

O-2025-9

AN ORDINANCE

REPEALING AND REPLACING TITLE 4 OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE PERSONNEL POLICIES CODE FOR THE CITY OF LAKEWOOD, COLORADO

WHEREAS, Section 4.7 of the Lakewood Municipal Charter (Charter §4.7) establishes the personnel merit system for the employment, promotion, and evaluation of employees of the City, and establishes that provisions associated with the personnel merit system will be adopted by Ordinance;

WHEREAS, Title 4 of the Lakewood Municipal Code (Title 4) was originally adopted in 1999, with updates in 2001, 2004, 2007, 2009, 2014 and 2019 to both fulfill the requirements of creating personnel merit system policies as mandated by Charter §4.7 and to serve as a comprehensive personnel policy handbook;

WHEREAS, O-2014-09 was the last review of Title 4 policies in that O-2019-24 was limited to updating the term “Employee Relations” to “Human Resources”;

WHEREAS, the City has historically used the City’s Code to serve as a personnel policy handbook, rather than limiting the Code provisions to those policies arising out of the Personnel Merit System as set forth in Charter §4.7 making it difficult to address the evolving needs of the City’s workforce;

WHEREAS, changes in State and Federal law have superseded many of the general and personnel merit system policies set forth within Title 4 making them invalid;

WHEREAS, the proposed revisions to Title 4 update the personnel merit system policies to conform to current State and Federal law and remove most of the general personnel policies, placing those policies within the administrative regulations where they can be updated and revised on a more regular basis to remain in compliance with applicable law and more quickly respond to the needs of the City’s employees;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

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

SECTION 1. Repeal and Replace Title 4 with the following provisions:

TITLE 4 – PERSONNEL MERIT SYSTEM POLICIES

Chapter 4.01 GENERAL PROVISIONS

4.01.000 Requirements of Section 4.7 of the Lakewood Municipal Charter.

Section 4.7 of the Lakewood Municipal Charter (Charter §4.7) establishes the personnel merit system for the employment, promotion, and evaluation of employees of the City. The personnel merit system shall be based upon principles of merit. The personnel merit system, as set forth within this code, shall include but not be limited to provisions regarding the following:

Procedures for employment and promotion based on merit;

Procedures for reasonable probationary periods for employment and promotions;

Procedures for the resolution of grievances of employees;

(4) Procedures for administrative appeal of disciplinary action, including discharge, taken against a non-probationary employee, which shall include notice, hearing, and the right to be represented; and

(5) A requirement that any disciplinary action taken against a non-probationary employee (excluding managerial, executive and confidential employees), including but not limited to suspension or discharge from employment, shall be for cause.

4.01.010 Applications and authority.

The Personnel Merit System Policies (“policies” or “personnel policies”) set forth in this Code, in accordance with Charter §4.7, shall be applicable to all employees of the City of Lakewood except as otherwise provided by City Charter, State statute, Federal law, judicial decision, ordinance or these policies. The Director of Human Resources (Director) 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 individual's behalf.

Unless otherwise noted this Code does not apply to: City Manager, City Attorney, all judges of the Municipal Court or non-employees of the City such as elected officials and members of boards and commissions.

4.01.020 Rules subordinate to applicable law, relevant judicial decisions and rules of court.

These Policies are subordinate to those federal laws, state statutes, or other laws that supersede Charter §4.7, including any relevant judicial decisions and officially adopted rules of court.

4.01.030 Prerogatives reserved.

In accordance with Charter §3.3, the City Manager of the City of Lakewood shall exercise supervision over all administrative departments and employees of the City of Lakewood, in conformance with the City's applicable Charter, Municipal Code, City Administrative Regulations and other relevant laws. This includes authority over the following:

A. Disciplinary Action

B. Employment Status

Includes: Recruitment, Transfers, Promotions, Demotions, Vacancies, Employee Separations, Reduction in Force and Layoffs, and Retirement

Hire, monitor probationary periods, promote, demote, transfer, assign, separate, retire, separate through a reduction in force, and recall employees to work

C. Employee Development

Includes: Education and Training, Performance Evaluations, Recruitment, and Examinations

Judge the skill, ability, efficiency, and qualifications of all employees, and otherwise evaluate employee performance

D. Hours of Work.

Includes: Holiday Pay, On-Call, Call-in, Call-Back and Unscheduled Split Shift, Overtime and Compensatory Time, Shift Differential Pay, Sick Leave Policy, Unexcused Absence, Teleworking, Training and Travel Time, and Personal Leaves of Absence

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 employees' work week

E. Compensation

Includes: Pay Plan, Variable Pay Plan, Bonus Program, Attraction and Retention Bonus Pay, Car Allowance, New Employee Hiring Incentives

F. Use of City Equipment

Includes: Vehicles and Equipment, Mobile Device Use, Acceptable Technology Use

G. Workforce Planning

Reduce or expand the operation of the City of Lakewood or its departments

Determine the number, size, location, and operation of facilities and departments, groups, or divisions

Determine work assignments and the size and composition of the workforce

H. Independent Contractors

Determine City of Lakewood services and subcontract for them as required

I. Acceptable Technology Use, Information Technology Procurement, Mobile Device Use

Introduce technological changes and new, improved, or modified services, methods, techniques, and equipment

J. Administrative Regulations

Shall include regulations pertaining to:

Make, change, and enforce rules, policies, guidelines, practices and quality standards

Direct and supervise the workforce

Manage operations

Revise, eliminate, combine, or establish new jobs, benefit plans, and classifications

4.01.040 Amendments to policies; Codification.

The City Manager may from time to time propose amendments to these policies to the City Council. Amendments shall become effective when adopted by the City Council or on an effective date designated by the City Council.

These policies shall be codified in the Lakewood Municipal Code.

4.01.050 Administrative regulations.

Administrative regulations promulgated by the City Manager shall set forth the procedures, rules, and regulations pertaining to the administration of these Policies and also for carrying out the duties and responsibilities of employment with the City. The City Manager shall have the authority to amend such regulations as needed. Additionally, each department may also adopt departmental operating policies/procedures/regulations specific to the needs of and services provided by the department provided such administrative regulations do not conflict with this Code.

4.01.060 Definitions.

As used in these Personnel Merit System 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. Regulations setting forth the procedures, rules, and regulations pertaining to the administration of these Personnel Merit System Policies and the general administration of personnel. The City Manager has the authority to amend them as needed.

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

Appointment. Placing of a person in a regular full-time, regular part-time, provisional full-time, provisional part-time, variable, 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 level employees, as well as provisional and variable and seasonal employees. All new employees serving an initial probationary period also serve at-will.

City Manager. The chief administrative officer of the City, appointed by the City Council and invested with those powers and authorities as set forth with the City's Charter, Code,

State law and all other applicable laws and regulations. Whenever the term City Manager is used within these policies it shall include the City Manager's Designee.

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.

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. Per the Fair Labor Standards Act elected officials, City Council members, appointees to boards or commissions, and volunteers are not employees of the City.

Employee development. Instruction designed to maintain or increase the proficiency, qualifications, knowledge, skills, and abilities of City of Lakewood employees.

Exempt. An employee who is exempt from certain provisions of the Fair Labor Standards Act (FLSA) as further clarified by the Colorado Department of Labor and Employment COMPS Order, 7 CCR 1103-1. 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. Job protected leave of absence available to eligible employees that complies with and affords employees the protections of the Family and Medical Leave Act (FMLA).

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

Job posting. A notice available to City of Lakewood employees outlining the essential functions, requirements, compensation and details of an open position in conformance with State law.

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

Medical separation. A separation from employment based upon the determination that, owing to illness or injury, an employee cannot perform the essential functions of such employee's 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 paid for hours worked is subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

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

Performance Review. A method for documenting, evaluating, and managing employee performance.

Personnel merit system policies. Title 4 of the Lakewood Municipal Code. May also be referred to herein as Personnel Merit System Policies or these policies.

Position. A specific job in the City of Lakewood within a classification, occupational group, and pay level.

Positional training period. Any regular employee who receives a promotion, demotion, or lateral transfer shall serve a period of positional training during which such employee will be evaluated as to such employee's ability to carry out the duties of the new position but shall otherwise remain 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. Includes employees moving from variable or seasonal to regular or provisional.

Probationary period. The designated period of initial employment which is generally between six to twelve months of time actually worked for the City during which an employee's skills, abilities, performance, and other job-related criteria are evaluated to determine such employee's suitability for their employment. Police agents serve a two-year probationary period. Each employee will be notified of the term of probation associated with such employment at the start of such employment. Certain types of federal or State protected leave will toll the 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 and is carried out in conformance with the Equal Pay for Equal Work Act (Title 8, Article 5, Part 2 (C.R.S. §§ 8-5-201 to 8-5-203) (2021) ("Transparency in Pay and Opportunities for Promotion and Advancement"))).

Provisional employee. A full or part-time employee hired for a period of less than two years who receives benefits, 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 Merit System 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.

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.

Performance Improvement Plan. A specialized performance review which occurs within a set time period after an employee's overall performance is rated "unsatisfactory." 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 positions' 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.

Variable employee. An employee who has not been assigned to a regular or provisional position and whose work schedule is generally part-time. Variable 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.

Work environment. Any work area on or off City of Lakewood property where City of Lakewood business is conducted.

Chapter 4.02 PAY PLAN

4.02.010 Pay concepts and philosophies.

The City Council has authority over the City of Lakewood's broad compensation concepts and philosophies. The City of Lakewood embraces a market-driven, performance-based pay system that recognizes budgetary influences and constraints, in accordance with all applicable State and Federal law.

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 variable/seasonal positions, shall be set forth in Administrative

Regulations "Pay Plan" and "Variable/Seasonal Pay Plans." All employees shall be assigned a pay range and paid bi-weekly.

4.02.020 Establishment of classifications.

The City Manager will 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.

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 amendments to the classification plan whenever data indicates the necessity for a change.

4.02.040 Placement of positions within pay levels.

Positions in the City of Lakewood shall fall within the pay levels prescribed by the City Manager. Final determination of the placement of positions in pay levels and classifications shall be approved by the City Manager after considering the recommendation of the Department of Human Resources.

4.02.050 New positions.

Any position added to the city pay plan shall be assigned an appropriate classification. Managers should develop a job description and consult with Department of Human Resources before submitting the position for approval to the City Manager. New positions should be requisitioned through the annual budget process.

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 "Workforce Planning." 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.

Reclassifications should be requisitioned through the annual budget process.

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 the Manager's discretion, grant pay increases at any time to any employee as long as doing so does not exceed the budget and is in conformance with all applicable laws. The City Manager is authorized to make an exception to the assignment of an employee's pay in the pay plan.

4.02.080 Use of pay ranges/pay steps.

The department director shall, in consultation with the Department of Human Resources, authorize appointments or reinstatements at a rate within the pay range for the position's classification. In addition, appointments or reinstatements for police agents shall be authorized at the appropriate step rate.

4.02.090 Step system.

A movement of established position pay through a determined set of increases scheduled in the pay plan. In addition, appointments or reinstatement of positions shall be authorized at the appropriate step rate.

4.02.100 Pay advancement.

Pay advancement shall be in conjunction with pay plans and dependent upon the budget and employee performance. The City Manager has final authority over recommended pay adjustments.

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.

Chapter 4.03 RECRUITMENT

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. For emergency personnel only, an eligibility list established in conformance with applicable pay promotion and advancement law may be used in lieu of individual position advertisement.

4.03.020 Announcement of vacancies.

The Department of Human Resources shall prepare and post recruiting notices in venues designed to attract the most qualified candidates. All recruiting notices and other vacancy publicity shall explicitly state that the City of Lakewood is an Equal Opportunity Employer.

Applications for all positions must be submitted through the HRIS (Human Resources Information System) on or before the stated deadline. Jobs are posted to City of Lakewood employees outlining the essential functions, requirements, compensation, and details of an open position in conformance with State Law.

Chapter 4.04 MISCELLANEOUS RULES

4.04.010 Transitional status and medical separations.

A medical separation decision is final and cannot be appealed.

4.04.020 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 4.06.

4.04.030 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.

Chapter 4.05 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

4.05.010 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 such employee has been the subject of discrimination for any protected status should immediately file a formal written complaint to report the alleged act to such employee's 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. The City of Lakewood will act promptly to investigate reported discrimination. Based on its investigation, the City of Lakewood may take appropriate disciplinary action, 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.

Chapter 4.06 DISCIPLINARY APPEAL PROCEDURE

4.06.010 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 ten calendar days of delivery to the employee of written notification of the disciplinary action.

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 ten calendar days after receiving the list, the City of Lakewood will choose a hearing officer.

It is the responsibility of the Department of Human Resources 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.

C. 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.

D. 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.

E. The City of Lakewood may be represented by anyone of its choice, including the City Attorney. The Director of Human Resources may attend.

F. 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; the hearing officer 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 of law in writing, stating whether "cause" for discipline existed specifically addressing any causes for disciplinary action set forth within the written disciplinary action subject to the appeal.

G. The findings of the hearing officer shall be sent to the City Manager, the appellant or the appellant's representative, the representative of the City of Lakewood, and the Director of Human Resources.

4.06.020 Administrative determination of appeal.

Within ten (10) days of receiving the findings of fact and conclusions of law the City Manager, or a designee, shall determine whether to uphold the disciplinary action, overturn the disciplinary action, modify the level of discipline imposed by the disciplinary action, or require an additional hearing or limited supplemental hearing to clarify any information. The City Manager shall notify the appellant, the department director, and the Director of Human Resources of their decision and shall order whatever action, if any, is necessary to implement their decision. Failure to provide this notification within ten (10) days shall be deemed a decision to uphold the 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." Additionally, after the hearing officer's findings and conclusions are distributed, but before the City Manager's final decision is promulgated, the appellant may request a modification of the disciplinary action in writing. This request 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 ten calendar days of notification of the hearing officer's findings. This request should be focused on the original cause(s) for disciplinary action as stated within the notice of disciplinary action.

If the findings of fact and conclusions of law fail to address each of the causes for disciplinary action or otherwise fails to address a matter that the City Manager finds necessary to make a final determination, 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, with such notice provided within ten (10) days following the City Manager's receipt of the findings and conclusions. The hearing may be heard either by a hearing officer for the City of Lakewood or the City Manager or designee. The City of Lakewood and the appellant may be represented by counsel, or anyone of their choosing, or the hearing officer may review

the transcript of the previous hearing and any evidence submitted. Upon receiving the findings of fact and conclusions of law from the additional or supplementary hearing, the City Manager shall conduct the review and render a decision within ten (10) days. The City Manager shall notify the appellant, the department director, and the Director of Human Resources of their decision and shall order whatever action, if any, is necessary to implement their decision.

4.06.030 Time limits.

If the appellant or his/her representative fail to meet the deadlines stated in Chapter 4.06, 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.

Chapter 4.07 GRIEVANCE PROCEDURES

4.07.010 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 prohibited by Chapter 4.05, and further described and prohibited within Administrative Regulation. 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:

An employee must present the appropriate supervisor with verbal or written information describing his/her grievance, stating the facts and the desired action.

The department director will immediately notify the Department of Human Resources. All grievances must be maintained as a record.

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.

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.

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.

The department director will notify the Department of Human Resources about the action taken.

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.

If it is determined that the grievance is harassment, then the procedures found in the Administrative Regulations "Harassment" or "Equal Employment Opportunity" will supersede these grievance procedures.

Chapter 4.08 EXECUTIVE PERSONNEL

4.08.010 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.

4.08.020 Severance agreements.

The City Manager may offer a severance agreement to a department director. The City Manager, City Attorney, Presiding Judge or 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.

POLICIES APPLICABLE TO ELECTED CITY COUNCIL OFFICIALS

Chapter 4.09 ELECTED OFFICIALS

4.09.010 Benefits.

The City of Lakewood recognizes that Elected Officials are not employees of the City. However, during any elected official's term of office the City may pay limited benefits, such as medical insurance, workers' compensation, travel insurance, and other related benefits.

4.09.030 Pay of elected officials.

The City Council shall adopt a policy within that body's Policies and Procedures Manual to prevent unlawful harassment in City governance, operations, City-sponsored activities, and related interactions, and to provide a mechanism to accept, investigate, and resolve complaints of unlawful harassment against members of the Lakewood City Council and Appointed Officials.

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

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 24th day of February, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 27th day of February, 2025; set for public hearing to be held on the 24th day of March, 2025; read, finally passed and adopted by the City Council on the 24th day of March, 2025; and signed by the Mayor on the 25th day of March, 2025.



Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney