

**RESOLUTION NO. 14
SERIES 2025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO,
REPEALING AND REPLACING THE EMPLOYEE HANDBOOK**

WHEREAS, the City of Gunnison is a home rule municipality organized under the Colorado Constitution and governed by its Municipal Home Rule Charter; and

WHEREAS, the City's Charter provides that the City Manager serves as the Chief Administrative Officer and is authorized to establish personnel policies to administer the organization effectively; and

WHEREAS, while such authority resides with the City Manager, the City Council recognizes the importance of transparency, checks and balances, and the role of Council in ensuring sound governance and accountability over broad organizational policies; and

WHEREAS, the City's Strategic Framework, adopted in 2024, identifies a commitment to strengthening the sustainability of the organization, fostering a values-based culture, and improving systems and resources to support efficient operations and quality service; and

WHEREAS, the existing Employee Handbook required refinement to current employment laws, operational practices, or the City's desired cultural and performance standards; and

WHEREAS, a comprehensive review of the Employee Handbook was conducted with participation from City staff, department leadership, and legal counsel, resulting in a proposed replacement that modernizes structure, ensures legal compliance, and reinforces the City's core values of Integrity, Stewardship, and Collaboration; and

WHEREAS, in accordance with executed Intergovernmental Agreements, the revised Employee Handbook also applies to the Gunnison/Hinsdale Combined Emergency Telephone Service Authority and the Gunnison County Fire Protection District and clearly defines administrative authority within each entity; and

WHEREAS, changes generally include incorporation of legal updates; introduction of a values-based code of conduct; updated provisions on bullying, accommodations, compensation, and leave; removal of outdated residency requirements and fixed compensation figures; and the separation of procedural content into administrative policies for future adaptability; and

WHEREAS, the City Council desires to formally adopt the revised Employee Handbook to ensure its policies reflect current legal requirements and operational best practices and support the City's strategic priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO THAT:

Section 1. The Employee Handbook, dated June 24, 2025, is hereby adopted and shall replace and supersede any previous versions of the Employee Handbook.

Section 2. The Employee Handbook, dated June 24, 2025, supersedes Resolution No. 7, Series 2016: A Resolution of the City Council of the City of Gunnison, Colorado Providing Consent to the Hiring of Related Persons in Defined Circumstances.

Section 3. The City Manager is authorized to implement the policies within the Employee Handbook and to maintain and update associated administrative procedures as necessary.

INTRODUCED, READ, PASSED AND ADOPTED by the City Council of the City of Gunnison, Colorado, this 24th day of June, 2025.





Diego Plata, Mayor



Erica Boucher, City Clerk



Employee Handbook

Adopted by Resolution No. 14, Series 2025

June 24, 2025

TABLE OF CONTENTS

*****IMPORTANT NOTICE and DISCLAIMER *****	5
SECTION 1 PERSONNEL ADMINISTRATION	6
1.1 APPLICABILITY	6
1.2 AUTHORITY.....	6
SECTION 2 ORGANIZATIONAL VALUES & CODE OF CONDUCT.....	8
2.1 ORGANIZATIONAL VALUES.....	8
2.2 CODE OF CONDUCT.....	8
SECTION 3 EQUAL EMPLOYMENT OPPORTUNITY	10
3.1 DISABILITY AND RELIGIOUS ACCOMMODATION	10
3.2 PREGNANCY ACCOMMODATION.....	10
3.3 ACCOMODATION FOR NURSING EMPLOYEES	10
3.4 UNLAWFUL EEO DISCRIMINATION AND HARASSMENT	11
3.5 SEXUAL HARASSMENT	12
3.6 EEO/HARASSMENT COMPLAINT PROCEDURE	12
3.7 WORKPLACE BULLYING POLICY.....	13
3.8 ANTI-VIOLENCE POLICY.....	14
SECTION 4 GENERAL POLICIES	15
4.1 PROMOTION AND TRANSFERS	15
4.2 PERFORMANCE APPRAISAL.....	15
4.3 ALCOHOL & DRUG FREE WORKPLACE.....	15
4.4 SMOKING	16
4.5 HEALTH AND SAFETY.....	16
4.6 REPORTING ACCIDENTS AND INJURIES.....	16
SECTION 5 EMPLOYEE STATUS - COMPENSATION – PAYROLL.....	17
5.1 EMPLOYEE CLASSIFICATION FOR EMPLOYMENT STATUS	17
5.2 EMPLOYEE CLASSIFICATION FOR ADMINISTRATIVE STATUS.....	17
5.3 PAY PERIODS AND BASIC WORK WEEK/PERIOD.....	18
5.4 OVERTIME COMPENSATION	18
5.5 COMPENSATORY TIME	18
5.6 DESIGNATED ON-CALL TIME.....	19
5.7 PAYROLL DEDUCTIONS.....	19
5.8 PAYCHECKS	19

5.9	REPORTING AND RECORD KEEPING	20
5.10	MEAL PERIODS	20
5.11	REST PERIODS	21
SECTION 6 EMPLOYEE BENEFITS (NON-DISCRETIONARY)		22
6.1	GROUP PLANS	22
6.2	WELLNESS BENEFIT	22
6.3	PAID SICK AND PERSONAL LEAVE	22
SECTION 7 EMPLOYEE BENEFITS (DISCRETIONARY)		25
7.1	RETIREMENT BENEFITS	25
7.2	EDUCATIONAL REIMBURSEMENT	25
7.3	PAID VACATION LEAVE	25
7.4	PAID HOLIDAYS	26
7.5	LONGEVITY BONUS	27
7.6	HARDSHIP BANK	27
SECTION 8 OTHER LEAVE		29
8.1	FAMILY AND MEDICAL LEAVE ACT (FMLA)	29
8.2	SABBATICAL LEAVE	32
8.3	DOMESTIC VIOLENCE LEAVE	33
8.4	MILITARY LEAVE	33
8.5	ADMINISTRATIVE AND CRITICAL INCIDENT LEAVE	33
8.6	VOTING	34
8.7	JURY DUTY	34
8.8	COURT WITNESS LEAVE	34
SECTION 9 DISCIPLINARY ACTION AND SEPARATION		35
9.1	GENERAL	35
9.2	SEPARATION OF EMPLOYMENT	35
9.3	EXIT INTERVIEWS	36
9.4	RETURN OF CITY PROPERTY	36
9.5	TERMINATION	36
9.6	REFERENCES	36
SECTION 10 DISPUTE RESOLUTION & PROBLEM-SOLVING POLICY		37
10.1	OPEN COMMUNICATION	37
10.2	JOB RELATED PROBLEMS	37

SECTION 11 ACCESS TO PERSONNEL FILES.....	38
11.1 FILE CONTENT AND LOCATION	38
11.2 ACCESS TO FILES	38
11.3 DATA DISPOSAL POLICY	38
SECTION 12 ETHICAL PROVISIONS	39
12.1 EMPLOYMENT OF RELATED PERSONS	39
12.2 OUTSIDE EMPLOYMENT	40
12.3 POLITICAL ACTIVITY	40
12.4 CITY PROPERTY	40
12.5 OPERATION OF CITY OR PRIVATE VEHICLES	41
12.6 GRATUITIES.....	41
12.7 CONFLICT OF INTEREST.....	41
12.8 OPEN RECORDS.....	41
12.9 WHISTLEBLOWER PROTECTION	42
SECTION 13 INFORMATION TECHNOLOGY AND COMMUNICATION.....	44
13.1 TECHNOLOGY SYSTEMS	44
13.2 NETWORK ACCESS POLICY.....	46
13.3 CONTENT-GENERATING ARTIFICIAL INTELLIGENCE (AI) SOFTWARE	46
SECTION 14 OTHER POLICIES AND PRACTICES	48
14.1 ATTENDANCE	48
14.2 WORK CLOTHING POLICY.....	48
14.3 TRAVEL	48
14.4 COMMUNICABLE DISEASE POLICY	49
ACKNOWLEDGMENT OF RECEIPT.....	50

*******IMPORTANT NOTICE and DISCLAIMER *****1**

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

NEITHER THE EMPLOYEE NOR THE ORGANIZATION IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT WITH THE CITY OF GUNNISON IS AT-WILL. EITHER THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION.

NO REPRESENTATIVE OF THE CITY OF GUNNISON, OTHER THAN THE CITY MANAGER, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE CITY MANAGER AND THE EMPLOYEE.

THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE ORGANIZATION RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY OF GUNNISON. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE HANDBOOK, EMPLOYEES THAT HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE HUMAN RESOURCES DIRECTOR.

SECTION 1 PERSONNEL ADMINISTRATION

1.1 APPLICABILITY

This Handbook applies to all employees of the City of Gunnison, Gunnison/Hinsdale Combined Emergency Telephone Service Authority ("Authority"), and Gunnison County Fire Protection District ("District"), collectively referred to as the "Organization," to the extent that the provisions contained herein are not in conflict with the current bylaws of the Authority and/or District. If there is a conflict between this Handbook and the most current bylaws of the Authority and/or District, the bylaws shall control.

1.2 AUTHORITY

A. City of Gunnison

In accordance with the City of Gunnison Municipal Home Rule Charter ("Charter"), the City Council constitutes the legislative and governing body of the city and has the power and authority to adopt laws, ordinances, and resolutions as it shall deem proper. This Handbook has been adopted by the City Council. Any revisions to this Handbook require formal update and approval by the City Council.

The Charter provides that the City Manager is the Chief Administrative Officer of the City. This Employee Handbook has been developed by the City Manager, in collaboration with department heads and legal counsel. The City Manager is authorized to establish and approve, without consideration by City Council, supplementary procedures related to personnel administration such as but not limited to compensation and benefits methodologies, return-to-work guidelines, equal employment opportunity, drug and alcohol, safety, travel, cybersecurity, vehicle and equipment use, pre-employment screening policies, and other process-related guidelines. All supplementary procedures related to personnel administration shall be available to employees on the employee intranet.

The City Manager may assign personnel administrative duties, including but not limited to a Human Resource Director. The Human Resources Director may be responsible for directing the routine functions and interpretations of this Handbook and other personnel policies. The City Manager shall have final authority on the application of all personnel policies and shall have final authority to hire, suspend, or discharge employees.

B. Gunnison/Hinsdale Combined Emergency Telephone Service Authority

The Executive Director of the Authority is the Chief Administrative Officer. To provide clarity in administration of personnel policies with regards to the Authority, the term "City Manager" shall be replaced with "Executive Director" in all personnel policies for Authority employees, including this Employee Handbook. The term "City of Gunnison" shall be replaced with "Authority" and the term "City Council" shall be replaced with "Board of Directors," except in Section 2.2.A. The Executive Director shall have final authority on

applying the terms of the Handbook and other personnel policies and final authority to hire, suspend, or discharge employees.

C. Gunnison County Fire Protection District

The Fire Chief of the District is the Chief Administrative Officer. To provide clarity in administration of the personnel policies with regards to the District, the term "City Manager" shall be substituted with "Fire Chief" in all personnel policies for District employees, including this Employee Handbook. The term "City of Gunnison" shall be replaced with "District" and the term "City Council" shall be replaced with "Board of Directors," except in Section 2.2.A. The Fire Chief shall have final authority on applying the terms of the Handbook and other personnel policies and final authority to hire, suspend, or discharge employees.

SECTION 2 ORGANIZATIONAL VALUES & CODE OF CONDUCT

The City of Gunnison will achieve its organizational purpose and aspiration when all employees are committed to shared values, professional ethics, and follow a code of conduct that represents our core expectations and enables collective leadership.

Collective leadership recognizes that leadership is needed at every level of our organization. Leadership is not about official title, role, or rank. Instead, collective leadership requires that each employee take responsibility for bringing your whole self to the game and offering your unique perspective and contribution. City employees are public employees and therefore, each employee has an opportunity to lead, positively represent, and serve as community leaders.

To achieve the City of Gunnison's purpose, every employee must uphold our organizational values through a strengthened code of conduct. This code aims to ensure professionalism and a culture of accountability, engagement, and respect. It serves as a guide for behavior that supports our adopted values. This list is illustrative and not all inclusive.

2.1 ORGANIZATIONAL VALUES

- **Integrity:** We say what we mean, and we do what we say. Our conduct is worthy of trust.
- **Stewardship:** We are fact-based, transparent, and fiscally responsible in the choices we make. We are accountable and committed to sustainability.
- **Collaboration:** We effectively listen and engage the public to build diverse and positive relationships to serve community goals.

2.2 CODE OF CONDUCT

Employees are expected to demonstrate conduct that reflects our values and contributes positively to our organizational performance. To achieve this, each employee agrees to:

1. **Communicate Openly and Respectfully:** Engage in transparent, timely, and truthful communication both internally and externally. Encourage feedback and create an environment where all voices are heard.
2. **Practice Active Listening:** Approach conversations with a mindset of positive intent. Actively listen to understand others' perspectives and resolve issues by going directly to the source to promote clarity and collaboration.
3. **Engage Constructively with Others:** Foster cooperative relationships with colleagues and community members. Approach disagreements with respect and focus on solutions.

4. **Foster Equity:** Recognize that people are in different places and that fairness may require different levels or types of support to achieve success.
5. **Promote Team Collaboration:** Support interdepartmental collaboration by building trust, valuing diverse perspectives, and seeking innovative ideas, even when they challenge our own views.
6. **Commit to Safety:** Demonstrate personal ownership to safety as a priority over competing goals and demands. Work to advance safety culture and a safe system approach, encourage performance-driven practices, and advocate for the deployment of innovative safety countermeasures.
7. **Invest in Professional Development:** Pursue opportunities for personal and professional growth. Engage in training programs that support our values and foster a culture of continuous improvement.
8. **Adhere to Supervisory Guidance Responsively:** Follow directives from supervisors and organizational policies while considering these are compliant with local, state, and federal laws. Speak up if a directive is unsafe or conflicts with ethical or legal standards.
9. **Maintain Attendance and Punctuality:** Be reliable and communicate effectively regarding work schedules, providing ample notice for any absences or requests for time off, thereby allowing for better planning and support for work needs.
10. **Dress Professionally:** adhere to established dress standards within your division. In the absence of specific guidelines, wear attire that is professional, appropriate for public-facing duties, and conducive to a respectful work environment.
11. **Protect Sensitive Information:** Exposure to sensitive situations and information should be treated with dignity and respect. Understand the importance of privacy.
12. **Uphold Professional Ethics:** Adhere to the ethical standards specific to your profession. Foster an environment where ethical behavior is prioritized and encourage discussions about ethics among colleagues.
13. **Encourage Well-Being and Boundaries:** Show understanding and respect for the personal needs and challenges of colleagues, including their health and family commitments.
14. **Conflict Resolution Protocol:** Participate in, and contribute to, constructive conflict resolution processes. If disagreements arise, seek mediation if necessary to reach a resolution that respects all parties involved.
15. **Regular Review and Adjustment:** Engage in ongoing discussions about the relevance and applicability of this code of conduct. Provide feedback and suggestions for improvement as we continue to grow as a team and community.

SECTION 3 EQUAL EMPLOYMENT OPPORTUNITY

3.1 DISABILITY AND RELIGIOUS ACCOMMODATION

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

3.2 PREGNANCY ACCOMMODATION

- A. Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.
- B. Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the City of Gunnison will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City of Gunnison's business operations.
- C. The City of Gunnison may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Human Resource Director.
- D. The City of Gunnison will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

3.3 ACCOMODATION FOR NURSING EMPLOYEES

- A. A private space will be provided, and reasonable time will be permitted for nursing employees to express milk during the workday for up to two years following the birth of a child. The time permitted typically will run concurrently with the time already provided for meal and rest breaks. If the breaks cannot run concurrently and/or additional time is needed, the Human Resource Director and the employee will agree upon a schedule that might include the employee using unpaid leave (if non-exempt), annual leave/vacation time, arriving at work earlier, or leaving later. In the event unpaid

leave is used, the employee will be relieved of all work-related duties during any unpaid break.

- B. Employees will be provided with the use of a room, office, or other private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from coworkers and the public. The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk.
- C. Nursing employees are responsible for using anti-microbial wipes to clean milk expression areas, and for keeping the general lactation space clean for the next user. This responsibility extends to other areas where expressing milk is permitted, equipment is cleaned, and milk is stored.
- D. The City reserves the right to not provide additional break time or a private location for expressing breast milk if doing so would substantially disrupt the City's operations.
- E. The City will not demote, terminate, or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

3.4 UNLAWFUL EEO DISCRIMINATION AND HARASSMENT

- A. The City of Gunnison is dedicated to the principles of equal employment. We prohibit unlawful discrimination against applicants or employees on the basis of age over 40, race (including traits historically associated with race, such as hair texture and length and protective hairstyles), sex, color, religion, creed, national origin, ancestry, disability, military status, sexual orientation, gender identity, gender expression, genetic information, marital status, or any other applicable status protected by federal, state or local law.
- B. The City strives to maintain a work environment free of unlawful harassment. Unlawful harassment includes any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at an individual (or group) because of that individual's (or group's) membership in, or perceived membership in, a protected class, that is subjectively offensive to the individual alleging harassment, and is objectively offensive to a reasonable individual who is a member of the same protected class. Harassment does not need to be in-person and can occur over electronic media, such as Zoom or other electronic platforms. Prohibited behavior includes but is not limited to the following:
 - (1) Written form such as cartoons, e-mail, posters, drawings, or photographs.
 - (2) Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
 - (3) Physical conduct such as assault, or blocking an individual's movements.
- C. This policy applies to all employees including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

3.5 SEXUAL HARASSMENT

- A. Because sexual harassment raises issues that are to some extent unique in comparison to other harassment, the City of Gunnison believes it warrants separate emphasis.
- B. The City of Gunnison strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:
 - (1) Submission to such conduct or communication is made explicitly or implicitly a term or condition of employment;
 - (2) Submission to or rejection of such conduct or communication is used as the basis for decisions affecting an individual's employment;
 - (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- C. All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:
 - (1) Written form, such as cartoons, posters, calendars, notes, letters, e-mail;
 - (2) Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping, or questions about another's sex life, or repeated unwanted requests for dates;
 - (3) Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

3.6 EEO/HARASSMENT COMPLAINT PROCEDURE

- A. Employees are encouraged to complete the complaint form provided on the City's intranet to provide notice of a violation of the EEO policy, harassment, based on the protected classes outlined above, including sexual harassment, or bullying, a complaint. The City of Gunnison has established a program designed to prevent harassment, deter future harassers, and protect employees from harassment. The City of Gunnison takes prompt action to investigate and/or address alleged discriminatory or unfair employment practices. The City of Gunnison also takes prompt remedial actions, when warranted, in response to complaints of discriminatory or unfair employment practices. The City of Gunnison, therefore, expects employees to make a timely complaint to enable the City of Gunnison to investigate and correct any behavior that may be in violation of this policy.

- B. Report the incident to the Human Resources Director who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to any of these individuals with your complaint, you should report the incident to the City Manager.
- C. The City of Gunnison prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If you perceive retaliation for making a complaint or your participation in the investigation, please follow the complaint procedure outlined above. The situation will be promptly investigated.
- D. If the City of Gunnison determines that an employee's behavior is in violation of this policy, disciplinary action will be taken against the offending employee, up to and including termination of employment.

3.7 WORKPLACE BULLYING POLICY

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the Organization will not in any instance tolerate bullying behavior by an internal or external individual(s). Employees found in violation of this policy will be disciplined, up to and including termination. The Organization defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.

The Organization considers the following types of behavior examples of bullying:

1. Verbal bullying: Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
2. Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
3. Gesture bullying: Nonverbal gestures that can convey threatening messages.
4. Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- a. Shouting or raising one's voice at an individual in public or in private.
- b. Using obscene or intimidating gestures.
- c. Not allowing the person to speak or express himself or herself.

- d. Personal insults and use of offensive nicknames.
- e. Public humiliation in any form.
- f. Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- g. Public reprimands.
- h. Repeatedly accusing someone of errors that cannot be documented.
- i. Deliberately interfering with mail and other communications.
- j. Spreading rumors and gossip regarding individuals.
- k. Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.

Individuals who feel they have experienced bullying by another employee or a member of the public should report this to their supervisor or to the Human Resources Director before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow the Organization to take appropriate action.

3.8 ANTI-VIOLENCE POLICY

- (1) The City's goal is to strive to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying illegal weapons onto City of Gunnison property, or any other act, which, in management's opinion, is inappropriate to the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated.
- (2) The City allows concealed carry of handguns by employees as authorized by and conducted in compliance with Colorado State law and local ordinances.
- (3) Employees who feel they are subjected to any of the behaviors listed above should immediately report the incident to their direct supervisor or other management personnel. Complaints will be investigated by the management team. Based upon the results of the inquiry, action will be taken which management feels is appropriate.
- (4) Employees who observe or have knowledge of any conduct listed above should immediately report it to their supervisor. Employees should contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

SECTION 4 GENERAL POLICIES

4.1 PROMOTION AND TRANSFERS

At times, there may be position openings within the City that allow employees the opportunity to advance their careers by being promoted. A promotion is defined as the movement of a full or part-time employee from a position of one classification to a position of another classification having greater or increased responsibilities and higher entry level compensation. A transfer is defined as the movement of a full or part-time employee from a position of one class to a position of another class having a similar level of responsibilities and/or entry level compensation.

4.2 PERFORMANCE APPRAISAL

Supervisors will continually observe the employee's job performance. Communication between the employee and the employer is a key element in the successful operation of the City government. Contact and advise your supervisor or Human Resource Director if more than one year has passed since receiving formal feedback.

4.3 ALCOHOL & DRUG FREE WORKPLACE

- A. The City of Gunnison is committed to a safe, healthy and productive work environment for all employees, free from the effects of illegal or non-prescribed drugs and alcoholic beverages. The use of drugs and alcohol alters employee judgment, resulting in increased safety risks, employee injuries, and faulty decision-making. Therefore, the possession, use, or sale of controlled substances or alcohol on Organization premises or during Organization time is prohibited. Furthermore, working after the use of alcohol or a controlled substance or the abuse of any other substance is prohibited.
- B. To ensure a safe and productive work environment the City prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs or controlled substances on any City premises or worksites. This prohibition includes City owned vehicles, or personal vehicles being used for City business or parked on City property. Compliance with this policy is a condition of employment and all employees shall comply with it.
- C. No employee shall report to work or be at work with alcohol or with any detectable amount of prohibited drugs in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing.
- D. Employee shall, when drugs are prescribed by a medical professional, inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the employee's ability to safely perform the employee's job duties. If the answer from the medical professional is yes, the employee shall obtain a statement from the

medical professional indicating any work restrictions and their duration. The employee shall present that statement to his or her supervisor prior to going on duty.

- E. Illegal use of drugs off duty and off City premises or work sites is not acceptable. It can affect on-the-job performance and the confidence of the public in the City's ability to meet its responsibilities.
- F. In accordance with federal grant provisions, an employee must notify Human Resources in writing if convicted for a violation of a criminal drug statute occurring in the workplace and must do so no more than five calendar days after the conviction.
- G. See the City of Gunnison Drug and Alcohol Administrative Policy for more policy details.

4.4 SMOKING

It is our objective to provide a smoke-free work environment within our organization. In compliance with the Colorado Clean Indoor Air Act, smoking is prohibited within all areas of City owned buildings, vehicles and equipment, or within twenty-five (25) feet of any entrance to a City owned building. This restriction applies to all employees and visitors, at all times, including non-business hours. The definition of smoking includes the use of electronic smoking devices ("vaping").

4.5 HEALTH AND SAFETY

It is the City of Gunnison's goal to maintain a high standard of employee health and safety. To achieve these high standards, we try to maintain a safe, healthy, efficient, and productive work environment. Toward this end, we provide training, safeguards, and programs to prevent accidents, to prevent damage to property, and to promote safety.

Employees are responsible to abide by all applicable safety rules and regulations. We expect employees to do their job in a manner that ensures their personal safety and the safety of fellow employees.

4.6 REPORTING ACCIDENTS AND INJURIES

Employees who suffer work-related injuries or illnesses, despite how minor, must report them in writing as soon as they are able within 10 days after the injury to their supervisors. The supervisor in turn should submit any injury information to Human Resource within 24 hours of receiving the report of the injury. To ensure Worker's Compensation eligibility, proper reporting procedures must be followed. The City of Gunnison Drug and Alcohol Policy and the Return to Work Policy contains additional policies related to accidents and injuries.

SECTION 5 EMPLOYEE STATUS - COMPENSATION – PAYROLL

5.1 EMPLOYEE CLASSIFICATION FOR EMPLOYMENT STATUS

Employees of the City of Gunnison are classified as either exempt or nonexempt under federal and state wage and hour laws, as applicable.

- A. **Exempt Employee** - Exempt employees, as defined by Colorado and federal law, are not eligible for overtime or compensatory pay. Employees classified as exempt receive a salary that constitutes full compensation for all hours worked.
- B. **Non-exempt Employee** - Non-exempt employees, as defined by Colorado and federal law, are generally paid by the hour and are eligible for overtime pay equal to 1½ times their regular rate of pay for each hour worked in excess of forty (40) hours in a workweek, with the exception of law enforcement and fire protection personnel covered by the Fair Labor Standards Act's section 207(K), who are eligible for overtime pay equal to 1 ½ times their regular pay rate for each hour worked in excess of eighty (80) hours in a work period.

5.2 EMPLOYEE CLASSIFICATION FOR ADMINISTRATIVE STATUS

For administrative purposes, such as the administration of discretionary benefits like paid vacation or holidays, the City provides further classifications. The following classifications are used throughout this Handbook:

- A. **Full-time Employee** - Full-time employees are those who are hired and regularly scheduled to work 30 or more hours each workweek. Full-time employees are eligible for Discretionary Benefits.
- B. **Part-time Employee** - Part-time employees are those who are hired and regularly scheduled to work less than 30 hours per week and less than 1,560 hours in a 12-month rolling period. Part-time employees are not eligible for Discretionary Benefits.
- C. **Temporary Employee** - Temporary employees are persons hired to work for a defined period or to complete a specific project or short-term assignment. Temporary employees may work either full-time or part-time, depending upon operational needs. Temporary employment assignments are of limited duration and may be discontinued at any time at the discretion of the City. No promise or guarantee of continued or future employment is made or implied.

Temporary employees are generally not eligible for Discretionary Benefits, except as otherwise required by applicable law, including the Patient Protection and Affordable Care Act (PPACA). Exceptions to this policy may be granted only in writing by the City Manager.

5.3 PAY PERIODS AND BASIC WORK WEEK/PERIOD

- A. Pay periods are two week periods, extending from 12:01 A.M. Saturday through 12:00 Midnight the second Friday, inclusive.
- B. The established workweek is a fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods, beginning at 12:01 A.M. Saturday through 12:00 Midnight the following Friday, except for law enforcement officers and fire protection personnel covered by the Fair Labor Standards Act's section 207(K).
- C. A basic work period for law enforcement officers and fire protection personnel covered by the Fair Labor Standards Act's section 207(K) begins with the first full shift of the pay period, (Saturday day shift), and continues fourteen (14) consecutive days.

5.4 OVERTIME COMPENSATION

- A. Work is organized so that overtime is avoided whenever possible, and then should be kept to a minimum. Overtime must be approved in advance by the department head. This may take the form of direct consent each time or, alternatively, consistent application of guidelines approved by the department head. Timesheets that include overtime must have signed approval by the department head or their designee.
- B. Overtime pay will be calculated as follows:
 - (1) For non-exempt employees, other than law enforcement officers and fire protection personnel, any hours worked in excess of 40 hours in the established workweek will be paid at one and one-half (1.5) times the employee's regular rate of pay.
 - (2) For police department law enforcement officers and fire protection personnel covered by the Fair Labor Standards Act's section 207(K), any hours worked in excess of 80 hours during the 14-day work period will be paid at one and one-half (1.5) times the employee's regular rate of pay.
- C. Leave time is not considered hours worked when calculating overtime and will only be paid at the employee's regular rate of pay. If employees have questions about overtime calculation, they should contact Human Resource for additional information.

5.5 COMPENSATORY TIME

Overtime may be paid as compensatory time, at the discretion of the department head, at the rate of time and one-half in leave with pay (compensatory time) in lieu of direct pay, at the employee's discretion.

- (1) Compensatory time must be used before vacation.
- (2) Employees may accrue a maximum of 40 hours of compensatory time.
- (3) Compensatory time off may not be carried over into the next year.

5.6 DESIGNATED ON-CALL TIME

Designated on-call (aka: "standby time") employees are non-exempt, full-time, part-time, or temporary employees assigned to be available to respond by phone and return to work outside their regularly scheduled work hours but are otherwise free to use their time for personal activities. Designated on-call employees may not consume alcohol or drugs or participate in activities that would preclude them from immediately responding to a call or text and physically responding within 30 minutes. Supervisors are responsible for managing a clear and reasonably fair policy and schedule for designated on-call assignment.

On-call employees are compensated in accordance with their established and regular status and wage for actual work performed. Additionally, a flat, daily rate may be paid to designated on-call employees, regardless of actual hours worked as compensation for dedicated availability. The flat daily rate is subject to annual appropriations and City Manager approval and may vary by department.

5.7 PAYROLL DEDUCTIONS

Only authorized and/or mandatory payroll deductions will be made from the employee's payroll check. If you believe an improper deduction has been made, you should immediately report this information to Human Resource.

5.8 PAYCHECKS

- A. Paychecks reflect compensation for regular and overtime hours, standby pay, holiday pay, vacation pay, sick leave pay, and compensation for other paid and unpaid leaves of absence.
- B. Employees are paid every other Wednesday, with paychecks normally issued no later than 3:00 P.M. If the regular payday occurs on a holiday, the payday is the last working day prior to the holiday. On each payday, employees receive a statement showing gross pay, deductions and net pay.
- C. Automatic deductions such as additional tax withholding, contributions to voluntary benefit plans and individual savings plans may be arranged through the Finance Department. Employees may choose the option of having paychecks automatically deposited to the employee's bank account(s).

5.9 REPORTING AND RECORD KEEPING

With the exception of exempt status employees, the City is required by law to keep a record of regular hours worked, overtime, standby, sick leave accrual and usage, vacation accrual and usage, personal day accrual and usage, and holidays. Employees are required to know their departmental procedures for time sheet reporting and collection. The department head submits completed payroll time sheets to the Finance Department no later than 10:00 a.m. on the Monday following the end of each pay period.

Information for the payroll time sheets will be obtained from time cards or departmental hourly records which are to be initialed by the appropriate employee, supervisor, and department heads. Employees are responsible for completing the time cards by accurately reporting all hours worked, and all holiday, vacation hours and absences from work. Falsification of timecards will not be tolerated.

These records are the only ones used by the Organization to calculate employee pay and paid time off balances. It is very important that they are accurate and complete. Nonexempt employees are expected to submit accurate and complete time records reflecting all hours worked. Employees who also choose to keep their own personal time records must provide them to the Organization if they find a discrepancy between the Organization's records and their records. Employees should contact their supervisors or the Finance Department with any questions about how their pay is calculated. Employees must promptly notify their supervisors or Finance Department of any mistakes in their time records or pay. Employees also must notify one of these individuals if they perceive that anyone is interfering with their ability to record their time accurately and completely. All reports will be investigated, and appropriate corrective action will be taken. The Organization will not tolerate retaliation against employees for making a report or participating in an investigation.

5.10 MEAL PERIODS

- A. Non-exempt employees who work five or more consecutive hours are currently provided at least one unpaid meal break to relax and refresh the employee for the day's work. Since each department's and employee's needs are different, employees should ask their supervisor for the meal schedules for the department.
- B. Generally, meal periods are 30 - 60 minutes in length. During the break, employees will be relieved of all duties and permitted to pursue personal activities. If the nature of the business activity or other circumstances exist that makes an uninterrupted meal break impracticable, the employee will be allowed to consume an on-duty meal without any loss of time or compensation.
- C. Meal periods must be taken, except for peace officers and the Authority, who are paid for their meal periods while remaining on duty.

5.11 REST PERIODS

- A. Employees may receive a fifteen (15) minute rest period for each four (4) hour period of continuous work.
- B. Rest periods are part of the paid work shift. An employee is not compensated in additional money or time off for not taking a scheduled rest period.
- C. Rest periods are to be scheduled by the department head or supervisor.
- D. Employees must be at their assigned work area at the beginning and end of the rest period.

SECTION 6 EMPLOYEE BENEFITS (NON-DISCRETIONARY)

6.1 GROUP PLANS

As part of its compensation strategy, the City of Gunnison offers a number of different insurance plans for eligible employees. Employment benefits vary according to the position and status of the employee. To receive certain benefits, eligible employees may be required to meet participation requirements and pay required premiums and other contributions. The City of Gunnison complies with all applicable federal and state laws regarding the provision of benefits to same-sex spouses, domestic partners, and couples in a civil union.

Benefit plans offered by the City of Gunnison are defined in legal documents, such as insurance contracts and summary plan descriptions. In the event information in this Handbook or other employee communication conflicts with the actual terms and conditions of coverage, the plan documents will control.

Employees will have an opportunity to make changes to their benefit selections during the City of Gunnison's annual open enrollment period. Employees who experience a qualifying life event such as marriage, divorce or the birth of a child will also be allowed to make a change in their benefit selection when that event occurs, in accordance with the terms of the plan document.

In the event you take a leave of absence, please consult Human Resource to determine the impact the leave may have upon your benefits, including eligibility and/or making any required premium payments.

The City of Gunnison provides a current and comprehensive list of insurance benefits on the City's public website, under Human Resources.

6.2 WELLNESS BENEFIT

All employees receive an annual wellness benefit equivalent to the value of an annual individual City of Gunnison Recreation Center membership to be used, at the discretion of the employee, at the Recreation Center or any other program or service offered by the City of Gunnison.

6.3 PAID SICK AND PERSONAL LEAVE

- A. All employees begin employment with 48 hours of sick/personal leave.
- B. Sick/personal leave may be used as it is accrued in quarter-hour increments.
- C. Full-time employees accrue sick/personal leave upon hire at a rate of 3.68 hours per pay period up to a total of 96 hours per year.

- D. Part-time and all temporary employees do not accrue sick/personal leave; a total of 48 hours of sick/personal leave renews at the beginning of each calendar year.
- E. The maximum accrual for sick/personal leave is 720 hours for full-time employees. The maximum accrual for part-time and all temporary employees is 48 hours.
- F. Paid sick/personal leave may be used if an employee:
- (1) is grieving from the loss of a family member, as defined by the employee;
 - (2) has a mental or physical illness, injury, or health condition that prevents them from working;
 - (3) needs to get preventive medical care or to get a medical diagnosis, care, or treatment of any mental or physical illness, injury, or health condition;
 - (4) needs to care for a family member who has a mental or physical illness, injury, or health condition or who needs to get preventive medical care or to get a medical diagnosis, care, or treatment of any mental or physical illness, injury, or health condition;
 - (5) the employee or the employee's family member having been a victim of domestic abuse, sexual assault, or criminal harassment and needing leave for related medical attention, mental health care, or other counseling, victim services (including legal services), or relocation;
 - (6) due to a public health emergency, a public official having closed either (A) the employee's place of business, or (B) the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child;
 - (7) needs to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member's school or place of care;
 - (8) needs to grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member; or
 - (9) needs to evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence.
- G. It is the employee's responsibility to notify their department head each day at the beginning of their shift when they cannot come to work for one or more of the above qualifying reasons. The employee should also notify of when they expect to return to work. In the event an employee is absent for four or more workdays, medical or legal certification must be provided to Human Resource upon return to work.
- H. Compensation for Sick/Personal Leave:
- (a) Sick/personal leave is paid at the employee's regular hourly rate of pay.
 - (b) Sick/personal leave pay is reflected on the paycheck issued for the pay period in which the sick leave was used.

- (c) If an employee experiences a qualifying reason for sick/leave while on scheduled vacation or utilizing a personal day, sick leave can be used instead of vacation, if the sick leave exceeds four consecutive days, not including days of vacation not replaced with sick leave.
 - (d) While using compensatory time off an employee may not claim sick/personal leave, unless there is a HFWA permissible basis, in which, the time off switches from compensatory to sick/personal time.
 - (e) After all sick/personal leave is utilized; vacation leave may be used according to the provisions of the vacation leave.
- I. Additional leave may be available during a Federal, State, or local public health emergency. Contact Human Resources for more information.

SECTION 7 EMPLOYEE BENEFITS (DISCRETIONARY)

7.1 RETIREMENT BENEFITS

As part of its compensation strategy, the City of Gunnison offers retirement benefits for eligible employees. Employment benefits vary according to the position and status of the employee. To receive certain benefits, eligible employees may be required to meet participation requirements and pay associated contributions. See the City of Gunnison's Compensation policy for a current and comprehensive list of retirement benefits and details regarding required employee contributions.

7.2 EDUCATIONAL REIMBURSEMENT

- A. When sufficient funds are available, full-time employees may be eligible for educational reimbursement. Courses must be job related and pre-approved according to your department's procedures prior to enrollment.
- B. All approved courses must be satisfactorily completed to be eligible for reimbursement. Reimbursement will be made for tuition, registration, fees, and laboratory fees only. "Satisfactory completion of course" will mean a grade of "C" or better, if the course is graded, or a satisfactory completion if no grade is given. Upon completion of approved course(s), the employee will submit an appropriate verification that:
 - (1) they have successfully completed the course;
 - (2) shows the date of completion;
 - (3) shows the final grade; and
 - (4) indicates the number of units or hours earned.

7.3 PAID VACATION LEAVE

Leave may only be used when the employee would have normally been scheduled to work. Employees are not required to use leave for hours in excess of the hours required in their scheduled work week. Leave may not be taken in an amount to generate total hours in excess of forty (40) hours per week (or eighty (80) for law enforcement and fire protection personnel covered by the Fair Labor Standards Act's section 207(K)) unless the excess hours were for call-out or hours worked on a holiday.

- A. Vacation is only available with the approval of the employee's supervisor and/or department head. Such approval may be based on scheduling needs of the department and maintaining the essential functions of the department.
- B. For exempt and non-exempt employees, vacation leave is accrued and used in quarter-hour units.

- C. Accrual of Paid Vacation Leave: accrual begins on the employee's most recent hire date with the City of Gunnison. Upon hire, applicable employment with other organizations may count towards calculating the "Years of Service," as determined by the City Manager on a case-by-case basis.

- (1) For all full-time employees, the following vacation accrual applies:

Years of Service	Biweekly Accrual	Annualized Accrual	Accrual Maximum
0-5	4.62 hours	120 hours	180 hours
6-10	5.23 hours	136 hours	204 hours
11-15	6.16 hours	160 hours	240 hours
16-20	7.70 hours	200 hours	300 hours
20+	8.31 hours	216 hours	324 hours

- (2) No employee is eligible to have more than the maximum accrual of paid vacation leave in their vacation bank at any time. Once an employee reaches this ceiling, the employee ceases accruing any additional vacation pay. If the employee later uses enough vacation pay to fall below the ceiling, the employee starts accruing paid vacation leave again from that date forward until reaching the ceiling. Accordingly, employees are encouraged to use all vacation pay soon after it accrues to avoid reaching the ceiling on vacation pay.
- (3) Full-time employees that have returned to full-time status after leaving employment or entering part-time status with the City of Gunnison shall have vacation leave accrue at the rate and reach maximums according to the total combined time while in full-time status.

7.4 PAID HOLIDAYS

- A. The following days have been designated as official paid holidays off work:

New Year's Day	Indigenous Peoples Day
Martin Luther King Jr. Day	Veteran's Day
President's Day	Thanksgiving Day
Juneteenth Day	
Memorial Day	Day-After Thanksgiving
Independence Day	Christmas Eve Day
Labor Day	Christmas Day

- B. An official paid holiday is paid in hours according to the employee's regular work schedule.
- C. When an employee is sick or on paid vacation leave during an official paid holiday, the time will be considered paid holiday leave.

- D. When a holiday falls on a Saturday, the previous Friday will be designated as the official paid holiday. When a holiday falls on a Sunday, the following Monday will be designated as the official paid holiday, except for rotating shift workers who will take the holiday as it falls.
- E. In addition to paid holiday leave, hours actually worked during an official paid holiday by non-exempt full-time, part-time, or temporary employees are eligible for holiday pay.
 - (1) Holiday pay is at one and one-half (1.5) times the employee's regular rate of pay for hours worked on an official paid holiday.
 - (2) Holiday pay counts toward the employee's actual hours worked for purposes of calculating overtime, but is mutually exclusive of overtime (i.e. an employee is not paid both overtime and holiday pay for the same hours).
 - (3) Authorization to work on an official holiday must be approved in advance by the employee's supervisor.

7.5 LONGEVITY BONUS

Effective January 1, 2026, full-time employees who have completed five or more years of continuous service are eligible for a longevity bonus. This bonus will be based upon annual appropriations and detailed in the City's Compensation policy.

7.6 HARDSHIP BANK

- A. In lieu of the Paid Family and Medical Leave Insurance Program, the City of Gunnison has established a process to assist employees with insufficient paid leave balances and a requested or current leave of absence related to the following:
 - (1) Bonding with a new child;
 - (2) Caring for yourself or others during a serious illness;
 - (3) Extreme circumstance, extended recovery, or life-threatening situation;
 - (4) Safe leave for domestic or sexual abuse;
 - (5) Assisting a family member called to active duty; or
 - (6) Neonatal care leave.
- B. Employees who are planning for or currently on a leave of absence should contact Human Resource as soon as reasonably possible when it becomes apparent that paid leave balances will be exhausted prior to their return to work. When an employee is incapacitated, a family member or other representative of the employee may notify Human Resource on the employee's behalf.
- C. Requests for Hardship Leave will be reviewed and approved by a Hardship Committee of five (5) City employees elected by all City employees. Employees interested in serving

on the Hardship Committee should contact Human Resource for information on election timelines.

SECTION 8 OTHER LEAVE

8.1 FAMILY AND MEDICAL LEAVE ACT (FMLA)

A. The City provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- (1) Incapacity due to pregnancy, prenatal medical care, or child birth.
- (2) To care for the employee's child after birth, or placement for adoption or foster care.
- (3) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
- (4) Serious health condition that makes the employee unable to perform the employee's job.

B. Military Family Leave Entitlements

- (1) Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- (2) FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*
- (3) *The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition."

C. Benefits and Protections

- (1) During FMLA leave, the City maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to

work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of insurance premiums during leave.

- (2) Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.
- (3) Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Vacation leave, sick leave, holidays, bereavement leave, or employer's jury duty pay are not granted on unpaid leave.

D. Eligibility Requirements

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

E. Definition of Serious Health Condition

- (1) A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.
- (2) Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

F. Use of Leave

- (1) The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the City of Gunnison, or 26 weeks as explained above. The City uses the 12-month period measured forward from the first day of an employee's leave.
- (2) An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for

planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

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

G. Substitution of Paid Leave for Unpaid Leave

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

H. Employee Responsibilities

- (1) Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures.
- (2) Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- (3) Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The City may require second and third medical opinions at the City's expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the City's attendance guideline. Employees on leave must contact their supervisor and/or department head at least two days before their first day of return.

I. The City's Responsibilities

- (1) The City will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information

required as well as the employees' rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility.

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

J. Unlawful Acts

FMLA makes it unlawful for the City to:

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

K. Enforcement

- (1) An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City.
- (2) FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

8.2 SABBATICAL LEAVE

Sabbatical leave is independent from a qualifying Family and Medical Leave Act (FMLA) leave and may be granted for purposes such as professional development, personal growth, health and well-being, family care, community service, or other pursuits that support renewal and long-term effectiveness. Full-time employees may request and may be authorized for sabbatical leave, as approved by the department head and City Manager on a case-by-case basis, to allow eligible employees to take unpaid leave for a specified and mutually agreed upon period of time. Employees on approved sabbatical leave may receive continued non-discretionary benefits during the period of leave, as agreed upon.

Employees on sabbatical leave will not be required to use any accrued leave during this period and are permitted to carry over all leave in the instance that the sabbatical leave crosses from one calendar year into the next. Employees will not accrue any additional leave during their sabbatical.

8.3 DOMESTIC VIOLENCE LEAVE

Employees subjected to domestic abuse, or a victim of a crime may be eligible for a leave of absence. Please see the Human Resources Director for more information.

8.4 MILITARY LEAVE

Employees granted a military leave of absence are re-employed and paid in accordance with the laws governing veteran's re-employment rights. The Organization pays for the first three weeks of regularly scheduled days of leave per year. After that time, leave is without pay.

8.5 ADMINISTRATIVE AND CRITICAL INCIDENT LEAVE

An employee may be placed on leave, with or without notice, to permit the City to review or investigate circumstances including a critical incident and/or possible dishonesty, theft or misappropriation of funds or property, criminal activity on or off the job, gross safety, negligence or acts endangering others, insubordination or any other conduct and/or occurrence that warrants removing the employee from the worksite.

Placement on administrative or critical incident leave shall not be interpreted to imply guilt. Management, in consultation with the City Manager may place an employee on administrative leave to review or investigate actions in possible breach of the above-stated guidelines.

The City will inform the employee that he or she is being placed on a paid or unpaid administrative leave, the reason for the leave, and that an investigation will occur. City property (e.g., keys, electronic equipment, files, records) may be collected from the employee.

The leave will be confirmed in writing to the employee no later than two working days after the leave commences. This written notice will explain the reasons for the administrative leave, state the expected length of the leave and that the leave may be extended, if necessary, and request the employee to remain available during the leave to participate in investigative interviewing. A copy of the letter will be placed in the employee's personnel file. At the conclusion of the investigation, and pending the outcome of the investigation, a decision will be made whether to retain this letter in the file or to remove it.

Management, in consultation with the City Manager, will conduct, or appoint a person to conduct, a prompt and thorough investigation of the circumstances. Upon conclusion of the investigation, the department head will determine if the employee will be reinstated, subject to disciplinary action or terminated from employment. Management will inform the employee in writing of the decision.

8.6 VOTING

Voting is an important responsibility we all assume as citizens. The City encourages you to exercise your voting rights in all municipal, state, and federal elections. Under most circumstances, it is possible for employees to vote either before or after work. If it is necessary to arrive late or leave work early to vote in any election, arrangements should be made with the supervisor no later than the day prior to Election Day.

8.7 JURY DUTY

We believe jury duty is a civic responsibility. Employees receiving a jury summons should present a copy of the summons to their supervisor as soon as possible. Employees called to jury service will receive their regular rate of pay for the first (3) three days of jury duty. For each day of service thereafter, the employee will be paid by the State of Colorado pursuant to law. Any jury service compensation received from the court or the State of Colorado may be kept by the employee.

To obtain time off for jury duty or to be a trial witness, the employee shall request for a leave of absence to the department head at the earliest possible date. The department head is responsible for notifying the City Manager to arrange a leave of absence or alternative approach.

8.8 COURT WITNESS LEAVE

A full-time employee will be paid while serving as a trial witness for City of Gunnison matters at the employee's rate of pay. Employees will turn in all subpoenaed witness compensation to the finance office upon receipt of payment for court related leaves.

Employees who, on their own time, consult and act as expert witnesses in criminal or civil trials will not be compensated for court time and will be expected to use vacation or unpaid leave for such circumstances.

SECTION 9 DISCIPLINARY ACTION AND SEPARATION

9.1 GENERAL

- A. Good working relationships require a professional approach by everyone.
- B. Occasionally, performance or other problems fall short of our standards and/or expectations. When this occurs, management takes action which, in its opinion, is deemed appropriate.
- C. Disciplinary actions can range from a formal, coaching discussion with the employee about the matter to immediate discharge. Action taken by management in an individual case should not be assumed to establish a precedent in other circumstances.
- D. Employees must at all times comply with the City's expectations for work performance and conduct. Failure to do so may result in any or all of the following actions, as the City deems appropriate.
- E. Discipline need not be conducted in any particular order or progression, nor will the imposition of discipline alter or modify the employment relationship between the City and its employees. The City reserves the right, in every case, to decide when discipline is appropriate and to determine the severity of the discipline to be imposed, up to and including immediate termination. Management will decide in its judgment which of these actions would most effectively resolve the problem.
- F. The fact that the City has or has not utilized any of these actions does not set any precedent and should not be relied upon in future disciplinary situations by an employee.

9.2 SEPARATION OF EMPLOYMENT

We request that employees who wish to resign their positions notify the City of their anticipated departure date and go over the "check out" procedures at separation (conversion of insurance, return of property, delivery of final paycheck, etc.) with Human Resources. Employees may be considered for re-employment provided they qualify for the position of interest and while they were employed with the City maintained satisfactory performance and attendance.

An employee will be considered separated from employment if they have not been scheduled to work, or have not performed any work, for a period of 60 consecutive calendar days, unless they are on an approved leave of absence or have received written notice of a future assignment or rehire. This break in service will be treated as a termination of employment. Reemployment, if eligible, will require completion of the standard hiring process.

9.3 EXIT INTERVIEWS

In instances of voluntary termination of employment, the City encourages the discussion of reasons for leaving and other impressions the employee may have about the City. Upon deciding to leave, employees are asked to grant the City an exit interview. During the exit interview, employees are encouraged to express themselves freely. It is hoped that this exit interview will provide insights into possible improvements the City can make.

9.4 RETURN OF CITY PROPERTY

Any City property issued to employees, such as keys, purchase cards, tools or uniforms, must be returned at the time of termination employees are responsible to pay for any lost or damaged items. The value of any property issued and not returned may be deducted from the non-exempt employee's final paycheck.

9.5 TERMINATION

Employees, who are laid-off or discharged from their job at the volition of the City, will receive their final pay in accordance with Colorado law. For pay purposes, terminations are effective on the last day worked, unless otherwise specified in writing by the City Manager. Vacation leave, sick leave, personal days, or any other form of paid or unpaid leave may not be used to extend the date of termination beyond the last date actually worked. Accrued sick/personal leave is not paid out upon termination.

9.6 REFERENCES

The Organization does not furnish open letters of recommendation addressed "To Whom It May Concern." If employees receive a call inquiring about a former employee, please refer the caller to the Human Resource Director or City Manager. Only the Human Resources Director or City Manager has the authority to respond to such inquiries. This restriction includes recommendations on social media sites.

SECTION 10 DISPUTE RESOLUTION & PROBLEM-SOLVING POLICY

10.1 OPEN COMMUNICATION

The City recognizes that conflict is inherent in any organization, and therefore offers processes to assist employees in problem-solving and dispute resolution.

10.2 JOB RELATED PROBLEMS

Employees who disagree with a City of Gunnison decision and/or practice should promptly discuss the matter with their immediate supervisor, where appropriate. Normally this discussion should be held within 3 – 5 days of the incident in question, or a timely basis. Discussions held in a timely manner will enhance the ability to resolve concerns while fresh in everyone's mind. The majority of misunderstandings can be resolved at this level.

If the solution offered is not satisfactory, or if it is inappropriate to go to the direct supervisor, employees are encouraged to take the problem to the supervisor's boss. If the problem still cannot be resolved, or if it is inappropriate to go to the supervisor's boss, employees are to contact the City Manager for review. The City Manager will investigate the circumstances of the issue; determine appropriate actions; and make a final decision about the situation.

The decision of actions to be taken, that are deemed appropriate by the City Manager, are final and no further internal remedy is available to effected parties. See also see EEO/Harassment Complaint Procedure.

SECTION 11 ACCESS TO PERSONNEL FILES

11.1 FILE CONTENT AND LOCATION

Personnel file content is the sole property of the City of Gunnison. Open Records requests to view the file will be kept in the employee's personnel file.

The Organization keeps a personnel file as a record of your employment. It is important for this record to be up-to-date and complete. This enables us to reach you in an emergency, forward your mail, and properly maintain your insurance and other benefits. It also helps keep track of your payroll deductions and many other things that concern you as an employee.

Notify Human Resources immediately if you have changes in any of the following areas: name, residence, telephone, marital status, insurance changes, tax exemptions, person to notify in case of an emergency, and other relevant information. Additionally, you should notify Human Resources if you complete educational or training courses.

11.2 ACCESS TO FILES

If you want to look at your file or discuss it with someone, contact Human Resources.

11.3 DATA DISPOSAL POLICY

During the course of your employment, the City of Gunnison will collect certain information that is classified as "personal identifying information," or PII, under applicable laws. Such information may include, but is not limited to:

- Your first and last name or initials
- Username(s) and password(s)
- Social Security number
- Driver license or other identification card number
- Medical documentation
- Biometric data
- And more

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

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

SECTION 12 ETHICAL PROVISIONS

12.1 EMPLOYMENT OF RELATED PERSONS

The City of Gunnison Home Rule Municipal Charter, Article IV, Section 4.13, provides that “The following relatives of any officer, employee, or elective official of the city who has the authority to hire, fire, or supervise employees, or of his spouse, shall not be hired by any officer, employee or elective official of the City without the prior consent of the City Council: spouse (in certain circumstances according to Colorado Revised Statutes, as amended), child, parent, brother or sister. All relationships shall include those arising from adoption.”

In compliance with this provision, City Council hereby consents to hiring “relatives” to include spouse or significant other, parent/step parent, child/step child, grandparent, grandchild, brother/brother-in-law, sister/sister-in-law, uncle, aunt, nephew, niece, first cousin, in-laws (father, mother, son daughter), in consideration of the following practices and to prevent the appearance of partiality in the hiring, promotion, demotion, reassignment, and transfer of employees, thereby limiting the negative effect on employee morale and the appearance of impropriety to the public.

- A. With approval of the City Manager on a case-by-case basis, the City may employ relatives of current employees, officers, or elected officials except in the following situations, unless sufficient mitigation is deemed viable:
- Relatives would be in a position to supervise another relative. For the purposes of this policy, supervision generally refers to any situation in which an employee has the authority or practical ability to influence another employee’s terms and conditions of employment. This includes, but is not limited to, responsibilities such as hiring, firing, promoting, disciplining, assigning work, evaluating performance, approving time off, or determining salary.
 - Relatives have access to confidential information, including payroll and personnel records.
 - Relatives audit, verify, receive, or are entrusted with money handled by the other relative.
- B. Without prior consent of the City Manager, an employee shall not be assigned, transferred or promoted, if such action will violate this policy. City Manager consent is required even though consent may have previously been granted to the employee(s) involved.
- C. These guidelines apply to all categories of employees, including full-time, part-time, and temporary classifications. They may also apply to all relatives and individuals who are not legally related but who reside with another employee.
- D. When two employees marry or partner in a civil union such marriage or union results in a violation of paragraph B. above, the City of Gunnison will attempt to arrange a transfer to a similar position in another department for one of the employees, ordinarily the one in the more junior job classification. There is no guarantee that the new position will be

within the same classification or at the same salary level. Where a transfer cannot be arranged or is not accepted by the employee(s), then one of the affected employees shall be separated from city service. Such separation shall be accomplished either by voluntary resignation of one of the affected employees or, in the event neither of the affected employees voluntarily resigns, by the termination of the less senior employee through a non-disciplinary separation from city service.

12.2 OUTSIDE EMPLOYMENT

Other employment outside the City must not interfere with your present job, or involve a conflict of interest, or give that appearance. Employees shall notify their department head and the City Manager to assess if outside employment may interfere with the present job. If you work for the City, you cannot work through a temporary agency in a second job here.

12.3 POLITICAL ACTIVITY

The City of Gunnison encourages employees to participate in matters of responsible citizenship. The City of Gunnison will not interfere with the conduct of employees engaged in political activity if the activities are confined to hours when the employees are not on duty, are not campaigning in their official organization uniforms, and if the activities do not impair the employee's job efficiency or that of others.

Employees whose principal employment is in connection with federally financed activities are subject to the federal requirements as a condition of such employment.

Employees may not use their official authority or influence for the purposes of interfering with or affecting the results of elections or nominations for office.

Political beliefs, activities, and affiliations are the private concern of the employee. An employee's work status is not affected by participating or not participating in lawful civic and political activities. No employee of the City of Gunnison can directly or indirectly coerce or command any other employee to pay, lend, or contribute salary, compensation, service, or anything else of value to any political party, group, organization, or candidate.

12.4 CITY PROPERTY

Employees, who use or have City property in their possession, are expected to treat it with the same care as they would their own property. All City tools and equipment are to be returned in good condition, ordinary wear and tear excepted.

Whether or not performed on the City's premises, work which employees perform and are paid for by the City is the property of the City of Gunnison. This includes inventions, works of authorship, improvements, designs, developments, and discoveries which relate in any manner to the present or prospective activities or business of the City.

12.5 OPERATION OF CITY OR PRIVATE VEHICLES

If an employee is authorized to operate a City owned vehicle or a personal vehicle for business use, the employee must have a valid Colorado Driver's License and liability insurance for the vehicle, wear a seat belt at all times and obey all traffic rules. Any unsafe or unlawful driving is a potential liability to the City and will not be tolerated. Driving while intoxicated or under the influence of a controlled substance or marijuana may constitute grounds for immediate termination of employment.

12.6 GRATUITIES

Employees will not directly or indirectly solicit/accept any gift with a monetary value of greater than \$50.00 whether it is money, services, loan, travel, entertainment, hospitality or any other form. No gift, regardless of the monetary value, shall be accepted under the following circumstances:

- A. It could be reasonably expected that the gift was intended to influence them in the performance of their official duties; or
- B. The gift was intended to serve as a reward for any future official action on their part.

12.7 CONFLICT OF INTEREST

Employees exercising influence in connection with a City contract, purchase, payment or any other financial or monetary transaction and who has a substantial personal interest in the transaction will give seventy-two (72) hours written advance notice of the possible conflict to the City Manager. If an employee has any question whether a situation is a conflict of interest, they will discuss the matter with their direct supervisor. If there is disagreement, the matter is referred to the City Manager for final determination. Failure to disclose a conflict may result in discipline, up to and including termination.

12.8 OPEN RECORDS

The City of Gunnison is governed by the Colorado Open Records Act (See C.R.S. 24-72-201 et seq.) which states that it is the public policy of the State of Colorado that all public records will be open for inspection by any person at reasonable times. Notwithstanding that general policy, there are some records that the law provides are not open to public inspection and are to be kept confidential. Examples of such "non-public" records include, but are not limited to: individual medical and mental health records; employee personnel files and reference letters; deliberative work product information; law enforcement investigation and intelligence records; and trade secrets, privileged information and confidential commercial and financial data. Open records requests are processed through the City Clerk.

As a City of Gunnison employee, employees may work with, have access to, or gain knowledge of records or information that belongs to the City, its employees, citizens and/or suppliers and which is not open to public inspection. Your employment with the City assumes you will maintain the confidentiality of all such non-public information and secrets,

together with the documents and materials upon which it is displayed, even after you leave our employ. In other words, you must not, except in the proper performance of your duties as an employee of the City of Gunnison, use, disclose or in any way make available to anyone else, either outside or within the City, any confidential, non-public records or information at any time. If you have any doubt or concern as to whether a particular record or item of information is open to the public or whether a particular disclosure is appropriate, please contact the City Manager for direction.

12.9 WHISTLEBLOWER PROTECTION

A. The City of Gunnison is committed to a workplace that is free of retaliation, and employees are protected from any personnel action because of the employee or applicant's protected whistleblowing. This includes lawfully disclosing information an employee reasonably believes evidences:

- a violation of law, rule, or regulation;
- gross mismanagement;
- a gross waste of funds;
- an abuse of authority;
- or a substantial and specific danger to public health or safety.

B. The disclosure does not lose protection because:

- the disclosure was made to someone, including a supervisor, who participated in the wrongdoing disclosed;
 - the wrongdoing being reported has previously been disclosed;
 - of the employee's motive for reporting the wrongdoing;
 - the disclosure was made while the employee was off duty;
- the disclosure was made during the employee's normal course of duty, if the employee can show that the personnel action was taken in reprisal for the disclosure; or the amount of time which has passed since the occurrence of the events described in the disclosure.

C. An employee, or his or her representative, can file a whistleblower complaint via mail, fax, telephone, or in person to the Human Resources Director. The City of Gunnison further provides an anonymous and confidential method for the public and employees to report unethical or inappropriate actions, per Section 12.9.A, with an Ethics Line: <https://gunnison.ethicaladvocate.com/>

Prior to submitting a report to Ethical Advocate you should make best efforts to resolve a particular issue through our administrative process and/or supervisory management, if appropriate.

- D. No retaliatory action will be tolerated against anyone for reporting or inquiring in good faith about a potential breach in policy; or against anyone seeking assistance about the process used to report a suspected breach in policy.
- E. The Public health Emergency Whistleblower Law "PHEW", Worker Rights to Express Workplace Health Concerns & Use Protective Equipment.
 - (1) Coverage: All Employers and Employees, Plus Certain Independent Contractors
 - (a) PHEW covers not just "employers" and "employees," but all "principals" (an employer or a business with at least 5 independent contractors) and "workers" (employees or independent contractors at a "principal").
 - (2) Worker Rights to Oppose Workplace Health/Safety Violations During Public Health Emergencies:
 - (a) It is unlawful to retaliate against, or interfere with, the following acts during, and related to, a public health emergency:
 - 1. raising reasonable concerns, including informally, to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety threat;
 - 2. opposing or testifying, assisting, or participating in an investigation or proceeding about retaliation for, or interference with, the above-listed conduct.
 - (b) A principal need not address a worker's PHEW-related concern, but it still cannot fire or take other action against the worker for that reason, as long as the concern was reasonable and in good-faith.
 - (3) Workers' Rights to Use Their Own Personal Protective Equipment ("PPE"):
 - (a) A worker must be allowed to voluntarily wear their own PPE (mask, faceguard, gloves, etc.) if the PPE (1) provides more protection than equipment provided at the workplace, (2) is recommended by a government health agency (federal, state, or local), and (3) does not make the worker unable to do the job.
 - (4) Complaint Rights. Violations may be reported to the State of Colorado Department of Labor and Employment Division of Labor Standards and Statistics as complaints or anonymous tips, or may be filed as in court after exhausting pre-lawsuit remedies. For full versions of these laws, more detailed fact sheets, or questions, information, or complaints as to these or other labor laws, contact: Division of Labor Standards and Statistics, coloradolaborlaw.gov, cdle_labor_standards@state.co.us , 303-318-8441/888-390-7936.

SECTION 13 INFORMATION TECHNOLOGY AND COMMUNICATION

13.1 TECHNOLOGY SYSTEMS

A. Systems

- (1) The City of Gunnison's computer network, access to Internet, email and voice systems are business tools intended for employees to use in performing their job duties. Any communications or data transiting, stored on or traveling to or from the City of Gunnison's information system may be monitored, disclosed or used for any lawful government purpose. Therefore, employees have no reasonable expectation of privacy in any data sent, received or stored on City resources and all information may be subject to the Colorado Open Records Act.
- (2) Employees must obtain department head approval before downloading and/or using cloud-based software, including free trials or subscriptions, or purchasing licensed-required hardware or software.
- (3) All information regarding access to the City of Gunnison's computer resources, including but not limited to user identifications, modem phone numbers, access codes, and passwords are confidential City of Gunnison information and may not be disclosed to other personnel or non-City of Gunnison individuals.
- (4) All computer files, documents, and software created or stored on the City of Gunnison's computer systems are subject to review and inspection at any time.
- (5) Computer equipment shall not be removed from the City of Gunnison premises without written approval from a department head.
- (6) Personal data shall not be stored on the City of Gunnison systems; any and all data contained on the City of Gunnison's systems is the property of the City.
- (7) Upon separation of employment, all assigned technology systems must be returned to the City of Gunnison. Personal data contained on the systems will not be returned to the employee.
- (8) Unauthorized use or access of City systems is prohibited and may be subject to disciplinary action and/or criminal and/or civil penalties. City of Gunnison employees, by using City equipment, systems, and accesses, agree to do so in a manner that is consistent with our stated values, policies, and guidelines. Users should have no expectations of privacy for any personal usage, and all usage may be subject to monitoring at any time. Your email communication may be a public record and subject to public inspection under the Colorado Open Records Act. Accessing the City network may give you access to restricted systems and such usage may be monitored, recorded and subject to audit. Use of the systems indicates consent to monitoring and recording.

B. Personal Use of the Internet

Some employees need to access information through the Internet in order to do their job. Use of the Internet is for business purposes during the time employees are working. Personal use of the Internet should not be on business time, but rather before or after work or during breaks or lunch period. Regardless, the City of Gunnison prohibits the display, transmittal, or downloading of material that is in violation of City of Gunnison guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory or otherwise unlawful at any time.

C. Software and Copyright

The City of Gunnison fully supports copyright laws. Employees may not copy or use any software, images, music or other intellectual property (such as books or videos) unless the employee has the legal right to do so. Employees must comply with all licenses regulating the use of any software and may not disseminate or copy any such software without authorization. Employees may not use unauthorized copies of software on personal computers housed in City of Gunnison facilities.

D. Unauthorized Use

Employees may not attempt to gain access to another employee's personal file or e-mail messages or send a message under someone else's name.

Employees are strictly prohibited from using the City of Gunnison technology systems in ways that management deems to be inappropriate.

If you have any question whether your behavior would constitute unauthorized use, contact your department head before engaging in such conduct.

E. Email

- (1) Electronic mail is to be used for business purposes. The City of Gunnison prohibits the display, transmittal, or downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory or otherwise unlawful at any time.
- (2) No one may solicit, promote, or advertise any outside organization, product or service through the use of electronic mail or anywhere else on City of Gunnison premises at any time. Management may monitor email from time to time.
- (3) Employees are prohibited from unauthorized use of encryption keys or the passwords of other employees to gain access to another employee's email messages or system access.

F. Voice Systems

The City of Gunnison voice system is intended for transmitting business-related information. Although the City of Gunnison does not monitor voice systems as a routine matter, the City of Gunnison reserves the right to access and disclose all messages sent over the voice mail systems for any purpose. Employees must use judgment and discretion in their personal use of voice system and must keep such use to a minimum.

- (1) Employee work hours are valuable and should be used for business. Excessive personal phone calls or messaging can significantly disrupt business operations. Employees should use their break or lunch period for personal phone calls and keep messaging to a minimum.
- (2) Cell/camera phones should not be used in a way that violates other City of Gunnison guidelines such as, but not limited to, EEO/Sexual Harassment and Confidential Information.
- (3) The City of Gunnison telephone lines shall not be used for personal long distance calls.

G. Cellular Telephone Policy

The City of Gunnison provides cellular telephone service to City employees for official City business. Management staff members will determine if individual employees require cell phones to provide effective and efficient service. City-owned cellular phones are intended for City business only.

13.2 NETWORK ACCESS POLICY

The City promotes the use of portable electronic devices (e.g. laptop computers, tablets, mobile devices) and removable storage media (e.g. external hard drives, flash drives) to the level and extent that the employee performance is enhanced. The city network and related electronic files and data need to be secure from theft and tampering. Network security is imperative. Employees shall comply with the City's cybersecurity/data security administrative policies.

13.3 CONTENT-GENERATING ARTIFICIAL INTELLIGENCE (AI) SOFTWARE

Content-generating artificial intelligence (CGAI) is rapidly expanding and easy to access, both at home and at work. This policy applies to the use of any third-party or publicly available CGAI tools.

This policy does not cover other CGAI or AI tools formally approved or installed for your use by the Organization now or in the future. You must inform your supervisor when you have used CGAI to help perform a task.

These limitations may change over time, and the policies should be reviewed by employees regularly. The following uses are prohibited:

1. Do not use CGAI tools to make or help you make employment decisions about applicants or employees, including recruitment, hiring, retention, promotions, transfers, performance monitoring, discipline, demotion, or terminations.
2. Do not upload or input any confidential, proprietary, or sensitive Organization information into any CGAI tool. Examples include passwords and other credentials, protected health information, personnel material, information from documents marked confidential, sensitive, or proprietary, or any other non-public information that might be of use to competitors or harmful to others if disclosed. If you are unsure whether the information poses the risks described, ask your supervisor.
3. Do not upload or input any personal information (names, addresses, likenesses, etc.) about any person into any CGAI tool.
4. Do not represent work generated by a CGAI tool as being your own original work. If you are unsure of how to disclose the use of CGAI, ask your supervisor.
5. Do not integrate any CGAI tool with internal software without first receiving specific written permission from your supervisor and the IT Department.

The following provides cautions and procedures:

1. CGAI may assist with work output, but the use of CGAI is not a substitute for your judgment and creativity.
2. CGAI software is only as good as the information it contains, and the information can be stale. When there is no information available in its store of data, CGAI has been known to create false answers to satisfy the request. To avoid false information or information that is stale, carefully verify all information, and if you do not know how to verify the information, ask your supervisor.
3. Treat every bit of information you provide to a CGAI tool as if it will go viral on the Internet, attributed to you or the Organization, regardless of the settings you have selected within the tool or the assurances made by the software.
4. Verify any and all responses from the CGAI software you use. The information must be accurate.
5. The output must be appropriate based on standards you apply when performing tasks for the City. It cannot be biased, and it cannot be a violation of any other individual or entity's intellectual property, and it cannot violate any individual's privacy unlawfully.
6. Any output must be consistent with City policies and applicable laws. If you are not sure, ask your supervisor for help.

SECTION 14 OTHER POLICIES AND PRACTICES

14.1 ATTENDANCE

- A. Regardless of what position an employee holds, punctuality and regular attendance are essential to the effective operation of the City. Regular and reliable attendance is an essential function of each and every position at the City. If an employee knows in advance they are going to be unavoidably late or absent, notification must be made to the supervisor at least one hour prior to the scheduled shift start time, or no later than is reasonably practicable under the circumstances.. The method of notification may be established by the supervisor (i.e. phone call or text, etc.). If the supervisor is not available, the employee must personally speak with and leave the information with the department head or another supervisor. Notifying a fellow employee or leaving messages is not sufficient. For late arrivals, the employee must indicate when they expect to arrive for work. If the employee is unable to call in themselves because of an illness, emergency or for some other reason, they must have someone call on their behalf.
- B. Assignment of scheduled working hours will be made by the employee's department head or supervisor. Likewise, scheduled working hours may change at the discretion of the employee's department head or supervisor. Employees are to be present at work during all scheduled hours, unless arrangements in accordance with the leave policies have been made. Unexcused absence and failure to be at the employee's appointed work station at the start of the work period will not be tolerated.

14.2 WORK CLOTHING POLICY

City employees shall dress according to the standards specific to the department, considering the following general objectives:

- 1. Safety: Those items which protect the employee while on the job.
- 2. Consistency: Those items which identify all Department of City employees as part of a team and provide for a consistent image of the City. The apparel may be used to link work crews together, facilitate ease of identification by the public through the use of common logos, color schemes, etc.
- 3. Identification: Those items which enhance customer service and provide information to citizens regarding roles within Departments and City government. It may also assist with directing residents and visitors to "the right person or department."
- 4. Public Relations: Those items which market the City and its employees at special events, conferences, and meetings which enhance the image of the City of Gunnison.

14.3 TRAVEL

Travel can play an important role in accomplishing the City of Gunnison's mission. When conducting business on behalf of the City, employees are expected to use good quality

services and accommodations appropriate for the business to be conducted. Good judgment and ethical practices on the part of each traveler remain the most important factors in controlling travel expenses.

- A. Travel Authorization - Failure to obtain proper approval may result in the denial of employee reimbursement.
 - (1) In Colorado: The employee's supervisor and department head must provide approval in advance.
 - (2) Out of Colorado: The Department Head and City Manager must approve all out of state travel, subject to budget appropriations.
- B. Travel Expenses: Employees shall comply with established administrative travel policies.

14.4 COMMUNICABLE DISEASE POLICY

- A. The City of Gunnison's decisions involving persons who have communicable diseases shall be based on current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternative for responding to an employee with a communicable disease.
- B. Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS), including the SARS-CoV-2 (coronavirus) and tuberculosis. The City of Gunnison may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).
- C. The City of Gunnison reserves the right to exclude a person with a communicable disease from the workplace facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.
- D. The City of Gunnison will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

ACKNOWLEDGMENT OF RECEIPT

I HAVE BEEN PROVIDED A COPY OF OUR EMPLOYEE HANDBOOK DATED JUNE 24, 2025 EITHER IN ELECTRONIC OR HARD COPY FORMAT. I AM AWARE THE MOST CURRENT VERSION OF THE HANDBOOK IS ALSO AVAILABLE ONLINE ON THE CITY'S WEBSITE AT WWW.GUNNISONCO.GOV, IN HUMAN RESOURCES, OR WITH MY SUPERVISOR. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:

EMPLOYMENT WITH THE CITY OF GUNNISON IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE CITY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE CITY HAS THE SAME RIGHT.

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

THE HANDBOOK IS NOT ALL INCLUSIVE BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF SOME OF THE CITY'S GUIDELINES.

THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE ORGANIZATION, THEREFORE, RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

NO REPRESENTATIVE OF THE CITY OF GUNNISON, OTHER THAN THE CITY MANAGER, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE CITY MANAGER AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

Printed Name

Signature

Date