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Welcome to the City of Durango!

We are thrilled to have you join the Durango team. Our employees are our most critical asset, and we value the unique ideas you will contribute to our team-oriented environment. This handbook will help you become familiar with the policies that exist within our organization.

Our employees are challenged to provide exceptional customer service by exceeding our citizens’ expectations. We are a purpose-driven organization where all our intentions and efforts are focused on the three pillars of our organization: Exceptional Customer Service, Employee Engagement, and Strategic Plan Achievement. We are excited to have you contribute to our team in guiding us to achieve our vision of Durango as an authentic, diverse, multigenerational, and thriving community.

Durango residents value and enjoy our unique, natural environment and benefit from the management of our city’s resources in a fiscally responsible, environmentally, and socially sustainable manner. We value the voice of our residents, which is reflected in our mission, vision, and values exemplified through our Strategic Plan, which is a collaboration with the Mayor and City Councilors.

The Executive Leadership Team (ELT) has identified the following attributes to be a successful teammate on our team: Ownership/Accountability, Adaptability/Agility, Results & Purpose Driven, Curiosity and Innovation, Resiliency, Calculated Risk Taking, Engagement, Empathy, Feedback, Critical Thinking, Positivity, and Ethical. I encourage you to embrace these attributes and bring them to every aspect of your work with the City of Durango.

The most important decision we make that directly leads to our organization’s success is hiring. Welcome to the team, welcome to the City of Durango; we are glad you are here! I am looking forward to working with you and sending you my best wishes for success during your employment with us.

Best,

[Signature]

Updated December 2023
Mission (Why we exist)

The City of Durango and our employees provide efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.

Vision (What we want to be)

Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City’s resources in a fiscally responsible, environmental, and socially sustainable manner.

Values (What we believe in)

**Teamwork:** We believe success comes from working together with colleagues, citizens, and customers. Effective teamwork requires open communication and accountability.

**Dependability:** We demonstrate our dependability to one another and to our community by being reliable and following through on our commitments.

**Professionalism:** We conduct ourselves in a manner that is professional and ethical with the highest degree of honesty, integrity, and fairness.

**Service:** We take pride in the excellent services we provide, showing enthusiasm and dedication in all we do to make the City a better place while maintaining our high standards.

**Respect:** We promote a respectful, safe, and positive work environment, inspiring employees to meet their maximum potential and trusting in their decision-making. We embrace diversity by valuing different skills and perspectives.

**Innovation:** We accept challenges as opportunities for creativity and collaboration on new ideas and methods, which generate solutions, enhanced value, and excellence in all services.

**Well-Being:** We aspire to be happy and improve our quality of life by promoting work-life balance, health, and wellness, while being satisfied with and showing application for a job well done.
Strategic Plan Goals

DURANGO COMMUNITY

- DIVERSITY, EQUITY, INCLUSION
- ENVIRONMENTAL SUSTAINABILITY & RESILIENCE
- ENGAGED & COLLABORATIVE GOVERNANCE
- AFFORDABILITY & ECONOMIC OPPORTUNITY
- FINANCIAL EXCELLENCE & HIGH PERFORMING GOVERNMENT
- EFFECTIVE INFRASTRUCTURE NETWORK
- ENHANCED LIVABILITY & SENSE OF PLACE
IMPORTANT NOTICE

THIS HANDBOOK IS DESIGNED TO ACQUAINT EMPLOYEES WITH THE ORGANIZATION AND SOME INFORMATION ABOUT WORKING HERE. THE HANDBOOK IS NOT ALL INCLUSIVE BUT IS INTENDED TO PROVIDE EMPLOYEES WITH A SUMMARY OF SOME OF THE ORGANIZATION’S GUIDELINES. THIS EDITION REPLACES ALL PREVIOUSLY ISSUED EDITIONS.

THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESSED OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF THE ORGANIZATION OTHER THAN THE ELECTED OFFICIAL OR AGENCY HEAD HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY ELECTED OFFICIAL OR AGENCY HEAD AND THE EMPLOYEE.

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE HANDBOOK, EMPLOYEES THAT HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE HUMAN RESOURCES DEPARTMENT. IN ADDITION, THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK. THE ORGANIZATION THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.
1. AUTHORITY AND ADMINISTRATION

1.1 AUTHORITY FOR PERSONNEL SYSTEM

The authority and responsibility for administering the Personnel System within the City of Durango are governed by Article III and Article IV of the City Charter. A copy of the relevant charter provisions is included as Appendix I of this Handbook.

1.2 CITY COUNCIL

The City Council is responsible for the appointment of the City Manager; setting overall policy guidelines for the operation of the Personnel System, including adoption of the Employee Handbook and Amendments, the City Budget, the Pay and Classification Plans; and approval of the City Manager’s appointment of directors of departments. The City Council does not have the authority to act on or influence the hiring, transfer, promotion, demotion, or termination of an individual employee within the City Personnel System and the Council will hear no individual employee appeal of action taken by the City Manager or employees acting on the City Manager’s behalf.

1.3 CITY MANAGER

The City Manager is the Chief Administrative Officer of the City. The Manager is hired by and serves at the pleasure of the City Council. They are responsible to the Council for the proper operation of all City functions. The responsibilities of the City Manager include appointment and termination of all City employees, enforcement and application of all laws, provisions of the City Charter, City Ordinances, and acts of the City Council, including this City Employee Handbook. The Manager is also responsible for implementation of additional rules and procedures which may be necessary for the proper operation of the City or its various departments, provided that such rules and procedures are not inconsistent with the Employee Handbook adopted by the City Council.

1.4 HUMAN RESOURCES OFFICER

The Human Resources Officer is under the direction of the City Manager, is responsible for the overall administration of the City Personnel System, including the development and presentation of Employee Handbook and amendments to the City Manager for consideration by the City Council; interpretation and application of additional policies and procedures which may be necessary for the proper operation of the City Personnel System; provided that such rules and procedures are not inconsistent with the Employee Handbook adopted by the City Council or rules and procedures issued by the City Manager.

1.5 DEPARTMENT DIRECTORS AND SUPERVISORS

Department Directors and supervisors are responsible for the administration of the Employee Handbook for employees in their respective program areas. In addition, Department
Directors may issue such departmental rules and procedures as may be necessary for the proper operation of their department; provided that such rules and procedures are not inconsistent with the Employee Handbook adopted by the City Council or rules and procedures issued by the City Manager, as determined by review and approval of the Human Resources Officer.

1.6 APPLICABILITY OF EMPLOYEE HANDBOOK

The City Employee Handbook is not intended to apply to the City Council, the City Manager, Municipal Judges, or the City Attorney, except as they govern conduct toward a City employee covered by this Handbook. The City Manager may apply all or some of the provisions of this Handbook as a guideline for Department Director performance and may establish other rules and guidelines for these Directors, provided that such rules and guidelines are not inconsistent with Federal law, State law or the City Charter.

All other employees are subject to and governed by this Employee Handbook, unless specifically exempted or excluded herein, or under the law.

1.7 MAINTENANCE OF PERSONNEL RECORDS

The Human Resources Officer shall maintain a record of the employment of all City employees, including the employee's initial application; employee pension benefit and tax data; all changes in position or class title, grade, or salary; all commendations, reprimands, or disciplinary actions; all employee performance evaluations; letters of resignation; and such other documents determined by the Human Resources Officer or Department Director to be relevant to the employee’s work history.

It is important that your personnel record be up-to-date and complete, as City policy and the Fair Labor Standards Act (FLSA) require that employees keep their correct street addresses on file in their personnel records. City policy also requires correct telephone numbers, if required by the job. Accurate and up-to-date records enable us to reach you in an emergency, forward mail, and properly maintain your insurance and other benefits, as well as tracking payroll deductions, and many other things that concern you as an employee. The City retains ownership of all personnel files.

Upon request during the normal working hours of the Human Resources Office, current employees may review their digital personnel files and request digital copies of documents in their files.

Inquiry to review employees’ personnel records by the employee, employee’s supervisor or a City Administrator having supervisory responsibility of the employee will be permitted.

Medical records will be kept in separate, locked files in compliance with the Americans with Disabilities Act (ADA).

1.8 DATA DISPOSAL POLICY

During the course of your employment, the City will collect certain information that is classified as “personal identifying information,” or PII, under applicable laws. Such information may include, but is not limited to:
• Your first and last name or initials.
• Username(s) and password(s).
• Social security number.
• Driver license or other identification card number.
• Medical documentation.
• Biometric data.
• And more.

The City may keep these records in paper and/or electronic format.

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

1.9 PUBLIC ACCESS TO PERSONNEL RECORDS

The following items are public information regarding any City employee and will be released by the Human Resources Office upon request to any member of the public: name, class title, classification, current or last effective salary, and dates of appointment and termination.

All other information shall be considered restricted information and will not be released by the Human Resources Office except under the following circumstances:

a) Direct or telephone inquiry by the employee.
b) Presentation of a written waiver, signed by the employee, authorizing the release of the information to a designated agent or representative.
c) Information which has been properly requested under the Colorado Open Records Act and which has received approval for release by the Human Resources Officer and City Custodian of Record.

All other inquiries, including court orders or reference checks, shall be forwarded to the Human Resources Officer, who may seek the advice of the City Attorney in determining whether the information should be released.

2. EMPLOYMENT

2.1 EQUAL EMPLOYMENT OPPORTUNITY AND UNLAWFUL HARASSMENT

The City is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race (including traits historically associated with race, such as hair texture and length, protective hairstyles), sex, sexual orientation, gender identity, gender expression, color, religion, national origin, disability, military status, marital status, genetic information, or any other status protected by applicable state or local law.
2.2 AMERICANS WITH DISABILITIES ACT (ADA) AND RELIGIOUS AND GENDER IDENTITY ACCOMMODATION

The City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the Company or cause a direct threat to health or safety. The City will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the City.

2.3 PREGNANCY ACCOMMODATION

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

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the City will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City’s business operations.

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

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

2.4 EEO HARASSMENT

The City strives to maintain a work environment free of unlawful harassment. Unlawful harassment includes any unwelcome physical or verbal conduct or written, pictorial, or visual communication directed at an individual (or group) because of that individual’s (or group’s). The City prohibits unlawful harassment because of age 40 and over, race, sex, color, religion, national origin, disability, military status, marital status, genetic information, or any other status protected by applicable state or local law.

Unlawful harassment need not be severe or pervasive and includes verbal or physical conduct, or any written, pictorial, or visual communication directed at an individual or group of individuals because of the individual’s or group’s membership, or perceived membership, in a protected class in which the conduct or communication is subjectively offensive to the individual alleging harassment and is objectively offensive to a reasonable individual who is a member of the same protected class and occurs when:

Updated December 2023
a) Submission to such conduct is made explicitly or implicitly a term or condition of employment.
b) Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Actions based on an individual's aged 40 and over, race, sex, color, religion, national origin, disability, military status, marital status, genetic information, or any other applicable status protected by state or local law will not be tolerated. Prohibited behavior may include but is not limited to the following:

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

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

### 2.5 SEXUAL HARASSMENT

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the City believes it warrants separate emphasis.

The City strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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

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

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

### 2.6 COMPLAINT PROCEDURE

Employees who believe there has been a violation of the EEO policy or harassment based on a protected class, including sexual harassment, must utilize the following complaint...
procedure. The City expects employees to make a timely complaint to enable the City to investigate and correct any behavior that may be in violation of this policy.

Report the incident Human Resources who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable.

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

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

2.7 APPEAL RIGHTS IN CASES OF ALLEGED DISCRIMINATION

Any applicant for an entrance or promotional position with the City of Durango who feels that they have been discriminated against because of any factor outlined in Section 2.1, or if the alleged discrimination occurred during the initial screening procedure, the applicant shall be entitled to request a meeting with the Human Resources Officer to discuss the reasons underlying the allegation of discrimination. If the applicant is not satisfied with the response of the Human Resources Officer, they shall be entitled to request a hearing before the City Manager.

The City Manager will hear the facts of the case as presented by the applicant, the Department Director or supervisor, the Human Resources Officer, and any other parties who may be involved. The City Manager will then make a determination of fact. If evidence of discrimination is determined to exist, the City Manager will render a decision as to what remedial action, if any, should be taken. The decision of the City Manager shall be final.

The City will retain an accurate, designated repository of all written or oral complaints of discriminatory or unfair employment practices that includes the date of the complaint, identity of the complaining party, the identity of the alleged perpetrator, and the substance of the complaint.

2.8 NEPOTISM

A member of an employee’s immediate family will be considered for employment by the City, if the applicant possesses all of the qualifications for employment.

An immediate family member may not be hired if:

a) One spouse or party to a civil union or immediate family member would supervise the other or be in a position to exercise authority to appoint, dismiss, or discipline the other or family member.

b) One spouse or party to a civil union or immediate family member would audit, verify, receive, or be entrusted with money handled by the other or family member.

c) One spouse or party to a civil union or immediate family member would have access to confidential information including payroll and personnel records.
This policy will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, “immediate family” includes: the employee’s spouse, brother, sister, parents, children, grandparents, father-in-law, mother-in-law, daughter-in-law, son-in-law, aunt, uncle, first cousins, niece, nephew, and any other member of the employee’s household.

Employees who marry or become members of the same household may continue employment as long as there is not:

a) One spouse or party of a civil union or member of the same household would supervise the other or be in a position to exercise authority to appoint, dismiss, or discipline the other.

b) One spouse or party of a civil union or member of the same household would audit, verify, receive, or be entrusted with money handled by the other.

c) One spouse or party of a civil union or member of the same household has access to confidential information including payroll and personnel records.

Should one of the above situations occur, the City may attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

3. EMPLOYEE STATUS AND APPOINTMENTS

3.1 PART-TIME OR SEASONAL APPOINTMENT

Part-time or seasonal appointments are made to positions which are not specifically identified as separate positions in the City budget but are accounted for under a lump-sum salary designation for part-time and seasonal salaries. Part-time and seasonal employees are not eligible for holiday pay, PTO leave or other fringe benefits.

3.2 FULL-TIME APPOINTMENT

An employee who has been hired to fill a full-time budgeted City position and whose regular schedule requires at least 32 hours work per week may be appointed as a full-time City employee.

For the purpose of determining eligibility for participation in any City retirement plan, a full-time employee is defined as one who has been appointed to a full-time budgeted position, regardless of length of service. Full-time employees are eligible for retirement plan participation upon the first day of their employment. Provisional employees may be eligible for retirement plan benefits if such eligibility is provided for by the terms of the grant or other funding source.

4. SEPARATIONS OF SERVICE

4.1 RESIGNATION

A non-supervisory employee may resign in good standing if the employee provides at least 14 calendar days’ notice prior to the effective date of the resignation. In the case of Department Directors and supervisory employees, we request notice no less than 30
calendar days prior to the effective date of the resignation in order to maintain good standing. An employee who fails to give proper notice may or may not be eligible for rehire in any department or division of the City.

4.2 MANDATORY FURLOUGH

The City Manager has the authority to mandate furloughs (mandatory unpaid time off) including but not limited to addressing economic conditions, temporary reductions in workload or budgetary constraints. Mandatory furloughs apply to full and part-time regular employees and seasonal employees, both exempt and non-exempt. Mandatory furloughs for part-time regular or seasonal employees will be pro-rated.

4.3 LAY OFF

The City Manager, at their discretion, will determine whether layoffs, reductions-in-force and salary reductions are necessary including but not limited to a result of lack of work, lack of funds, reorganization, curtailment of operations or programs, or other circumstances in the City’s best interest.

4.4 REFERENCES

The City does not furnish open letters of recommendation addressed “To Whom It May Concern.”

If employees receive a call inquiring about a former employee, please refer the caller to Human Resources. Only Human Resources has the authority to respond to such inquiries. This restriction includes recommendations on social media sites.

5. CLASSIFICATION AND PAY

5.1 EMPLOYEE CLASSIFICATIONS

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

5.1.1 EXEMPT EMPLOYEES

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

5.1.2 NON-EXEMPT EMPLOYEES

Non-exempt employees are employees whose job positions do not meet FLSA or applicable state exemption tests, and who are not exempt from minimum wage and/or overtime pay
requirements. Non-exempt employees shall be paid time and one-half of their regular rate of pay for any work in excess of forty hours per workweek (excluding duty free meal periods).

**5.2 PAY PLAN**

The City shall maintain a Pay and Classification Plan listing class titles of all paid positions. Pay grades for each class shall be based upon established criteria which measure performance factors including, but not limited to, required job skills, level of responsibility and authority, technical difficulty of duties performed, and educational and experience requirements. The Human Resources Officer shall review the Pay and Classification Plan annually and recommend changes to the City Manager based upon changes in staffing levels, performance factors, or other operational requirements. The City Manager shall recommend a uniform and equitable Pay and Classification Plan to the City Council for their adoption.

**5.3 CLASS SPECIFICATIONS**

Class specifications shall be prepared for each employment class with input from affected employees, subject to approval by Department Directors, for submittal to and final approval by the Human Resources Officer. Each class specification shall include a definition of central job functions for the class and education and experience requirements. Department Directors are responsible for reviewing class specifications at least annually for accuracy and updating as required.

**5.4 REQUEST FOR RECLASSIFICATION**

Reclassification of any class, or position within a class, may be requested at any time by an employee. Reclassification requests may also originate with supervisors, Department Directors, the Human Resources Officer, or the City Manager. If the Department Director for the affected class supports the reclassification effort, they shall submit a revised class specification and written request. Such requests may occur at any time. If the Department Director does not support the reclassification effort, the employee may submit a revised class specification for approval without the Department Director’s recommendation. The Human Resources Officer shall then conduct a job evaluation of the proposed reclassification for recommendation to the City Manager. The decision of the City Manager is final.

**5.5 SALARY LIMITS**

No employee may be paid at a rate less than the minimum for the class in which the employee is working as set forth in the current Pay and Classification Plan.

**5.6 OVERTIME PAY**

All non-exempt employees are eligible for overtime pay for hours actually worked in excess of regularly scheduled hours, as outlined in Section 6.1.1. Overtime pay is paid at the rate of 1½ times the employee’s regular hourly rate, subject to the limited exception described in Section 6.1.2. Hours actually worked, if in excess of 40 hours worked during the normal work week, shall be compensated at the overtime pay rate as defined in this Section. Holiday hours, scheduled and unscheduled PTO (Personal Time Off) do not count toward overtime calculations. PTO must be scheduled at least 2 weeks in advance, or it is designated as

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unscheduled, unless approved by the Department Director. Some departments may require notice in excess of 2 weeks. When referring to employees in the Handbook, "exempt" means exempt from the overtime provisions of the Fair Labor Standards Act. "Non-exempt" employees are covered by the overtime provisions of the Act.

5.7 TEMPORARY ASSIGNMENT PAY

Upon temporary assignment to a task or responsibility exceeding the requirements of an employee's class specification, (i.e., tasks or responsibilities which normally appear only in the class specifications of positions in higher pay ranges), the employee may receive temporary assignment pay for the duration of the assignment. All such assignments shall be made with the expectation of a minimum duration of 30 calendar days. The temporary assignment pay shall be commensurate with the extra responsibility, at a rate recommended by the Department Director and Human Resources Officer and approved by the City Manager and shall be paid on an hourly basis in addition to the employee's regular hourly pay. Such temporary assignment pay is on a flat rate per hour basis. Any general cost-of-living or merit increases occurring while temporary assignment pay is in effect will be calculated based on the employee's original salary prior to the temporary assignment.

5.8 STANDBY PAY

Any non-exempt employee specifically designated by their supervisors as being on standby duty, excluding police officers (police officers does not include Detectives for the purpose of Standby Pay) and snowplow drivers, shall receive two hours straight time pay per 24-hour day. Employees must remain free of alcohol and drugs, as outlined in the City's Drug Free in the Workplace Policy, for the duration of the designated standby period. An employee assigned to standby duty who is not available when called forfeits all standby pay and may be subject to disciplinary action. Once called into duty employees will be paid at normal hourly rate or over-time if applicable.

5.9 INTERIM PAY

Interim pay shall be granted to a regular employee who assumes the sole responsibility of a supervisor or employee in a higher classification if the following conditions are satisfied:

a) Interim pay may be granted to an employee assuming interim status when the assignment may be for an extended time period, such as may be created by a termination, long-term illness, or administrative leave. Assumption of the responsibilities of a supervisor on PTO does not qualify for interim pay.

b) All responsibilities must be assumed by the employee placed in the interim role and not shared with additional employees.

c) Special projects or assignments may qualify for interim pay.

An eligible employee entitled to interim pay receives an increase to the step in the interim grade most closely equivalent to a 5% increase in salary, or receives entry level salary for the interim position, whichever is greater. The increase results in an increase of at least 5%; provided that, no employee may be paid at a salary greater than the highest step for the interim grade, in which case the increase may be less than 5%. The employee's salary shall return to their original salary upon completion of interim status, except that any general cost-of-living or merit increases will remain in effect but will be considered to have been calculated based on original salary prior to the interim assignment.
**5.10 CALLBACK AND REPORTING PAY**

A full-time non-exempt employee who receives an unscheduled call back to work after leaving the work site at the end of their regular work schedule, and prior to the next scheduled time to report, shall receive a minimum of two hours of pay or pay for actual hours worked, whichever is greater. This Section does not include police officers required to appear in court on City business. Such officers, when appearing in court, shall be compensated in accordance with the applicable Standard Operating Procedure adopted by the Police Department.

If a part-time or seasonal employee is sent home at the beginning of a regularly scheduled shift due to adverse weather conditions or other related unforeseen circumstances, said employee shall receive two hours regular straight time pay for reporting to work. When a part-time or seasonal employee has been notified in advance via their primary contact information in the payroll system not to report for work, no reporting pay will be granted.

**5.11 MERIT PRINCIPLE**

All appointments and promotions of City employees shall be made solely on the basis of merit, demonstrated by examination, educational qualifications or experience, or other evidence of competence.

**5.12 HOLIDAY PAY**

a) Non-exempt employees scheduled to work on observed holidays which do not fall on a Saturday or Sunday will be paid 1½ times their normal rate of pay for actual hours worked between the hours of 12:00 a.m. and 11:59 p.m. on that day, together with 8 hours of holiday pay.

b) Non-exempt employees scheduled to work on the actual holiday falling on a Saturday or Sunday, will be paid 1½ times their normal rate of pay for actual hours worked between the hours of 12:00 a.m. and 11:59 p.m. on the actual holiday, together with 8 hours of holiday pay.

c) Non-exempt employees called in to perform unscheduled work on observed holidays or designated holidays shall be paid 2½ times the normal rate of pay for actual hours worked between the hours of 12:00 a.m. and 11:59 p.m. on that day. In addition, the employee receives 8 hours of holiday pay in those circumstances where the employee is called in to perform unscheduled work on an observed or designated holiday.

d) Holiday pay for any single observed holiday will not exceed 8 hours, regardless of actual hours worked on an observed or designated holiday. Holiday pay for full-time employees shall not exceed 88 hours per year. Proration of holiday pay shall be applied to those employees working less than 32 hours per week.

e) Exempt full-time employees receive their regular biweekly salary for a pay period in which a holiday falls and are not normally required to work the holiday.

**5.13 PAY UPON APPOINTMENT**

A new employee, upon appointment to a regular position, will normally be paid at the minimum rate on the salary range for the class pay grade to which they are appointed, unless a higher rate within the salary range is recommended by the Department Director and Human Resources.
Resources Officer, and approved by the City Manager as being in the best interest of the City service.

5.14 PAY UPON PROMOTION OR UPGRADE

Upon promotion or upgrading, an eligible employee receives an increase to the step within in the new grade most closely equivalent to 5% increase in salary; provided that the increase results in an increase in salary of at least 5%, unless a higher rate within the salary range is recommended by the Department Director and Human Resources Officer and approved by the City Manager as being in the best interest of the City service. No employee may be paid at a salary greater than the highest maximum in the new grade, in which event an increase may be less than 5%.

5.14.1 VOLUNTARY DEMOTION/DOWNGRADE

When an employee voluntarily requests a demotion to a position with a pay grade lower than that of their current position, and for which they are qualified, they will be placed at a salary within the pay grade of the new position which corresponds to their ability to perform the duties of the new position as determined by the employee's new Department Director, as recommended by the Human Resources Officer and approved by the City Manager.

5.14.2 PAY UPON TRANSFER

When an employee voluntarily requests a transfer to another position or assignment within the same pay grade, or when an employee is transferred to another position in the same pay grade for the convenience of the City, they may retain the salary in effect prior to the transfer. Employees who voluntarily transfer into a different position within the same pay grade will retain the salary in effect prior to the transfer. Employees who voluntarily transfer into a different position in a different pay grade will be placed at a salary within the new pay grade which corresponds to his or her ability to perform the duties of the new position as determined by the employee's new Department Director, recommended by the Human Resources Officer, and approved by the City Manager.

5.15 PAY RATE EFFECTIVE DATE

Any change in pay rate is effective for the entire pay period in which the effective date of the change falls, except for general increases adopted as part of a new City budget. In the case of general increases, if the effective date of the change falls within the first week of the pay period, the change will be effective for the entire pay period. If the effective date of the change falls within the second week of the pay period, the change will be effective on the first day of the following pay period. City Manager has authority to make changes to the pay rate effective date on a case-by-case basis.

5.16 TERMINAL LEAVE ADJUSTMENT

An employee who is terminating his or her employment with the City receives payment for accrued PTO (Personal Time Off) leave earned prior to the effective date of the termination. Such leave will be paid out at the employee’s calculated hourly rate of pay at the time employment is terminated.

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In addition, any employee who meets the requirements for regular or early retirement under a regular City-sponsored retirement plan as outlined in Chapter 8 of these regulations, and who applies for and is granted benefits under the plan, is paid at his or her current rate of pay for accrued Prior Sick Leave, not to exceed 240 hours, upon the effective date of retirement. Employees regularly working shorter schedules such as three-quarter time, or longer schedules, receive proportional credit for workdays. Such application must take place prior to the effective date of retirement.

In the event that termination results from the employee’s death, payment for accumulated PTO leave and compensatory leave due at the time of death will be paid to the Personal Representative or Administrator of the deceased employee’s estate, or, if there is no probate of the deceased employee’s estate, such funds may be paid to the surviving spouse, heirs or successor of the decedent upon submittal of an appropriate affidavit pursuant to Part 12 of Title 15, Colorado Revised Statutes.

5.17 TIME REPORTING

Hourly (non-exempt) employees are required to clock in/out for all workdays within the following parameters:

1. Rules will prohibit clocking in early - prior to 7 minutes before the start of a shift unless there is supervisory approval for a specific reason.
2. Rules will prohibit clocking out early - prior to the end of the established work hours unless there is supervisory approval for a specific reason.
3. An employee cannot clock in/out for another employee.
4. Policies will require employees to clock in and out for lunch breaks. Exemptions:
   a. Employees are paid for working through their lunches as an established policy e.g., Police & Communications.
   b. Employees are in the field, and it is more efficient to remain in the field. There will be an automatic 30 or 60 minutes taken off for their lunch.
   c. Employees have other special considerations, such as training or other workplace requirements that preclude clocking in/out for lunch.
5. System will round to the nearest quarter hour.
6. Non-exempt employees are expected to fulfill the full 40 hours per week, unless prior arrangements with the employee, supervisor, and director have been approved.
7. Missed punches or erroneous punches will require a supervisor to input the correct clock in/out time consistent with the beginning or ending of the scheduled shift or lunch break.
8. Supervisors may not alter times captured by the time clock system (unless altered time is an increase to hours worked). Changing time in the system is called shaving time and is against the law.
9. All changes to the time sheet need to have a reason in the comment section of that time period.
10. Employees will need to SUBMIT their time sheet at the end of every time period. By SUBMITTING, employees are putting in their signature stating that everything is correct and ready to be processed. Submitting prior to the end of the pay period will result in PTO or Holiday hours not populating correctly. Therefore, do not submit until the end of the pay period. If an employee is absent or on PTO at the end of the pay period, they will need to SUBMIT their time sheet when they return to work.
11. Supervisors will need to APPROVE every time sheet after the employee has submitted their time sheets. The APPROVAL process is the supervisor signing the time sheet stating everything is correct and ready to be processed. Do not APPROVE the time
sheet unless it is correct. If the employee is not able to SUBMIT their time sheet by the end of the pay period, the supervisor can approve them, and then have the employee submit when they have returned to work.

12. ALL SUBMITS & APPROVALS need to be completed by Monday night following the end of the pay period unless prior arrangements have been made with Payroll.

6. EMPLOYMENT

6.1 HOURS OF WORK

6.1.1 WORK WEEK

The standard work week for full-time City employees begins at 12:00 AM on Sunday and ends at 11:59 PM on the following Saturday, except that sworn officers of the Police Department shall follow a 14-day work week system under Section 207(K) of the FLSA (Fair Labor Standards Act) beginning at 12:00 AM on Sunday and ending at 11:59 PM on the second Saturday. Under the 14-day work week, overtime will not be paid unless time worked exceeds 80 hours in the 14-day work period and such overtime shall also be subject to the City's internal policies on paying overtime.

Employees may be assigned to shift operations at the direction of the employee's Department Director.

By written administrative policy change of the City Manager, the standard work week for the City may be altered to accommodate flexible schedules for business operational reasons and in the interest of energy conservation. The standard work week for all full-time, non-exempt City employees shall be a minimum of thirty-two (32) hours. This limitation shall not apply to exempt employees under the Fair Labor Standards Act where the duties of the employee require work within a given week exceeding such forty (40) hour period, nor shall it apply in cases where the employee is in a non-exempt position and there has been an agreed upon reduction in hours approved by the employee, the Department Director, and the City Manager.

6.1.2 OVERTIME WORK AND PAY

Except as provided in Section 6.1.1, non-exempt employees are paid for overtime work at a rate of one and one-half times the employee’s regular hourly rate of pay for each hour of work in excess of forty (40) in any workweek. For employees of the Police Department working a 14-day work period, overtime shall be paid for each hour of work in excess of eighty (80) hours in any 14-day work period. No employee shall engage in overtime work unless such work is approved in advance by the employee’s supervisor, or unless emergency health and safety circumstances warrant overtime without prior approval. Failure to adhere to overtime policies may result in disciplinary action, up to and including discharge. The City has elected to pay for overtime work as opposed to compensatory time for the organization in accordance with the FLSA.

6.1.3 PAYDAY

Payday shall be bi-weekly on the Friday following the end of the pay period. When a regular payday falls on a holiday, payday shall be the last regular workday preceding the holiday.
6.1.4 LUNCH PERIODS

Non-exempt employees receive an uninterrupted and “duty free” meal period of at least a thirty-minute duration when the scheduled work shift exceeds five consecutive hours of work. The employees must be completely relieved of all duties and permitted to pursue personal activities to qualify as a non-work, uncompensated period of time. Employees should take this meal period unless the nature of the business activity or other circumstances exist that makes an uninterrupted meal period impractical. In this case, the employees are permitted to consume an “on duty” meal while performing duties. Employees are permitted to fully consume a meal of choice “on the job” and be fully compensated for the “on-duty” meal period without any loss of time or compensation.

6.1.5 REST PERIODS

A rest period not to exceed 15 minutes will be authorized for each four hours of work if conditions permit. The rest period should be taken some time towards the middle of each four-hour work period. It is the responsibility of the supervisor to ensure that this privilege is not abused.

6.2 TRAINING

6.2.1 POLICY

When funding is available, it is the policy of the City to encourage employee training necessary to become proficient in the full range of duties required for the employee’s present position. Training may also be made available to encourage employee development and improve proficiency among the City work force, when funding and work schedules permit.

6.2.2 TYPES OF TRAINING

While most of the training provided to City employees will consist of on-the-job training and departmental classes held on specific subjects, additional job-related training opportunities may be offered including:

a) Job-related college courses.
b) Technical or professional seminars; or
c) City sponsored training.

6.2.3 ASSISTANCE

Training assistance may take the form of full or partial tuition payment, time off to attend classes, or travel funds to attend training. An employee must be able to demonstrate full participation in training courses in order to be reimbursed for expenses incurred. If the City has paid for a training course and the employee cannot demonstrate full participation, the employee must reimburse the City for expenses incurred by the City.

6.2.4 REQUESTS FOR TRAINING

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Training requests may be initiated by the employee, the employee’s supervisor, or Department Director. Training requests shall include all documentation required by the Department Director. Department Directors are responsible for determining the amount and type of training best meeting the needs of their department. All training expenditures require the recommendation of the Department Director, prior approval of the City Manager, and certification of funding availability by the Finance Director.

6.3 EMPLOYEE RESPONSIBILITY

6.3.1 LOSS CONTROL AND SAFETY REGULATIONS

The City’s Loss Control Manual and Safety Regulations, a copy of which is attached as Appendix II to these Employee Handbook, shall have the same force and effect as this Employee Handbook.

6.3.2 PERSONAL CONDUCT

Each employee is a representative of the City to all its citizens and is required to conduct themselves while on duty in such manner as to reflect no discredit upon the City of Durango. Employees should conduct themselves so as to maintain public confidence in their profession, their local government, and their performance of the public trust.

While the City does not seek to interfere with the off-duty and personal conduct of its employees, conduct on the part of an employee that adversely affects the City’s interests, or the employee’s ability to perform his or her job, will not be tolerated and is subject to disciplinary action up to and including dismissal.

6.3.3 CONFLICTS OF INTEREST

The City requires that employees protect organizational information and avoid outside activities or relationships, which do or could improperly influence their decisions or actions on the job.

Conflict of interest situations, which could arise while moonlighting for a contractor of ours, should also be avoided.

Other examples of conflict of interest could be: Serving as a board member or director of a firm, holding financial interest in a business, or being self-employed in an occupation which provides goods or services to the City, or ownership, partnership, or personal involvement in supplier companies or distribution outlets related to City business.

If employees have any question whether a situation is a conflict of interest, employees should discuss the matter with their supervisor. If it remains unresolved, refer the matter to Human Resources for a final determination.

6.3.4 JOB RELATED PROBLEMS

Employees who disagree or are dissatisfied with a City of Durango practice should promptly discuss the matter with their immediate supervisor, where appropriate. Normally, this discussion should be held within three to five days of the incident, or in a timely manner. Discussions held in a timely manner will enhance our ability to resolve concerns while they are fresh in everyone’s mind. The majority of misunderstandings can be resolved at this level.
If the solution offered is not satisfactory, or if it is inappropriate to go to the supervisor, then employees are encouraged to take the problem to the department Director. If the problem still cannot be resolved, employees may submit a written complaint to Human Resources for review and final decision about the situation.

6.3.5 USE OF CITY EQUIPMENT

Every City employee is entrusted with and responsible for City equipment or property assigned to or used by such employee. An employee shall report any and all existing damage to a piece of equipment or property to his or her supervisor prior to accepting responsibility for the equipment or property. Damage discovered after the employee has accepted responsibility for the assigned equipment or property, if not previously reported, may be attributed to the actions of that employee.

Employees are prohibited from using any City-owned facility, building, equipment, materials or vehicles for their personal use or benefit, or for the personal use or benefit of any other individual. No employee shall have unauthorized possession or use of City-owned property.

6.3.6 PROFESSIONAL RESPECT

Employees should show professional respect for other employees, treating everyone with civility and courtesy. Professional respect does not preclude honest differences in opinion; however, it does preclude attacking a person’s motives or integrity or use of threatening or abusive language, profanity or language that is intended to be, or is perceived by others to be demeaning, berating, rude, or offensive. It is the responsibility of all employees to support a positive work environment.

6.3.7 CONFIDENTIALITY

In the course of your employment at the City of Durango, you may encounter and be trusted with many kinds of confidential, non-public information. Described below are specific guidelines which relate to different types of confidential information you may encounter in your job. Confidential information about the City or its employees should not be disclosed to non-employees or to employees who have no business-related need for this kind of information in the course of their job duties. Further, it must not be used for personal gain.

- This restriction applies to all types of confidential information, including employee information, marketing information and strategies, trade secrets, methods and procedures, pricing and cost information, internal policies, computer access codes, and current or projected earnings and financial status that have not already been disclosed in public documents.

6.3.8 GIFTS

Article XXIX of the Colorado Constitution (Amendment 41) prohibits public employees from accepting any gift or thing of value for themselves, their spouses or dependent children within any calendar year that has a fair market value or aggregate actual cost in excess of $50.00. In addition to this limitation, employees should not directly or indirectly solicit, receive or accept any gift, whether it be money, services, loan(s), travel, entertainment, hospitality, or any other form, when it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their job duties, or the gift was intended to serve as a reward for an official action on their part.

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The prohibition of unsolicited gifts is intended to avoid circumstances involving potential improper influence. In de minimus situations, some modest maximum dollar value is reasonable and should be established by the Department Director as a guideline. The guideline is not intended to isolate employees from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

6.3.9 INVESTMENTS IN CONFLICT WITH JOB DUTIES

Employees are prohibited from investing or holding a financial interest, directly or indirectly, in any business entity, transaction or business endeavor that would create a conflict between the employee’s duty to uphold the public trust and the individual’s private interest.

6.3.10 ATTENDANCE AND PUNCTUALITY

It is the obligation of every City employee to provide a full day’s work for a full day’s pay, thus all employees are expected to be on time and punctual to show up to work. In addition, regular attendance is considered an essential function and is necessary for the efficient operation of the business.

The City provides Personal Time Off (PTO), as well as other forms of leave, to cover absence from work. PTO leave shall be requested in advance except when an emergency prevents such prior request. PTO leave requested due to illness should be requested as soon as an employee knows that illness will require absence from work, preferably one day in advance. When this is not possible due to sudden illness or emergency, the employee should notify his or her supervisor as soon as possible. Unless on approved leave, all employees are expected to have reported for duty and be ready to begin work by the start of the regular workday or the employee’s shift, and to remain on duty until the close of the regular workday or their regular shift.

6.3.11 EMPLOYEE JOB ACTIONS

The complaint procedure and Employee Handbook are designed to resolve employee relations problems before they cause employees to engage in a job action. The citizens of Durango have a right to expect City services to continue on a consistent and dependable basis without interruption due to actions by City employees. Therefore, it is a violation of this Employee Handbook for any employee or group of employees to authorize, initiate, or participate in any strike, slow down, or other willful and concerted failure to report for duty, or other interference with or interruption of operations at any of the City’s work locations.

Employees who have an individual or group problem with the City government, its officers, or other employees should raise the issue immediately with their supervisor.

6.3.12 OTHER EMPLOYMENT

When a full-time employee works for the City, such work is considered to be their primary employment. Employees are permitted to hold other jobs, in addition to their position with the City, provided that there is no conflict of interest between the second job and the responsibilities of the City position, the employee continues to perform the full range of City duties in a satisfactory manner.

Employees should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interest or conduct a private
business when such employment, service, or business creates a conflict with or impairs the proper discharge of their job duties (teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their job duties).

Full-time employees engaged in outside employment shall report to their supervisor, on an electronic form supplied by the City, any regular, part-time, or full-time supplemental employment in which they are engaged. The employee shall also disclose any personal relationship to his or her Department Director in any instance where there could be the appearance of a conflict of interest. For example, if the employee’s spouse works for a developer doing business with the City, that fact should be disclosed. The Department Director shall then determine whether a conflict of interest exists, and if so, shall inform the employee.

In cases where an employee wishes to be appointed to a second part-time, occasional, or sporadic job within the City service and it is convenient for the City to do so, the Human Resources Officer will review the request before the employee is appointed in order to determine whether an overtime situation under Fair Labor Standards Act regulations is created.

6.3.13 THREATS AND VIOLENCE POLICY

Any action, which in management’s opinion is inappropriate to the workplace, will not be tolerated. Employees must not engage in intimidation, threats, or hostile behaviors, physical/verbal abuse, vandalism, arson, sabotage, bullying, or any other act, which, in the City’s opinion, is inappropriate to the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated. The City prohibits the possession or use of weapons, whether unconcealed or concealed, on the City’s property, regardless of whether the person is licensed to carry the weapon. This guideline applies to all City employees, contract and temporary employees, visitors, and customers on City property, regardless of whether they are licensed to carry a concealed weapon. This does not apply to Sworn Officers while on duty.

“City property” covered by this guideline includes all City-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways, and parking lots under the City’s ownership or control. This guideline also applies to all City-owned or leased vehicles and all vehicles that come onto City property.

“Weapons” include, but are not limited to, handguns, firearms, explosives, and knives. If employees have a question regarding whether an item is covered by this guideline, they should call Human Resources. Employees have the responsibility to make sure that any item not specifically listed above that is possessed by the employee is not prohibited by this guideline.

The City reserves the right at any time and at its discretion to search all City-owned or leased vehicles and all vehicles, packages, containers, briefcases, purses, lockers, desks, enclosures, and persons entering its property, for the purpose of determining whether any weapon has been brought onto its property or premises in violation of this guideline. Any employee failing or refusing to promptly permit a search under this guideline will be subject to discipline up to and including a discharge.

Any behavior listed above should be immediately reported to a supervisor or Human Resources representative. Complaints will receive attention and the situation will be
investigated. Based on the results of the inquiry, action will be taken which management believes is appropriate. Employees should directly contact law enforcement personnel if they believe there is an imminent threat to the safety and health of employees or property.

*Workplace bullying is repeated mistreatment through verbal abuse, offensive conduct/behaviors, and work interference. If you feel you are subjected to workplace bullying, please contact Human Resources.*

6.3.14 WORKPLACE SMOKING

In keeping with the City’s intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace. Smoking is prohibited in all City buildings and City vehicles. This prohibition includes all forms of tobacco and e-cigarettes. This restriction applies to all employees and visitors, at all times, including non-business hours. Failure to comply with smoking regulations may result in disciplinary action.

6.4 DRUG FREE IN THE WORKPLACE POLICY

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from the risks posed by the use of prohibited drugs. City workplaces are expected to be free from the use of drugs, alcohol, and other controlled substances, subject to the limited exception of City-sponsored functions where a special permit allowing the consumption of alcohol has been obtained. This policy is intended to comply with all applicable federal regulations governing workplace anti-drug programs associated with public service.

The policy is fully detailed in the City’s Drug and Alcohol Workplace Policy, which has the same force and effect as this Employee Handbook.

6.5 INFORMATION SECURITY ACCEPTABLE USE AGREEMENT

The City network is the core element for doing City business. Clear guidance on the appropriate, safe, and legal way to use the City network and IT equipment is outlined in the Information Security Acceptable Use Agreement (AUA). The AUA contains the most essential security requirements contained in the comprehensive Information Security Policy. The AUA includes appropriate password and desktop security, mobile and removable device security, appropriate internet and email use, privacy expectations, security awareness training requirements and enforcement provisions. The AUA is attached here as Appendix III and incorporated by reference as part of this Employee Handbook.

6.6 SOCIAL MEDIA

The following guidelines apply to your work-related blogs, personal Web sites, postings on Facebook and other interactive sites, postings on video or picture sharing sites, or in the comments that you make online and in responding to comments from others either publicly or via email. These guidelines apply only to work-related issues and are not meant to infringe upon your personal interaction in social media or commentary online.

If you maintain a Web site or are writing a blog that will mention the City and/or our services, employees, partners and citizens if you identify that you are an employee of the City you must express that the views expressed are yours alone and do not represent the views of the City.

Updated December 2023
You are not authorized to speak on behalf of the City, or to represent that you do. Our logo and trademarks may not be used without written permission from the City. This is to prevent the appearance that you speak for or represent the City. If you are maintaining a website or writing a blog that will mention our City and/or our services, employees, partners and citizens, alert your manager.

You may not share information that is confidential or proprietary about the City. This includes information about our services, sales, finances, employees, strategy, and any other information that has not been publicly released by the City. These are only examples of information that the City considers confidential and proprietary. If you have any question or concern about whether information has been or may be released publicly, speak with your manager, the Human Resources Director, or the City Attorney’s Office before sharing it. You cannot use City equipment, including computers or other electronic devices or equipment, or work time, to conduct personal blogging or social networking activities.

The City expects you to write knowledgeably, accurately and professionally about our services, employees, partners and citizens. Despite disclaimers, your interaction on social media can result in the public forming harmful opinions. Avoid any behavior that will reflect negatively on the City’s reputation. Unfounded or derogatory statements, misrepresentations, as well as any commentary, content, or image that is defamatory, pornographic, proprietary, harassing, or libelous will result in disciplinary action up to and including termination of employment.

You are personally responsible for your commentary on blogs and social networking sites. You can be held personally liable for commentary that is considered defamatory, obscene, proprietary, or libelous by any offended party.

7. PARTICIPATION IN POLITICAL ACTIVITIES

7.1 POLITICAL PARTICIPATION

The City of Durango encourages all City employees to participate in the political process in matters of responsible citizenship. However, it is necessary to implement some policies to avoid conflicts of interest between political activity and public employment in a City position.

7.2 ELECTIVE CITY OFFICE

Whenever an employee of the City of Durango files their acceptance of a petition for nomination as a candidate for any elective City office, that employee’s employment with the City will immediately cease.

7.3 CANDIDACY FOR OTHER PUBLIC OFFICE

An employee of the City of Durango may become a candidate for political office other than City offices, provided that the candidacy does not create a conflict of interest with their City position and subject to meeting in full the primary obligation of their job as a City employee. If involvement does not interfere or present a conflict of interest with their job, and the involvement is necessary during normal working hours, the individual must take vacation leave or leave without pay. Employees whose salary comes in part or in whole from federal government sources are subject to the Federal Hatch Act and its revisions.

Updated December 2023
7.4 MEETING TO DISCUSS CANDIDACY

An employee who becomes a candidate for any elective office must, within 15 days, meet with the employee's Department Director, the Human Resources Officer, and the City Manager to discuss the candidacy and its potential effect on the employee’s position. If the City Manager determines that the employee’s candidacy creates a conflict with the employee’s regular City position, the employee shall be required to take accumulated PTO leave and/or leave of absence without pay for the remainder of the campaign. If at any time during the campaign, the Department Director determines that the employee is not meeting the work obligations of the City position in full, they will review the situation with the Human Resources Officer and the City Manager, and the employee may be required to take accumulated PTO leave and/or leave of absence without pay for the remainder of the campaign.

7.5 EMPLOYMENT STATUS IF ELECTED

An employee of the City of Durango who is elected to any School District, Special District, City, Town, County, State, or Federal office, or any board or commission must meet within one working day of the election with the employee’s Department Director, the Human Resources Officer, and the City Manager to discuss the potential effect on the employee's City position. If the City Manager determines that holding the office or being appointed to a specific board or commission would constitute a conflict of interest with the employee’s City position, they must resign from their employment with the City on or before the day preceding the date the employee is scheduled to assume the elected position. If no conflict is determined and the employee assumes the elected position, but the Department Director subsequently determines that the employee is not meeting the work obligations of the City position in full, they will review the situation with the Human Resources Officer and City Manager. In such situations, the employee may be required to resign from their employment with the City, or from the elective office, effective immediately.

7.6 PERMITTED ACTIVITIES

A City employee may exercise their rights, when acting as a private citizen, to engage in political activity, not affecting an elective City office, including:

a) Form, join, or possess membership in a political party, club, or other political organization; run for office in the organization and take an active role in the management of the organization; attend meetings; vote on the position of the organization on candidates and issues.

b) Be a candidate or serve as a delegate to political conventions, caucus rallies, or meetings, even though this involves making specific statements on behalf of a candidate or soliciting votes to support or oppose a candidate, other than a candidate for City office.

c) Sign, distribute, and actively promote a petition in support of or in opposition to a specific candidate, elected official, or issue not related to City government.

d) Actively support, promote, and campaign for candidates for non-City political office, including solicitation of voluntary contributions, statements of support, solicitation of votes, and driving voters to the polls.
7.7 PROHIBITED ACTIVITIES

The following activities are prohibited:

a) In accordance with the Fair Campaign Practices Act, employees may not engage in any political activity during working hours unless on approved paid leave or leave without pay.

b) Employees may not use or permit others to use the authority of their position with the City to endorse or actively support a candidate for any political office, including the use of any City property, uniforms, vehicles, facilities, or equipment.

c) Unless authorized by the City Manager as a designated City representative, employees may not represent themselves, nor knowingly permit themselves to be represented, as City employees, while engaging in any form of political activity.

d) City employees, individually or collectively, are prohibited from endorsing or actively working for the election of, recall of, or opposing or working for the defeat of any candidate for City office. A City employee may sign but not distribute or promote a petition related to the election or recall of a candidate for City office, an elected City official, or an issue concerning the government of the City.

e) An employee of the City may not directly or indirectly, coerce, attempt to coerce, command, or advise another City employee to pay, lend, or contribute anything of value, including service, to a party, committee, organization, agency, or person for political purposes or to campaign for or support any political candidate, or to refrain from any political activities except as provided in this Chapter 5.

8. DISCIPLINE

8.1 DISCIPLINARY ACTION

Disciplinary actions are those actions taken by management in response to an employee’s failure to meet the expected standards, objectives, or rules of the City. The objective of disciplinary action is to correct or eliminate inappropriate behavior or misconduct. Employees are expected at all times to perform their duties in a safe and competent manner and to conduct themselves in an honorable fashion. Honesty is an important organizational attribute. Accordingly, any misrepresentation of facts or falsification of records, including personnel records, medical records, time records, leaves of absence documentation or the like will not be tolerated. The same honesty standard applies to any organizational investigation.

Disciplinary actions can range from an informal discussion with the employee about the matter to immediate discharge. Action taken by management in an individual case does not establish a precedent in other circumstances.

Employees of the Durango Police Department are subject to a separate departmental policy regarding inappropriate behavior or conduct.

8.2 ACTIONS RESULTING IN IMMEDIATE DISMISSAL

Some forms of misconduct are so serious in nature that the employee may be dismissed at the first occurrence. When dismissal occurs, employees receive either a written or verbal notice of charges, an explanation of evidence, and an opportunity to respond to the
evidence. The supervisor or Department Director in charge of the dismissal will allow the dismissed employee an opportunity to present their explanation of the facts and circumstances.

8.3 COMPLAINT AND APPEAL PROCEDURES

8.3.1 COMPLAINT PROCEDURES

An employee who has a complaint regarding disciplinary action imposed, not related to a performance evaluation, and may utilize the following complaint procedure:

Step 1: Within five business days of the disciplinary action being imposed, the employee shall inform, in writing, the Department Manager/ Director that they have a complaint regarding the discipline, discuss it with the Department Manager/ Director, and state their requested remedy or action to be taken in response to the grievance. The Department Manager/ Director will respond in writing to the employee typically within ten business days of discussing the complaint with the employee.

Step 2: If the employee is not satisfied with the response of their Department Manager/ Director, the employee may, within ten business days after receiving the Department Manager/ Director’s written response, raise the complaint in writing with Human Resources Officer. The complaint statement shall include a summary of the aggrieved condition or nature of the problem and the requested remedy. The Human Resources Officer will investigate the complaint and, typically within ten business days, respond in writing to the employee regarding the action to be taken with respect to the written complaint. The decision of the Human Resources Officer shall be final. If the employee fails to file at the next higher level in the grievance procedure within the designated five business days, the grievance is deemed to be resolved based on the last response from the management employee or Department Director, provided that these time limits may be extended by mutual written agreement of the parties involved.

8.3.2 COMPLAINT OF DISMISSAL OR DEMOTION

Actions involving dismissal or demotion may be complained beginning at Step 2 of the City complaint procedure as described in Section 8.3.1. Such complaint shall be filed within five business days of the effective date of the dismissal or demotion. If the employee is not satisfied with the response of the Human Resources Officer, the employee may submit the grievance, in writing, within five business days, to the City Manager. Typically, within 15 business days of receipt of the grievance, the City Manager will notify the employee’s supervisor and Department Director of the appeal and will notify the employee in writing of receipt of complaint.

The employee may obtain copies of any written information within the employee’s personnel file and other documents pertinent to the disciplinary process that are not privileged or confidential. The employee shall provide a written request for any records.

**Decision**

A written decision, containing the City Managers findings and determinations, will be sent to the employee, the employee’s Department Director and the Human Resources Officer within ten business days from the date of the notice of receipt of the grievance. The decision may sustain, overrule, or modify the disciplinary action.
No Appeal

The decision of the City Manager shall be final and no further appeal within the City will be permitted.

Restoration of Benefits and/or Pay

If discipline is modified or reversed, any lost benefits and/or wages will be reimbursed.

8.3.3 DEFERRAL OF SUBSEQUENT ACTIONS AFFECTED BY COMPLAINT

When a complaint has been filed concerning a promotion, transfer, demotion, or other action which would impact on subsequent promotions or outside recruitments, such subsequent actions will be deferred pending the resolution of the complaint, unless such deferral would, in the opinion of the City Manager, unacceptably hamper the effective operation of the City service.

9. HOLIDAYS AND LEAVE

9.1 LEGAL HOLIDAYS

The following days shall be recognized holidays for all full-time employees of the City of Durango:

New Year's Day..................................................January 1
Martin Luther King, Jr., Day......................3rd Monday in January
Presidents' Day.............................................3rd Monday in February
Memorial Day.............................................Last Monday in May
Independence Day........................................July 4
Labor Day.............................................1st Monday in September
Veteran's Day..........................................November 11
Thanksgiving Day......................................4th Thursday in November
Day After Thanksgiving Day..................4th Friday in November
Christmas Eve Day..................................December 24
Christmas Day........................................December 25

If any full holiday falls on a Saturday it will be observed on the preceding Friday. If any full holiday falls on a Sunday, it will be observed on the following Monday. PT & Seasonal employees refer to section 3.1.

9.2 HOLIDAY ELIGIBILITY

To be eligible for holiday pay, a full-time employee must be in paid status on the employee's last regular workday before and the first regular workday after the holiday. Employees normally assigned to work on the holiday because of shift assignments must be in paid status on the holiday unless that holiday falls on their regular day off.
Personal Time Off (PTO) combines traditional vacation, sick and personal time off into one general leave category. The City provides PTO to full-time employees as one of the many ways in which it shows appreciation for employee loyalty and service and in recognition of each employee’s diverse needs for time away from work. It is a policy that encourages and promotes time away from the job for rejuvenation and stress reduction and promotes productivity and a healthier lifestyle. Personal Time Off is a benefit by the employer and carries no entitlement. Personal Time Off may be used for vacation, personal time, and if an employee:

1. has a mental or physical illness, injury, or health condition that prevents them from working;
2. needs preventive medical care, or to get a medical diagnosis, care, or treatment, of any mental or physical illness, injury, or health condition;
3. needs to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in category (2);
4. the employee or the employee’s family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation;
5. due to a public health emergency, a public official having closed either (A) the employee’s place of business or (B) the school or place of care of the employee’s child, requiring the employee needing to be absent from work to care for the child;
6. needs to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member’s school or place of care;
7. needs to grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member; or
8. needs to evacuate the employee’s place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee’s residence.

PTO is not considered in overtime calculations and cannot be used to bring an employee over 80 regular hours in a pay period.

While scheduled leave is earned as a policy right, it is the responsibility of the Department Director or their designee to determine when and in what amount the leave may be granted. When possible, leave shall be requested in advance, in writing. Scheduled PTO must be requested at least 2 weeks in advance to account for department operational demands. Department Directors have the authority to approve Scheduled PTO for circumstances in which a two-week notice was not provided for extenuating circumstances.

Full-time employees begin to accrue PTO immediately upon employment and may utilize PTO as it is accrued. In no event shall PTO not yet accrued be utilized.
9.6 RATE OF ACCRUAL

Full-time employees (scheduled for 2,080 hours per year) accrue the following amount of PTO on an annual basis, pro-rated into 26 pay periods. Full-time employees working other than a full-time schedule of at least 32 hours per week will be pro-rated accordingly. PTO accruals increase to the next level beginning with the pay period that includes the employee’s appropriate anniversary date.

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>PTO Days</th>
<th>Total Hours</th>
<th>Max Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>23</td>
<td>184</td>
<td>368</td>
</tr>
<tr>
<td>2-5</td>
<td>25</td>
<td>200</td>
<td>400</td>
</tr>
<tr>
<td>5-8</td>
<td>26</td>
<td>208</td>
<td>416</td>
</tr>
<tr>
<td>8-11</td>
<td>27</td>
<td>216</td>
<td>432</td>
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<tr>
<td>11-14</td>
<td>28</td>
<td>224</td>
<td>448</td>
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<tr>
<td>14-17</td>
<td>29</td>
<td>232</td>
<td>464</td>
</tr>
<tr>
<td>17-20</td>
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<td>240</td>
<td>480</td>
</tr>
<tr>
<td>20+</td>
<td>31</td>
<td>248</td>
<td>496</td>
</tr>
</tbody>
</table>

9.7 MAXIMUM CARRYOVER AND ACCRUAL

The maximum carryover of accrued PTO for any employee shall be two times the accrual rate in effect for that employee. Maximum carryover for employees with 20 years of service or more is 62 days (496 hours). In the event an employee reaches their maximum accrued PTO, they will no longer accrue PTO until their PTO balance is brought below their maximum accrual.

9.8 ABSENCES AND LEAVE WITHOUT PAY

Personal Time Off will continue to accrue during periods of absence while the employee remains in an active pay status. During periods of leave-without-pay, Personal Time Off accrual will be prorated based on the number of paid hours in the pay period under 64 hours. Exceptions will be made for departmental operations that require employees to take time off due to a temporary workplace closure, and any other State, Federal or City mandate. PTO does not accrue when a person is on long term disability. Personal Time Off shall accrue during the period in which an employee extends a short-term disability absence by charging the extended absence to banked “Prior Sick Leave”.

9.9 PRIOR SICK LEAVE

The transition from a traditional policy of vacation, personal day and sick leave to a combined general leave policy of PTO became effective January 1, 2006. The conversion from Sick and
Vacation Leave to PTO is designed to ensure that employees are not adversely affected by this change in leave policy. To that end each employee’s accrued but unused sick leave is converted to “Prior Sick Leave”. Prior sick leave may be used for any FMLA qualifying event from the first day such condition is designated. In such cases, PTO does not have to be used, unless elected by the employee. In cases where there is no prior sick leave or less than five days of prior sick leave balance, PTO must be used, if available, for the first 40 hours of an FMLA qualifying event. Prior sick leave may also be utilized for Workers’ Compensation. Upon retirement, in conformance with the City’s retirement policies, employees hired prior to December 31, 2005, will be paid for accrued Prior Sick Leave up to a maximum of 240 hours, at the current rate of pay.

9.10 UNSCHEDULED PTO

Leave should be requested as soon as an employee becomes aware of the need for leave. Preferably, such notice should be provided one day in advance.

Notification

It is your responsibility to make a good faith effort to notify your manager each day at the beginning of your shift when you cannot come to work because of qualifying condition specified herein. Also, when possible, let your manager know when you expect to return to work. In the event you are absent for more than three days, reasonable documentation is required. This documentation should indicate that you were unable to work due to a qualifying condition specified herein, and the length of time this restriction lasted.

Use of unscheduled PTO (not including sick time under the protections of Healthy Families and Workplaces Act (HWFA)), which is considered excessive by the supervisor and Department Director may be subject to discipline. Abuse of unscheduled leave requests may be subject to disciplinary action up to and including termination. Excessive use of unscheduled PTO (as determined by the employee’s supervisor(s)) shall be documented to the employee’s personnel file. All consecutive workday absences due to the same illness or circumstance shall be considered as one occasion for purposes of this policy.

Additional rules will apply in the case of a public health emergency.

Employers cannot retaliate against employees for requesting or using paid sick leave. Employees have a right to file a complaint or bring a civil action if paid sick leave is denied or they are retaliated against for exercising their rights under the law.

9.11 LEAVE RECORDS

All leave, whether PTO, military, or other, will be based on a 12-month period. Records of leave balances will be maintained by the Human Resources Office. Leave requests must be submitted in the timekeeping system. Any discrepancies must be brought to the Human Resources Office for resolution within two pay periods, after which all leave records become final.

9.12 SHORT TERM DISABILITY

Short-Term Disability (STD) benefits provide partial income protection for eligible employees who are temporarily unable to work due to non-work-related injury or illness. Short Term
Disability is intended to work in conjunction with the Family Medical Leave Act (FMLA), recognizing that the City's short term disability benefits is always subject to change. For more information about this important benefit, including eligibility, required documentation, and waiting periods, please contact Human Resources.

9.13 WORKERS COMPENSATION

Any employee who incurs a work-related injury or illness resulting in temporary total or temporary partial disability which prevents the performance of any work may receive Workers' Compensation benefits for the time off work. Full-time employees who are entitled to accrue and use PTO leave, and who wish to do so during a period of work-related disability, may continue to receive full pay for the duration of the disability by using accumulated PTO leave to make up the difference between Workers' Compensation payments and full pay.

Employees are not required to make up the difference between Workers' Compensation payments and full pay and may leave their PTO leave balances intact by receiving only Workers' Compensation payments for the duration of the work-related disability.

Employees wishing to make up the difference between Workers' Compensation payments and full pay must submit a workers comp supplemental request, detailing the amount of workers' compensation payments for that period so that the correct amount of PTO leave can be calculated and paid through the regular payroll. Such make-up compensation will not be calculated for pay periods for which no workers comp supplemental request is received.

For work-related absences due to an on-the-job injury lasting more than 30 calendar days, the employee will receive 100% of their wages from the City’s wage continuation program. On the 31st day, the employee will receive 2/3 of their average weekly wages from the workers compensation insurance, and the employee may opt to use PTO for the remaining 1/3 by making a worker's compensation supplemental request. The city will allow employees time off from work to attend follow-up medical appointments for bona fide Worker's Compensation injury, at times with least impact on City operations.

Full-time employees will continue to be entitled to the same benefits and associated costs while on work-related disability that were in effect prior to the injury or illness; for example, PTO leave accrual and insurance coverage.

9.14 MILITARY LEAVE/RESERVE DUTY

Employees are granted military leave of absence, subject to federal and state law.

If employees are in the Reserve or National Guard and are called for training, the training period will not be charged to PTO unless the employee makes such a request. The City will compensate employees for the time off due to Reserve or National Guard training, up to a maximum of 20 days per year, at the salary level in effect at the time of such training.

The City prohibits retaliation against any employee for taking time off under this policy. An employee entering active military service is considered to be on military service leave of absence and will be granted reemployment and benefit protection rights as outlined in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). While on military leave, employees may use any PTO or similar leave with pay that was accrued prior to service. Health plan coverage for employees and their dependents may be continued for up to 18 months under COBRA (see Consolidated Omnibus Budget Reconciliation Act...
Section 8.2). If the employee serves less than 31 days, they will not be charged more than the employee share of the premium. For purposes of employee retirement plan benefits, pension plan accrual and vesting will continue as though no break in employment had occurred.

Employees returning from military leave will be re-employed without any loss of benefits, seniority, status, or pay, as outlined by the USERRA and C.R.S., §§28-3-601, et seq.

9.15 COURT LEAVE

All regular employees are authorized official leave to attend court when, as a result of a summons or subpoena, they render services as a juror or witness in any Federal, State, or Municipal Court, or Grand Jury, excluding any case in which the employee is a named litigant in a civil action or defendant in a criminal action. If at any time during the judicial process the employee is released from such duty, the employee must immediately report for work. Pay for services for jury duty will be handled consistently with Colorado law, where an employee receives full pay from the City for the first three days of service and no payment from the Court. After three days of jury duty, compensation is through the Court.

Court leaves for sworn police officers is administered separately through Standard Operating Procedures adopted by the Police Department and is not subject to this section.

9.16 VOTING

Voting is an important responsibility we all assume as citizens. We encourage employees to exercise their voting rights in all municipal, state, and federal elections. Under most circumstances, it is possible for employees to vote either before or after work. If it is necessary for employees to arrive late or leave work early to vote in all regular elections, employees should arrange with their Supervisor/Manager no later than the day prior to Election Day.

9.17 ADMINISTRATIVE LEAVE

Administrative leave may be granted at the convenience of the City for a variety of reasons that are otherwise not covered in the Employee Handbook. Each request is considered on an individual basis and reviewed by the Department Director and the Human Resources Officer. Upon the recommendation of the Department Director and the Human Resources Officer, the City Manager may approve or deny the request for administrative leave. Administrative leave may be authorized for employees at full, partial, or no pay.

The City Manager may authorize absence from duty when extreme weather conditions, serious interruption of public transportation service, or disasters such as fire, flood, or other natural phenomenon necessitates the cessation of work in whole or in part, or where employees or groups of employees are prevented from remaining at work or reporting to work.

9.18 LEAVE WITHOUT PAY

Leave Without Pay (LWOP) shall be granted only upon the approval of the employee's Department Director. This Section covers conditions which would not be included in the provisions for Family and Medical Leave (Section 9.21).
If LWOP extends for five or more consecutive days, an employee shall not, during that time, be eligible to accrue PTO, nor shall the employee receive holiday pay for holidays occurring during the LWOP period. Requests for LWOP in excess of 30 calendar days must be approved by the City Manager. Each request will be considered on its own merits, and approval will be granted only for reasons that are considered to be in the best interest of the City service. LWOP in excess of 30 days will not be granted unless there is a reasonable expectation that the employee will return to duty at the expiration of the leave period. LWOP may be granted regardless of whether the employee has accrued PTO leave to their credit. However, employees who will be absent for more than 30 calendar days must exhaust all accumulated PTO leave prior to the effective date of LWOP. No LWOP will be granted beyond a period of one year.

Employees granted leave without pay for more than 30 days may be terminated from the City’s group health insurance plan unless they elect to pay the costs of such insurance and subject to the conditions of the Affordable Care Act.

9.19 JOB ABANDONMENT

An absence from duty for which the employee has not notified their supervisor and/or which is not approved as leave because of insufficient justification or unsatisfactory explanation will be considered abandonment of the job position by the employee. In addition, disciplinary action may be taken, up to and including dismissal.

Absence without leave for three consecutive days shall be considered an automatic resignation without proper notice. An employee who thus improperly resigns is therefore not eligible for reappointment in accordance with Section 4.1 of the Employee Handbook.

9.20 EMERGENCY LEAVE/BEREAVEMENT

Employees may be granted up to 40 hours of emergency/bereavement leave, which includes travel considerations, not charged to PTO leave, for the purpose of:

a) Attendance at the funeral of a member of the employee’s immediate family.
b) Attendance upon a member of the employee’s immediate family, who is in imminent danger of death.

If more time is needed for travel, PTO will be utilized.

Immediate family for the purpose of this Section includes parents, children, spouse, brothers, sisters, grandparents, grandchildren, members of the employee’s immediate household to include significant others, civil unions, and domestic partners, in-laws of the above and stepchildren, stepparents, stepbrothers, stepsisters, and step-grandparents of the employee. Funeral services related to co-employees may be covered under Administrative Leave on a case-by-case basis.

9.21 FAMILY AND MEDICAL LEAVE (FMLA LEAVE)

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

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

**Military Family Leave Entitlements**

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

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

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

**Benefits and Protections**

During FMLA leave, the City maintains the employee’s health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of insurance premiums during leave.

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

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**Eligibility Requirements**

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

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

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

**Use of Leave**

The total amount of FMLA leave you are entitled to take for any of the purposes set forth in this policy, or any combination of purposes, is 12 weeks during any rolling 12-month period measured backward from the last date you use FMLA leave. However, if the leave is for a service member, the total amount available is 26 weeks during the 12-month period measured forward from the date your first FMLA leave to care for the covered service member begins.

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

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

**Substitution of Paid Leave for Unpaid Leave**

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

**Employee Responsibilities**

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

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.
Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The City may require second and third medical opinions at the City’s expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the City’s attendance guideline. Employees on leave must contact the Human Resources Officer at least two days prior to their return to work.

**The City’s Responsibilities**

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

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

**Unlawful Acts**

FMLA makes it unlawful for the City to:

a) Interfere with, restrain, or deny the exercise of any right provided under FMLA.
b) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**Enforcement**

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

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

**Family Care Act Leave**

The City provides up to 12 weeks of unpaid leave to eligible employees to care for their partners in a civil union or domestic partnership, who have serious health conditions. Generally, leave under the Family Care Act is administered consistent with FMLA regulations. Contact your supervisor or Human Resources if you need family care leave.

**FAMLI Participation**

The City of Durango has voted to opt-out of participating in the FAMLI state-run family leave program. All employees of the City have the ability to participate in FAMLI on an individual basis. FAMLI provides benefits and protections, including partial income protection for eligible employees who are temporarily unable to work due to their or a family member’s qualifying medical or legal reason, specifically, for the care of a newborn, adopted child, or fostered child; to care for a family member with a serious health condition; for the employee’s own serious health condition; for qualifying military exigency leave; or to address safety needs or the impact of domestic violence and/or sexual assault. Partially paid leave is
available for up to 12 weeks in a calendar year or up to 16 weeks under certain circumstances related to pregnancy and childbirth. Please see Human Resources to obtain additional copies of the required notices to employees of local government employers who have opted out of FAMLI that are distributed upon hiring.

9.22 EMPLOYEE PTO LEAVE DONATION PLAN

City of Durango recognizes that employees may have a family medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of their available PTO. To address this need, all eligible employees will be allowed to donate accrued PTO hours from their unused balance to their co-workers in need of additional PTO, in accordance with the policy outlined below. This policy is strictly voluntary.

ELIGIBILITY

Employees must be considered full-time employees to donate or receive PTO donations.

GUIDELINES

Employees who would like to make a request to receive donated PTO from their co-workers must have a situation that meets the following criteria:

**Medical emergency**, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child or parent.

**Major disaster**, defined as a disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the president pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.

DONATION OF PERSONAL TIME

- The donation of PTO time is strictly voluntary.
- Donated PTO time will go into a leave bank for use by eligible recipients.
- Recipient identity will not be disclosed to donating employees.
- The donation of PTO is on an hourly basis, without regard to the dollar value of the donated or used leave.
- The maximum number of PTO hours that an eligible employee may donate is 40 hours per calendar year.
- Employees cannot borrow against PTO to donate.
- Employees will be given the opportunity to donate PTO directly to the Human Resources Office by completing a Donation Authorization form.
- Employees who are currently on an approved leave of absence cannot donate PTO.

REQUESTING DONATED PERSONAL TIME

Employees who would like to request donated personal time are required to complete a Donation of PTO Request Form and submit it to Human Resources.
Requests for donations of PTO must be approved by Human Resources, the employee's immediate supervisor and a designated senior leader of the City.

If the recipient employee has available PTO in their balance, this time will be used prior to any donated PTO. Donated PTO may only be used for time off related to the approved request.

Employees who receive PTO may receive no more than the maximum amount of leave they accrue during the year, and/or 240 hours maximum or whatever is greater.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

**9.23 PAID SICK LEAVE FOR PART TIME AND SEASONAL EMPLOYEES**

All part time and seasonal employees accumulate sick time at the rate of 1 hour per 30 hours worked, up to 48 hours in a year. Paid sick leave may be used if an employee.

1. Inability to work due to a mental or physical illness, injury, or health condition.
2. Obtaining preventive medical care (including vaccination), or to get a medical diagnosis, care, or treatment.
3. Care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in category (2).
4. Employee or the employee’s family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or
5. Due to a public health emergency, a public official having closed either (A) the employee’s place of business, or (B) the school or place of care of the employee’s child, requiring the employee needing to be absent from work to care for the child.
6. Bereavement, or financial/legal needs after the death of a family member.
7. Due to inclement weather, power/heat/water loss, or other unexpected event, the employee must
   a) Evacuate their residence, or
   b) Care for a family member whose school or place of care was closed.

Paid sick leave may be used in one-hour increments. Employees begin accruing sick time upon active work.

It is your responsibility to make a good faith effort to notify your manager each day at the beginning of your shift when you cannot come to work because of qualifying condition specified herein. Also, when possible, let your manager know when you expect to return to work. In the event you are absent for more than three days, reasonable documentation is required. This documentation should indicate that you were unable to work due to a qualifying condition specified herein, and the length of time this restriction lasted.

Up to forty-eight hours of paid sick leave that a part-time or seasonal employee accrues in a year but does not use carries forward to, and may be used in, a subsequent year. A part-time or seasonal employee cannot use more than forty-eight hours of paid sick leave in a calendar year. Employees will not accrue additional sick time in any year until the balance falls below 48 hours.

Updated December 2023
Because paid sick time can be accumulated to be used if you are personally sick or injured; you will not receive extra pay or extra time off for your unused sick time. Paid sick time will not be used in the calculation of overtime. Also, you are not paid for unused sick time when you leave.

Employers cannot retaliate against employee for requesting or using paid sick leave. Employees have a right to file a complaint or bring a civil action if paid sick leave is denied or they are retaliated against for exercising their rights under the law.

Additional rules related to sick leave will apply in the case of a public health emergency.

10. EMPLOYEE BENEFITS

10.1 INSURANCE BENEFITS

The City provides eligible employees with an opportunity to participate in the City's Group Health, Dental, Vision, Life, and Long-Term Disability Insurance Plans. The specific level of coverage each year will be approved by the City Council upon the recommendation of the Human Resources Officer, the Finance Director, and the City Manager.

Full details on employees' benefits are located on CoDi.

10.2 POLICE QUALIFIED RETIREMENT PLAN

Full-time sworn officers in the Police Department hired after April 7, 1978, participate in a qualified 401(A) defined contribution plan governed by the rules set forth by the Internal Revenue Service and the City's Plan Document and Adoption Agreement. The plan document specifies employee and employer contribution rates based on a percentage of gross wages. Normal retirement age for participating employees is defined as 55 years of age and five years of service as a regular employee. The vesting schedule is outlined in the current plan document.

10.3 FULL-TIME EMPLOYEES QUALIFIED RETIREMENT PLAN

Participation in a City-sponsored retirement plan is mandatory for full-time employees. Information about City-sponsored retirement plan(s) can be found on CoDi, and NeoGov or through Human Resources.

Full-time employees, excluding sworn police officers, participate in a qualified 401(A) defined contribution plan governed by the rules set forth by the Internal Revenue Service and the City's Plan Document and Adoption Agreement. The plan document specifies employee and employer contribution rates based on a percentage of gross wages. Normal retirement age for participating employees is defined as 60 years of age and five years of service as a regular employee. Early retirement age is defined as 55 years of age and five years of service as a regular employee. The vesting schedule is outlined in the current plan document.

10.4 RETIREMENT CONTRIBUTION RATES
The contribution rates for both the City and participating employees for the Police Pension Fund is set in accordance with state regulations governing the procedure, but such rates shall meet or exceed minimum contributions required by State law.

10.5 DEFERRED COMPENSATION PLAN

All full-time employees and part-time employees may participate in the City’s voluntary 457 deferred compensation plans governed by the rules set forth by the Internal Revenue Service and the City’s Plan Documents and Letters of Agreement. Employees may contribute up to the IRS’s limits into the 457 deferred compensation plans. The City does not contribute matching funds for voluntary contributions to the deferred compensation plan.

10.6 UNEMPLOYMENT INSURANCE

Employees who become unemployed may be eligible for unemployment insurance benefits. If an employee becomes unemployed, they may visit the local office of the Colorado Division of Employment to determine whether they are entitled to benefits under the Colorado Employment Security Act.

10.7 WORKERS’ COMPENSATION INSURANCE

Employees injured on the job may be entitled to compensation for medical expenses and lost wages in accordance with the provisions of the Colorado Workers’ Compensation Act. Detailed information regarding accident and injury reporting procedures are included in the City’s Loss Control and Safety Manual (Appendix II). If employees are injured on the job, no matter how minor, they must report this fact in writing within 10 days to the Safety Officer and their immediate supervisor. If medical treatment for an on-the-job injury is needed, it must be obtained from one of the City’s designated physicians. If not, the employee may be responsible for the cost of medical treatment.

Safety

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

10.8 WORKING REMOTE

Telecommuting is the practice of working at home or from a site other than a department’s central workplace. This is not an employee benefit but an alternative method of meeting the City’s needs. Telecommuting is a privilege; employees may express a desire to, or not to telecommute and the Department Director should consider the employee’s wishes along with the operational needs of the City in making a determination. The City has the right to implement, refuse and/or terminate telecommuting arrangements at any time. Equipment issued to employees in connection with telecommuting is subject to all Information Technology policies sections outlined in this handbook. Generally, the City is not responsible for providing office furniture for telecommuting arrangements. A work schedule should be established by the supervisor and the Attendance and Punctuality section (4.5.7) of the handbook would apply. Telecommuting employees are expected to produce the same level and quality of work that would be expected onsite.
A private space will be provided, and reasonable time will be permitted, for nursing mothers to express milk during the workday for up to two years following the birth of a child. The time permitted typically will run concurrently with the time already provided for meal and rest breaks. If the breaks cannot run concurrently and/or additional time is needed, human resources and the employee will agree upon a schedule which might include the employee using unpaid leave (if non-exempt), annual leave/vacation time, arriving at work earlier, or leaving later. In the event unpaid leave is used, the employee will be relieved of all work-related duties during any unpaid break.

Employees will be provided with the use of a room, office, or other private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public. The City will make a reasonable effort to identify a location within proximity to the work area for the employee to express milk.

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

The City reserves the right to not provide additional break time or a private location for expressing breast milk if doing so would substantially disrupt the City’s operations. The City will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.
I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED 2024. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:

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

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

THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK. THE ORGANIZATION THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

NO REPRESENTATIVE OF City of Durango, OTHER THAN THE ELECTED OFFICIAL OR AGENCY HEAD OF THE ORGANIZATION, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ELECTED OFFICIAL OR AGENCY HEAD AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

_____________________________________________________
Signature

_________________________  _________________________
Employee Name               Date
APPENDIX I - City Charter Provisions

City Charter -- Article III
Adopted November, 1978

The following are the provisions of the City Charter that impact on the City Personnel System:

City Manager

1. **Appointment, Qualifications, Compensation**: The Council shall appoint a City Manager, by a majority of the entire Council, for an indefinite term and fix his compensation. The Manager shall be appointed solely on the basis of his administrative qualifications.

2. **Removal**: The City Council may remove the Manager from office by a majority vote of the entire City Council.

3. **Annual Evaluation**: The City Council shall, annually, evaluate the professional performance of the City Manager. The procedure for such evaluation shall be as follows:
   
a) Not less than thirty days prior to the date that the evaluation shall occur, the City Council shall publish notice, as otherwise provided in this Charter, to the public, inviting comment on the performance of the City Manager.

b) At the time of publication of the notice, the form to be used by the City Council in evaluating the City Manager shall be made available to the public.

c) The actual contents of the evaluation of the City Manager shall not be made public.

d) The decision of the Council, after reviewing the evaluation of the City Manager, shall be announced at a regular Council meeting.

4. **Acting City Manager**: The City Manager shall designate, by a letter filed with the City Clerk, a qualified city administrative officer, to exercise the powers and perform the duties of the City Manager, during his temporary absence or disability. This designation shall be subject to the approval of the Council. During the absence or disability of the City Manager, the Council may revoke such designation of the Acting City Manager, at any time, and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

5. **Powers and Duties of the City Manager**: The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for all city affairs placed in his charge by this Charter, the City Council, or by law. He shall have the following powers and duties:

   a) The City Manager shall appoint, with the approval of the Council, all heads of departments, offices or agencies provided by this Charter, established by the City Council or by law. The City Manager may authorize any administrative officer who is subject to the direction of the City Manager to exercise those powers existing with respect to subordinates in that officer's department, office or agency. The appointment of all employees shall be governed by law, this Charter, or personnel rules adopted pursuant to this Charter.
b) When the City Manager deems it necessary for the good of the City, he shall suspend or remove any city employee and appointive administrative officer, except as otherwise provided by personnel rules of the City.

c) The City Manager shall direct and supervise the administration of all departments, offices and agencies of the City.

d) The City Manager shall attend all Council meetings unless excused by the Council and shall have the right to take part in discussions but may not vote.

e) The City Manager shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by them or by officers subject to his direction and supervision, are faithfully executed.

f) The City Manager shall make such other reports as the Council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

g) All department heads, offices and agencies shall be under the direction and supervision of the City Manager. With approval of the Council, the City Manager may serve as the head of one or more of such departments, offices or agencies or may appoint one person as the head of two or more such departments.

h) The City Manager shall perform such other duties as may be required by the Council.

ARTICLE IV

Administrative and Personnel

1. Creation of Departments: The City Council may, by ordinance, create or abolish departments, offices or agencies, in addition to those created by this charter, and may prescribe their functions.

2. Personnel:

   a) Merit Principle: All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

   b) Personnel Rules: The City Manager shall prescribe personnel rules to the Council. The Council shall, by resolution, adopt the proposed rules, subject to the right to make necessary amendments. These rules shall provide for the following:

      1. The classification of all city positions, based upon the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by change of circumstances;

      2. A pay plan for all city positions;

      3. The policies and procedures regulating reduction in force and removal of employees;
4. The hours of work, attendance regulations and provisions for sick and vacation leave;

5. The policies and procedures governing persons holding provisional appointments;

6. The policies and procedures governing relationships with employee organizations;

7. The policies regarding in-service training programs;

8. Employee grievance procedures;

9. Other practices and procedures necessary to the administration of the City personnel system.

3. **Legal Officer:** There shall be a legal officer of the City, appointed by the City Council, who shall serve at the pleasure of the City Council, as chief legal adviser to the council, the City Manager and all City departments, offices and agencies, and shall represent the City in all legal proceedings and perform any other duties prescribed by this Charter or by ordinance. Compensation of the Legal Officer shall be fixed by the City Council.

4. **Municipal Judge:** The City Council shall appoint a municipal judge who shall be an attorney licensed to practice law in the State of Colorado. The appointment shall be for a term of two years and until a successor is appointed and qualified, subject to the authority of the Council to remove the judge for good cause shown. The following shall constitute good cause for such removal:

   a) The judge is found guilty of a felony or any crime involving moral turpitude; or

   b) The judge has willfully or persistently failed to perform judicial duties; or

   c) The judge has a disability which interferes with the performance of judicial duties which is, or is likely to become, of a permanent character.

5. **Compensation, Jurisdiction of the Municipal Court:** The Compensation of the municipal judge shall be set by the Council, and the jurisdiction of the municipal court shall be fixed by ordinance.

6. **City Clerk:** The City Manager shall appoint a City Clerk, who shall be custodian of the Seal of the City, and who shall keep a journal of Council proceedings and record in full of all ordinances, motions and resolutions. The City Clerk shall have power to administer oaths and take acknowledgments under Seal of the City, and shall perform such other duties as required by this Charter, the City Council, or the City Manager.
APPENDIX II - Loss Control and Safety Regulations

APPENDIX III - Information Security Acceptable Use Agreement

Appendix IV - Code of Conduct and Code of Ethics