



MANAGEMENT SERVICES MEMORANDUM
#14-2019

DATE: November 25, 2019

TO: Honorable Mayor Antonio B. Esquibel and City Council Members

THROUGH: Heather Geyer, City Manager 

FROM: Paula Jensen, Director of Management Services 

SUBJECT: CR-134 – 11/25/19 Amended Employee Guidelines

PURPOSE

Staff is seeking approval of CR-134, a resolution to approve the amended Employee Guidelines that have been updated to reflect City Council approval of Ordinance No. 1781, “Prohibiting Smoking and the use of Electronic Smoking Devices in Public Parks and Recreational Areas” on September 23, 2019.

BACKGROUND

The Employee Guidelines serve as the personnel rules, and are being presented to City Council for approval. Northglenn Municipal Code Section 2-3-3(d) states the following: “The City Manager shall have the power to suspend and discipline all officers, department heads and employees whom he is empowered to appoint, in accordance with personnel rules promulgated by the City Manager and approved by the Council.”

Amended Employee Guidelines are attached to CR-134. The amendment includes the following:

1. A revised “Smoking Regulations” guideline (Page 54) to comply with City of Northglenn Ordinance No. 1781, prohibiting smoking in public parks and recreational areas and to update designated smoking areas. A copy of Ordinance No. 1781 is included as Attachment 1.

STAFF RECOMMENDATION

Staff recommends approval of CR-134.

BUDGET/TIME IMPLICATIONS

N/A

STAFF REFERENCE

If Council members have any comments or questions they may contact Paula Jensen, Director of Management Services, at pjensen@northglenn.org or 303.450.8877.

ATTACHMENTS

1. Ordinance No. 1781

CR-134 – 11/25/2019 Amended Employee Guidelines

SPONSORED BY: MAYOR ESQUIBEL

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1935
Series of 2019

1781
Series of 2019

A BILL FOR AN ORDINANCE AMENDING SECTIONS 9-14-3 AND 9-14-4 OF THE NORTHGLENN MUNICIPAL CODE PROHIBITING SMOKING AND THE USE OF ELECTRONIC SMOKING DEVICES IN PUBLIC PARKS AND RECREATIONAL AREAS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 9-14-3 of the Northglenn Municipal Code is hereby repealed and reenacted as follows:

Section 9-14-3. Definitions. As used in this Article, the following terms shall have the meanings indicated herein:

(1) "Auditorium" means the part of a public building where an audience gathers to attend a performance and includes any corridors, hallways, or lobbies adjacent thereto.

(2) "Bar" means any indoor area that is operated and licensed under Article 47 of Title 12, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.

(3) "Cigar-tobacco bar" means a bar that generated at least five percent (5%) or more of its total annual gross income or fifty thousand dollars (\$50,000) in annual sales from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines.

(4) "Employee"

(a) "Employee" means any person who:

(i) Performs any type of work for benefit of another in consideration of direct or indirect wages or profit; or

(ii) Provides uncompensated work or services to a business or nonprofit entity.

(b) "Employee" includes every person described in paragraph (a) of this subsection (4), regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

(5) "Employer" means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons. "Employer" includes, without limitation, the legislative, executive, and judicial branches of state government; any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, special district, authority, commission, or agency; or any other separate corporate instrumentality or unit of state or local government.

(6) "Entryway" means the outside of the front or main doorway leading into a building or facility that is not exempted under Section 9-14-5. "Entryway" also includes the area of public or private property within a ~~fifteen (15)~~ TWENTY-FIVE (25) -foot radius outside of the doorway.

(7) "ELECTRONIC SMOKING DEVICES" MEANS ANY PORTABLE ELECTRONICALLY ACTIVATED DEVICE, WHICH IN OPERATION CAUSES THE USER TO EXHALE ANY SMOKE, VAPOR, OR OTHER SUBSTANCE RESULTING IN CHEMICALLY ALTERED HUMAN EXHALATION. "ELECTRONIC SMOKING DEVICE" INCLUDES ANY DEVICE MANUFACTURED, DISTRIBUTED, MARKETED, OR SOLD AS AN ELECTRONIC CIGARETTE, AN ELECTRIC CIGAR, AN ELECTRONIC CIGARILLO, ELECTRONIC PIPE, AND ELECTRONIC HOOKAH, OR UNDER ANY SIMILAR PRODUCT NAME OR DESCRIPTOR. "ELECTRONIC SMOKING DEVICE" DOES NOT INCLUDE ANY ASTHMA INHALER OR OTHER DEVICE THAT HAS BEEN SPECIFICALLY APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

~~(7)~~(8) "Environmental tobacco smoke," "ETS," or "secondhand smoke" means the complex mixture formed from the escaping smoke of a burning tobacco product, also known as "sidestream smoke," and smoke exhaled by the smoker.

~~(8)~~(9) "Food service establishment" means any indoor area or portion thereof in which the principal business is the sale of food for on-premises consumption. The term includes, without limitation, restaurants, cafeterias, coffee shops, diners, sandwich shops, and short-order cafes.

~~(9)~~(10) "Indoor area" means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

~~(10)~~(11) "Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

~~(11)~~(12) "Proprietor" means the owner, operator or person in charge of any place regulated by this article.

~~(12)~~(13) "Public building" means any building owned or operated by:

- (a) The state, including the legislative, executive, and judicial branches of state government;
- (b) The City of Northglenn or an instrumentality thereof; or
- (c) Any other separate corporate instrumentality or unit of state or local government.

~~(13)~~(14) "Public meeting" means any meeting open to the public pursuant to Section 24-6-401, C.R.S., or any other law of this state.

(15) "PUBLIC PARK PROPERTY" MEANS ANY REAL OUTDOOR PROPERTY OWNED OR CONTROLLED BY THE CITY OF NORTHGLENN, INCLUDING, WITHOUT LIMITATION, PARKS, TRAILS, OPEN SPACES, PLAYGROUNDS, AND OUTDOOR RECREATION FACILITIES, BUT EXCLUDING PUBLIC BUILDINGS, STREETS, SIDEWALKS, AND ALLEYS.

~~(14)~~(16) "Smoke-free work area" means an indoor area in a place of employment where smoking is prohibited.

~~(15)~~(17) "Smoking" means the burning of a lighted cigarette, cigar, pipe, ELECTRONIC SMOKING DEVICE, or any other matter or substance that contains tobacco or marijuana as defined by Section 9-9-2 of the Northglenn Municipal Code.

~~(16)~~(18) "Tobacco" means cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. "Tobacco" also includes cloves and any other plant matter or product that is packaged for smoking.

~~(17)~~(19) "Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is merely incidental.

~~(18)~~(20) "Work Area" means an area in a place of employment where one or more employees are routinely assigned and perform services for or on behalf of their employer.

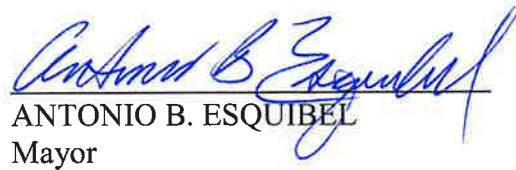
Section 2. Section 9-14-4 of the Northglenn Municipal Code is hereby amended with a new subsection (3).

Section 9-14-4. General Smoking Restrictions.

* * *

(3) IN ORDER TO REDUCE THE LEVELS OF EXPOSURE TO ENVIRONMENTAL TOBACCO SMOKE, SMOKING SHALL NOT BE PERMITTED AND NO PERSON SHALL SMOKE ON PUBLIC PARK PROPERTY.


INTRODUCED, READ AND ORDERED POSTED this 9th day of September, 2019.


ANTONIO B. ESQUIBEL
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this 23rd day of September, 2019.


ANTONIO B. ESQUIBEL
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney

SPONSORED BY: MAYOR ESQUIBEL

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-134
Series of 2019

Series of 2019

A RESOLUTION ADOPTING EMPLOYEE GUIDELINES FOR THE CITY OF NORTHGLENN,
COLORADO

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN,
COLORADO, THAT:

Section 1. The Employee Guidelines, attached hereto as Exhibit A, are hereby approved
by the City Council of the City of Northglenn, Colorado pursuant to Section 2-3-3(d) of the City of
Northglenn Municipal Code.

DATED, at Northglenn, Colorado, this _____ day of _____ 2019.

ANTONIO B. ESQUIBEL
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

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INTRODUCTION

Welcome to the City of Northglenn. As a member of the City's staff it is important that you understand the general values that govern the City's relationship with its employees. The City's goal is to create an atmosphere that reinforces and supports the basic values of integrity, personal responsibility and professionalism in order to ensure that the needs of the citizens of Northglenn are met. It is the expectation that City employees will conduct themselves in accordance with these values.

The City believes in the dignity of the individual and that each employee who is hired has the potential to make a unique contribution to the organization and the community. The City is committed to diversity in its work force and practices equal opportunity employment and non-discrimination in the work place. The City complies with all state and federal employment mandates.

The City believes that its employees are capable of playing a decisive role in the shaping of the City and its various departments and divisions. To that end, employees are provided with the best opportunities available for individual growth and development. The City is committed to the concept of fair pay for work performed and results achieved. The recognition of individual and/or team performance of an outstanding nature is a priority.

The City Council/Manager form of government is established by the City Charter. The City Manager has the responsibility to assure that the citizens' needs for municipal services are met. The City Manager oversees services so that they are provided in a cost-effective, efficient and professional manner.

Within the City, there are several operating departments as well as internal services. Depending upon the type of service, the requirement for structured procedures varies widely. Each department or operation is therefore responsible for developing and implementing operational guidelines to ensure the most efficient delivery of services.

Some standardized guidelines are necessary for issues of City-wide concern. The Employee Handbook addresses these issues in general terms. The content of the Employee Handbook is for general information only. The language used is not intended to be, nor does it constitute an employment contract between the City and its employees. The City reserves the right to make final decisions concerning the interpretation and application of the contents of this document. Questions regarding issues in the Employee Handbook should be addressed to your supervisor or Human Resources.

The provisions contained in these documents are meant to act as guidelines, not hard and fast rules which apply to each and every situation that may arise. Rather, keeping with the values of integrity, personal responsibility and professionalism, it is the City's desire that situations be resolved through mutual collaboration and cooperation whenever possible. When this is not possible, each situation shall be evaluated on a case-by-case basis.

Again, welcome to the City of Northglenn. The City looks forward to a mutually beneficial relationship with you as a member of our team.

ALCOHOL AND OTHER DRUGS

Purpose: The City, to promote a work environment free from alcohol and drugs, and to support its commitment to the health, safety and welfare of the public and employees, prohibits the use of alcohol and unlawful controlled substances in the workplace.

Employees with Commercial Driver's Licenses: An employee whose position requires the possession of a valid Commercial Driver's License is subject to and must comply with additional regulations regarding drug and alcohol use as contained in the Federal Motor Carrier Safety Regulations (see City Safety Manual - DOT Drug and Alcohol Guideline).

Prohibition Against Controlled Substances: No employee shall engage in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace. Further, no employee shall report to work or be at work while impaired or under the apparent influence of an unlawful or lawful controlled substance. Employees with Commercial Driver's Licenses and employees of the Northglenn Police Department shall specifically also be prohibited from the off-duty use of marijuana, regardless of whether they are impaired or under the apparent influence of marijuana in the workplace, because marijuana is a Schedule I controlled substance under the Federal Controlled Substance Act, 21 U.S.C. § 812 and is thus illegal under federal law.

Restriction Regarding Use of Alcohol: No employee shall report to work or be at work while impaired or under the apparent influence of alcohol. The City strongly discourages the consumption of alcohol by employees under any circumstances where such consumption might interfere in any way with the performance of the individual's duties and responsibilities, violate any law governing the consumption of alcohol or degrade the public trust.

Restriction Regarding Use of Medication: No employee shall report to work or be at work if impaired by prescribed or over-the-counter medications. Employees are expected to use prescription and over-the-counter medications in an appropriate manner and dosage, and are expected to know whether the appropriate use of such medications may impair their ability to perform their jobs safely and competently.

Testing for Alcohol and Unlawful Use of Controlled Substances: In the event that a supervisor has reasonable suspicion to believe that an employee is impaired, the employee may be required to undergo testing for alcohol and controlled substances. Refusal to undergo such testing may result in termination from City employment. Refusal to undergo testing also includes failing, without a valid medical reason, to provide an adequate breath and/or urine sample, or engaging in conduct that clearly obstructs the testing process (i.e., refusing to sign required documents, not providing proper identification, tampering with samples, etc.).

During normal business hours, employees, suspected of being under the influence, should be transported to the City's designated medical provider for testing. After business hours and on weekends, employees should be transported to the nearest emergency facility.

Impaired: For the purposes of this guideline, an employee shall be deemed "impaired" if the employee has consumed an alcoholic liquor or beverage, or consumed or ingested a drug which affects the employee to the degree that it is apparent the employee is less able, either mentally or physically or both, to exercise clear judgment or perform in a competent manner, the duties and tasks assigned to the employee. An employee shall conclusively be deemed impaired if the

employee's Breath Alcohol Content is equal to or more than .05, or if the employee tests positive for unlawful use of controlled substances.

Applicability:

This guideline applies to all employees working for the City, including on a contractual or voluntary basis.

1. The City recognizes alcohol and drug abuse as a potential health, safety and security problem. The City expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances. Compliance with this guideline is made a condition of employment.
2. Notification of Criminal Conviction: Any employee convicted of a criminal drug statute violation which occurred in the workplace shall report the conviction in writing to his/her department director no later than five (5) days after such conviction. In addition, any employee whose duties include the enforcement of criminal drug statutes who is charged with or convicted of such a crime, regardless of whether such charge/conviction arose from an incident which occurred while on duty, shall report the same to his/her department director within five (5) days of such charge/conviction.

Employees who notify the City that they have been convicted of criminal drug statute violation which occurred in the workplace will be appropriately disciplined up to and including termination.

3. Any violation of this guideline will result in corrective or disciplinary action, up to and including termination, under the City's guideline for discipline.
4. Employees who have an alcohol or drug abuse problem are strongly encouraged to use the Employee Assistance Program available through the Human Resources Division.

Workplace: The term "workplace" includes City facilities and premises; work sites; City vehicles and equipment; or any place the employee is performing a duty within the scope of his/her employment. An employee is considered to be performing a duty within the scope of employment while on standby.

Employee Assistance Program: For the benefit of employees who may be affected, either personally or in the course of their personal lives, by problems associated with substance abuse, the City provides an Employee Assistance Program. The Employee Assistance Program may be accessed voluntarily and confidentially by any employee or family member at any time. The City may also make mandatory referrals to the Employee Assistance Program as may be necessary to assure compliance with this guideline.

Information regarding the program is available through Human Resources and is distributed to employees at the time of hire and periodically throughout the year. The Employee Assistance Program is completely confidential, may be accessed by full and part-time employees and their family members, and is not restricted to matters of substance abuse.

Training: The City will provide periodic drug-free awareness programs and training in order to:

- inform employees of the dangers of substance abuse in the workplace;

- review the City's commitment to maintaining a drug-free workplace (and the guidelines for conduct pertaining to this commitment);
- inform employees of available drug rehabilitation and employee assistance programs.

Training will also be provided to assist supervisors in identifying employees who are impaired due to alcohol or controlled substances so that the appropriate course of action may be taken.

Co-worker Responsibility: Any employee who suspects that another City employee is in violation of this guideline is required to contact his or her supervisor, department head, Human Resources or Risk Management immediately.

Supervisory Responsibilities: City supervisors are responsible for knowing, understanding and enforcing the provisions of this guideline under all circumstances, and for reporting any criminal drug statute violation involving an employee which occurred in the workplace to the appropriate department director immediately.

Supervisors who observe behavior that indicates that any employee may be abusing drugs (legal or illegal) and/or alcohol should contact their department head and Human Resources immediately.

In the event that neither the department head nor Human Resources can be reached, the supervisor should contact Risk Management or the City's Employee Assistance Program provider (24 hour coverage) for guidance.

A supervisor is responsible for relieving an employee from duty immediately if there is a concern for personal safety or the preservation of public or private property, materials, equipment and/or facilities. In such situations, the department head and Human Resources shall be notified immediately. If the employee appears to be impaired to the point where he or she is a danger to him/herself or others, emergency assistance should be sought by contacting 911.

Questions regarding this section should be referred to Human Resources or Risk Management.

City Responsibility: The City is required to take appropriate action to notify a federal granting agency within 10 days after it has received notice of the conviction of an employee of a workplace violation of a criminal drug statute.

CODE OF ETHICS

Purpose: It is the intent of the City to ensure that all city employees adhere to high ethical conduct so that the public will have confidence that the City's government operates in a fair, ethical and accountable manner.

Scope: This guideline applies to all City departments and all City employees, regardless of employment status.

Guideline: All employees of the City shall adhere to the letter and spirit of the Code of Ethics and strive to avoid situations which create impropriety or the appearance thereof.

Rules of conduct for all City employees:

- (1) A City employee shall not:
 - (a) Disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests; or
 - (b) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:
 - (I) Which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or
 - (II) Which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.
- (2) An economic benefit tantamount to a gift of substantial value includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services.
- (3) The following shall not be considered gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of this section:
 - (a) An occasional nonpecuniary gift, insignificant in value;
 - (b) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
 - (c) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such City employee is scheduled to participate;
 - (d) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to such City employee which is not extraordinary when viewed in light of the position held by such City employee;

- (e) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events; not to exceed \$100.00 annually.
- (f) Payment for speeches, appearances, or publications; and
- (g) Payment of salary from outside employment in accordance with other applicable City policies.

COMPUTER USE, SECURITY, DATA DISPOSAL & BREACH POLICY

Background and Purpose: Data breaches, or the unauthorized release or access of personal information, are increasingly common occurrences whether caused through human error or malicious intent. The purpose of this Data Disposal and Security Breach Policy is to avoid Security Breaches and when necessary, respond to such incidents in an organized way. The City adopts the following procedures in compliance with state law, C.R.S. § 24-73-101, *et seq.*, which requires the City to adopt written policies for the disposal of documents containing Personal Identifying Information and to specify the notification procedures to Affected Residents during a Security Breach.

Scope: This policy applies to all individuals employed by the City or representing the City as an agent or elected or appointed official, as well as all Third-Party Service Providers contracted with the City for the destruction, recycling, disposal, storage, or handling of Print or Electronic Media that contains Personal Identifying Information or Personal Information.

Definitions: For purposes of this Policy, the following terms shall have the following meanings:

"Affected Colorado Resident" means a current resident of Colorado whose Personal Information has been obtained or is reasonably believed to have been obtained by an unauthorized party in the event of a Security Breach.

"Colorado Resident" means an individual who resides in Colorado for 90 consecutive days immediately preceding the Security Breach or who was domiciled in the state on the date of the Security Breach. A person's domicile is in Colorado if the person's place of abode is in Colorado and that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence.

"Electronic Media" means intangible computerized data and includes the tangible equipment on which the intangible data is stored or was once stored.

"Information Technology" means the Information Technology Department of the City of Northglenn.

"Personal Identifying Information" means a social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric data, as defined in C.R.S. § 24-73-103(1)(a); an employer, student, or military identification number; or a financial transaction device, as defined in C.R.S. § 18-5-701(3).

"Personal Information" means:

- i. A Colorado Resident's first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident, when the data elements are not encrypted, redacted, or secured by any other method rendering the name or the element unreadable or unusable: social security number; driver's license number or identification card number; student, military, or passport identification number; medical information; health insurance identification number; or biometric data, as defined in C.R.S. § 24-73-101(1)(a);

- ii. A Colorado Resident's username or e-mail address, in combination with a password or security questions and answers, that would permit access to an online account; or
- iii. A Colorado Resident's account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to that account.
- iv. "Personal Information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or widely distributed media.

"Print Media" means physical documents, including notes or records that are computer printed, copied, handwritten or otherwise manifested into tangible form.

"Security Breach" means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of Personal Information in the possession of the City. Good faith acquisition of Personal Information by an employee or agent of the City for City purposes is not a Security Breach if the Personal Information is not used for a purpose unrelated to the lawful City purpose or is not subject to further unauthorized disclosure. A Security Breach is deemed to have taken place when there is sufficient evidence to conclude that such a breach has occurred.

"Third-Party Service Provider" means an entity that has been contracted or retained by the City to maintain, encrypt, store, recycle, dispose of, destroy, or otherwise handle or process Personal Information or Personal Identifying Information for or on behalf of the City.

"Users" means all City staff, elected officers, and appointed officers who have access to City-held Personal Identifying Information or Personal Information, whether or not such access is authorized.

Data Disposal Policy:

A. General. This policy covers all records and documents, regardless of physical form, that contain Personal Identifying Information. As new equipment is obtained and older equipment and media reach end of life, sensitive information on surplus equipment and media must be properly destroyed and otherwise made unreadable to protect Personally Identifiable Information. Physical documents must also be disposed of properly to avoid inadvertent disclosure. This policy specifies guidelines for how records and equipment should be destroyed and is designed to ensure compliance with state law to eliminate the risk of releasing sensitive personal information of Colorado Residents.

B. Data Disposal Procedures. When paper or electronic documents or equipment that contain or once contained Personal Identifying Information are no longer needed, as determined by a records retention schedule, the City shall destroy or arrange for the destruction of such documents or equipment that remain under its custody or control. All computer desktops, laptops, hard drives, and portable media must be processed through Information Technology or an authorized Third-Party Service Provider for proper disposal in accordance with these data disposal procedures. Paper and hard copy records shall be disposed of in a similarly secure manner as specified by these data disposal procedures.

Print Media that contains or once contained Personal Identifying Information shall be disposed of by one (or a combination) of the following methods:

- i. *Erasing.* Erasing or otherwise removing Personal Identifying Information from documents in a manner that makes the information unreadable or indecipherable by any means;
- ii. *Shredding.* Shredding using cross-cut shredders;
- iii. *Shredding Bins.* Disposal using locked bins located on-site using a licensed and bonded information disposal contractor; or
- iv. *Incineration.* Physically destroyed using a licensed and bonded information disposal contractor.

Electronic Media that contains or once contained Personal Identifying Information shall be disposed of by one of the following methods:

- i. *Overwriting Magnetic Media.* Overwriting uses a program to write binary data sector by sector onto the Electronic Media that requires sanitization;
- ii. *Degaussing.* Degaussing consists of using strong magnets or electric degaussing equipment to magnetically scramble the data on a hard drive into an unrecoverable state; or
- iii. *Physical Destruction.* Implies complete destruction of Electronic Media by means of crushing or disassembling the asset and ensuring that no data can be extracted or recreated.

Information technology documentation, hardware, and storage that has been used to process, store, or transmit Personal Identifying Information shall not be released into general surplus or recycled until it has been sanitized and all stored information has been cleared using one of the above methods to make the Personal Identifying Information unreadable and indecipherable or otherwise removed.

C. **Application to Third-Party Service Providers.** Any contract with a Third-Party Service Provider for the disposal or recycling of Electronic Media or Physical Print Media must contain a provision verifying that the Third-Party Service Provider has procedures for proper disposal in accordance with C.R.S. § 24-73-101(1), as amended.

Security Procedures and Practices Policy

A. **General.** The City is responsible for activities that require the collection of confidential or sensitive Colorado resident data, which include, for example: information discovered and disclosed in employee and volunteer background checks, customer and credit information for utilities and pay services, victim information in police reports, voting records, and internal personnel and payroll records. The City has adopted the policy below to reasonably protect Colorado Resident Personal Identifying Information that is collected, used, shared, and stored by the City.

B. Use of Computers and Passwords. Only City employees and other specifically approved persons are authorized to use or access the City's computers. Users may only use computer software and related equipment in the direct performance of their assigned duties. The City has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media to ensure compliance with this Policy and state and federal law. All Users shall create complex passwords that allows them to access the network and systems, including email. A User may not share or offer the use of his or her password, and unauthorized use of another User's password is prohibited. Should a User believe their password has been compromised or made available to others, they must immediately reset/change their password and notify Information Technology.

C. Use of Electronic Mail. All electronic mail ("email") sent by a User on behalf of the City or in the performance of employment or official tasks shall be sent from the User's password protected official email account, and no personal accounts shall be used to complete employee duties. Email passwords shall not be shared and unauthorized use of another User's email account is prohibited. Each User provided with an email account acknowledges that the City reserves the right to monitor email messages (including personal/private/instant messaging systems) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access email and Internet content. Users must be aware that the email messages sent and received using City equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by the City at any time.

D. Internet Connection and Online Activity. The Internet represents a potentially destructive source for computer viruses and poses a particular threat to maintaining the integrity and safety of City-held data that contains Personal Identifying Information; therefore, great care must be taken regarding any files that are downloaded. All users with Internet access must have current anti-virus software running at all times, as set forth in Section 5(E) hereof. Downloaded files (word processing documents, spreadsheets/charts, images, etc.) must be scanned with current antiviral software before execution or first use. Use of City computers, networks, and Internet access is a privilege and access may be revoked for inappropriate conduct, including without limitation:

- i. Failing to log off any secure, controlled-access computer or other form of electronic data system to which the User is assigned, if the User leaves such computer or system unattended;
- ii. Causing congestion, disruption, disablement, alteration, or impairment of the City's networks or systems;
- iii. Engaging in unlawful or malicious activities that violates the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way;
- iv. Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's networks or systems or those of any other individual or entity; and
- v. Defeating or attempting to defeat security restrictions on City systems and applications.

E. Antivirus and Malware. All workstation and server based assets used for City business, whether connected to the City network or as standalone units, must use City approved antivirus/antimalware protection software and configuration provided by the City. Users are responsible for installing security updates on desktop computers when prompted. To ensure the integrity and safety of Personal Identifying Information held by the City and minimize the risk presented by viruses and malware, the following prohibitions are in place:

- i. Settings for the virus protection software must not be altered in a manner that will reduce the software effectiveness;
- ii. Virus protection software must not be disabled or bypassed; and
- iii. Automatic update frequency cannot be altered to reduce the frequency of updates.

Any threat that is not automatically cleaned, quarantined, and subsequently deleted by malware protection software must be reported to Information Technology. If a User suspects that the system may be infected, the following actions must be taken:

- i. Inform Information Technology immediately;
- ii. Switch off the machine;
- iii. Take appropriate measures to ensure no-one uses the machine; and
- iv. Inform Information Technology of any actions taken which may have caused the infection.

F. Network Device Security and Use of Network Server. Network services are an essential component of the City's information resources. Routers and switches physically (and virtually) separate logical networks through configuration and protocol management. Effective management of these important network devices helps to protect internal network resources from external risks, so:

- i. Areas where physical network components reside shall be secured at all times to prevent unauthorized access or tampering;
- ii. All Personal Identifying Information must be stored on the City's network, and may not be stored on desktop computers or any type of portable device including flash drives;
- iii. The City will perform regular backups of user files stored on the City's network servers; and
- iv. Users may be permitted access only to approved City resources and systems and may be restricted from accessing certain documents and folders on the network that contain sensitive information.

Users who are not directly involved in the City's information security systems management shall not:

- i. Extend or re-transmit City network services by installing a router, switch, hub, or wireless access point on any City-administered network;
- ii. Install any network hardware or software that provides network services without the express authorization of Information Technology;
- iii. Alter network hardware in any way; or
- iv. Download, install, or run security programs or utilities that reveal weaknesses in the security of a system unless authorized by Information Technology.

G. Remote Access and Personal Devices. Remote access to the City network shall be subject to Department Head approval. Users shall not bring personal computers to the workplace or connect them to City electronic systems or the network unless expressly permitted to do so. Personal devices should only be connected to the City's WiFi network and never plugged into a network data port. If permission to bring personal devices to work to perform employee duties is granted, or if permission to connect a device for remote access to the network is granted, the User's personal device becomes subject to the requirements of this Policy and the User is solely responsible for ensuring compliance. Access may be restricted on certain applications and data sources that, due to their sensitive nature, may not be accessed by personal devices.

H. Workstation Security. Users shall consider the sensitivity of the information that may be accessed and minimize the possibility of unauthorized access at their workstations. Physical access to workstations shall be restricted to authorized personnel. Users shall prevent unauthorized viewing of information on a screen by:

- i. Ensuring monitors are positioned away from public view;
- ii. If necessary, installing privacy screen filters or other physical barriers to prevent public viewing;
- iii. Manually activating a password protected screen saver when leaving the workstation;
- iv. Exiting running applications and closing any open documents; and
- v. Ensuring workstations are logged off at the end of each business day.

I. Employee Termination. When an employee retires, is terminated, or otherwise leaves employment with the City, access to systems and applications will be immediately terminated. Employee work records and data stored locally or on servers shall be preserved. Accounts of individuals on extended leave (more than 30 days) shall be temporarily disabled. Termination of employment shall be classified as either friendly or unfriendly. Friendly terminations occur when an employee departs employment with the City on agreeable terms with no reasonable expectation of posing a risk that would result in a Security Breach, and procedures are as follows:

- i. Remove access privileges and computer accounts within a reasonable time of termination;

- ii. Repossess access keys to the office and office furniture and equipment;
- iii. Brief the departing employee on the continuing responsibilities for confidentiality and privacy;
- iv. Instruct the employee to return all City property, work product, documents, and equipment; and
- v. Insure interim or replacement staff's ability to access data.

Unfriendly terminations are events that have the potential for adverse consequences that may result in a Security Breach, so coordination between the termination of access and the termination of employment should occur, and procedures are as follows:

- i. Remove access privileges and computer accounts as soon as possible, or if the employee is immediately terminated, remove system access at the same time or immediately prior to the notification and dismissal;
- ii. Repossess access keys to the office and office furniture and equipment;
- iii. Brief the departing employee on the continuing responsibilities for confidentiality and privacy;
- iv. Instruct the employee to return all City property, work product, documents, and equipment; and
- v. Communicate with the City Attorney to determine whether assets need to be preserved for legal review, chain of custody, or other investigative events.

J. **Print Media Security.** Print media containing Personal Identifying Information shall be stored in a secure location when not in immediate use, such as a locked cabinet or an unlocked cabinet in a locked room. Physical access to such documents should be sufficiently restricted to protect the information from those who do not have permission to access that material. Visitors should always be escorted and easily identifiable when in areas that may contain sensitive information. When Print Media containing Personal Identifying Information is no longer needed, it shall be disposed of in accordance with the Data Disposal Policy.

K. **Application to Third-Party Service Providers.** Information disclosed to a Third-Party Service Provider by the City must remain protected under the Third-Party Service Provider's own security procedures and practices policy. If the Third-Party Service Provider does not have such a policy, or if such policy does not protect the disclosed information to the same extent or greater than does the City's policy, then the Third-Party Service Provider is required to follow the City's Security Procedures and Practices Policy to help protect Personal Identifying Information from unauthorized access, modification, disclosure, or destruction. Any contract with a Third-Party Service Provider shall contain such a requirement.

Security Breach Notification Policy

A. General. This policy covers all electronic equipment, records, and documents that contain or once contained Personal Information. If the City at any point in time becomes aware of sufficient evidence to draw a conclusion that a Security Breach has occurred or reasonably may have occurred, it should employ the procedures in this Security Breach Notification Policy.

B. Impact Investigation Procedures. If the City is notified or becomes aware that a Security Breach may have occurred, it must in good faith conduct a prompt investigation to determine the likelihood that Personal Information has been or will be misused. Information Technology or its Third-Party Service Provider will investigate the potential breach and assess the risks associated with it, if any. The impact investigation must consider the following in determining whether a Security Breach has occurred:

- i. The type of data involved and its sensitivity;
- ii. The protections which are in place (e.g. encryption);
- iii. Whether the data has been lost or stolen;
- iv. Whether the data could be put to an unauthorized use;
- v. Who the impacted individuals are;
- vi. Where the impacted individuals reside;
- vii. The number of individuals involved;
- viii. The potential effects on those impacted individuals; and
- ix. Whether there are wider consequences to the breach.

If the investigation determines that there has been no Security Breach or misuse of Personal Information is not reasonably likely to occur, then no further action by the City is required. If the investigation determines that there is sufficient evidence to conclude that a Security Breach has taken place, or misuse of Personal Information has occurred or is reasonably likely to occur, then Sections 6(C) and 6(D) apply.

C. Notice to Affected Colorado Residents. If the investigation reveals that a Security Breach has occurred, the City shall provide notice to Affected Colorado Residents in the most expedient way possible and without unreasonable delay, but no later than 30 days after the date of determination that a Security Breach has occurred. Notification may be delayed only if a law enforcement agency determines that notice will impede an ongoing criminal investigation, but must be provided within 30 days after the law enforcement agency determines that notification will no longer impede the investigation. Notice shall be provided by one or more of the following methods:

- i. Written notice to the postal address listed in the City's records;
- ii. Telephonic notice;

iii. Electronic notice if such method has been the primary means of communication between the City and the Affected Resident; or

iv. Substitute notice, but only if the cost of providing notice to the Affected Residents will exceed \$250,000 the number of Affected Residents exceeds 250,000 people, or the City does not have sufficient contact information to provide any of the above methods of notice. Substitute notice may be completed only by performing all of the following actions: email notice, to the extent such addresses are available; conspicuous posting of the notice on the City's website; and notification to major statewide media.

Notice of a Security Breach shall include the following:

- i. The date, estimated date, or estimated date range of the Security Breach;
- ii. A description of the Personal Information that was that was acquired or reasonably believed to have been acquired as part of the Security Breach;
- iii. The contact information of the City;
- iv. The toll-free numbers, addresses, and websites for consumer reporting agencies;
- v. The toll-free number, address, and website of the Federal Trade Commission;
- vi. A statement that the resident can obtain information about fraud alerts and security freezes from the Federal Trade Commission and the credit reporting agencies; and
- vii. If applicable, disclosure that encrypted or otherwise secured personal information has been acquired along with the encryption key or other means of deciphering the secured information.

Notice of a Security Breach where Personal Information is determined to have been misused or is reasonably likely to be misused shall include the above notice requirements, with the addition of directions to promptly change passwords and security questions and answers, or directions on how to take other appropriate steps to protect online accounts for which Personal Information was breached. Compliance with this notice provision is not achieved by sending notice of the Security Breach to a City-provided email account. Another method consistent with the above accepted means must be used. No costs shall be imposed upon Affected Colorado Residents to facilitate these notices.

D. Notice to Other Parties. In addition to the Affected Residents, notice of a Security Breach shall be provided to the Colorado Attorney General if it is reasonably believed that a Security Breach affected 500 or more Colorado Residents. Such notice shall be provided within 30 days after the date of determination that a Security Breach has occurred. In addition to the Affected Residents and the Colorado Attorney General, notice of a Security Breach shall be provided to all consumer reporting agencies that compile and maintain files of consumers on a nationwide basis if it is reasonably believed that a Security Breach affected 1,000 or more Colorado Residents. Such notice to the consumer

reporting agencies shall include: the anticipated date of the notification to the Affected Residents; and the approximate number of Affected Residents.

E. Application to Third-Party Service Providers. Third-Party Service Providers must give notice to and cooperate with the City in the event of a Security Breach that results in misuse of Personal Information or a likelihood that Personal Information will be misused. Notice shall be provided in the most expedient time possible and without unreasonable delay, and information relevant to the Security Breach shall be disclosed. A Third-Party Service Provider's refusal to comply with this Section is a violation of C.R.S. § 24-73-103(2)(g) and could be subject to legal action by the Colorado Attorney General.

Enforcement: Employees found violating this policy may be subject to disciplinary action, up to and including termination. A Third-Party Service Provider who refuses to comply with this policy may not be contracted with or retained unless it can be shown that the Third-Party Provider has adopted a similar policy that meets all the requirements of C.R.S. § 24-73-101, *et seq.*, and which policy will remain in effect for the life of the contract or retainer. Elected officials who violate this policy may be subject to public censure.

Distribution: This policy shall be distributed to all City employees, elected and appointed officials, and to any qualifying Third-Party Service Provider.

EMERGENCY CONDITIONS INFORMATION

Introduction: All City facilities are considered open for business regardless of weather conditions, fire damage, natural disaster, or other unusual circumstances unless officially designated as CLOSED by the City Manager or his/her designee, or the Chief of Police.

When Facilities are Open: The decision to report to work when unusual conditions prevail shall normally reside with the employee except in the case of designated emergency personnel who shall be expected to report as instructed or scheduled by their departments. Emergency personnel are designated by the Department Head in each department. In the case of both emergency and non-emergency personnel, the City reserves the right to provide transportation for the employee and to require the employee to report to work.

All non-emergency personnel will exercise one of the following options:

1. Report to work as scheduled - all hours worked during the normal shift shall be paid at the employee's regular rate of pay.
2. Charge any time that the employee does not work due to emergency conditions to:
 - a. Scheduled General Leave
 - b. Personal Leave
 - c. Leave without Pay (only if general leave and personal leave have been exhausted)
 - d. Petition the Department Head, and receive approval to work a substitute work schedule on an hour-for-hour basis until all time not worked has been restored. Note: For non-exempt employees this option applies only to the regular work week.

In the event that emergency personnel are unable to report to work, they must also utilize one of the above options for all work time that is missed. The employee is responsible for contacting the Supervisor, Department Head, or designated departmental representative if the employee is unable to report to work.

When the City Manager Closes City Facilities: Should circumstances become so critical that the City Manager, or designee, declares the City facilities closed when they would normally be open, the following provisions will apply:

1. Emergency personnel - As designated by their respective departments shall be expected to report to work as directed or scheduled.
2. Non-emergency personnel - Will NOT report to work unless specifically requested to do so by their Supervisor with the approval of the Department Head or designee. All time not worked shall be counted as noted in Item 2 above.

All personnel that are requested to and do report to work shall be compensated at the base rate of pay for all normal hours worked. Hours in excess of the regular work schedule shall be compensated according to OVERTIME provisions as applicable.

3. In cases of inclement weather or other circumstances of regional impact, employees should listen to KOA 850 AM regarding information on closure of City facilities. In addition, City employees may call the main information number at 303-450-8885 for a pre-recorded message.

EMPLOYEE IDENTIFICATION CARDS

It is the practice of the City of Northglenn to issue employee identification (ID) cards to all full-time and part-time employees, including interns. Employee ID cards may also be issued to other employees who come in direct contact with the public, work in remote job sites, or as requested by the department.

The employee ID card contains the following information:

- Employee's Photo
- Employee Name
- Employee Number
- Employee Department

Some departments may require additional information as needed.

The employee ID card must be carried or worn at all times when an employee is acting in an official capacity. Field employees shall carry their identification at all times in a manner in which it does not interfere with any equipment. The employee ID card shall be used as identification if requested by a member of the public or another City employee. Human Resources is responsible for collecting and destroying the ID card at the end of the employee's employment. At no time shall an employee share his or her ID card with any person.

EMPLOYMENT OF RELATIVES

In order to avoid potential conflicts of interest, the appearance of favoritism, and to protect public confidence in the objectivity of governmental processes, the City regulates the employment of relatives. Therefore, persons related to each other shall not work in the same department where one relative will directly supervise the other.

In addition, the City will take necessary and appropriate steps to ensure the security of public interest when one relative audits, verifies, receives or is entrusted with the issuance of monies received or handled by a relative or when one relative has access to the confidential records of the City.

Relatives of elected City officials are not eligible for regular full-time employment with the City. In the event that an employee's relative is elected to Council the employee will cease to be eligible for City employment during the term of office of the relative. After the term of office for the relative has ended, the employee may re-apply for City employment as vacancies occur.

Relatives include spouse, children, parents, grandparents and siblings, as well as members of step-families, foster families and adoptive families and in-laws families. This regulation also applies to other relatives living in the same household.

FELONY OFFENSES OR OFFENSES INVOLVING MORAL TURPITUDE

An employee who is arrested for any felony offense or offenses involving moral turpitude must report the arrest to their immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense must also report that event to their immediate supervisor within three days of the event.

Moral turpitude includes, but is not limited to, the following:

1. Dishonesty
2. Fraud
3. Deceit
4. Theft
5. Misrepresentation
6. Deliberate Violence

A supervisor who receives a report from an employee regarding an arrest or conviction of an employee must report that information to Human Resources immediately.

GUIDELINES FOR CONDUCT, DISCIPLINE AND APPEAL PROCESS

Introduction: All employees and volunteers are expected to conduct themselves in a law-abiding manner, to observe and comply with all Federal, State, and local laws as well as the rules and procedures of the City of Northglenn.

Objective: It is the responsibility of the supervisor to enforce high standards of conduct and to establish and maintain performance standards for City employees and volunteers.

In cases of discipline, the level of discipline shall befit the conduct. The discipline shall be corrective in nature and no more severe than that which might reasonably be expected to prevent the problem or misconduct from recurring, or to correct or modify behavior. Each situation shall be dealt with on a case-by-case basis.

When the need for intervention arises, the supervisor shall:

1. Intervene as soon as possible;
2. Take appropriate immediate corrective action (which may include removal of the employee from the work place with pay, pending further notice, if deemed appropriate);
3. Notify the department head and Human Resources if warranted by the seriousness or potential seriousness of the situation.

Depending on the nature of the infraction, Supervisors may use one or more of the following types of intervention based upon the circumstances of the employee's action or conduct, or by the repetition of inappropriate conduct or failure to correct deficiencies. Levels of intervention include:

- Verbal Warning:
Develop one or more recommendations for corrective action and meet with the employee.
- Written Intervention:
Subject to review and approval of the department head, issue a written intervention with a corrective action plan documented on an Employee Intervention Form.
- Written Intervention with Suspension:
Subject to review and approval of the department head and the Director of Management Services, issue up to a thirty day suspension without pay documented on an Employee Intervention Form which includes a written corrective action plan that clearly sets forth expected changes in behavior or performance.
- Written Intervention with Demotion:
Subject to review and approval of the department head and the Director of Management Services, issue a demotion, documented on an Employee Intervention Form

- Termination:
Subject to review and approval of the department head and the Director of Management Services, termination subject to the procedures identified below.

For any discipline to be imposed, the supervisor shall present the information and give the employee an opportunity to respond to the allegations that are the basis for the proposed discipline, or present information regarding mitigating circumstances that the employee desires be considered, as well as any other information that the supervisor should consider in determining an appropriate level of discipline. In the event the proposed discipline is a suspension without pay in excess of five (5) working days, demotion, or termination, the pre-disciplinary meeting shall include the supervisor and the department head

Appeal of Discipline:

A. Discipline up to and including a suspension without pay of five (5) working days or less: A regular full or part-time employee who has been suspended for (5) working days or less shall have the right to appeal the disciplinary action to the next level of supervision above the suspending authority or the department head (collectively, the "Decision-Maker"). The appeal of discipline must be made in writing to Human Resources within five (5) working days of receipt of the discipline. The written appeal must include a statement from the employee as to whether cause or severity of penalty or both are being appealed, and shall include all information upon which the employee relies in appealing the discipline imposed.

The discipline will be reviewed by Human Resources and the Decision-Maker, and the Decision-Maker shall issue a written decision based on the written documentation submitted by the employee within ten (10) working days after receipt of the written appeal. The decision will be reported to the employee, and such a decision shall be final.

B. Discipline including a suspension of more than five (5) working days, up to and including termination or demotion: Where the discipline imposed by a department head is a suspension of more than five (5) working days, demotion, or termination, the employee shall be given a written Notice of Intent to Suspend Without Pay in excess of five (5) working days, a written Notice of Intent to Demote, or a written Notice of Intent to Terminate Employment at least three (3) days prior to the date set for the proposed commencement of the suspension, demotion, or termination, which notice shall set forth the following:

- The charges against the employee that serve as the basis for the proposed discipline; and
- The date and time of a pre-disciplinary meeting (the "Pre-Disciplinary Hearing") between the employee, the employee's supervisor, the department head and a representative from Human Resources to discuss the charges against the employee that serve as the basis for the proposed discipline.

The employee shall be provided full opportunity to respond to the charges at the Pre-Disciplinary Hearing. The employee shall be provided an opportunity to respond to the proposed discipline, and offer any mitigating circumstances that the employee desires be considered, as well as any other information that the supervisor should consider in determining whether to impose the proposed discipline. It is not intended that this meeting constitute a formal hearing but only provide the employee notice of the proposed action and give him/her an opportunity to meet and exchange

information with the department head. No other formal procedural requirements shall be permitted for this meeting, including employee representation, meeting recordation or witness examination. The right to such meeting shall be deemed to be voluntarily waived by the employee if he/she fails to appear for the meeting, fails to cooperate in the scheduling of the meeting, or postpones the meeting for a period in excess of five (5) business days. The department head, with the assistance of Human Resources, shall, following the Pre-Disciplinary Meeting, then issue a Notice of Suspension, Notice of Demotion, Notice of Termination, or a determination not to impose discipline.

Appeal to the City Manager or the City Manager's Designee. Decisions resulting in a suspension in excess of five (5) working days, demotion, or a suspension pending termination of a regular full or part-time employee may be appealed to the City Manager or the City Manager's designee for a full evidentiary hearing. The appeal of discipline must be made in writing to Human Resources within five (5) working days of receipt of the discipline. The written appeal must include a statement from the employee as to whether cause or severity of penalty or both are being appealed, and shall include all information upon which the employee relies in appealing the discipline imposed. The conduct of the appeal hearing shall be in accordance with the law, and shall provide the employee with appropriate due process. The City Manager or the City Manager's designee shall issue a final written decision in the matter within ten (10) working days of the date the hearing is conducted. The final written decision shall constitute the final administrative remedy available. The employee may thereafter appeal the final written decision to a court of competent jurisdiction pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

Burden of Proof and Hearing Procedures: The burden of proof in any full evidentiary hearing shall be on the employee bringing the appeal pursuant to Section 3-7-8(a)(4) of the Northglenn Municipal Code. Chapter 3, Article 7 of the City of Northglenn Municipal Code also defines the Administrative and Quasi-Judicial Hearing procedures applicable to such a hearing. The standard of review in the evidentiary hearing shall be whether there is any competent evidence to support the decision of the department head.

Removal of Discipline Records: Two years after a disciplinary action (excluding a suspension, termination or demotion) is issued to an employee, the employee may submit a written request to Human Resources that the disciplinary action be removed from his/her file for the Department Head's consideration. In the event that the Department Head does not approve the removal of a disciplinary action, the employee will be notified in writing. Disciplinary actions involving suspensions or demotions shall remain a permanent part of an employee's personnel file.

Administrative Leave with Pay. An employee may be placed on Administrative Leave with pay by a department head, with the approval of the City Manager, when an investigation is pending into allegations of misconduct that may result in disciplinary action. The determination of whether to place an employee on administrative leave with pay shall be based on the nature, scope, and severity of the alleged violation.

An employee may be placed on Administrative Leave without pay by a department head, with the approval of the City Manager, when criminal charges are filed against the employee; provided such charges must be for a misdemeanor which, in the opinion of the department head, violate the common decency and morality of the community and/or has a harmful effect on City operations or the employee's ability to perform, or for any felony. In the event an employee is placed on administrative leave without pay, said employee's health benefits shall continue, but the employee shall not accrue any vacation, sick leave, or holiday benefits.

HOLIDAYS

The City observes the following holidays:

New Year's Day	Labor Day
Birthday of Martin Luther King Jr.	Veterans Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

In addition, the City observes 4 hours of paid holiday on Christmas Eve and New Year's Eve in all years when Christmas Day and New Year's Day do not fall on Saturday, Sunday or Monday.

Holidays falling on Saturday are normally observed on the preceding Friday. Holidays falling on Sunday are normally observed on the following Monday. The City will usually observe a holiday on the day fixed by presidential proclamation.

All regular full-time employees are entitled to holiday pay. Holiday pay is equal to one (1) eight hour working day. Regular part-time employees earn holiday pay proportionate to their work schedule only if normally assigned to work on the day on which the holiday occurs.

To be eligible for holiday pay, an employee must be in an approved pay status (i.e., general leave, personal leave) for the full day, the day immediately before and after the day on which the holiday is observed.

Due to the nature of their work, some City employees receive additional General Leave instead of observing Holidays (see General Leave policy). If such an employee observes a Holiday, the time off is charged to General Leave.

If a holiday falls on an employee's regular day off, the employee does not work that day, and the employee is in a category that observes holidays, the employee shall receive an additional eight hours of General Leave.

HOURS OF WORK, CALL-BACK, STANDBY

Amended November 25, 2019

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AND RELATED PROVISIONS

The City of Northglenn complies with the Fair Labor Standards Act. This Act sets forth the criteria for determining whether a position is eligible for overtime (NON-EXEMPT) or is not eligible for overtime (EXEMPT). Employees are notified of their status under FLSA based upon their job assignments.

Work Period for Non-Exempt Positions:

1. General Employees: A work period consists of a seven day work week in which the employee normally works forty hours. The work week for general employees begins on Saturday at 12:01 a.m. and ends on Friday at 12:00 midnight.
2. Sworn Police Officers: The work period for sworn police personnel consists of not more than 171 hours in 28 calendar days and may be pro-rated downward based upon what is allowed by the Fair Labor Standards Act. The Chief of Police establishes the work period for sworn police officers subject to the approval of the City Manager.

Work Schedules:

1. Exempt Employees: Exempt employees work on a task basis and the schedules of individual employees are established in conjunction with the appropriate supervisory personnel.
2. Non-exempt Employees: The work schedules of non-exempt employees are established within the parameters of the work period as defined above.
3. Breaks: Work breaks and lunch breaks shall be established on an operational basis. Work breaks, excluding lunch breaks, are discretionary and will be counted as time worked whether or not the breaks are taken.

Authorization for Overtime: The department head or designee is responsible for determining the need for overtime and for authorizing overtime. In emergencies, approval for overtime may be obtained the next working day after the overtime occurs.

Overtime Rate: Employees who are eligible for overtime will be paid at the rate of one and one-half times the employee's regular rate of pay for all authorized overtime worked within the work period.

Compensatory Time: Subject to operational considerations and to the approval of the department head, compensatory time at the rate of one and one-half hours for every hour of overtime worked, may be offered in lieu of overtime to non-exempt employees. The employee must agree in writing, in advance, to accept compensatory time in lieu of overtime. In no event shall compensatory time be allowed to exceed 40 hours at any one time within a calendar year. Compensatory time accrued during a given year must be used or paid out at the end of the calendar year in which it was accrued. [Example: During the year an employee works four hours of overtime which the employee wishes to receive in compensatory time. Six hours of compensatory time is recorded

(4 hours x 1.5 = 6 hours). The employee will be paid for six hours of compensatory time at the employee's hourly rate if the employee does not use the time prior to the end of the year.

Rotation of Overtime: Overtime will be distributed as equally as is possible among employees qualified to complete the tasks or assignments for which the overtime is necessary. Employees unavailable to work optional overtime will be considered for future overtime opportunities.

Emergency Schedule Adjustments: When there is a need to rest employees who have worked beyond the normal work shift or because of budget constraints affecting the availability of funds to pay overtime, the work schedules of employees may be adjusted within the work period so that employees do not exceed the normal work week. When a schedule adjustment is necessary, employees will be given notice in advance of working the additional hours whether time worked will be paid as overtime or compensatory time, or scheduled off within the work period on an hour-for-hour basis.

Paid Leave and Overtime:

1. Non-Shift Employees:

- A. Holidays: If a non-exempt employee works on a holiday observed by the City which the employee was scheduled to observe, the employee will be paid straight time for the eight or four hours of the actual holiday. In addition, the employee will be paid for all hours actually worked at the overtime rate.
- B. Paid Leave (Non-Holiday): Paid leave will not normally count as time worked for purposes of determining overtime. However, when the City calls a non-exempt employee back to work after the employee has left his or her work assignment at the end of a work shift, all time actually worked and all paid leave used in the work period shall count as time worked for purposes of determining overtime. In addition, if the City calls a non-exempt employee back to work after the employee has started a period of approved paid leave, the employee will be compensated at the overtime rate for all time actually worked during the approved leave period and such time shall count as time worked for determination of overtime for the work period.

2. Shift Employees:

- A. Holidays: Employees who work rotating shifts accrue holidays as General Leave. If a non-exempt shift employee is required to work on a designated City holiday which he or she was scheduled to have off as General Leave, the employee shall earn the appropriate number of holiday hours at the straight rate for the holiday regardless of the number of hours actually worked. In addition, the employee shall receive overtime pay for all hours actually worked on the holiday.
- B. Paid Leave (Non-Holiday): Paid leave will not normally count as time worked for purposes of determining overtime. However, when the City calls a non-exempt employee back to work after the employee has left his or her work assignment at the end of a work shift, all time actually worked and all paid leave used in the work

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period shall count as time worked for purposes of determining overtime. In addition, if the City calls a non-exempt employee back to work after the employee has started a period of approved paid leave, the employee will be compensated at the overtime rate for all time actually worked during the approved leave period and such time shall count as time worked for determination of overtime for the work period.

Call-Back: Some City positions or specific job assignments require call-back as a condition of employment. Call-back occurs when a non-exempt employee is called back after the employee has left his or her work shift.

1. Unscheduled Call-Back: Upon arrival at the work site, the employee will be paid for a minimum of two hours. In addition, the employee will be paid a maximum of 30 minutes of travel time to the work site and from the work site. Travel time will not be paid if the unscheduled call-back extends into the employee's regular work shift.
 - A. Early Call-In: The minimum two hours of call-back will not apply if an early call-in period extends into the start of the employee's regular work shift. In this case, the employee will be paid at the straight time rate for the time actually worked in advance of the regular work shift and time worked in advance of the shift will be calculated with regular hours worked during the work period in determining overtime.
2. Scheduled Return to Work: If, in advance, an employee is requested to and does return to work immediately prior to the regular work schedule or, upon request, stays immediately after the regular work schedule, the regular provisions regarding overtime pay will apply and the minimum two hour call-back provision including travel time will not apply.

Standby: Some City positions or specific job assignments require standby as a condition of employment. In these cases, every attempt will be made to arrange standby so that it does not unreasonably disrupt the employee's personal activities. Employees are expected to report for duty within 45 minutes of being contacted, if needed.

1. Compensation for Standby: Non-exempt employees required to remain on standby will be compensated as follows:
 - A. Only positions designated by department heads shall be eligible for standby pay.
 - B. Employees on standby on weekdays, weekends and holidays will receive one hour of straight-time for every eight hours of standby.

Unless an employee actually works while on standby, standby does not count as hours worked for purposes of calculating overtime.
 - C. The standby compensation period begins at the end of the work shift and ends at the beginning of the next scheduled work shift. This provision applies to standby on holidays also.

- D. With the supervisor's approval, an employee may take earned standby time off within the work period in lieu of receiving pay for standby.

If a non-exempt employee receives a business call at home that can be handled by phone, the employee will be compensated in minimum increments of 15 minutes for time spent handling business matters. Time spent on such matters will be documented indicating the date, time, caller, nature of the call and action taken, and be reported to the supervisor the next working day. Such time shall count in the calculation of overtime.

If called in while on standby, the provisions of call-back will apply.

Time Spent in Training and Meetings:

1. Time spent in voluntary attendance at lectures, meetings or training programs on topics not directly related to the employee's specific job, that occur outside of the employee's regular working hours and during which the employee does not perform productive work will normally not count as time worked.

However, if attendance at such meetings is required rather than voluntary, such time will count as hours worked.

2. Time spent in training directly related to the employee's current job and approved by the department head is considered time worked.

Time spent in training at the employee's own initiative, in classes, college or trade school, after hours or during regular business hours, does not count as time worked.

Travel Time:

1. Commuting Time: Except in cases of call-back, travel time from home to work and work to home is not considered time worked.
2. Assignments at an Alternate Location: If an employee is required to travel to an assignment that requires commuting time in excess of that which is normal for the employee, time in excess of the normal commute time will count as hours worked. If a City vehicle must be picked up at a central location, travel time after the vehicle has been picked up will count as time worked.

If an employee is given the option of staying at the location of the special assignment but voluntarily commutes home and back, such travel time will not count as time worked.

3. Travel Away from Home:

When a non-exempt employee travels overnight on business, the employee will be paid for time spent traveling, except for meal periods, during the employee's normal working hours.

Employees shall not be paid for traveling outside of those hours, except for any time spent in performing work related duties. This applies not only to work days but to the corresponding hours on non-working days also. Time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, bus, or automobile shall not count as hours worked.

JURY DUTY

Introduction: The City encourages employees to accept and fulfill their civic responsibility when called upon for jury duty. Therefore, in order to prevent a financial burden resulting from the performance of jury duty, the City will pay an employee his/her regular salary while performing jury duty up to 8 hours per day.

Notification of Jury Duty and Approval of Time Off: When an employee receives a summons for jury duty, he/she shall notify the immediate supervisor promptly. In addition, any employee receiving pay for jury duty must provide verification of time served on jury duty from the Jury Commissioner or other officer of the court to which he/she is called. This verification shall be provided to the supervisor prior to approval of payment for time spent on jury duty.

If an employee remains on payroll during jury duty, she/he shall assign all jury fees, less reimbursement for parking and/or mileage, to the City for any jury time served during his/her normal working day. The assignment of jury fees, less reimbursement for parking and/or mileage, shall be submitted to the supervisor or the Finance Department by the employee.

Witness Subpoena and Approval of Time Off: An employee who is required to appear in a court of law during his/her normal working hours in response to a legally valid subpoena, shall be paid her/his regular straight-time hourly rate for all hours absent from work provided that:

- A. The employee is required to testify on behalf of the City;
- B. The City is a party to the case and the employee is required to testify because of conduct arising out of and in the course of employment with the City while on duty;
- C. The employee is a Police Officer subpoenaed to court in the course of employment during a normally scheduled work shift.

The employee receiving a subpoena must notify the immediate supervisor promptly and submit evidence of such service as a witness. Any witness fee which the employee received in connection with such services shall be assigned to the City by the employee less reimbursement for parking and/or mileage.

In no case shall an employee be paid by the City where the employee is a private party to a case directly or as a member of a class.

Reporting for Work: An employee who is excused from jury duty or from appearance as a witness during his/her normal working hours shall return to work and complete the remainder of her/his regular work shift.

LEAVE INFORMATION

- I. Administrative Leave: Paid absence may be granted by the Department Head with the approval of the City Manager for purposes beneficial to the interest of the City and its employees.
- II. Family Leave: In accord with the provisions of the Family and Medical Leave Act (FMLA) of 1993, employees who have been employed with the City (in a regular, benefit eligible position) for at least 12 months and who have worked at least 1250 hours for the City during the previous 12-month period are entitled to Family Leave. Family Leave may be taken intermittently or on a reduced leave schedule when medically necessary.

Family Leave shall consist of 12 work weeks of leave during any 12-month period measured forward from the date of the employee's first FMLA leave for one or more of the following reasons:

1. Due to a serious health condition that makes the employee unable to perform his or her job functions;

Note: In the event that an employee requires time off due to personal illness, provisions of General Leave and Short Term Disability may apply in conjunction with FMLA.
2. To care for the employee's child after birth, or placement pursuant to adoption or foster care;
3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
4. For a Qualifying Exigency;
5. To care for an ill or injured covered service member (up to 26 work weeks);

A. Serious Health Condition

To meet the definition of serious health condition requiring “continuing treatment by a health care provider”, the eligible employee must have two or more visits with a health care provider within 30 days of the beginning of the incapacity absent “extenuating circumstances.” The first visit to the health care provider must occur within the first seven (7) days of incapacity. To meet the definition of chronic serious health condition, the eligible employee must visit a health care provider at least twice a year for the condition.

B. Military Family Leave

1. Qualifying Exigency. Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on “active duty”, or “called to active duty”

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status, in support of a contingency operation. A “Qualifying Exigency” for which employees can use FMLA leave includes: (1) short-notice deployment, (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post-deployment activities, and (8) additional activities not included in the other categories, but the City and employee have agreed upon.

2. **Serious Illness or Injury of Covered Service member.** An eligible employee who is the spouse, son, daughter, or parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

C. Use of Other Types of Leave While on Family Leave: Except in the cases of Short Term Disability where the provisions of the STD guideline shall apply, or Workers Compensation, an employee requesting Family Leave will be required to use accrued General Leave for such leave until the employee's general leave balance reaches 80 hours. Once the employee's general leave balance reaches 80 hours, it is at the discretion of the employee to continue to use general leave as well as personal leave while on Family Leave. Any time not charged to general leave or personal leave shall be leave without pay.

D. Advance Notice and Medical Certification: An employee must provide at least 30 days advance notice before Family Leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of a family member.

When it is not practicable under the circumstances to provide such advance notice, (e.g., a premature birth or a medical emergency) such notice must be given no more than two working days after the employee learns of the need for the leave.

The employee is required to provide medical certification from a health care provider to support a request for FMLA Leave. Re-certification may be required monthly or as requested.

E. Continuation of Health Benefits While on Family Leave: For the duration of the Family Leave, the City shall maintain the employee's health benefits (i.e., medical insurance, dental insurance, life insurance). The employee is required to continue to pay the employee portion of insurance premiums (when applicable) while on Family Leave.

F. Reinstatement to Position: Upon return from Family Leave, if the employee returns to work within the FMLA period, the employee will be restored to his/her original position or an equivalent position with equivalent pay, benefits and other employment terms except as noted within this policy.

The City does not guarantee the same position or salary to an employee who does not return to work after the allowed Family Leave period (which includes any general leave used by the employee while on Family Leave).

- G. Family Leave Benefits When Spouses Work for the City: When the employee and the employee's spouse are both employed by the City, the aggregate amount of Family Leave shall be limited to twelve work weeks of Leave (or 26 work weeks if leave is for the serious illness or injury of a covered service member). If the Leave is to care for the employee's spouse or child who has a serious health condition, or for a serious health condition that makes the employee unable to perform his/her job, then each employee is entitled to 12 weeks.
- H. Failure to Return from Leave: An employee who fails to return from Family Leave will be terminated after 3 days of no report unless an extension has been approved. An employee who is unable to return from leave at the time scheduled should contact Human Resources at least two weeks in advance to request an extension of leave.

If an employee fails to return from leave, the City may recover insurance premiums for any period of time that an employee was on Family Leave without pay in accord with FMLA regulations.

- III. Funeral Leave: In the event of death in an employee's immediate family the employee shall be granted leave with pay up to a maximum of three (3) eight hour working days.

The Department Head may grant the use of General Leave for time required in excess of Funeral Leave. (Regular part-time employees are eligible to receive funeral leave and general leave proportionate to their work schedules but effective only on regularly scheduled workday.

- IV. General Leave: Regular full-time and regular part-time employees are eligible to accrue General Leave. Regular part-time employees accrue General Leave proportionate to their work schedules.

- A. Provisions of General Leave: Employees may use accrued General Leave when they plan to be away from work during normally scheduled hours (for example: for vacation or to conduct personal business). General Leave can also be used when employees miss work due to illness and must be used for the first 80 hours of Short Term Disability.
- B. Accrual Rates: Employees normally accrue General Leave in accord with the following schedule. Included with the schedule is the amount of time employees are required to use each year after the first year of employment.

Years of Service	Hours of General Leave	Minimum Usage
1 through 5	160	56
6 through 10	176	80
11 through 15	200	104
16 or more yrs.	240	144

Employees who do not normally observe holidays as part of their regular work shifts accrue 80 additional hours of General Leave each year and are required to use 80 additional hours of General Leave each year under the minimum usage schedule based upon years of service with the City.

An employee will accrue General Leave while on General Leave. General Leave will not accrue while an employee is on Short-Term Disability or leave without pay.

- C. Use of General Leave While on Probation: During the first six months of employment, employees are restricted to the use of 40 hours of accrued General Leave. Separation from City service during the initial six months of employment results in forfeiture of all accrued General Leave.
- D. Maximum Accumulation: Employees may accumulate two year's accrual of General Leave. Employees may request exceptions to the maximum accumulation if the request is due to departmental restrictions on leave use. Requests must be submitted to Human Resources in writing with the supervisor's approval.

Employees may accrue General Leave in excess of their maximum accrual amount throughout the course of a year; however, any hours in excess of the maximum will be forfeited on the last pay period of each fiscal year.

- E. General Leave for Part-Time Employees: General Leave is accrued by part-time employees on a pro-rated basis. All provisions governing the use and scheduling of General Leave shall apply to part-time employees.
- F. Scheduling of General Leave: When scheduling General Leave in advance, an employee shall follow departmental operating procedures for scheduling General Leave.

When an employee is required to use General Leave that has not been scheduled in advance, (i.e., for illness, personal emergency, etc.), the employee must follow departmental procedures for proper notification to his/her supervisor. Failure to follow departmental procedures may result in disciplinary action.

Any amount of General Leave for which an employee does not have accrued General Leave to cover the absence shall be without pay.

- G. Medical Confirmation to Return to Work: Based on the circumstances, when an employee is off of work for more than three consecutive days due to personal illness or injury, the City may require medical confirmation that the employee is able to return to work. The City reserves the right to require that such confirmation be obtained from the City's designated medical provider at the City's expense.

- H. Emergency Donation of General Leave: Under certain circumstances, on a limited, case-by-case basis, employees are permitted to donate accrued General Leave to other City employees for emergencies only. Information regarding this provision of the General Leave benefit is available through Human Resources.
- I. Redemption Provisions: After completion of the initial six months of employment, employees can convert to cash up to 80 hours of General Leave at 50% of the cash value. This option can be exercised twice per calendar year. However, the total amount of leave bought back at 50% cannot exceed 80 hours annually. Forms for requesting cash conversions of unused General Leave are available in Human Resources.
- J. Payment of General Leave at Termination: Payment for accrued but unused General Leave, up to the maximum accrual amount, shall be at the employee's base rate of pay upon separation from service, termination of employment, retirement or death. Employees who leave the City's employment during their initial six months of employment forfeit any accrued but unused General Leave.

The official termination date shall be the last day of active employment. Employment shall not be extended due to payment of unused General Leave.

- V. Military Leave: City employees are eligible for leave for military service as defined by Congress in the Selective Service Act of 1967.
 - A. Call to Active Duty: Upon receiving orders for active duty an employee must notify his/her supervisor in writing and provide a copy of the orders. A Leave Request Form must accompany the written notification as well. If the employee applies for reinstatement within the time periods provided by law, the employee will be reinstated with pay commensurate with what he/she would have attained had she/he not been called to active service.
 - B. Annual Military Leave: Any classified employee who is a member of the military forces organized under the State of Colorado or federal laws, or any reserve forces of either the state or the federal government is entitled to leave of absence from employment without loss of seniority, status, General Leave, or other benefits. While on military leave, the City shall pay an employee the difference between the amounts received for such required duty and his/her salary, if the salary paid by the City is greater, for a maximum of fifteen calendar days per year.

Additional time required to participate in military duty beyond fifteen calendar days shall be without pay, or the employee may elect to use accrued General or Personal Leave.
 - C. Payment of Salary While on Military Leave: An employee on Military Leave shall continue to receive her/his full salary during the period of his/her absence from the job for approved annual military leave. The employee shall remit her/his base military pay to the Finance Department upon receipt of such payment. If the amount of military pay exceeds the employee's salary, the City will refund the difference to the employee based upon her/his base military pay.

- D. Compliance with the Law: Military leave and reinstatement shall be governed in accord with all applicable state and federal laws as amended from time to time.
- VI. Personal Leave: Regular full-time employees, including full-time probationary employees, shall be eligible for up to sixteen hours of paid leave for personal reasons. Personal Leave is available as of the date of appointment (employees appointed prior to July 1 will receive 16 hours of personal leave. Employees appointed after July 1 will receive 8 hours of personal leave) to a regular full-time position and as of the first pay date of each subsequent calendar year. Personal Leave must be scheduled in accord with departmental procedures regarding scheduling of leave. Personal Leave does not accumulate from year to year and unused Personal Leave is forfeited upon separation from City employment.
- VII. Short-Term Disability Leave:
- See separate section titled Short-Term Disability.
- VIII. Leave for Voting: The Department Head, or his/her designee may, allow a regular full-time employee up to two hours of time off to vote in local, county, state and federal elections. Such time off shall be requested no later than 24 hours in advance of a scheduled election and shall include a justification of the necessity for granting time off.

LOSS OF REQUIRED DRIVER'S LICENSE

General: All employees whose positions require the possession and maintenance of a valid Colorado driver's license of any class shall maintain a valid license. The appropriate driver's license shall be carried with the employee while driving on City business.

Reporting: For those employees who drive City vehicles or personal vehicles on City business, the employee must notify his/her supervisor and Human Resources immediately upon the suspension or revocation of the license. Failure to notify the supervisor and Human Resources shall result in disciplinary action.

Immediately upon receiving a suspension or revocation, the employee is prohibited from driving and operating any City vehicle or equipment, or driving on City business.

Review of Options: Upon notification of suspension or revocation, the department head and Human Resources will examine the alternatives, if any, available for the reassignment of an employee whose license has been suspended or revoked.

If no alternatives are available, appropriate measures will be taken, up to and including termination of employment.

MAINTENANCE OF EMPLOYEE PERSONNEL FILES
& DISCLOSURE OF PERSONNEL INFORMATION

Introduction: Human Resources is responsible for the maintenance of official Personnel files of the City.

Materials in Personnel Files: Personnel files shall contain necessary information pertaining to employee fringe benefits, employee payroll status, performance evaluations, applications/resumes, letters of recommendation or commendation, disciplinary actions and other materials that are entered to the file by the department head, Human Resources, City Manager, or through the appropriate chain-of-command within the employee's department.

Employees may enter materials pertaining to disciplinary matters in which they are personally involved and documentation regarding training, certification, awards, continuing education, and letters of commendation to their own personnel records.

Review of Personnel Files: Employees may review the contents of their own Personnel files by appointment with Human Resources.

Employment Inquiries: It is the policy of the City that all inquiries regarding current and former employees shall be referred to Human Resources for response. In the absence of a written waiver signed by the employee or former employee allowing Human Resources to discuss the employee's employment history, only the following information shall be released:

- A. Name of Employee
- B. Dates of Employment
- C. Title of Last Position Held
- D. Last Rate of Pay

Human Resources will comply with the Colorado Open Records Act, C.R.S. § 24-72-100.1, *et seq.* (the "Open Records Act") governing the inspection, copying or photographing of public records.

Employee's Waiver of Release of Personnel Information: Employees and former employees have the right to sign a waiver permitting Human Resources to release more detailed information regarding current or past employment by signing a waiver form. The decision to waive may be reversed by current or former employees at any time by executing a new waiver form available in Human Resources.

Financial Verifications: Other than the information listed in Sections A through D above, information required by lenders and other agencies regarding earnings history and general pay information on current and former employees will be released only upon receipt of a signed written request by the employee.

In the absence of a written request from the employee, such information will not be released subject to the provisions of the Open Records Act.

The employee may sign a Release of Employment Information form and return it to Human Resources which will permit Human Resources to release information in addition to that stated above. These forms may be obtained from Human Resources.

MILEAGE REIMBURSEMENT FOR USE OF PERSONAL VEHICLE

General: Certain positions require the use of a personal vehicle for City business. Employees shall receive mileage reimbursement for such use in accord with the current mileage reimbursement schedule.

Employee Responsibilities:

1. To possess and maintain a valid Colorado driver's license and to report the loss or suspension of the license to the employee's supervisor and to Human Resources.
2. To maintain in active status, motor vehicle insurance which meets or exceeds the State minimum statutory requirements, for the personal vehicle being used on City business.
3. To pay all expenses associated with the use of the automobile including the cost of required insurance.
4. To promptly notify the appropriate law enforcement authorities in the event of an accident and request that a report be taken.
5. To notify the appropriate supervisor and Risk Management as soon as possible, and no longer than 48 hours after an accident occurred while using the vehicle on City business.
6. To file the required expense forms at least quarterly (or more often if required) for mileage reimbursement for the use of a private vehicle on City business.

NOTE: It is standard insurance industry practice for the private insurance carrier of the employee to consider a claim incurred while on City business first. If the claim is excessive, any additional amount would then be considered for payment by the City and/or the City's liability insurance provider subject to the limitations stipulated by the Colorado Governmental Immunity Act.

City's Responsibilities:

1. To reimburse employees on a mileage basis for the reported and approved use of a private auto for City business.
2. To issue, when appropriate, departmental guidelines governing the work-related use of private vehicles.
3. In the event of damage incurred while on City business, the City Manager may consider payment by the City of the employee's insurance deductible on a case-by-case basis. Risk Management is responsible for reviewing the record and/or investigating all accidents which occurred while the driver was engaged in City business.

OPERATION OF CITY VEHICLES & EQUIPMENT

General: All employees required to operate City vehicles and equipment shall do so in a reasonable and proper manner with due consideration to manufacturer's recommendations and safety. All equipment shall be operated in a manner so as to prolong the useful life and minimize operation and maintenance costs.

Operator Certification:

1. Operators of specialized vehicles and equipment must be certified by the supervisor or a designated trainer on safety and operational procedures prior to any operation of such equipment.
2. Updates and recertification on the operation and routine maintenance of equipment and vehicles shall be performed as requested by the City Manager (or his/her designee), by the department head, or by any departmental supervisor or as stipulated by the City's certification procedures.

Vehicle Operation:

1. When fueling a unit, each operator is responsible for checking the fluid levels of the vehicle. Only proper fuels shall be placed in the unit. Particular attention should be paid to two-cycle engines. Employees who are unfamiliar with certain equipment should check with their supervisors.
2. Non-diesel powered units should not be left idling for excessive periods of time unless required for safety purposes (i.e., lights, etc.).
3. Employees are required to comply with laws related to any electronic device while operating a City vehicle.
4. Employees are required to follow applicable traffic regulations when operating City equipment and vehicles.
5. Operators are required to keep each unit reasonably clean and trash free and to report any problems with the safe operation of the vehicle to their supervisor, their department head and Fleet Services immediately.
6. All vehicle operators shall perform daily pre-usage and post-usage equipment checks in accord with procedures established by the operating department and approved by the Director of Public Works.
7. Operators are required to ensure that vehicles are secured when not in use (i.e., doors locked, windows closed, keys removed from ignition). Failure to ensure the safety and security of City vehicles and equipment may result in disciplinary action, up to and including termination of employment.

Vehicle Damage or Malfunction:

1. All operators are required to report any vehicular or equipment damage or malfunction to their supervisor and department head immediately. (Appropriate law enforcement authorities shall also be notified to take a police report in the event of a traffic accident.)
2. The supervisor and department head shall promptly arrange for repairs with-Fleet Services and prepare a thorough investigatory report, send the original to the Risk Management and a copy to the Director of Public Works as soon as possible, and no longer than 48 hours after an incident.
3. Failure to promptly report damage or malfunction of City vehicles and/or equipment may result in disciplinary action, up to and including termination of employment.

OUTSIDE EMPLOYMENT/BUSINESS ACTIVITIES

General: In order to monitor potential conflicts of interest, employees who engage in employment with a second employer or in personal business activities are required to obtain the approval of their department head and Human Resources in advance. Outside Employment request forms are available from Human Resources. A separate form must be filed for each change of outside employment or personal business activity throughout the course of City employment.

PERSONAL USE OF CITY VEHICLES AND/OR PROPERTY

General: It is generally City practice that a City vehicle will not be taken to an employee's residence. However, occasionally there are circumstances when it is appropriate and in the best interest of the City to permit an employee to take a City vehicle to the employee's home.

Personal business conducted while an employee is in a City vehicle shall be restricted to stops requiring no more than a 15 minute break period or a normal lunch period. Such stops shall not result in additional mileage on the City vehicle and shall be restricted to "en route" stops.

Under no circumstance shall a City vehicle or piece of City equipment be used as a direct benefit to employees or private individuals.

POLITICAL ACTIVITY OF CITY EMPLOYEES &
GUIDELINES FOR INTERACTION WITH CITY COUNCIL

General: In order to ensure impartiality in its deliberations and operation, certain limitations on employee political activities are deemed necessary.

Participation in Municipal Elections: Only the City Clerk and sworn Deputy City Clerks shall act as election officials for City elections.

No City employee shall engage in the publication or distribution of any materials approving, supporting, disapproving, or in any other manner commenting on a candidate for nomination or election to City office, or any ballot issue submitted to the City's electors, while on duty, on City premises or when speaking or acting in an official capacity.

Exercise of Political Influence Prohibited: An employee has the right to become a member of political clubs or organizations, to attend political meetings, to express an opinion on political subjects and to exercise the right of political activity on his or her own time. However, in the scope of his/her employment, an employee shall refrain from using any political influence in any way for or against any legislation or policy under consideration by City Council.

Candidacy for Office: An employee may seek local public office, with the City of Northglenn or any other elective body that directly serves the City, provided that she/he resign from her/his position with the City prior to the time any campaign activities are undertaken on her/his behalf. Employees who run for political offices in other jurisdictions may be permitted to continue to work for the City based upon a case-by-case review to determine if an inherent conflict of interest exists between the candidacy for the office and continued employment with the City of Northglenn.

Employees who run for political office are encouraged to make an early disclosure to the City Manager through Human Resources so that a determination with regard to potential conflict of interest can be made. Where inherent conflict is deemed to exist, the employee will be given the opportunity to resign or will be terminated if he/she continues as a candidate, or, if elected, continues to hold an office determined to be in conflict of interest with the City of Northglenn.

Political Participation: Nothing in this guideline is intended to interfere with the right of an employee to enjoy freedom from interference in voting in municipal and all other elections.

Further, nothing in this guideline is intended to interfere with the right of an employee to become a member of any political club or organization, to attend political meetings, to express an opinion on political subjects, and to exercise the right of political activity on his or her own time. However, no campaigning or distribution of stickers, buttons, banners or similar materials is to occur during working hours or while an employee is on duty or acting in an official capacity.

Any employee whose position is funded by a federal program and/or monies shall be subject to the provisions of 5 United States Code, Section 1501, et seq., as amended, commonly known as the Hatch Act.

Charter Provisions - City Council Interaction: Section 3.10 of the City Charter states: "POWERS EXPRESSLY WITHHELD FROM COUNCIL: The Council shall deal with the administrative service solely and directly through the City Manager and neither Council, its members, nor

committees shall either dictate the appointment or direct or interfere with the work of any officer or employee under the City Manager."

Routine requests for service as well as complaints and inquiries submitted by City Council members on their own behalf or that of a citizen, shall be handled in the regular course of business in accord with established practice and/or procedures.

Non-routine matters or requests shall be directed through the established chain-of-command for response.

PROBATIONARY PERIOD

Introduction: All regular full-time and regular part-time appointments with the City are subject to the satisfactory completion of a probationary period. This applies to initial appointments and subsequent appointments resulting from promotion, demotion or lateral transfer.

Objective: The probationary period is intended to permit a supervisor to closely observe an employee's work in order to determine the employee's suitability for a position. Probationary employees are not normally eligible for promotion.

Length of Probationary Period: The normal probationary period for employees is six months with the exception of Animal Control Officers, Police Records Specialists and Police Officers. Animal Control Officers and Police Records Specialists serve a probationary period of nine months. Police Officers serve a probationary period of 18 months.

An employee's probationary period may be extended up to three additional months (at a time) if the supervisor and/or department head deem necessary.

Evaluation of Performance: The performance of an employee is evaluated by his/her supervisor during the probationary period to determine one of the following: 1) if the employee should be classified as non-probationary upon completion of the probationary period, 2) continued on probation for up to an additional three months (2 times), or 3) dismissed.

Dismissal: A probationary employee may be dismissed any time during the probationary period. Such dismissal shall be made without cause. Human Resources is notified in advance of any probationary dismissal.

Any employee dismissed while on probation shall not have recourse to any established procedures (including appeal rights under the Conduct, Discipline and Appeal Process Guideline) except in cases of alleged discrimination, in which case, the probationary employee shall contact Human Resources for follow-up.

PROBLEM RESOLUTION

Purpose: The City seeks to provide a workplace in which all employees are treated as an important part of our team, and where employees are treated fairly. In the event an employee has a dispute with a supervisor, coworker or the City, the City provides this procedure for dispute resolution. All disputes between any employee and the City are intended to be resolved in accordance with the following procedure. The policy is intended to provide employees with appropriate and prompt responses to problems and concerns through this problem resolution process.

Scope: This guideline applies to all City employees, regardless of employment status. Please note, however, that the City reserves the right to modify this procedure at any time and nothing in this procedure shall be construed to constitute a contract between an employee and the City.

Guideline: Although we seek to provide a workplace in which all employees are treated as an important part of our team, and where employees are treated fairly, there may be times when you have a concern or complaint which can best be resolved through a formal procedure for problem resolution. A problem is a complaint by an employee concerning any matter related to the employee's employment with the City. All problems between any employee and the City are to be resolved in accordance with the following procedure. If the problem involves Sexual Harassment, Harassment and/or Discrimination or Violence in the Workplace, reference to those guidelines should be made to initiate a complaint. When unsure which guideline applies, contact should be made with Human Resources. Nothing in this procedure should be construed to constitute a contract between you and the City. Employees are assured freedom from restraint, interference, discrimination, or reprisal in the presentation of their problems.

Steps for problem resolution:

Preliminary Step

The employee must first address the concern or complaint with their immediate supervisor, if appropriate, within three (3) business days of the situation whenever possible. This may be done orally in informal discussion. If the informal attempt to resolve the matter is not successful, the employee may implement the formal resolution process.

Step 1

The employee must first submit their concern or complaint in writing to their immediate supervisor, if appropriate. The written concern or complaint should be submitted to their immediate supervisor within ten (10) working days. The employee shall attempt to resolve the problem with the immediate supervisor. Unless the immediate supervisor is alleged to have violated these Employee Guidelines or other local, state or federal regulations, the employee shall not attempt to circumvent this process by any form of communication to any person beyond the immediate supervisor.

The supervisor will respond in writing within seven (7) working days following receipt of the written concern or complaint. All concerns or complaints and replies in Step 1 must be in writing. If the concern or complaint is not settled in Step 1, then you may proceed to Step 2.

Step 2

Within five (5) working days following receipt of the written reply to the employee's Step 1 concern or complaint from their supervisor (or within five (5) days after the immediate supervisor should have issued a written decision), the employee may appeal the supervisor's decision to their Department Director.

The appeal should state the nature and circumstances of the employee's problem with appropriate documentation. The Department Director will then undertake an investigation of their complaint and the underlying facts. Within five (5) working days following receipt of their complaint the Department Director will meet with the employee in person to discuss their complaint. The Department Director may request additional information from the employee, the supervisor or other relevant parties. The Department Director will then provide a written response to the employee's complaint within ten (10) working days following the date of the meeting.

Step 3

If the employee still does not feel the problem has been resolved the employee may make a written appeal within five (5) working days to the City Manager. The City Manager may appoint a designee to investigate the facts giving rise to the problem and subsequent reviews. The City Manager then reviews all relevant information concerning the situation and communicates a final decision in writing to all parties concerned within a reasonable period of time. The City Manager's decision is final.

RECORDING CONVERSATIONS WITH COWORKERS

City of Northglenn employees will not record conversations with supervisors, subordinates, coworkers or associates. If a conversation needs to be recorded, it will be done with the full knowledge and consent of all parties to the conversation.

RESPECTING THE RIGHTS OF COWORKERS
(Sexual Harassment and Harassment in the Work Place)

General: In line with the guidelines adopted by the Equal Employment Opportunity Commission and applicable state and federal law regarding sexual harassment, it is the guideline of the City to provide a work environment that is free from sexual harassment and which forbids sexually harassing conduct by any employee or elected or appointed official directed toward another employee or elected or appointed official.

In addition, it is the City's position that every employee and elected or appointed official has the right to work in an environment free of not only sexual harassment but offensive or derogatory activities, whether explicit or implicit, that are directed at an individual or class of individuals based upon race, color, sex, religion, national origin, sexual orientation, gender identity, age 40 and older, genetic information, family health history, or speech pattern or disability, whether physical or mental.

Further, as stated in the Introduction to the Employee Guidelines, City employees have a responsibility to maintain high standards of honesty, integrity and conduct in the delivery of City services and to maintain the confidence of the public. Harassment is a form of employee misconduct that undermines the integrity of the work environment, violates federal and state law and subjects the City to legal exposure. Employees engaging in such conduct shall be subject to disciplinary action up to and including termination. Elected or appointed officials engaging in such conduct shall be subject to appropriate remedies as determined by the City Council, subject only to any constitutional or other legal limitations

This guideline shall reference the EEOC guidelines prohibiting sexual harassment. However, the procedures set forth herein shall apply equally to all forms of prohibited harassment.

Definition: "Harassment on the basis of sex is a violation of Section 703 of Title VII. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment." 11604.11 (Guidelines on Discrimination Because of Sex, Equal Employment Opportunity Commission, 1980).

Responsibilities:

1. Individual: It is the responsibility of each employee of the City to encourage a professional working environment free from harassing behavior through the following actions:
 - A. An employee or an elected or appointed official who feels victimized by harassment, or an employee or an elected or appointed official who observes offensive or inappropriate behavior as set forth herein even if not directed at the

particular individual shall report instances of alleged misconduct to the supervisor, division head, department head Human Resources, or the City Attorney for referral to the City's Equal Employment Opportunity Officer, and shall if appropriate inform the alleged harasser that such behavior is unwelcome . Nothing in this policy shall be construed to prevent an employee or an elected or appointed official from reporting such conduct in any particular manner to any particular person provided a City supervisor is notified of such conduct.

- B. Employees and elected or appointed officials shall refrain from participation in, or encouragement of, actions that could be perceived as harassment and shall report acts of harassment to a supervisor or Human Resources or the City Attorney for referral to the City's Equal Employment Opportunity Officer.
 - C. Employees shall encourage any employee who is being harassed to report the situation to a supervisor or Human Resources for referral to the City's Equal Employment Opportunity Officer.
2. Supervisors: Each City supervisor and as appropriate elected and appointed officials of the City shall be responsible for encouraging a professional work environment and preventing acts of harassment. This responsibility includes:
- A. Monitoring the work environment on a regular basis for signs that harassment may be occurring.
 - B. Counseling employees on the types of behavior that are prohibited and the City's procedure for reporting and resolving complaints of harassment.
 - C. Immediately intervening to stop any observed acts that may be considered harassment whether or not the employees observed are within his/her direct supervision.
 - D. Where a complaint or allegation of harassment has been presented, either verbally or in writing, taking the necessary action to limit the contact of the employee involved pending further review of the matter.
 - E. Assisting any employee of the City who comes to the supervisor with a complaint of harassment in documenting and filing the complaint in accord with City procedures.
 - F. Report all actual or potential sexual harassment situations that they receive as a complaint or hear about to Human Resources or the City Attorney for referral to the City's Equal Employment Opportunity Officer (Director of Management Services).

Any employee, including supervisors, and any elected or appointed official who believes he or she to be victimized by harassment, or is aware of potential harassing behavior to which the City Manager is a party, shall report such instances of alleged misconduct to the City Attorney. In addition, if an employee of the Human Resources Division of the City or the City's Equal Employment Officer is made aware of such a complaint to which the City Manager is a party, said employees shall likewise report such instances to the City Attorney. Upon receipt of a complaint

to which the City Manager is a party, the City Attorney shall report such alleged misconduct to the City Council in a manner the City Attorney deems appropriate, in order to seek direction on the appropriate action to be taken, including a mandatory investigative process by an outside agency. In the event the City Attorney or an employee of the Human Resources Division is a party, the City shall seek assistance from an outside agency, and exclude the alleged party from any investigative process.

SHORT-TERM DISABILITY LEAVE

Purposes of Short Term Disability: Short-term disability leave is available when an employee suffers a non-work related illness, injury or temporary disability that requires the employee to be absent from work for more than 80 working hours. Employees must use General Leave (or leave without pay if General Leave is not available) for the first 80 hours. Short-term disability is for personal medical reasons only. Leave associated with childbirth and/or conditions related to childbirth shall be treated as any other temporary disability for which short-term disability leave applies.

Banked Sick Leave: Employees who were hired prior to 1983 may have banked sick leave available to them which will be used as sick leave in lieu of or in conjunction with short term disability. In the event that an employee with a balance of banked sick leave incurs an illness, injury or temporary disability that would normally require Short Term Disability, the employee will use banked sick leave until it is exhausted after using 80 hours of general leave (or no pay if General Leave is not available). If it is medically necessary for the employee to remain in a leave status after banked sick leave is exhausted, the employee may apply for Short Term Disability. Employees who anticipate the use of banked sick leave should contact Human Resources. Employees with banked sick leave may donate said leave to other city employees under the provisions of Emergency Donation of General Leave.

An employee does not accrue General Leave or observe holidays while on short-term disability. In addition, periods of Short-Term Disability may count toward the twelve weeks of leave under the FMLA.

Short-Term Disability leave shall not exceed 56 working days or 448 hours in a 12- month period of time measured forward from the date of the employee's most recent Short-term Disability leave even in the event of multiple illnesses/injuries. Short-Term Disability benefits are based on years of service according to the chart below. Salary benefits are paid at the employee's straight-time hourly rate of pay based on years of service (see chart). This is pro-rated for regular part-time employees.

An employee requiring short-term disability may apply by contacting Human Resources. At least 30 days advance notice is requested if the need for the leave is foreseeable. This is needed to allow for adequate time for processing the request, and to minimize any disruption with paychecks.

<u>Years of Service</u>	<u>Short-Term Disability Benefit</u>
0 thru 12 months	Not Eligible
1 thru 10 years	80% salary continuation
11+ years	100% salary continuation

(NOTE: The hours listed above are based on a Regular FT position. They will be prorated for employees in Regular PT 32+ hour and Regular 20 hour positions)

FMLA leave may run concurrently. Employees who meet the eligibility requirements for FMLA leave are still entitled to the 12 weeks of unpaid leave, regardless of the level of Short-Term Disability Leave benefits.

SMOKING REGULATIONS

Introduction: It is the intent of the City to regulate smoking in City facilities and vehicular equipment. City supervisors are responsible for enforcement with regard to City employees.

Smoking/Chewing Tobacco Restrictions: Smoking or the use of other tobacco products such as e-cigarettes, chewing tobacco or snuff within any vehicle, building, or structure owned or leased by the City is prohibited. **In addition, in accordance with City of Northglenn, Ordinance No. 1781, smoking is prohibited in any city park or on any city trail.** This includes all public entry areas of each facility.

Designated Smoking Areas: Smoking is permitted in the following outside designated areas:

City Hall – ~~Smoking Shelter, north side greens~~ **West side fire exit door**
Justice Center – **South side employee entrance at least 25 feet from door**
Recreation Center – ~~Rear or side entrance~~ **South side entrance at least 25 feet from door**
M&O – Rear entrance on north side of building
Water Treatment Plant – ~~Southeast entrance~~ **East edge of asphalt next to west clarifier**
Waste Water Treatment Plant – ~~Rear entrance~~ **Northeast corner of the operations building**

SOCIAL MEDIA POLICY

1. Background and Purpose

The City of Northglenn has an overriding interest in deciding what is "spoken" on its behalf on social media. Social media has recently been found to be a public forum subject to First Amendment protections, and can be subject to both Colorado Open Meetings Laws, C.R.S. § 24-6-401, *et seq.*, and the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.* To address the fast-changing landscape of the Internet and the way citizens communicate and obtain information online, City elected officials and City appointed officials serving as members of City boards and commissions (collectively, "Public Officials") may consider using social media to reach a broader audience. The City encourages the use of social media to further its goals, where appropriate, but adopts this Policy to establish guidelines for such use of social media.

2. Applicability

This Policy applies to Public Officials and City staff.

3. Definitions

(a) "Official Account" means a Social Media account that is used for communicating with the public in relation to City-related activities, duties, or goals.

(b) "Personal Account" means a Social Media account that is used solely for communicating with the public in relation to personal activities and opinions.

(c) "Social Media" means websites and services that focus on creating and fostering online social communities and connecting users from varying locations and interest areas, including without limitation social networks (Facebook, LinkedIn, and Nextdoor), instant messaging (SMS), blogs, wikis, online collaboration (SoundCloud), microblogging (Twitter), status updates, online forums and discussion boards, chats or groups (Google Groups, Reddit, Yahoo and Whirlpool), website link sharing, video conferencing, virtual worlds, location-based services, VOD and podcasting, geo-spatial tagging (Foursquare and Facebook CheckIn), and photo and video sharing (Flickr, Instagram, Snapchat, and Youtube).

4. Personal Accounts to Be Distinct From Official Accounts

(a) Personal Accounts and Official Accounts should be distinct and maintained separately. Personal Accounts should not be used in an official capacity. The name, title, tag, or link of a Personal Account should not include language that would indicate that the Public Official or staff member is acting in any official capacity when posting on that account. Personal Accounts should not be created by using a City-provided email. A Personal Account that violates these provisions is at risk of being deemed an Official Account, regardless of when such Personal Account was established and for what purpose.

(b) Official Accounts should be established using the Public Official's City email account and maintained in a professional manner. Where possible, Official Accounts should include language that indicates the title of the Public Official and should include a link back to City's website.

(c) Failure to comply with this Section may expose both the Public Official or staff member and the City to risks associated with First Amendment violations, Fair Campaign Practices Act violations, and Open Meetings Law violations.

5. Legal Risks

Most Social Media sites require users to agree to terms of service that include such provisions as indemnity and defense clauses and applicable law and venue clauses. When a public agency creates an account on a Social Media site, it typically must agree not to sue the site or allow the site to be included in suits against the agency, and requires the account owner to pay the site's legal costs arising from such suits. Most terms of service also assert that a certain state law applies to all legal actions (usually California). Because of these provisions, any Public Official or staff member violating the terms of service while using an Official Account exposes the City to significant legal risks. The provisions of this Policy are intended to protect the City from such risks, and thus compliance with both this Policy and the terms of service of the Social Media platform is mandatory. Board members and staff who are not prepared to comply with this Policy and the individual terms of service should not use Social Media.

6. Monitoring Speech and Access to Accounts

(a) Access to all Official Accounts must be set to "public." Because Official Accounts are public forums for First Amendment purposes, no member of the public may be banned from accessing an Official Account.

(b) Comments for a post may be turned on or off. If comments are turned on, no member of the public may be prohibited from submitting a comment. However, comments may be removed based on the following criteria if carried out in a viewpoint-neutral manner:

- i. Comments that are obscene, sexual in nature, or pornographic;
- ii. Comments that are defamatory or constitute harassment;
- iii. Comments that promote illegal activity; or
- iv. Comments that violate the intellectual property rights of the City or others.

Removed comments must comply with the standards for preservation of records under the Colorado Open Records Act.

(c) Alternatively, comments for a post may be turned off (to use Social Media as a one-way communication tool). Comments may only be turned off for the entire public and may not be turned off for individuals, including individuals whose comments are repeatedly subject to removal.

7. Unlawful Meetings

Of particular concern for use of Social Media is the risk of violating the Colorado Open Meetings Law. Under the Open Meetings Law, all public business must be conducted in public, and a meeting of more than two Public Officials must be noticed and open to the public (and a meeting can be electronic means, including Social Media). The dynamic nature of Social Media and the sheer volume of posts may make it difficult to track who is involved in the discussion and detect when the line has been crossed. As such, Public Officials should not communicate in their official capacity with other Public Officials on Social Media by commenting or messaging, whether such communication is public or private. While informal communication with constituents is generally acceptable, lengthy discussion of public business in such a manner is risky, especially if it involves other Public Officials.

8. Confidentiality

No Public Official or staff member may disclose on Social Media confidential or proprietary information acquired by way of his or her official position. This restriction applies whether the information is disclosed on Official Accounts or Personal Accounts.

9. Communications on Personal Accounts

If a Public Official discusses City business on a Personal Account, that Personal Account may be deemed an Official Account. Posts on Personal Accounts that include discriminatory remarks, harassment, threats of violence or similar inappropriate or unlawful conduct, and are intended to bully, disparage or harm the reputation of the City may subject the Public Official or City staff member to disciplinary action under this Policy.

10. Preservation of Public Records

Content published on Social Media that relates to the conduct of governmental actions must be retained and managed by the City in compliance with the Open Records Act. Public Officials and staff members should be prepared to treat each comment, post, photo, and list of individuals connected to a Social Media site as an open record. Absent exigent circumstances permitting removal, content on an Official Account may not be deleted. In any case, content shall not be deleted from an Official Account until a screen capture has been taken of the offensive content and preserved according to the records retention schedule. Content on Personal Accounts that relates to City business must be treated in a similar manner.

11. Security of Official Accounts

Public Officials and staff members should use necessary care to maintain the security and integrity of Official Accounts to prevent the unauthorized access or posting of content. Account passwords should be changed regularly and immediately after the password or Social Media site accessed using the password has been, or is suspected of being, compromised. Passwords should not be shared with any other individual or entity.

12. Enforcement

Failure to follow this Policy exposes the City to significant legal risks. Therefore, the failure of a Public Official or staff member to follow this Policy may result in disciplinary action, including public censure or removal from the Board, as appropriate and permitted by law.

13. Distribution

This Policy shall be distributed to all current Public Officials and staff members and any future Public Officials or staff members upon accepting such position.

VIOLENCE PROHIBITED IN THE WORKPLACE

The City of Northglenn is committed to maintaining a work environment free from intimidation, threats, “bullying” or violent acts. Thus, the City will not tolerate violence or the threat of violence, whether physical, verbal or non-verbal, directed toward any City employee or City official on or off the job. This includes, but is not limited to: intimidating, threatening or hostile behaviors, “bullying”, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons onto City property, unless allowed by a duly authorized permit in accordance with state law, or any other act, which, in management’s opinion, is inappropriate in the workplace. In addition, odd or offensive comments regarding violent events and/or behavior will not be tolerated.

A Violence Response Team shall be comprised of the Director of Management Services (or designee), the Chief of Police (or designee), the City Manager (or designee) and a representative from the Employee Assistance Program (EAP). Ad hoc members will be requested on an as needed basis.

- A. Any employee who feels subjected to any of the behaviors listed above should immediately report the incident to any supervisor, Human Resources, or a member of the Violence Response Team. The employee should immediately write down the threat, word for word as made by the person and provide a copy to the persons to whom they make the report. Threats against employees usually take the form of one of the following:
 - 1. Veiled: “I could see how that could happen here” in reference to a situation when someone has been killed or seriously injured.
 - 2. Conditional: If certain circumstances occur or don’t occur, i.e. “if I don’t get the promotion, I’m going to get even.”
 - 3. Direct: The more specific the threat, the more dangerous it is, if the person has the opportunity and ability to follow through.

- B. An employee committing or provoking any act of violence or any threat of violence, in the workplace, at any City facility, or job site shall be, if warranted by the circumstances, removed immediately from the workplace and placed on administrative leave pending an investigation and may be mandated for evaluation.

- C. Pursuant to the results of an investigation of the situation conducted under the auspices of Human Resources, said employee shall, if found to have committed or provoked any act or threat of violence, be subject to appropriate disciplinary action up to and including termination from City employment.

- D. Acts of violence or the threat of violence, whether physical, verbal or non-verbal, directed toward any City employee by the public or those doing business with the City shall be taken seriously and shall not be tolerated. Employees are directed to immediately notify the Northglenn Police Department of any violence or threats from members of the public or those doing business with the City. **Always take a threat seriously. Do not hesitate to contact the Police Department or dial 911.**

- E. Employees who observe or have knowledge of any violation of this guideline have a duty to report it immediately to a Police Department Supervisor, Human Resources, or a member of the Violence Response Team.

- F. Restraining Orders: If an employee has a restraining order to protect them from

another individual, the City requests the following:

1. In the Restraining Order list the place of employment as a location to which the Restraining Order pertains.
 2. Provide Human Resources with a copy of the Restraining Order so that it can be reviewed with the Police Chief to ensure enforcement.
 3. Provide the Police Department with a physical description, and photograph, if possible, of the person against whom the Order pertains.
- G. In the event of a threat or violent incident, and/or in situations that provide probable cause or reasonable suspicion that an employee may be planning to engage in an act of violence, the City reserves the right to conduct at any time, without notice, searches and inspections of employees, employees' personal effects, or employer-provided material. This may include, but is not limited to: lunch containers, boxes, purses, lockers, desks, personal computer files, cabinets, file drawers, packages, or vehicles. Any illegal and/or unauthorized articles discovered may be taken into custody. Any employee who refuses to submit to a search, or who is found in possession of prohibited articles, will be subject to disciplinary action up to, and including, termination of employment.
- H. The Violence Response Team is responsible to:
1. Serve as a resource and information source in regard to workplace violence concerns.
 2. Assist with attempts to de-escalate and manage potentially violent situations.
 3. Coordinate any response action if needed.
 4. Provide any debriefing services needed to individuals affected.
 5. Coordinate with the media.
 6. Address any administrative issues.
 7. Perform periodic reviews of violent incidents to identify ways in which similar incidents can be prevented in the future.
 8. Contact Risk Management in the event of any property damage.

WORKER'S COMPENSATION INFORMATION

General: All employees are entitled to benefits as provided by the Colorado State Worker's Compensation Law for injury or illness arising out of and in the course of City employment. Please refer to Colorado Revised Statutes and the informational handout provided by the City for information regarding benefits.

Worker's compensation insurance covers only injuries arising in the course of employment. Employees voluntarily participating in recreational/fitness activities and who are relieved of and not performing any duties of employment are not considered to be acting within the course of employment, and therefore injuries incurred while engaged in such activities are not compensable under the worker's compensation laws. Employees should contact their personal medical provider for medical care for injuries sustained while participating in recreational/fitness activities.

Reporting of On-the-Job Injuries and Illnesses: All on-the-job injuries and illnesses must be reported on the required Employee Injury Report and forwarded to Risk Management within 24 hours, or as soon as possible, of injury (refer to Safety Manual for additional information). Failure to report an on-the-job injury or illness can result in a reduction in benefits as prescribed by Colorado law.

City's Occupational Health Care Provider: In the event of an on-the-job injury or job-related illness, the employee must contact and utilize the services of the City's designated occupational health care provider.

In the event of severe, traumatic illness or injury (emergency conditions), the employee shall be transported to the appropriate emergency medical facility and contact the City's designated provider for follow-up purposes.

Failure to utilize the designated occupational health care provider may cause the employee to be liable for medical expenses.

Return to Work: In the case of any on-the-job injury or job-related illness, a medical confirmation of the return to work status of the employee shall be required and shall be provided by the City's designated occupational health care provider or other designee, on or before date of return.

Injury Leave: Employees that sustain on-the-job injuries or job-related illnesses may be afforded time off for medical examinations, and physical therapy required by the City's designated occupational health provider. Such appointments shall be scheduled with the approval of the supervisor.

Family Medical Leave Act (FMLA): Three or more days off work due to a Workers Compensation injury will be counted toward Family Medical Leave Act (FMLA) entitlement. See FMLA guidelines in the Employee Handbook for additional information.