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GENERAL POLICIES¹

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Chapter 4.01

GENERAL PROVISIONS

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4.01.010 Applications and authority.

The Personnel Policies set forth in this Chapter shall be applicable to all employees of the City of Lakewood except as otherwise provided by statute, judicial decision, City charter, ordinance or the policies set forth in this Chapter. In accordance with Section 5.10 of the City Charter, all employees of the Municipal Court, except as otherwise provided in the City’s Charter, shall be subject to the personnel merit system. The Presiding Municipal Judge shall have the power and authority to appoint, promote, suspend, transfer, and remove employees of the Municipal Court subject to the provisions of the Charter and the personnel merit system. Notwithstanding this limitation, the Presiding Judge of the Municipal Court shall have the power and authority to promulgate such rules and orders as may be necessary and proper provided that such rules and orders do not conflict with the requirements of the personnel merit system or Colorado Supreme Court Rules. The City Attorney shall have the power and authority to appoint, promote, suspend, transfer, and remove City of Lakewood employees of the City Attorney’s Office in accordance with the provisions of the personnel merit system. The Director of Human Resources 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 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-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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.


4.01.030 Prerogatives reserved.

The administration of the City of Lakewood may manage the City of Lakewood’s business using its judgment and following applicable statutes, ordinances, and regulations, to:
A. Discipline employees as appropriate for cause pursuant to the Personnel Merit System;
B. Hire, promote, demote, transfer, assign, separate, retire, separate through a reduction in force, 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 work week;
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 of Lakewood property and equipment;
H. Reduce or expand the operation of the City of Lakewood or its departments;
I. Determine the number, size, location, and operation of facilities and departments, groups, or divisions;
J. Determine City of Lakewood 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;
N. Introduce technological changes and new, improved, or modified services, methods, techniques, and equipment;
O. Direct and supervise the work force; and

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. Current policies and administrative regulations shall be maintained in each department, on the City of Lakewood’s intranet, and in the Department of Human Resources. The Personnel Policies shall be public records available for inspection by the public during normal business hours. (Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 regulations.

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 Human Resources.
- Administrative regulations: These set forth the procedures, rules, and regulations pertaining to the administration of the Personnel Policies. The City Manager has the authority to amend them.

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Alternative duty: In some circumstances, a temporary adjustment to an employee’s job duties incorporating physician-ordered medical restrictions may be possible. Such assignments are available at the supervisor’s discretion. Alternative Duty may include temporary assignment, a different position, temporary limitations on the number of hours worked, or some combination of all alternatives.

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.

At-will employment: An employee serving at the will of the City of Lakewood may separate employment at any time or be separated at any time, for any or no reason. At-will employees at the City of Lakewood generally include division managers and higher, and provisional and temporary/seasonal employees. New employees serving an initial probationary period also serve at-will.

Career ladder: A path for advancement within a profession with expectations and qualifications defined for each level. Each department retains the right to determine, in consultation with the Department of Human Resources, expectations, movement, and distribution on the ladder.

Classification: Determination of the occupational group, pay level, and exemption status 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 of Lakewood.

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. Use of accrued comp time is not required within the pay period in which the time was earned. Time is recorded according to a 40-hour week (or 80 hours in a two-week pay period for police agents, police sergeants, and court marshals).

Contractor or independent contractor: An individual who performs work for the City of Lakewood, but is not a City of Lakewood 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 Chapter 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. Department Directors report directly to the City Manager.

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 may exercise disciplinary authority as set forth in these policies.

Employee: Someone hired into a paid position.

Employee development: Instruction designed to maintain or increase the proficiency, qualifications, knowledge, skills, and abilities of City of Lakewood employees.
Employment seniority: The total number of consecutive months of service to the City of Lakewood as of the most recent date of hire to a regular or provisional position, regardless of department or classification. Employment seniority will be represented by the date reflected in the “date started” field in the Human Resources Information System (HRIS).

Exempt: An employee who is exempt from certain provisions of the Fair Labor Standards Act (FLSA). Exempt employees do not receive overtime pay for hours worked more than 40 in one week.

Family and Medical Leave which includes Military Family Leave Entitlement: 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: A regular employee who works a minimum of 37 average hours per work week 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 an employee’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.

Job posting: A minimum five-day notice available to City of Lakewood employees outlining the essential functions, requirements, and details of an open position.

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).

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 of Lakewood administrative regulations and the Fair Labor Standards Act (FLSA) offer certain exceptions to overtime.

Part-time employee: A regular employee who normally works an average of 30-36 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.


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. This requires using accrued leave (other than sick leave).

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

• **Positional 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 Human Resources, seniority may be reinstated to an earlier date. Positional seniority will be represented by the date reflected in the “date in current job” field in the Human Resources Information System (HRIS).

• **Position change:** A movement from one specific job in the City of Lakewood to another.

• **Positional probation:** Any regular employee who receives a promotion, demotion, or lateral transfer shall serve a period of positional probation and remains otherwise entitled to the procedures outlined here for regular employees.

• **Probationary employee:** An employee newly hired, serving a probationary period. An initial probationary employee is at will.
  - **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. Provisional employees serve at will.

• **Reclassification:** A newly assigned classification of a position based on a study of various criteria pertaining to the position. A position classified from full time to part time or vice versa is considered a reclassification.

• **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 that alters the need for a position. Also known as RIF.

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

• **Resignation:** A voluntary separation from employment. An impending resignation should occur in writing when practical. If an employee voices the intent to resign, the supervisor may accept this declaration with a third party as a witness.

• **Retirement:** Separation from the City of Lakewood by an employee who meets specific criteria outlined in the “Employee Benefits Book.” A retirement must occur in writing.

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

• **Separation:** General term for any employee departure from City of Lakewood employment.
Special review: A set time period after an employee’s overall performance is rated “Needs Improvement” or “Unacceptable.” This is a tool to improve or develop an employee’s performance. If performance does not improve and remain consistent or is not sustained, the employee may be subject to disciplinary action, up to and including termination.

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 as appropriate under the circumstances, and may be imposed during a pending criminal prosecution. The City of Lakewood may delay disciplinary action through the suspension period.

Temporary assignment: A period during which an employee takes on different or additional responsibilities. Compensation may increase temporarily, but position and title remain the same.

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 serve at will and are entitled to limited benefits and privileges.

Termination: Involuntary separation from employment.

Transfer: The movement of any City of Lakewood employee from one position to another with the same or similar pay level and degree of responsibility, or from one department/division to another department/division. This can be a temporary, permanent, voluntary, or involuntary assignment. Such a transfer will not result in a change in compensation.

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 the position, with or without reasonable accommodation. An employee may receive FML or need to work an alternative or reduced-hour schedule. Such employee placed on transitional status may be offered alternative duty. Transitional status may be used for up to one year with a possible four-month extension for good cause. The length of transitional status will take into account the number of employees in the unit and is determined by the supervisor or manager of that unit in consultation with Department of Human Resources. The transitional status process is administered in accordance with Chapter 4.07.030.

Vacancy notice: A five-day minimum posting to City of Lakewood employees outlining the essential functions, requirements, and details of a vacant position. This is also known as a “Job Posting.”

CHAPTER 4.02
PAY PLAN

The following chapter applies to: Regular full- and part-time employees,
Temporary/seasonal employees, Provisional employees

The following chapter does not apply to: City Manager, Presiding Judges, City Council, Mayor

Sections:
  4.02.010 Pay concepts and philosophies.
  4.02.020 Establishment of classifications.
  4.02.030 Maintenance of plan.
  4.02.040 Placement of positions within pay levels.
  4.02.050 New positions.
  4.02.060 Reclassification.
  4.02.070 Pay.
  4.02.080 Use of pay ranges.
  4.02.090 Police step system.
  4.02.100 Pay advancement.
  4.02.110 Bonus plan.
  4.02.120 Additional regulations.

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

At least annually, the Department of Human Resources 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/Seasonal Pay Plans.” All employees shall be assigned a pay range and paid biweekly. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 base pay as established by Chapter 4.02. The City Manager shall authorize the classification titles and corresponding occupational category levels. (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 of Lakewood. 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

4.02. 040 Placement of positions within pay levels.


4.02.050 New positions.


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. Additionally, a reclassification may be applicable if the job evolves into a position that currently exists in the pay plan, or when sustained market data indicate the need for a reclassification. (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, along with an accurate job description, shall be submitted in writing as directed by the Administrative Regulation “Reclassification/Classification Requests." This regulation requires a supervisor to list reasons for a reclassification study. The Department of Human Resources 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.


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 Human Resources the base pay rate of each City of Lakewood employee. Relevant factors in establishing 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. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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/pay steps.

4.02.090  Police step system.
A movement of Police agents’ pay through a determined set of increases scheduled in the pay plan. In addition, appointments or reinstatement for Police agents shall be authorized at the appropriate step rate. (Ord. O-2014-9 § 1, 2014)

4.02.100  Pay advancement.

4.02.110  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 compromise the total compensation budget for the fiscal year. (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).

4.02.120  Additional regulations.
CHAPTER 4.03

RECRUITMENT

The following chapter applies to: Job applicants, Regular full- and part-time employees, Temporary/seasonal employees, Provisional employees

The following chapter does not apply to: City Manager, Presiding Judges, City Council, Mayor

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 of Lakewood 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. If an eligibility list has been established, the position does not need to be re-advertised. (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; (Ord. O-2019-24 § 4, 2019; 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.


4.03.030 Announcement of vacancies.


4.03.040 Application forms and résumés.

4.03.050 Disqualification of applicants.

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

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. They present an unsatisfactory employment or personal record. Those could include, but are not limited to, reference checks, criminal history, credit history, motor vehicle record, or any City of Lakewood record. 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. They are not in the City of Lakewood’s determination, the best fit candidates or their qualifications and abilities do not closely meet the City of Lakewood’s current organizational needs.
F. They are on probation as current employees. Exceptions to this provision may be made by the employee’s current department director and the Director of Human Resources.
G. They are under special review. Exceptions to this provision may be made by the employee’s current department director and the Director of Human Resources.

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 of Lakewood may face liability as a result of a misclassification, it is important for Department Directors to follow the guidelines below and current employment law when employing contractors. Supervisors may consult with the Department of Human Resources to determine if an individual is an independent contractor. See Administrative Regulation “Independent Contractors.” The factors tending to show true independent contractor status include, but are not limited to:

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 of Lakewood 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.
CHAPTER 4.04

EXAMINATIONS

This chapter applies to: Regular full- and part-time employees, Provisional employees, Temporary/seasonal employees

This chapter does not apply to: City Manager, Presiding Judges, Mayor, City Council.

Section:

4.04.010 Nature and type.

Pre-employment examinations may be administered to measure job-related qualifications. Examples of tests include typing, writing, performance, or physical agility. Pre-employment exams may test only functions necessary to the position in question. The Department of Human Resources, in conjunction with the hiring department, shall be responsible for developing, implementing and maintaining examinations, in accordance with applicable laws and regulations. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 applies to: Job applicants, Full- or part-time employees, Temporary/seasonal employees, Provisional employees

The following chapter does not apply to: City Manager, Presiding Judges, City Council, Mayor

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 Human Resources 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 Vacancy notices shall be posted on all official City of Lakewood bulletin boards, including COLOR, for a minimum of five working days. Job shares do not need to be posted if the status changes to a regular full-time position or two regular part-time positions. During this period, eligible non-probationary employees may apply by submitting an online application. Vacancies may also be advertised externally.
         For Exempt Vacancies
            A. City of Lakewood vacancy notices may be routed within the City of Lakewood and posted on official City of Lakewood bulletin boards, including COLOR, or advertised externally. A department director, working in conjunction with the Department of Human Resources, may appoint an individual to fill an exempt vacancy without seeking applications if the appointee meets the essential qualifications of the open position. Otherwise, the City of Lakewood follows the procedure explained above in Section A under Non-Exempt Vacancies.
      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.

4.05.020 Eligibility list.
   Whenever an adequate pool of qualified applicants exists, the Department of Human Resources 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 recruitment, the vacancy notices advertising the position must state this intention. (Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 Human Resources 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-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; 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.
CHAPTER 4.06

WORKING HOURS – PAY RATES – LEAVES

The following chapter applies to: Regular full- and part-time employees, Provisional employees

The following chapter does not apply to: City Council, Mayor, Presiding Judges, Temporary employees, except as otherwise noted in section 4.25.050.

Sections:

4.06.010 Work week.
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.
4.06.220 Communication during Leaves of Absence

4.06.010 Work week.

All full-time employees work a minimum of 37 average hours in a work week during the course of a year. Part-time employees normally work an average work week of 30 to 36 hours in one year. The designated work week is Sunday at midnight to 11:59 p.m. the following Saturday. Individual departments may set a maximum amount of hours in a work week to include a maximum amount of hours worked in a 24-hour period. (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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.

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 work week (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, in writing when possible.

Flex time is an hour-for-hour exchange of time within a work week that can be used when an employee (other than police agents, police sergeants, and court marshals) works 40 hours of regular time in a work week, 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 work week, or it will revert to overtime pay or comp time if the employee worked more than 40 hours that week. A work week 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. A supervisor must approve, in writing, any flex schedule. See Administrative Regulation “Overtime and Compensatory Time.” (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 Ord. O-2014-9 § 1, 2014; § 1, 2001).

4.06.040  **Shift differential.**


4.06.050  **Alternative scheduling.**


4.06.060  **Attendance.**

An employee shall be at his/her place of work as assigned. Prompt and reliable attendance is expected of all employees. Vacations should be requested in advance as much as possible. Outside of FML use, sick leave should be used only if an employee or their immediate family member has medical or dental appointments or is contagious or debilitated. Sick leave should be banked for catastrophic events. A reasonable amount of non-FML sick leave for Regular Full Time Employees is 7 days per year.

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-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 employment seniority 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. Employees cannot accrue more than the total number of vacation hours allowed pursuant to these policies.

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 of Lakewood. This must be approved through the Department of Human Resources. Employees who have signed a stretch pay, for teachers only, or time off agreement may take unpaid time according to those agreements. However, all other employees who have no vacation accrued may not take unpaid leave time.

C. Records of leave—The Finance Department shall maintain vacation and overtime 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 be recorded as holiday time and vacation will be recorded as vacation time.

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 of Lakewood operations require an employee’s presence on the job, the employee shall not lose or forfeit any accrued vacation hours.


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, or for medical or dental appointments. Generally, medical appointments last less than two hours; therefore, employees must notify their supervisors if an appointment will require more sick leave than expected. The supervisor may request a physician verification to grant additional sick leave. Sick leave may also be used when the employee is needed to care for ill 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 Usage” and “Family Medical Leave Act,” which describe in further detail the usage of sick leave. (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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).

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 and part-time and seasonal employees are allowed 15 paid days off per year for military leave with advance written notice. Reviews and salary increases will not be affected by the amount of time taken. Refer to Administrative Regulation “Military Leaves of Absence.” (Ord. O-2019-4 § 1, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 Human Resources, 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 of Lakewood 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. Reviews and salary increases may be extended by the amount of time taken. See the “Personal Leaves of Absence” Administrative Regulation. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 of Lakewood will provide eligible employees up to 12 weeks of unpaid leave (military caregiver leave provides up to 26 weeks) 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. The military family leave provision affords FMLA protections specific to the needs of military families. See the Administrative Regulation “Family and Medical Leave Act Part I and Part 2” for more specific information. The City of Lakewood complies with the Colorado Family Care Act, which allows employees time off to take care of a civil union or domestic partner with a serious health condition. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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.

4.06.140 Holidays.

The City Manager is authorized to designate City of Lakewood holidays for all employees. Designated Police Department personnel and other City of Lakewood employees who are allowed or required to group holidays shall receive eight hours off with pay for each designated holiday.


4.06.150 Emergency response.

Employees may be required to work to support essential services during large-scale emergencies affecting the City of Lakewood. 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 of Lakewood, 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-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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. A supervisor may request, but not mandate, that an employee flex hours on Election Day. 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-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004).

4.06.170 Domestic violence leave.

The City of Lakewood 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.

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 Finance Department. The appropriate department shall take prompt action to reimburse the employee if necessary, and to ensure further compliance. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 work week (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. An employee may be subject to discipline for failure to submit overtime during the week worked or for working overtime without prior approval. (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 and federal law, 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 will be unpaid if the employee has no available leave. An employee wishing to express breast milk at work shall work with her supervisor to determine the location and break schedule. Refer to the Administrative Regulation, “Hours of Work.” (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009).

4.06.210  Parental Involvement in K-12 Education Act.

To comply with the Parental Involvement in K-12 Education Act, the City of Lakewood 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-rated basis. Eligible employees are required to use accrued vacation, holiday, or compensatory time. If no such accrued leave is available, the leave will be unpaid or the employee, with prior approval, may flex his/her time within the work week. Refer to Administrative Regulation, “Parental Involvement in K-12 Education.” (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009).

4.06.220  Communication during leaves of absence.

During a leave of absence addressed by these policies, including FML, employees are required to communicate with their supervisors regarding return-to-work plans and relevant updates. They must provide a working phone number or e-mail address so they can address supervisor concerns and questions, and respond to messages within a reasonable period of time. (Ord. O-2014-9 § 1, 2014)
CHAPTER 4.07
EMPLOYEE SEPARATIONS

The following chapter applies to: Regular full- and part-time employees, Provisional employees

The following chapter does not apply to: City Manager, Presiding Judges, City Council, Mayor, Temporary/seasonal employees, 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.
4.07.050 Termination.

4.07.010 Reduction in force.

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 to use accrued compensatory time during any or all of this period. Two weeks of vacation or comp time may be added to the physical last day worked to extend the employment period. The department director, after consultation with the Department of Human Resources, 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 Human Resources. An exit interview is available through the Department of Human Resources for employee feedback. In most cases, a resignation should be given in writing. If an employee communicates to the supervisor his/her intent to resign, and a third party witnesses the communication, a resignation letter is not necessary. (Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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, will 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 Human Resources 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 Human Resources and the City Manager. If an employee has been on transitional status
multiple times over a period of time, 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. In some cases, the time frame for transitional status will be less than one year. Each department director chooses one of the following time frames for each work group, depending on the number of employees able to manage the absent employee’s workload: the FML period itself, a total of six months or total of one year. FML, when applicable, 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 is not able to perform the essential functions of his or her job with or without reasonable accommodation. Transitional status is temporary. Reliability and being present are essential functions of every City of Lakewood job; therefore, teleworking cannot be a reasonable accommodation or an alternative duty. Once transitional status is exhausted, being present, fulfilling a work schedule and able to perform the essential functions of a position is necessary. 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 Chapter 4.20.040.

When the Department of Human Resources, in conjunction with a physician’s opinion or the employee’s 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. The employee shall cooperate with any necessary job related examination.

At this review, the employee may respond, orally 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 or any other representation including friends or relatives at any administrative meeting. If, following this informal review, the Department of Human Resources, 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. If a person who was medically separated during a transitional status period is able to return to his/her previous job before the transitional status period has expired, s/he will not need to apply for the position. Refer to Administrative Regulations “Transitional Status and Med Separation” and “Family Medical Leave Act.” (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 of Lakewood. Retirees are eligible for certain continued benefits, such as those outlined in the Benefits Book. Retirement terms are governed by applicable City of Lakewood policies, administrative regulations, and state and federal law. See the “Employee Benefits Book” for eligibility information as well as potential retiree benefits. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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).
4.07.050 Termination.

Employees may be terminated during their probationary periods, during other at-will employment, without cause or resulting from disciplinary action for cause pursuant to Chapter 4.20. (Ord. O-2014-9 § 1, 2014).
CHAPTER 4.08

DUTY FITNESS EXAMS

The following chapter applies to: Regular full- and part-time employees, Temporary/seasonal employees, Provisional employees

The following chapter does not apply to: Presiding Judges, City Council, Mayor

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 of Lakewood reasonably believes that an employee may lack the ability to perform the essential functions of his/her job safely or reliably, the City of Lakewood may, at its expense, require the employee be examined by a physician or other licensed health-care provider selected by the City of Lakewood. 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.

D. Employee involvement in a critical work-related incident could require a Duty for Fitness exam (either psychological or physical). A critical work-related incident is determined by the Department Director to include such events as catastrophes resulting in deaths, loss of limbs, belongings or graphic violence and child abuse etc...

CHAPTER 4.09
EMPLOYEE DEVELOPMENT

The following chapter applies to: Regular full- and part-time employees, Provisional employees, City Council, Presiding Judges, Mayor, Temporary/seasonal employees

Sections:

4.09.010 Policy.
4.09.020 Tuition assistance for employee development of regular employees.
4.09.030 Meeting/training reimbursement.

4.09.010 Policy.


4.09.020 Tuition assistance for employee development of regular employees.


4.09.030 Meeting/training reimbursement.

CHAPTER 4.10

PERFORMANCE EVALUATIONS

The following chapter applies to: All regular part-time and full-time employees, Provisional employees, Temporary/seasonal employees

The following chapter does not apply to City Manager, Presiding Judges, Mayor, City Council.

Section:

4.10.010 General.

4.10.010 General.
CHAPTER 4.11

EMPLOYEE TRANSPORTATION

The following chapter applies to: All employees

Sections:
4.11.010 Use of City of Lakewood-designated vehicles.
4.11.020 Accidents while operating City of Lakewood-designated vehicles.
4.11.030 Use of private vehicles.
4.11.040 Rental cars for business purposes.
4.11.050 Overnight use of City of Lakewood-designated vehicles.

4.11.010 Use of City of Lakewood-designated vehicles.
City of Lakewood-designated vehicles are to be used for authorized City of Lakewood business only, and shall carry passengers only in connection with official business. An employee authorized to drive a City of Lakewood 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 of Lakewood and departmental regulations. All occupants are required to wear seatbelts and must not use tobacco in City of Lakewood vehicles. Drivers must avoid distracting themselves with activities such as using cell phones or eating while driving. 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 of Lakewood vehicles and may be terminated. See the Administrative Regulation “Safe Use of Cell Phone While Driving.” (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 of Lakewood-designated vehicles.
If an employee is involved in an accident resulting in injury or damage to any property while operating a City of Lakewood-designated vehicle, the employee shall:
A. Notify the local law enforcement agency immediately;
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 Human Resources;
D. Refrain from discussing the accident with anyone outside the City of Lakewood, other than the investigating police agency. All inquiries shall be directed to Risk Management, Department of Human Resources;
E. Report the accident to his/her supervisor no later than the next day. Refer to Administrative Regulation “Report of Accidents with City Vehicles;”
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 of Lakewood 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 of Lakewood 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 of Lakewood shall not be responsible for the following occurrences to privately owned vehicles:
   1. vehicle theft,
   2. theft of other private property,
   3. vandalism, or
   4. damage to the vehicle.

E. If City of Lakewood property is lost or damaged while under transport in a private vehicle despite the employee’s care, the City of Lakewood 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 of Lakewood property that is stolen or vandalized, a police report must be made with the local police jurisdiction. See Administrative Regulation “Car Allowances.” (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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.


4.11.050 Overnight use of City of Lakewood-designated vehicles.

4.12.010

CHAPTER 4.12

EMPLOYEE POLITICAL ACTIVITIES

The following chapter applies to: All employees

Sections:

4.12.010 Federal and state 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 of Lakewood 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 of Lakewood 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-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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).


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 of Lakewood immediately upon election to municipal office.


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 of Lakewood time or in the workplace shall not solicit any such contributions. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).
CHAPTER 4.13
PERSONNEL RECORDS

The following chapter applies to: All employees

Sections:

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

4.13.010 General.

4.13.020 Retention and destruction.

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 Human Resources.
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 Human Resources.
C. The Department of Human Resources may verify to any inquirer the dates of employment and the last position title the 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. Personal information, such as address, phone number, birthdates, and social security number, will be released only with employee approval when necessary for employment-related business purposes.
E. In the event of conflict between this paragraph concerning the disclosure of personnel information and the requirements of the Colorado Open Records Act, Chapter 24-72-201, et seq. C.R.S., the provisions of the Colorado Open Records Act shall prevail.
4.14.010

CHAPTER 4.14

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The following chapter applies to: All employees

Section:

4.14.010 Policy.

4.14.010 Policy.

The City of Lakewood provides equal employment opportunities to all persons without regard to an individual’s race, color, creed, national origin, religion, ancestry, sex, sexual orientation (including transgender status), age, military service, veteran status, marital status, genetic information, pregnancy or disability, or any other applicable status protected by state or federal law. The City of Lakewood does not tolerate discrimination, harassment, or retaliation and promotes equal pay for equal work.

The City of Lakewood promotes an atmosphere of respect and acceptance in all interactions both internally and externally. The City of Lakewood recognizes that its citizens and employees have varied backgrounds, experiences, and differences; therefore, the City of Lakewood works hard to create a culture of inclusion. The City of Lakewood 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 for any protected status should immediately file a formal written complaint to report the alleged act to his/her supervisor or department director or to the Department of Human Resources. Supervisors who receive these complaints shall immediately contact the Department of Human Resources. Neither the City of Lakewood nor any of its employees will 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 of Lakewood deems appropriate, up to and including termination. The City of Lakewood will act promptly to investigate reported discrimination. Based on its investigation, the City of Lakewood 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.” Employees may also file claims with the Equal Employment Opportunity Commission or the Colorado Civil Rights Division. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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

The following chapter applies to: All employees

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 does not tolerate unlawful harassment of any kind. Any harassment or offensive, inappropriate conduct that violates federal, state, or local laws or City of Lakewood 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, transgender status, age, military service, veteran status, marital status, pregnancy, genetic information, 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 s/he has been the subject of harassment should immediately file a formal written complaint to report the alleged act to a supervisor, department director, or the Department of Human Resources. Supervisors who receive these complaints shall immediately contact the Department of Human Resources. Neither the City of Lakewood nor any of its employees will 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 of Lakewood deems appropriate, up to and including termination.

The City of Lakewood will act promptly to investigate reported harassment. Based on its investigation, the City of Lakewood 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-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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, or when favoritism affects the effective functioning of a work group,
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
4.15.020

D. such conduct creates an intimidating, hostile, or offensive work environment.
   E. such conduct creates disruption or disharmony in the workplace.

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;
D. Messages of a sexual nature posted on any public forum, including e-mail, social media sites, blogs, and cell phone texts.


4.15.030 Harassment.

The City of Lakewood prohibits all types of harassment. This policy applies to applicants, employees, volunteers, supervisors, and others. Classes protected include race, color, creed, national origin, religion, ancestry, sex, sexual orientation (including transgender status), age, military service, veteran status, marital status, genetic information, pregnancy, disability, or any other applicable status protected by state or local law. The City of Lakewood does not tolerate retaliation and promotes equal pay for equal work. 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 federal law will not be tolerated. Harassment or bullying, regardless of the victim’s protected or unprotected EEO status, will not be tolerated. Prohibited behavior includes not only physical force, but also verbal or abusive behavior, including, but not limited to the following:

A. Negative cartoons, e-mails, posters, drawings, photographs, or other visual, written, or electronic communication;
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, or threatening or similar behavior.


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 or behavior. Employees should call 911 if they believe there is a serious or immediate threat to the safety and health of themselves or others.

City of Lakewood 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 Human Resources. This restriction does not apply to those employees whose job description includes the carrying of firearms, such as sworn police personnel and court marshals.


4.15.050 Reporting harassment, sexual harassment, and workplace violence.

The City of Lakewood will act promptly to investigate reported harassment, sexual harassment, bullying, and workplace violence. Based on its investigation, the City of Lakewood 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 Human Resource. Supervisors receiving such complaints shall immediately inform the Department of Human Resources. Employees who witness and report wrongdoing shall be protected from retaliation. Refer to the Administrative Regulations “Workplace Violence” and “Harassment.” Employees may also file claims with the Equal Employment Opportunity commission or the Colorado Civil Rights Division. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007; Ord. O-2004-39 § 1, 2004; Ord. O-2001-49 § 1, 2001).
CHAPTER 4.16
MISCELLANEOUS RULES

The following chapter applies to: All employees

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.
4.16.080 Employee administrative meetings.
4.16.090 Use of City equipment.

4.16.010 Conflict of interest.

The City of Lakewood 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 of Lakewood 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 & Standards of Conduct.” (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 of Lakewood’s intent to maintain a drug-free and alcohol-free, healthy, safe, and secure work environment. The City of Lakewood enforces a zero tolerance policy for drug or alcohol use or impairment at work. Drug and alcohol impairment that negatively affects an employee’s ability to work will lead to termination upon confirmed testing. If that is the case and the Department of Human Resources determines that a separation is necessary, it shall provide the employee with written notice. An employee who refuses to take a drug or alcohol test will be disciplined, up to and including termination.

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. Sworn and civilian police employees and court marshals are expected to follow all federal laws, including those regarding drug use. CDL drivers must follow all Federal Motor Carrier Regulations. Refer to Administrative Regulation “Drug and Alcohol-Impairment-Free Workplace.” (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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.


4.16.040 Life-threatening illnesses.

The City of Lakewood is committed to equal employment opportunities for all City of Lakewood employees and applicants. The City of Lakewood 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 of Lakewood 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.


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 of Lakewood reserves the right to inspect any personal property an employee brings into a City of Lakewood building, any property an employee uses on the job, and any property an employee takes out of the workplace. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 of Lakewood is not responsible for theft or damage of personal belongings at work, on City of Lakewood property (such as parking garages), or during work-related travel. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007).

4.16.070 Criminal arrests and background checks on current employees.

The City of Lakewood requires any employee to immediately notify his/her supervisor or the Department of Human Resources in the event s/he is arrested or charged with any criminal offense (excluding minor traffic violations such as speeding tickets). Failure to notify may result in disciplinary action. The supervisor, in consultation with the Department of Human Resources, will determine the relevance of the arrest to the employee’s position. The Department of Human Resources may initiate a criminal background check on an employee when it is in the interest of the City of Lakewood, such as when there is reason to believe the employee has been arrested or convicted of a crime that could compromise his/her City of Lakewood position or coworkers, or if the crime constitutes cause for discipline.
4.16.070

An employee also must immediately notify his/her supervisor or the Department of Human Resources when s/he is the subject of a restraining order. Only pertinent information about the restraining order will be considered for an employment action. Many job functions will not be affected by a restraining order; this decision needs to be made in consultation with the Department of Human Resources.

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-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; Ord. O-2007-7 § 1, 2007).

4.16.080 Employee administrative meetings.
Administrative meetings at the City of Lakewood take place with the employee and City of Lakewood personnel only. No representatives, such as family members, friends, or attorneys are allowed. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014).

4.16.090 Use of city equipment.
The City of Lakewood prohibits the use of equipment, vehicles, materials or other assets owned by the City of Lakewood, and/or services provided to the City of Lakewood for the conduct of the City of Lakewood’s business, for personal purposes or for the conduct of any activity intended to generate personal income, make a personal profit, or result in personal gain or benefit of any kind. See Administrative Regulation “Use of City Equipment and Services.” (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014).
PERSONNEL MERIT SYSTEM POLICIES

The following chapters apply to: Regular full- and part-time employees

The following chapters do not apply to: City Manager, Presiding Judges, City Council, Mayor, Temporary/seasonal employees, Provisional employees, Department Directors, Division managers, any others 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. An employee who has been terminated or suspended for more than two days and believes that no cause for discipline existed may appeal in accordance with Chapter 4.20. (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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).
4.18.010

CHAPTER 4.18

PROBATION

Section:

4.18.010 Probation.

4.18.010 Probation.

Every employee who is newly 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 Human Resources 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 an initial probationary period, employees are at will. An employee serving positional (transfer or promotional) probationary periods will not be at will and will be subject to Disciplinary Action and Appeal procedures. See Chapter 4.20. If, in rare instances, an employee is promoted during the initial probation period, s/he must fulfill the full probationary period of the new position.

During any probationary period, an employee may not apply for a transfer, promotion, or demotion. The Department of Human Resources and the employee’s department director may jointly make exceptions to this provision if they find that the circumstances warrant an exception. Initial probationary periods will be noted and acknowledged by an employee signature. (Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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, promotions, and demotions.
4.19.020 Temporary assignments or promotions.

4.19.010 Transfers, promotions, and demotions.
A department director, after consultation with the Department of Human Resources, may transfer, promote, or demote an employee. Except as provided in these policies, probationary employees may not apply for a transfer or promotion without the approval of the Department of Human Resources and the recommendation of the employee’s current department director.

A. Qualified employees may transfer 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. 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 will be posted internally for five working days. In the case of reorganization, the provisions of Chapter 4.05, “Vacancies,” apply.

B. Occasionally, a position will move to a different department. In that case, the person holding that position will be transferred as well. The two relevant Department Directors may choose to transfer an employee to the same position from one department to another.

C. 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. 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 Human Resources 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.

D. Demotions may occur:
- When an employee requests a demotion into a vacant position and successfully competes for it;
- As a result of a reduction in force or reorganization; or
- For cause as set forth in Chapter 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 positional probationary period, which will typically last at least six months. If the employee previously performed the duties of the position to which s/he 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. 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.

A regular employee who has been invited to the oral board (second) interview for another City of Lakewood job must notify his/her current supervisor about the upcoming interview. The employee does not need the supervisor’s permission, just acknowledgment. At that time, the Department of Human Resources will make the employee’s personnel file available to the hiring supervisor to review and encourage the hiring supervisor to ask the current supervisor for

4.19.020 Temporary assignments or temporary promotions.

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

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

B. Temporary assignment with pay increase: A temporary assignment occurs when an employee takes on a limited portion of the duties and responsibilities of a higher-level position for at least three months, but will return to his/her original assignment within a reasonable period—typically no longer than a year. 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.

C. 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 three months 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. (Ord. O-2019-24 § 3, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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:
4.20.010 Disciplinary action.
4.20.020 Definitions.
4.20.030 Forms of disciplinary action.
4.20.040 Disciplinary procedure.
4.20.050 Appeal of disciplinary action.
4.20.060 Modification of disciplinary action.
4.20.070 Time limits.

4.20.010 Disciplinary action.
The City of Lakewood is committed to providing a productive, safe, and professional work environment. Unacceptable conduct is not tolerated. Disciplinary action may be taken for unacceptable performance or conduct. Discipline need not be progressive, and the City of Lakewood may take any steps appropriate for the circumstances. Each disciplinary action is unique to the situation and the individual employee. Disciplinary action should be consistent, but one action does not set a precedent for any other disciplinary action in any other situation. Medical separations are not considered disciplinary actions and are not subject to the disciplinary action procedure. See Chapter 4.07.030. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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, or terminate. Division managers shall have the authority to reprimand or suspend without pay for up to two working days. Supervisors shall have the authority, in consultation with the Department of Human Resources, to reprimand or to effect temporary and immediate administrative leave with pay, to be potentially reviewed every 60 days. Administrative leave is non-disciplinary (see definition in Chapter 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. The following are causes for disciplinary action:
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 Absence.”
4.20.020

3. Unprofessional behavior. This includes the failure or refusal to follow a supervisor’s lawful instructions, also known as insubordination; and disrespectful behavior, including but not limited to, abusive language, and a pattern of destructive gossip.

4. Creation of a hostile work environment. Examples of such conduct include: bullying, harassment, physical or verbal abuse, intimidating, menacing, tampering, stalking, erratic or raging behavior, threats of violence, horseplay that results in physical or emotional harm, sabotage, and threatening behavior. It may also include, but is not limited to insults; comments or actions based on negative stereotypes; hostile acts, pranks, or remarks; and the circulation of offensive or demeaning materials. See Administrative Regulations “Workplace Violence” and “Harassment.”

5. Failure to immediately report an arrest or charge with a crime (excluding minor offenses and traffic offenses) to his/her supervisor as set forth in Chapter 4.16.070.

6. Entry of a plea of guilty or no contest or entry into a deferred judgment and sentence or conviction for a felony.

7. Conviction of a crime that involves moral turpitude, 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 of Lakewood’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, law enforcement and child-care-related positions.

9. Violation of conflict of interest provision as set forth in Chapter 4.16.010. See Administrative Regulation “Conflict of Interest & Standards of Conduct.”

10. Falsification or material omission in the employment application process or any City of Lakewood-related record, including time entry.

11. Any conduct demonstrating dishonesty in the workplace, including in verbal or written communication.

12. Any theft, willful or negligent damage, waste, or unauthorized or improper use of property or assets belonging to the City of Lakewood, an employee, or anyone else. Unauthorized or improper employee use of City of Lakewood 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. Excessive absenteeism. This does not include appropriate FMLA use.

14. Disclosing sensitive or confidential information.

15. 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. Employees are encouraged to notify their supervisors when taking any medications that could impair the performance of their job duties. See Administrative Regulation, “Drug & Alcohol Impairment Free Workplace.”

16. Any action or condition that poses a direct threat to anyone’s health or safety or to City of Lakewood property.

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

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

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

20. Violation of state or federal law or City of Lakewood policies, procedures, ordinances, administrative regulations, or department rules.
21. Conduct that would compromise or harm the City of Lakewood’s or the public’s interest, such as damaging a reputation or sabotaging a negotiation.

22. 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 of Lakewood.

D. Administrative leave may be granted by a supervisor. As soon as practical, supervisors should notify and consult with the Department of Human Resources 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 immediate removal. When the City of Lakewood needs to conduct an in-depth investigation, a supervisor may place the employee on administrative leave. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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.
C. Demotion. A disciplinary authority, upon consultation with the Department of Human Resources, may demote an employee.
D. Termination. A disciplinary authority, upon consultation with the Department of Human Resources, may terminate an employee.

Medical separations are not considered disciplinary and do not fall within the scope of the disciplinary procedure set forth in Chapter 4.20.040. See Chapter 4.07.030, Transitional status and medical separations.
E. Suspension pending criminal prosecution. An employee who is charged with a crime may be placed on leave with or without pay, suspended without pay, or terminated at the discretion of the City of Lakewood. While the employee awaits criminal prosecution, the City of Lakewood may keep the employee on administrative leave or suspension and delay the disciplinary process.

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, though no follow-up action is required by the City of Lakewood. 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, department director may suspend an employee without pay for up to two work days. Before a final determination is made regarding the imposition of a suspension, the disciplinary authority shall meet with the employee to discuss the matter and proposed action. The employee shall have the opportunity to express his/her views of the matter. If a suspension is imposed, the employee shall receive a written suspension notice as a permanent record for his/her personnel file. The employee is also 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 Human Resources, 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 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. This memo is titled “Notice of (the type of disciplinary action).” 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-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 Human Resources within 10 calendar days of delivery to the employee of written notification of the disciplinary action.

A. The Director of Human Resources shall maintain a list of impartial and qualified hearing officers. Upon receipt of any notice of appeal of disciplinary action, the Director of Human Resources 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 of Lakewood will choose a hearing officer. It is the Department of Human Resources responsibility to schedule a hearing within 90 days of the appeal. If the appellant or the appellant’s attorney has failed to cooperate in the scheduling of the hearing, the appeal is dismissed. If the hearing is not set to occur within 90 days of choosing a hearing officer, due to the appellant 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 of Lakewood 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 of Lakewood may be represented by anyone of its choice, including the City Attorney. The Director of Human Resources may attend.

The hearing shall be held at a location designated by the City of Lakewood. 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 existed. Those findings shall be sent to the City Manager, the appellant or his/her representative, the representative of the City of Lakewood, and the Director of Human Resources. (Ord. O-2019-24 § 3 & 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 or reject the decision of the hearing officer, or may modify the level of discipline imposed by the department director. In addition, the City Manager may conduct an additional hearing 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 of Lakewood 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 Human Resources of his/her decision and shall order whatever action, if any, is
4.21.010


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 of Lakewood failure to meet any of these time limits shall not invalidate the process or disciplinary action taken. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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 that cause employee dissatisfaction. An employee shall first identify whether the behavior falls into the harassment and related inappropriate conduct as set for in Chapter 4.15. If not, the employee should consider communicating directly with the other party. After the two parties have, in good faith, attempted to resolve their issue together, they may then ask a supervisor for help. Department of Human Resources is also available to offer informal advice to individuals or parties in conflict.

Employees may not file grievances about reasonable departmental administrative practices, such as flexible scheduling or dress codes. Grievances will not be accepted regarding any disciplinary action; general City of Lakewood policy or procedure; performance review; or classification, pay, and benefits. However, eligible employees may file a grievance without fear of reprisal regarding an aspect of his/her work environment that s/he believes 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 Human Resources.
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 Human Resources for assistance in the resolution.
6. The department director will notify the Department of Human Resources about the action taken.
7. This grievance procedure is an internal process and does not allow any outside representation, including friends, family members or attorneys. Grievances do not become part of an employee’s personnel file.
POLICIES APPLICABLE TO EXECUTIVES

These policies apply to: City Manager, Department Directors, Division Managers

These policies do not apply to: Regular full- and part-time employees below the division manager level, Temporary/seasonal employees, Provisional employees, City Council, Mayor, Presiding Judges

CHAPTER 4.22

GENERAL PROVISIONS

Sections:
4.22.010 Travel insurance.
4.22.020 Relocation benefits.
4.22.030 Deferred compensation program.

4.22.010 Travel insurance.

4.22.020 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 of Lakewood. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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).

4.22.030 Deferred compensation program.
CHAPTER 4.23
REMOVAL OR SUSPENSION

Sections:
   4.23.010     At-will employment.
   4.23.020     Severance agreements.

4.23.010     At-will employment for executive personnel.
   Executive personnel (employees who occupy positions in the Executive Occupational
   Group) are employed at the will of the City of Lakewood and may be terminated, demoted,
   placed on administrative leave, or suspended without pay for any reason or no reason, with or
   without notice, 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-2019-
   1, (part), 1999).

4.23.020     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-2014-9 § 1, 2014; Ord. O-2009-43 § 1,
   99-34 § 1, 1999; Ord. O-99-18 § 1, (part), 1999).
CHAPTER 4.24
CITY MANAGER SALARY

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-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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

This chapter applies to: Temporary/seasonal employees

This chapter does not apply to: All other employees, City Council, Mayor

CHAPTER 4.25

GENERAL PROVISIONS

Sections:
- 4.25.010 At-will employment.
- 4.25.020 Pay plan.
- 4.25.030 Benefits.
- 4.25.040 Change of status.
- 4.25.050 Miscellaneous policies.

4.25.010 At-will employment.
Seasonal, temporary, probationary, and provisional employees serve at the will of the City of Lakewood and can be terminated at any point without cause. The Disciplinary Action and Appeal Procedure (Chapter 4.20) does not apply to such employees. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-9 § 1, 2014)

4.25.020 Pay plan.

4.25.030 Benefits.

4.25.040 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 employment seniority. (Ord. O-2014-9 § 1, 2014; Ord. O-2009-43 § 1, 2009; 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).

4.25.050 Miscellaneous policies.
The following paragraphs contained in the General Policies also apply to temporary/seasonal employees:
4.26.010

- Attendance
- Equal Employment Opportunity Policy Statement
- Duty Fitness
- Overtime
- Family and Medical Leave including the military leave entitlement as required by law
- Military Leaves of Absence
- Workers’ Compensation
- Pay deductions
- Emergency response
- Hours to vote
- Communication during Leaves of Absence
- 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
- Domestic Violence Leave
- Drug-and Alcohol-Impairment-Free Workplace
- Workplace Accommodation for Nursing Mothers Act
- such other programs and policies as are designated by applicable law or provision.

POLICIES APPLICABLE TO ELECTED CITY COUNCIL OFFICIALS

This chapter applies to: City Council, Mayor

This chapter does not apply to: All other employees

CHAPTER 4.26

ELECTED OFFICIALS

Sections:


A. Commencing with the new term of office from the November 3, 2009 election, each City Council member shall receive an annual compensation of $12,873.

B. Commencing with the new term of office resulting from the November 1, 2011 election, the Mayor shall receive an annual compensation of $38,800.

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