administrative leave with pay may be effected by a disciplinary authority when there is need to remove the employee from the workplace promptly because of a possibility of violence, disruption of work, insubordination, damage to property or persons, and apparent use of intoxicants or drugs, or for any other reason that requires prompt removal. When the City needs to conduct an in-depth investigation, a disciplinary authority may place the employee on administrative leave with pay. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.20.030 Forms of disciplinary action.**

A. Reprimand. A disciplinary authority may reprimand an employee in writing.

B. Suspension. A disciplinary authority may suspend an employee from employment without pay. An employee who is charged with a crime may be placed on administrative leave with or without pay, suspended with or without pay, or terminated at the discretion of the City. While the employee awaits criminal prosecution, the City may keep the employee on suspension and delay the disciplinary process.

C. Demotion. A disciplinary authority, upon consultation with the Department of Employee Relations, may demote an employee.

D. Termination. A disciplinary authority, upon consultation with the Department of Employee Relations, may terminate an employee.

Medical separations are not considered disciplinary and do not fall within the scope of the disciplinary procedure set forth in Section 4.20.040. See Section 4.07.030, Transitional status and medical separations. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.20.040 Disciplinary procedure.**

A. Reprimand. A disciplinary authority may reprimand an employee in writing. A written reprimand shall become a permanent record in the employee's personnel file. The employee shall receive a copy of a written reprimand and may write a response. A copy of any response submitted shall also be kept permanently in the employee's personnel file.

B. Suspension of up to two work days. A division manager or department director, in consultation with a representative from the Department of Employee Relations, may suspend an employee for up to two work days. Prior to imposing the suspension, the disciplinary authority shall meet with the employee to discuss the matter and proposed action. The employee will receive a written suspension notice for his/her personnel file. The employee is entitled to write a response, which shall also be permanently placed in the personnel file

C. Suspension of more than two days, demotion and termination. When an employee, by behavior or performance, shows the supervisor or other disciplinary authority that these disciplinary actions may be required, the following procedures shall be employed:

1. Within a reasonable time period after determining that a disciplinary action is warranted, the supervisor will prepare a "Recommendation of Disciplinary Action" memorandum containing a rationale and recommended action. The supervisor should submit the recommendation through the line of authority to the appropriate department director. This memorandum will not be available to the employee or made part of the employee's personnel file.

2. The department director shall, in consultation with the Department of Employee Relations, conduct an appropriate review. If s/he decides that disciplinary action is appropriate, the department director shall notify the employee in writing why s/he is considering disciplinary action. This "Notice of Consideration of Disciplinary Action" outlines the Recommendation of Disciplinary Action memorandum, excluding the recommended action to be taken. It also sets a time and place for the employee to meet with the department director to respond to the notification. It offers the chance for the employee to submit a written or verbal response. This memo and any subsequent response shall be permanently placed in the employee's personnel file.

3. After the employee receives this memorandum, s/he will meet with the department director to review any response. The employee is not entitled to any representation, including legal counsel, at this meeting. At the department director's discretion, the employee's supervisor may be present. The department director shall then determine what disciplinary action, if any, shall be taken. If disciplinary action is taken, the employee shall receive a memorandum explaining the discipline, which could be termination, demotion, or suspension of more than two days. This memorandum shall include reasons and the effective dates of the action, and will be placed in the employee's personnel file as a permanent record. If the disciplinary action is termination, demotion, or suspension of more than two days, the notice shall advise the employee of his/her appeal rights. The disciplinary action takes effect as recommended in the memorandum regardless of any subsequent appeal. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.20.050 Appeal of disciplinary action.**

Persons terminated, demoted, or suspended for more than two working days, shall be entitled to appeal. An appeal may be initiated only by filing written notification with the Director of Employee Relations within 10 calendar days of receiving written notification of the disciplinary action.

A. The Director of Employee Relations shall maintain a list of impartial and qualified hearing officers. Upon receipt of any notice of appeal of disciplinary action, the Director of Employee Relations shall provide the employee with this list, and the employee shall select a hearing officer based on availability. If the employee does not select a hearing officer from this list within 10 calendar days after receiving the list, the City will choose a hearing officer. It is the Department of Employee Relations' responsibility to schedule a hearing within 90 days of the appeal. If within 10 days after the selection of a hearing officer, the appellant and/or the appellant's attorney have failed to cooperate in the scheduling of the hearing, the appeal is dismissed. If the hearing is not scheduled in a 90-day time period of choosing a hearing officer, due to the appellant and/or the appellant's attorney, the appeal is dismissed.

B. The hearing officer shall conduct a hearing according to the Administrative Regulation "Conduct of Appeals of Disciplinary Actions," which provides for notice, procedures to be employed during the hearing, and the right of the appellant to be represented by a layperson or attorney.

The hearing officer may issue subpoenas for witnesses, books, records, documents, and other evidence, and shall have the power to administer oaths. The hearing officer shall be responsible for the conduct of the hearing. No subpoena shall be issued for records pertaining to the discipline or the investigation of any other City employee. No parties shall be entitled to subpoena any evidence not admissible at the hearing. Either party may apply to the hearing officer for the issuance of a subpoena. Subpoenas so issued shall be served and, upon application to the District Court of Jefferson County by a party or the hearing officer, enforced in a manner provided by law for the service and enforcement of subpoenas in civil actions. After a party or the hearing officer submits an application to the District Court of Jefferson County, subpoenas shall be served and enforced according to the civil action statutes. No party shall be entitled to subpoena any inadmissible evidence. The hearing officer has no authority to order the taking of depositions, responses to interrogatories, responses to requests for production of documents, or physical or mental examination of any persons.

The City may be represented by anyone of its choice, including the City Attorney. The Director of Employee Relations will attend.

The hearing shall be held at a location designated by the City.

The hearing officer shall decide the outcome within 30 calendar days after the hearing is completed, unless good cause exists for additional time. The hearing officer's sole purpose is to determine whether or not cause for disciplinary action existed; s/he has no authority to modify disciplinary action. Hearings are closed to the public. After considering the evidence, the hearing officer shall make findings of fact and conclusions in writing, stating whether cause for discipline exists. Those findings shall be sent to the City Manager, the appellant or his/her representative, the representative of the City, and the Director of Employee Relations. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

**4.20.060 Modification of disciplinary action.**

The City Manager may modify any disciplinary action taken in any instance where cause is found for disciplinary action. See Administrative Regulation "Modification of Disciplinary Action by City Manager." If the appellant requests a modification in writing, the City Manager may consider changing the level of discipline. This notification should include reasons for modification, including discipline imposed upon others; his/her own work and discipline record; and any other mitigating circumstances. This request must be submitted directly to the City Manager within 10 calendar days of notification of the hearing officer's findings. This request should be focused on the original cause(s) for disciplinary action, but is not to further review whether there was cause for disciplinary action.

After reviewing the findings of fact and conclusions, the City Manager may accept, reject, or modify the decision of the hearing officer. In addition, the City Manager may conduct a hearing de novo or a limited supplemental hearing. Administrative Regulation "Modification of Disciplinary Action by City Manager" shall provide for notice, procedures to be employed during any hearing, and the right of an employee to representation. The City may be represented by anyone of its choice, including the City Attorney. The City Manager shall conduct the review and render a decision. The City Manager shall notify the person appealing, the department director, and the Director of Employee Relations of his/her decision and shall order whatever action, if any, is necessary to implement his/her decision. The City Manager may modify the disciplinary action where cause is found. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**4.20.070 Time limits.**

If the appellant or his/her representative fail to meet the deadlines stated in Chapter 4.20, the disciplinary action and appeal process will be invalidated and the disciplinary action decision will be upheld. City failure to meet any of these time limits shall not invalidate the process or disciplinary action taken. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

**CHAPTER 4.21**

**GRIEVANCE PROCEDURES**

**Sections:**

**4.21.010 Statement of policy.**

**4.21.010 Statement of policy.**

The City of Lakewood is committed to good employee relations practices and sound human resources management. Circumstances may arise, apart from disciplinary actions, which cause employee dissatisfaction. The following grievance procedures allow eligible employees to present complaints without fear of reprisal:

A. When an employee believes that an aspect of his/her work environment, other than a disciplinary action; general City policy or procedure; performance review; or

classification, pay, and benefits is adversely affecting his/her work, the employee may file a grievance using the following process:

1. Within five working days of the matter leading to the grievance, an employee must present the appropriate supervisor with a memorandum describing his/her grievance, stating the facts and the desired action.

2. The department director will immediately notify the Department of Employee Relations.

3. The supervisor should work with the employee as soon as possible to rectify the matter. If the matter remains unresolved, the supervisor must explain to the employee, in writing, the supervisor's position.

4. If the employee is dissatisfied with the supervisor's explanation, the employee has five working days to submit a written appeal to the department director. The appeal must indicate the employee's reasons for differing with his/her supervisor's decision.

5. The department director will meet with the employee and the supervisor to discuss the grievance. If discussion does not settle the grievance, the department director will write a decision, which shall be final. The department director may contact the Department of Employee Relations for assistance in the resolution.

6. The department director will notify the Department of Employee Relations about the action taken.

7. This grievance procedure is an internal process and does not allow any outside representation, including family members or attorneys.

8. Employees may not file a grievance based on teleworking.

9. If it is determined that the grievance is harassment, then the procedures found in the Administrative Regulations "Harassment" or "Equal Employment Opportunity" will supersede these grievance procedures. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## **POLICIES APPLICABLE TO EXECUTIVES**

### **CHAPTER 4.22**

#### **REMOVAL OR SUSPENSION**

##### **Sections:**

- |                 |                              |
|-----------------|------------------------------|
| <b>4.22.010</b> | <b>At-will employment.</b>   |
| <b>4.22.020</b> | <b>Severance agreements.</b> |

##### **4.22.010 At-will employment.**

Executive personnel (employees who occupy positions in the Executive Occupational Group) are employed at the will of the City and may be terminated, demoted, placed on administrative leave, or suspended without pay for any reason or no reason, with or without notice, and/or may leave at any point. Neither the City of Lakewood Municipal Code, the City Administrative Regulations, Pay Plan, nor the Benefits Book should be construed by any Executive employee as an express or

implied contract guaranteeing the rights of any employee permanently. The City Manager is authorized to terminate Executive personnel. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.22.020 Severance agreements.**

The City Manager may offer a severance agreement to a department director. A department director may offer a severance agreement to a division manager. The City Manager will set forth severance agreement policies or procedures. Severance agreements will not exceed three months without approval of the City Manager. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

### **CHAPTER 4.23**

#### **GENERAL PROVISIONS**

##### **Sections:**

- 4.23.010 Travel insurance.**
- 4.23.020 Relocation benefits.**
- 4.23.030 Deferred compensation annuity program.**

#### **4.23.010 Travel insurance.**

The City may pay the life insurance policy premium for accidental death for Executive personnel traveling on City business. The City shall own the policy, but the Executive covered shall designate beneficiary/ies. Other terms, as well as conditions and effective dates, must be approved by the City Manager. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.23.020 Relocation benefits.**

The City Manager is authorized to pay limited temporary housing benefits to any Executive personnel, department directors, and division managers relocating to the area. The amount, method, form, and reasons for temporary housing payments shall be set forth in a memorandum executed by the employee and the department director. The department director is authorized to reimburse an Executive employee for all or some of the actual expenses incurred in relocating personal and household belongings to the City. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.23.030 Deferred compensation annuity program.**

The City may commence a deferred compensation annuity program for department directors, provided that it not amend or abolish any other ordinance of the City relating to a separate deferred compensation plan for any City employee. The City Manager may approve a contribution plan for department directors, not to exceed the

limits imposed by IRS regulations. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## **CHAPTER 4.24**

### **SALARIES**

#### **Sections:**

#### **4.24.010 Annual salary of City Manager.**

#### **4.24.010 Annual salary of City Manager.**

The City Manager's annual salary shall be established by contract between the City Council and the City Manager, and may be revised periodically by City Council resolution. The salary shall be paid according to the current payroll procedure for other positions. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## **POLICIES APPLICABLE TO TEMPORARY/SEASONAL EMPLOYEES**

### **CHAPTER 4.25**

#### **GENERAL PROVISIONS**

#### **Sections:**

#### **4.25.010 Pay plan.**

#### **4.25.020 Benefits.**

#### **4.25.030 Change of status.**

#### **4.25.040 Miscellaneous policies.**

#### **4.25.010 Pay plan.**

Subject to approval by the City Manager, any department may hire temporary or seasonal employees at prevailing rates of pay as set forth in the City of Lakewood pay plan. Refer to Administrative Regulation "Temporary Part-time and Seasonal Pay Plan." (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.25.020 Benefits.**

Temporary/seasonal employees are not eligible for benefits, such as vacation, sick leave, holidays, group life insurance, disability income insurance, or medical and dental insurance. They are, however, enrolled in a mandatory Social Security replacement pension plan. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.25.030 Change of status.**

If a temporary/seasonal employee is appointed to a regular or provisional position, the date of that appointment shall constitute the employee's "date started" in

the Human Resources Information System (HRIS) for purposes of tenure. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.25.040 Miscellaneous policies.**

The following paragraphs contained in the General Policies also apply to temporary/seasonal employees: Equal Employment Opportunity Policy Statement, Duty Fitness, Overtime, Family and Medical Leave as required by law, Military Leaves of Absence, Workers' Compensation, Non-Job-Related Jury or Court Leave, Use of City-Designated Vehicles, Accidents While Operating City-Designated Vehicles, Use of Private Vehicles, Overnight Use of City-Designated Vehicles, Federal and State Elections and Campaigns, Solicitation of Contributions for Political Parties or Candidates, Personnel Records (General), Personnel Records (Retention and Destruction), Release of Personnel Information, Harassment and Related Inappropriate Conduct, Workplace Violence, Life-Threatening Illnesses, Conflict of Interest, Safe Work Practices, Drug-and Alcohol-Impairment-Free Workplace, and such other programs and policies as are designated by applicable law or provision. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

## **POLICIES APPLICABLE TO ELECTED CITY COUNCIL OFFICIALS**

### **CHAPTER 4.26**

#### **ELECTED OFFICIALS**

##### **Sections:**

- 4.26.010 Travel insurance.**
- 4.26.020 Pay of elected officials.**
- 4.26.030 Workers' compensation.**

#### **4.26.010 Travel insurance.**

The City may pay the life insurance policy premium for accidental death for elected officials traveling on City business. The City shall own the policy, but the covered official shall designate the beneficiary/ies. Other terms, as well as conditions and the effective date, shall be subject to approval by the City Manager. (Ord. O-2007-7 § 1, 2007; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.26.020 Pay of elected officials.**

- A. Commencing with the new term of office resulting from the November 3, 2009 election, each City Council member shall receive an annual compensation of \$12,873.00.
- B. Commencing with the new term of office resulting from the November 6, 2007 election, the Mayor shall receive an annual compensation of \$30,402.00.

C. The compensation shall be divided into equal payments and paid in accordance with the current payroll procedure for other positions.

D. During the November prior to each mayoral election, the City Council shall review the Mayor's and City Council members' compensation. Any adjustment shall be established by ordinance and take effect according to the Lakewood Home Rule Charter. (Ord. O-2007-14 § 1,2, 2007; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001; Ord. O-99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).

#### **4.26.030 Workers' compensation.**

Elected officials injured on the job are entitled to workers' compensation benefits as provided by the Workers' Compensation Act. This self-insurance program offers medical bill payment and salary protection when work is missed due to the injury. An injured elected official must notify the mayor of the injury in writing immediately. Pursuant to Colorado Law, written notice must be given to the Risk Management Division, Department of Employee Relations, within four working days of the occurrence of the injury. (Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

SECTION 2. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 23<sup>rd</sup> day of November, 2009; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 26<sup>th</sup> day of November, 2009; set for public hearing on the 14<sup>th</sup> day of December, 2009, read, finally passed and adopted by the City Council on the 14<sup>th</sup> day of December, 2009 and, signed and approved by the Mayor on the 15<sup>th</sup> day of December, 2009.

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Bob Murphy, Mayor

ATTEST:

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Margy Greer, City Clerk

APPROVED AS TO FORM:

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Tim Cox, City Attorney