



City of Arvada

City Council Agenda

OCTOBER 9, 2023
WORKSHOPS

Councilmembers:

Marc Williams, Mayor
David Jones, Mayor Pro-Tem
Lisa Feret, At large
Bob Fifer, At large
John Marriott, District 3
Randy Moorman, District 1
Lauren Simpson, District 2

Staff Members Usually Present:

Lorie Gillis, City Manager
Linda Haley, Deputy City Manager
Don Wick, Deputy City Manager
Rachel Morris, City Attorney
Jacqueline Rhoades, Director of Public Works
Sharon Israel, Director of Utilities
Jessica Garner, Director of Community & Econ. Dev.
Bryan Archer, Director of Finance
Gabriella Bommer, Director of Human Resources
Rachael Kuroiwa, Director of Communications & Engagement
Kristen Rush, City Clerk

Info: 720-898-7550

THIRD FLOOR CONFERENCE ROOM EXECUTIVE SESSION

5:00 P.M.

Legal Advice, Pursuant to CRS 24-6-402(4)(b) and Instructions to Negotiators, Pursuant to C.R.S. 24-6-402(4)(e) Relating to Boomfield's proposed withdrawal from JPPHA
Legal Advice, Pursuant to CRS 24-6-402(4)(b) and Instructions to Negotiators, Pursuant to C.R.S. 24-6-402(4)(e) Relating to Ralston Road Construction Project and Hamon Construction

CITY COUNCIL CHAMBERS 6:00 PM

1. Call to Order/Roll Call of Councilmembers
2. Workshops
 - A. 2nd Budget Workshop: 2024 Pay Plan Update
 - B. Personnel Rules Update
 - C. Water, Wastewater and Stormwater 2024 Rate/Fee Recommendation Workshop
 - D. Staff Updates
3. Adjournment



REPORT TO CITY COUNCIL WORKSHOP

AGENDA ITEM
2.A.

TO: THE HONORABLE CITY COUNCIL

DATE: October 9, 2023

SUBJECT: 2nd Budget Workshop: 2024 Pay Plan Update

Report in Brief

Presenter: Gabriella Bommer, Director of Human Resources

On October 16, 2023, City Council will vote on a Resolution Adopting the Pay Plan for Fiscal Year 2024. The City's pay plan is an important part of the City's Total Reward Philosophy, which includes being an employer of choice in the Colorado front range by offering competitive pay and benefits that attract and retain a high performing workforce. The 2024 pay plan updates include market rate adjustments for all job families, salary structure updates for the police job family, and reclassifications, job title changes and new positions. The proposed updates have been included in the City's budget and can be funded through the 10-year financial model.

Background

The City's pay plan contains a list of all budgeted full-time and part-time benefitted positions organized by job families according to similar characteristics, including:

- Executive (EX)– Department Heads and the City Clerk
- Management (MGMT) – Management and supervisory positions
- Professional (PROF) – Non-supervisory professional positions
- Information Technology (INFT) – Non-supervisory professional positions specific to information technology
- Technical and Business Support (TBS) – Technical, administrative, business and customer support positions
- Labor, Trades, Crafts and Utilities (LTCU) – positions that perform work that can be classified as a trade or a craft or are primarily field work or manual work (non-office work)
- Police (PD) – all sworn police positions from police recruit to deputy police chief

The City's pay plan is a grade and step system. Each job family includes pay grades which represent a range of pay. Positions are assigned to pay grades based on an evaluation of internal and external market value. Individual employees are then placed into the pay grade at a step that correlates with their qualifications, including relevant education, training, and experience as compared to others in similar positions.

Market Adjustments and Step Increases

Each year the human resources team provides recommendations for market adjustments to pay grades based on market research. These adjustments are recommended to ensure the City's pay ranges remain competitive and maintain the City's employer of choice philosophy.

This year's market research concluded that the employment market in Colorado remains highly competitive. Factors impacting the City's ability to attract and retain its workforce include a low unemployment rate and more jobs than there are people available to work, which creates a tight labor market.

The Colorado Department of Labor and Employment (CLDE) reported a 2.9% unemployment rate in Colorado for the month of July. This marked the fifteenth consecutive month that the unemployment rate in Colorado was less than 3% and remained at pre-pandemic levels. The unemployment rate in Arvada was reported slightly higher at 3.2% with a 68.7% labor participation rate.

The Bureau of Labor Statistics (BLS) reported the ratio of unemployed persons per job opening in Colorado was 0.5 in June. This means that there are two jobs for every unemployed person in Colorado. Ratios of less than 1.0 signal tighter labor markets when there are more job openings than there are people to work.

These statistics are reflected in the City's recruitment and turnover metrics. The City team continues to see a decline in the number of job applicants per job opening. Compared to nearly 42 applicants per job posting in 2020, the City's average number of applicants per job posting in 2022 was 14, and it is currently down to 12 for 2023.

The City's turnover rate also continues to remain higher than pre-pandemic levels, although we are pleased to report that it is improving. Our peak high was 17.6% in 2021 compared to last year's rate of 15.2%. A review of our peer cities indicated that Arvada's turnover in 2022 compared similarly to Westminster and Lakewood, while Thornton was lower at approximately 12%, and Broomfield and Denver were higher at 16% and 17%, respectively. As of August 31st, Arvada's turnover rate was 8.2%. If it continues at this rate, we expect to reach a year-end turnover rate of at least 12%.

All city departments have faced, and continue to face, challenges associated with recruitment and retention. Of particular concern is our police department, which continues to see higher than average turnover and vacancy rates. Current turnover for sworn police officers is near 10% and there are currently 40 of 191 sworn police positions vacant. Although pay is not the primary driver of turnover, it remains critically important that the City maintain a competitive total rewards package for our officers.

Annual market adjustments ensure that the City's pay grades stay competitive with the movement of pay in the market. Market data collected by the human resources team includes:

- The BLS Employment Cost Index indicated that wages for civilian workers increased an average of 4.7% for state and local government workers in the 12-month period ending in June 2023, and 5.5% for police officers.
- Surveys from the Society of Human Resources Management and Employers Council indicated pay increase projections of approximately 4% for 2024.
- Peer cities in our market that responded to surveys regarding 2024 pay projections reported proposed merit increase budgets between 3% and 5%.

After reviewing this information with the Finance and City Manager's Office, the following market rate adjustments are proposed:

- 3% for the EX, MGMT, PROF, INFT, TBS and LTCU job families
- 4% for the PD job family

Additional adjustments to the police job family include:

- A shorter number of steps for police officers from six to five
- A reduction in police recruit pay grades from two to one, resulting in a higher entry level pay rate for new recruits
- Continued funding of the 1.5% college degree premium pay for police recruits, officers, master officers and sergeants

In addition to market adjustments, the pay plan also includes step increases for all city employees who have not reached the maximum step of their pay grade. Step increases are the City's method of rewarding employees for their performance each year as they gain experience in their roles and achieve performance expectations. They may also be provided to ensure pay equity. Approximately 64% of the City's employees will be eligible for step increases in 2024. Step increases are budgeted at

1.75% for sworn police employees and 1.7% for all other employees.

The total combined increase for market adjustments and step increases for employees for 2024 equals:

- 5.75% for sworn police employees
- 4.7% for non-sworn employees.

The human resources, finance and city manager's office believe that these adjustments compare well with market movement and will continue to support our employer of choice philosophy.

Reclassifications, job title changes, and new FTEs

Also included as part of the 2024 pay plan update are 13 reclassifications and 12 job title changes. A list of these changes is included in your packet. Reclassification occurs when job functions change significantly and the position is assigned to a different pay grade due to the changes resulting in a significantly different internal or external market value.

Job title changes occur to better represent the essential functions of a position, but there is no change in internal or market value. Therefore, there is no change in grade or budget impact.

Fourteen new positions are also recommended in the revised 2023-2024 budget and have been included as part of this pay plan update. A list of the new positions is included for your review.

Overall budget impact: The total budget for the City's pay plan for 2024 is \$75,736,163 and includes:

- An overall increase of 5.32% or \$3,792,840 for the market adjustments, reclassifications and step increases as follows:
 - Market rate and structure adjustments 3.53% or \$2,519,850
 - Reclassifications 0.11% or \$77,845
 - Step increases 1.68% or \$1,195,145
- An additional increase of 610,776 for 14 new positions

The pay plan recommendations are market-driven and integral to the City's ability to remain an employer of choice that can attract and retain a high performing workforce in a challenging employment market. The proposed updates have been included in the City's budget and can be funded through the 10-year financial model.

Strategic Alignment

The City's Pay Plan Update is guided by the City's Personnel Rules and Total Rewards Philosophy. It is aligned to the City Council Strategic Plan as follows:

- OSE Guiding Principle: Fosters a top workplace environment that attracts and retains a highly engaged, inclusive workforce and fosters a culture of wellness, safety, cycles of learning and performance excellence.
- Strategic Result: By 12/2024 update the City's Total Rewards Philosophy and Strategy to improve the City's ability to attract, motivate and retain a high-performing workforce.
- HR Strategic Performance Measure: Competitive Market-Based Compensation: 90% of the City's matched jobs are graded according to their market value.

Next Steps

City Council will vote on a Resolution Adopting the Pay Plan for Fiscal Year 2024 on October 16, 2023.

Prepared by:
Bryan Archer, Director of Finance

Reviewed by:

Approved by:

Jenna Belec, Executive Assistant	9/18/2023
Bryan Archer, Director of Finance	9/18/2023
Debra Nielson, Deputy Director of Finance	9/21/2023
Gabriella Bommer, Director of Human Resources	9/21/2023
Gail Walker, Legal Specialist-Contracts	9/21/2023
Laura Hemler, Assistant City Attorney	9/21/2023
Rachel Morris, City Attorney	9/25/2023
Linda Haley, Deputy City Manager	9/25/2023
Lorie Gillis, City Manager	9/27/2023

Enclosure, exhibits & attachments required to support the report



Human Resources

Reclassifications 2024

The following positions have had significant changes in duties and/or have had significant, sustained change in market value and are being recommended for reclassification in order to meet our performance measure and compensation philosophy. There are 13 reclassified positions.

Worksystem / Department	Current Title	Grade	New Title	New Grade	Notes
Community and Economic Development	Housing Development and Navigation Supervisor	MGMT6	Housing Development Specialist	PROF7	Change in job duties
Infrastructure/ Public Works	Municipal Inspector II	TBS8	Municipal Inspector Foreman	TBS9	Change in job duties and market
Infrastructure/ Public Works	CAD/GIS Supervisor	MGMT7	Lead Senior Civil Designer	TBS10	Reorganization/Change in job duties
Infrastructure/ Public Works	Chief Surveyor	MGMT7	Chief Surveyor	MGMT8	Reorganization/ Change in job duties
Infrastructure/ Public Works	Part of CAD/GIS Supervisor reorg	N/A	Public Works Project Manager	PROF8	Reorganization
Infrastructure/ Public Works	Municipal Inspector I	TBS7	Municipal Inspector	TBS8	Change in job duties and market
Infrastructure/ Public Works	Building Maintenance Worker	LTCU4	Craftworker	LTCU5	Change in job duties
Infrastructure/ Utilities	Water Resources Administrator	MGMT8	Water Resources Administrator	PROF9	Change in job duties
Infrastructure/ Utilities (Moved to Organizational Services Effectiveness/IT)	Utility Systems Analyst Supervisor	MGMT6	Specialty Application Manager	MGMT8	Reorganization/ Move to IT for systems administrator team / Change in job duties
Infrastructure/ Utilities (Moved to Organizational Services Effectiveness/IT)	Senior GIS Analyst	PROF7	GIS Application Systems Administrator	INFT3	Reorganization/Move to IT for systems administrator team / Change in job duties
Infrastructure/ Utilities (Moved to Organizational Services Effectiveness/IT)	Operations Support Supervisor	MGMT7	GIS Manager	MGMT8	Reorganization/Move to IT for systems administrator team / Change in job duties
Infrastructure/ Utilities (Moved to Organizational Services Effectiveness/IT)	Utility Systems Analyst	PROF7	Application Systems Administrator	INFT3	Reorganization/Move to IT for systems administrator team / Change in job duties
Infrastructure/ Utilities	Parts Specialist	LTCU5	Lead Parts Specialist	LTCU6	Reorganization / Change in job duties



Human Resources

Job Title Changes 2024

The following jobs have had job title changes, but no changes to grades or financial impact.

Department	Current Title	New Title
Community and Economic Development	Manager of Housing Preservation and Resources	Housing Manager
Community and Economic Development	Assistant Building Official	Deputy Building Official
Organizational and Service Effectiveness / Information Technology	Senior HR Coordinator	Learning and Development Coordinator
Organizational and Service Effectiveness / Information Technology	Sr. SQL Data Analyst/Developer	Data Engineer
Organizational and Service Effectiveness / Information Technology	Mobile Network Systems Administrator	Mobile Systems Administrator
Organizational and Service Effectiveness / Human Resources	Network Systems Administrator	Systems Administrator
Infrastructure/Public Works	Municipal Inspector II	Municipal Inspector
Infrastructure/Public Works	Survey Party Chief	Survey Crew Chief
Infrastructure/Utilities	Police Civilian Operations Manager	Police Operations Manager
Safe Community/Public Safety	Police Civilian Operations Supervisor	Police Operations Supervisor
Safe Community/Public Safety	Police Civilian Operations Supervisor	Police Records Supervisor
Safe Community/Public Safety	Evidence Supervisor	Police Evidence Supervisor
Organizational and Service Effectiveness / City Managers Office	Chief Communications Manager	Director of Communications and Engagement

New Positions added to the pay plan for 2024

Work System/ Department	Job Title	FTE
Infrastructure/ Public Works	Stormwater Inspector I	1
Infrastructure/ Utilities	Utility System Technician-Associate	2
Organizational and Service Effectiveness / City Attorney's Office	Assistant City Attorney II	1
Organizational and Service Effectiveness / City Attorney's Office	Legal Specialist	1
Safe Community/Judicial	Deputy Court Administrator	1
Safe Community/ Public Safety	Behavioral Health Case Manager	1
Safe Community/ Public Safety	Police Officer	2
Safe Community/ Public Safety	Police Records Specialist	2
Safe Community/ Public Safety	Police Services Technician	2
Vibrant Community and Neighborhoods	Parks Worker II	1
Total added to pay plan		14



Positions eliminated from pay plan for 2024

Work System/ Department	Job Title	FTE
Community and Economic Development	Housing Rehabilitation/Loan Specialist	1
Total eliminated from pay plan		1

Total overall position impact to pay plan	13
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2024 Pay Plan Update

City Council Workshop
October 9, 2023



Introduction

- Strategic Alignment
- Pay Plan Design
- Market Conditions
- Recommendations
- Financial Impact
- Other Total Rewards
- What's Next



Strategic Alignment

City Council Strategic Plan

Organizational and Service Effectiveness Principle:

- Fosters a top workplace environment that attracts and retains a highly engaged, inclusive workforce

Strategic Result:

- By 12/2024 Update the City's total rewards philosophy and strategy to improve the City's ability to attract and rating a high performing workforce.



Strategic Alignment

Total Rewards Philosophy

- Employer of Choice
- Attract and retain high performers with a dedication to public service.
- Fiscally Responsible and within the City's ability to fund

Our total rewards package includes:



Competitive market-based salaries and performance-based pay increases



Robust health, wellness and retirement benefits



Comprehensive paid leave programs, including paid holidays, vacation, sick leave, and paid family and medical leave



Flexible work schedules and opportunities for remote and hybrid work (depending on position)



Opportunities for professional development and career advancement



A respectful, safe and inclusive work environment that focuses on people first.



Pay Plan Design

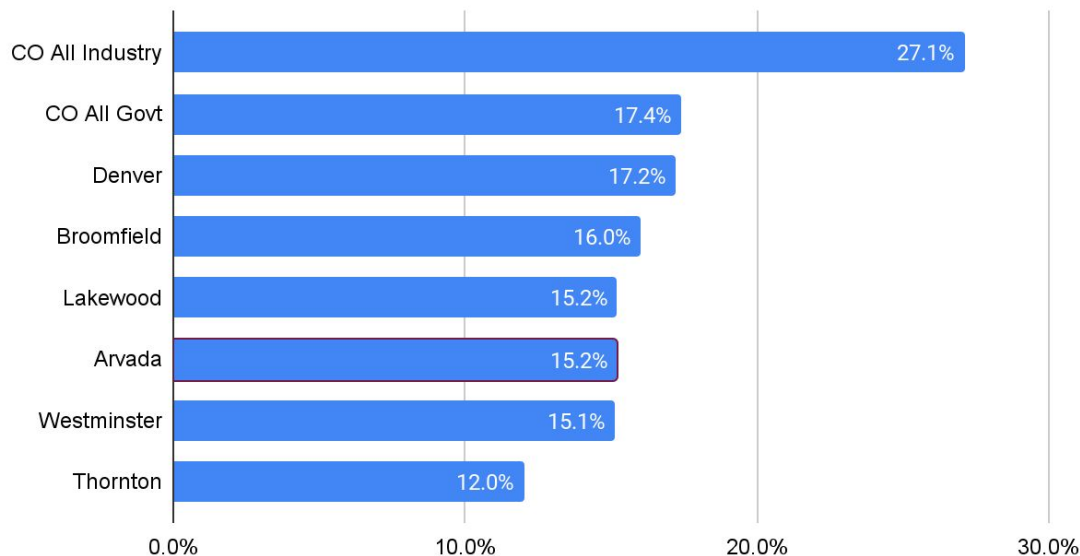
- Contains all budgeted full and part time positions
- Grouped by job families
 - Executive
 - Management
 - Professional
 - Information Technology
 - Police
 - Labor, Trades, Crafts and Utilities
 - Technical and Business Support
- Market-based
- Grade and Step System
 - Jobs assigned to pay grades based on internal and market value.
 - Employees placed into steps based on qualifications.
- Pay Equity well supported by step system & biannual pay equity analysis



Market Conditions

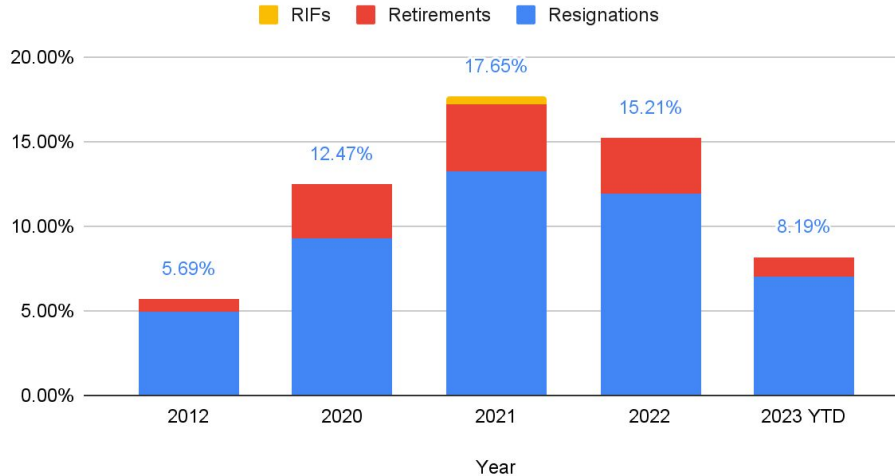
- Turnover improving, but still high
- Unemployment
 - 2.9% for CO,
 - 3.2% for Arvada
- Labor participation rate 68.7%.
- 2 jobs for every 1 unemployed person
- Gov's office projects slowing economy by end of year, but labor market will remain strong

Market and Peer City Turnover 2022

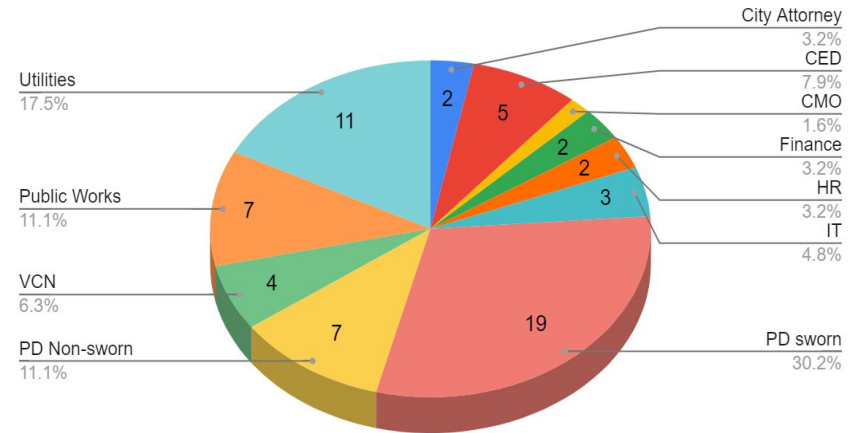


Arvada turnover metrics

Resignations, Retirements and RIFs

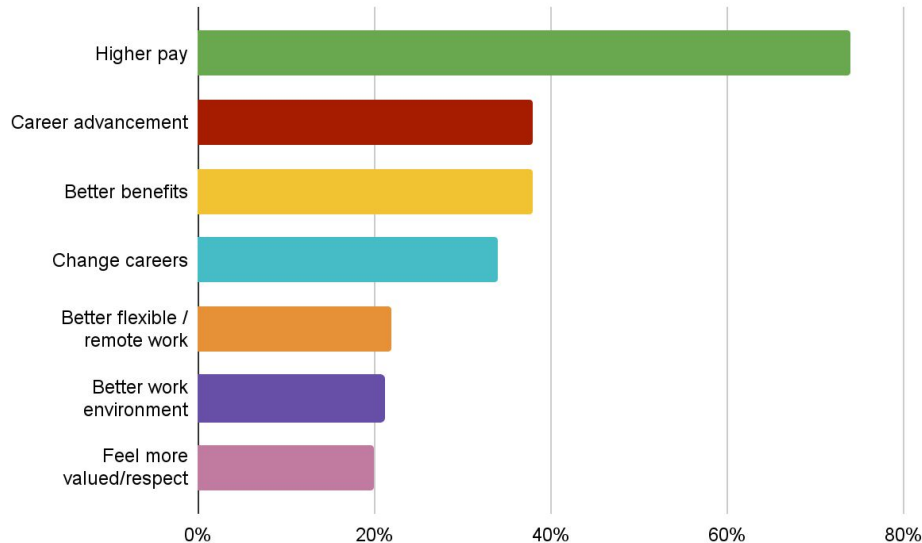


2023 YTD Turnover by Department



Arvada employee survey

Why *would* they leave?



Employee Total Rewards Survey N=448

Why *did* they leave?

- Better position
 - career advancement
 - better pay or benefits
 - different field of work
- Personal/family
 - (#1 reason among sworn)
- Management & Work Environment
 - Flexibility
 - Workload
 - Respect
 - Recognition
- Leave public service
- Retirement

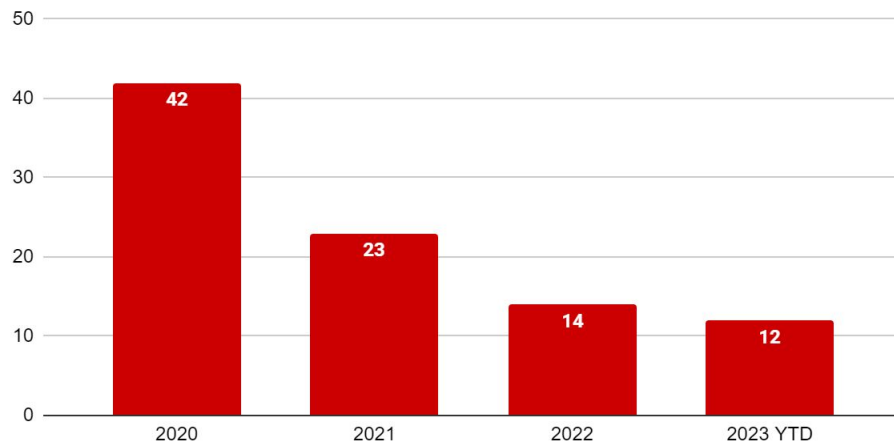
Exit Interviews N=41



Arvada recruitment metrics

Number of applicants per job postings continues to trend down.

COA Average # of applicants per job opening



COA Average # of applicants per job opening

Where did they go? Millions of workers left jobs during the “great resignation.” Now it’s the “great reshuffle.”

- Changing fields/ careers
- Putting family/personal life first
- Prioritizing health/ wellbeing
- Want freedom/flexibility
- Better work culture
- Career advancement/ purpose
- *Fair, competitive pay; transparency*



Market pay data & projections

- Bureau of Labor Statistics Employment Cost Index for the 12 month period ending June 2023:
 - 4.7% for civilian government workers
 - 5.5% for service workers (includes police)
- Society for Human Resources Management projection: 4% to 4.4% pay increases for 2024.
- Employers Council survey projections: 3.8% pay increases for government employers in 2024.
- Peer cities reported merit increase budgets of 3% to 5%.



Recommendations

Market Rate Adjustments

- 4% Sworn police job family
- 3% all other job families

Step Increases

- 1.75% Sworn police employees (42% eligible)
- 1.7% all others (70% eligible)

Total Pay Increase budget:

- 5.75% Sworn Police
- 4.7% all others



Additional efforts for police

- Shorten police officer steps from 6 to 5;

1		2		3		4		5
\$ 83,283	7.25%	\$ 89,321	7.25%	\$ 95,796	7.25%	\$ 102,742	7.25%	\$ 110,190

- Collapse Police Recruit pay grades from 2 to 1, \$77,400 entry level pay
- Continue 1.5% bachelor degree pay premium
- Continue Master Police Officer career advancement
- Employee referral program



Reclassifications, job title changes and new positions

- 13 reclassifications - significant changes to job duties and market value
- 12 Job title changes - new title to better reflect job duties, no change to market value
- 14 new positions
 - 7 existing positions/ extended
 - 3 grant funded
 - 4 new fully funded



Financial Impact

Total Budget: \$75,736,163

Increases:

- 3.53% or \$2,519,850 for market rate adjustments
 - 0.11% or \$77,845 for reclassifications
 - 1.68% or \$1,195,145 for step increases
 - \$610,776 for 14 new positions.
-
- Market-driven
 - Supports employer of choice total rewards philosophy
 - Funded through the 10 year model



Update on other total rewards



Health Benefits & Paid Leave

Additional improvements to health and dental benefits

- 0% premium increase for health, dental and vision (5th year in a row!)
- “Right start 4 Kids” dental coverage
- Infertility coverage added to our health plan

New Extended Care Leave

- Up to 12 weeks of partially paid leave for major illness or injury, pregnancy/childbirth and bonding, adoption/foster care and bonding, military exigency and domestic violence safety



What's next?

- Continue to survey our workforce
 - Employee engagement survey this fall
 - Total rewards survey in the spring
- Job Architecture and ERP Project
 - Improve equity in job development and classification, employee access to information, career development
- On the radar for 2024/2025
 - Flexible/hybrid work and service level guidelines
 - Employee wellbeing/lifestyle benefits
 - Bilingual skills
 - Retention, longevity & retirement
 - Safety culture



Questions?



REPORT TO CITY COUNCIL WORKSHOP

AGENDA ITEM
2.B.

TO: THE HONORABLE CITY COUNCIL

DATE: October 9, 2023

SUBJECT: Personnel Rules Update

Report in Brief

Presenter: Gabriella Bommer, Director of Human Resources

The Human Resources and City Attorney's Office team members are recommending updates to Chapter 70, Personnel Rules, of the Arvada City Code in order to comply with recent amendments to state employment laws, including the Colorado Equal Pay for Equal Work Act and the Colorado Healthy Families and Workplaces Act, and for general housekeeping and maintenance of the Personnel Rules. A complete accounting of every change is available in the attached redlined version of Chapter 70. A high-level summary of the most substantial changes is detailed below.

Background

The Human Resources and City Attorney's Office team members are recommending updates to the Chapter 70, Personnel Rules, of the Arvada City Code in order to comply with recent amendments to state employment laws, including the Colorado Equal Pay for Equal Work Act and the Colorado Healthy Families and Workplaces Act. While updating the Personnel Rules for these reasons, the City team also took the opportunity to do some additional housekeeping including: updating the outline and format for consistency, updating grammar to reflect current standards, eliminating redundant definitions or terms that were repeated in multiple sections, and removing procedural language that is contained in the City's Policies and Procedures, making reference to those policies where applicable. Two new sections were also added to introduce extended care leave and employee responsibilities in the event of criminal charges and convictions during employment. A complete accounting of every change is available in the attached redlined version of Chapter 70. The most substantial changes are described below as follows:

Article II - Employment

Sec. 70-31 Equal Employment Opportunity

- Removed procedural information related to equal employment opportunity and referenced the city policy that contains this information.
- Changed the title to "Definitions and employment status."
- Added definitions for items that were repeatedly defined in multiple sections of the rules.

Sec. 70-34 Job Vacancy & Sec. 70-35 Interviewing, testing and selecting employees

- Removed sections that are no longer allowed due to the Colorado Equal Pay for Equal Work Act Posting Requirements.

Sec. 70-36 Probationary Period

- Removed a section allowing the probationary period to be waived for variable hour and seasonal employees.
- Clarified performance evaluation dates after the probationary period is completed.

Sec. 70-37 Promotions and Transfers & Sec. 70-39 Voluntary Reassignment

- Removed definitions now located in Sec. 70.32.
- Removed language regarding pay which is found in Article III.

Sec. 70-39 Re-employment

- Added explanation of how rehire status works for employees who resign or are laid off.
- Added that employees who are terminated for cause are not eligible for rehire.

Article III - Employee Compensation**Sec. 70.50, 70.50.1, 70.50.2 Pay Plan and Classification System and 70.50.3 Reclassifications**

- Added or clarified language to comply with the Colorado Equal Pay for Equal Work Act.

Sec. 70.53 Appointment Rate

- Removed information regarding how pay is handled for rehires, transfers, promotions, demotions and voluntary reassignments.
- Added references as to where this information can be found in Article III.

Sec. 70.54 Disciplinary Rate

- Removed disciplinary fines due to non-compliance with the Colorado Equal Pay for Equal Work Act.

Sec. 70-55. Pay Increases

- Added that pay increases may be made upon a date established by the city manager as the annual pay increase review date for better compliance with the Colorado Equal Pay for Equal Work Act.

Sec. 70-59 Pay rates upon transfer, promotion, demotion or voluntary reassignment

- Removed individual definitions and explanations for each of these terms and added one section that states how they are all handled consistently in compliance with the Colorado Equal Pay for Equal Work Act.

Sec. 70-60. Pay rates upon reclassification

- Added that subsequent pay increases for reclassifications will be handled consistently with other changes as detailed in Sec. 70-59, for compliance with the Colorado Equal Pay for Equal Work Act.

Sec. 70-63 Reduction of Wages

- Removed disciplinary fines for compliance with the Colorado Equal Pay for Equal Work Act.

Sec. 70-65 On Call Pay Pay

- Updated language, removed procedural information and referenced City policy and procedure.

Article IV - Attendance and Leave

Sec. 70-100 Hours of work, work assignments and schedules

- Removed procedural language and referenced City Policy and Procedure.

Sec. 70-105, 105.1, 105.2, 105.3, 105.4 and 105.5 Sick Leave, Sick Leave Advance, Sick Leave Exchange, Sick Leave Payable on Death or Retirement, Sick Leave Bank, and Additional Paid Sick Leave during a Public Health Emergency

- Removed procedural language and added that sick leave will be granted in accordance with applicable federal and state laws and in accordance with a policy authorized by the city manager.
- Referenced new City Policy and Procedure for Sick Leave and all its related subcategories.

Sec. 70-107 Extended Medical Leave, Sec. 70.110 Victims of Domestic Violence, Sec. 70.111 Fatigue Leave and Sec. 70.118 Facility Closure

- Removed procedural language and referenced existing City Policy and Procedure.

Sec. 70-117 Leaves of Absence Without Pay

- Added language stating that an unpaid leave of absence without the approval of an appointing authority shall be construed as unauthorized and subject to discipline.

Sec. 70-119 Sabbatical Leave

- Removed the definition of good standing, which is already referenced in Sec. 70-32.

Sec. 70-120 Extended Care Leave

- This is a new section added to introduce and reference the City's new Policy and Procedures for Extended Care leave.

Article V - Employee Responsibilities

Sec. 70-143. Employee Conduct

- Clarified status of regular employees and non-regular employees who are "at-will" employees.
- Added additional protected classes for conduct related to abusive treatment or disrespect.
- Added marijuana as a controlled substance and added explanation of how investigations are handled.

Sec. 70-144. Discipline/Discharge

- Added language explaining how employment status will be handled for employees charged with a felony while awaiting court proceedings.
- Removed language regarding disciplinary fines.

Sec. 70-150 Drugs and Alcohol

- Added use of or being under the influence of marijuana while working.

Sec. 70-155 Criminal charges and convictions during employment

- This is a new section explaining an employee's responsibility to report criminal charges or convictions and the appointing authority's responsibility for handling such matters.

Article VII – Separation and Termination of Employment**Sec. 70-184 Last Day of Employment**

- Added information regarding the return of City property upon the last day of work and the process of handling it.

Sec. 70-185 Retirement Health Benefits

- Removed a section regarding prior employees which is no longer relevant.

Sec. 70-186.2 Recall Status

- Changed title to "Rehire Status."
- Removed recall status due to non-compliance with the Colorado Equal Pay for Equal Work Act posting requirements.

Strategic Alignment

These changes will ensure the City's Personnel Rules are compliant with recent amendments to employment law, specifically the Colorado Equal Pay for Equal Work Act and the Colorado Healthy Family and Workplaces Act. Updates are aligned to the City Council Strategic Plan through the Organizational Service and Development work system guiding principles:

- Provides leadership, policy and guidance, communication, and engagement services to City Council, the community and the organization.
- Fosters a top workplace environment that attracts and retains a highly engaged, inclusive workforce and fosters a culture of wellness, safety, cycles of learning and performance excellence.

Next Steps

Second reading and public hearing is set for October 16, 2023, at 6:15pm.

Prepared by:

Gabriella Bommer, Director of Human Resources

Reviewed by:

Linda Haley, Deputy City Manager 9/21/2023

Approved by:

Gabriella Bommer, Director of Human Resources	9/19/2023
Bryan Archer, Director of Finance	9/19/2023
Gail Walker, Legal Specialist-Contracts	9/20/2023
Laura Hemler, Assistant City Attorney	9/21/2023
Janelle Miller, Assistant City Attorney	9/21/2023
Rachel Morris, City Attorney	9/25/2023
Lorie Gillis, City Manager	9/27/2023

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 23-__
ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING CHAPTER 70, PERSONNEL RULES,
OF THE ARVADA CITY CODE

WHEREAS, the City of Arvada, Colorado, (“City”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, Chapter 7 of the Arvada City Charter establishes an employment system based on personnel merit; and

WHEREAS, Section 7.5 of Chapter 7 of the Arvada City Charter permits the Arvada City Council to adopt ordinances establishing personnel rules and regulations; and

WHEREAS, the personnel rules and regulations of Chapter 70 of the Arvada City Code were last substantially and comprehensively updated in 2014; and

WHEREAS, the Arvada City Council now wishes to comprehensively update Chapter 70 of the Arvada City Code to comply with several updates in state and federal laws and to reflect current city practices.

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

Section 1. Chapter 70 of the Arvada City Code, titled, “Personnel Rules” is hereby repealed and reenacted to read as follows:

“PERSONNEL RULES

ARTICLE I - IN GENERAL

Sec. 70-1. Short title.

This chapter is known and may be cited as the "Arvada Personnel Rules."

Sec. 70-2. Legislative declaration.

These personnel rules are established pursuant to the provisions of section 7.5 of the Charter. These regulations do not establish or create a contract of employment, either express or implied, between the city and any employee. These rules do not grant any right of continued employment to any

employee. These rules are subject to change by the city, including changes to employee benefits and personnel practices. Any such change may apply to both present and future employees of the city. The city manager may make exceptions to these rules when necessary to preserve the health, safety, or welfare of the city.

Sec. 70-3. City prerogatives reserved.

- (a) The city reserves all management, administrative, and executive rights to which it is entitled under these rules, the Charter, and any other provision in this Code or other law, including but not limited to the following:
 - (1) Hiring, promoting, reclassifying, regrading, transferring, retiring, and assigning employees of the city;
 - (2) Evaluating employees' skills, abilities, and performance;
 - (3) Determining beginning and ending times for work and the number of hours to be worked by an employee;
 - (4) Determining the location and assignment of work and the size and composition of the workforce;
 - (5) Revising, eliminating, combining, and establishing positions;
 - (6) Establishing, closing down, or expanding the operation of any facility, department, or division;
 - (7) Reducing, increasing, altering, combining, transferring, ceasing, or otherwise curtailing the operation, service, or equipment of any department or division of the city;
 - (8) Entering into contracts for services and labor and determining the services and labor to be performed by any person or entity;
 - (9) Introducing technological changes and new, improved, or modified services, methods, techniques, and equipment and otherwise generally managing the operation and directing the workforce of the city in all respects;
 - (10) Laying off and recalling employees to work; and
 - (11) Reprimanding, suspending, demoting, dismissing, or otherwise disciplining employees of the city.

- (b) The city reserves the right to interpret these personnel rules and to promulgate such policies and procedures as may be necessary to implement them or to assist in their interpretation. Such right also includes the right to promulgate, implement, and interpret policies and procedures specific to a department.

Secs. 70-4—70-30. Reserved.

ARTICLE II - EMPLOYMENT

Sec. 70-31. Equal employment opportunity.

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City of Arvada, where employment is based upon personal capabilities and qualifications without discrimination because of race, religion, color, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap, or disability or any other protected characteristic as established by law. The city will comply with all applicable federal and state laws and city policy in providing equal employment opportunities.

Sec. 70-32. Definitions and employment status.

The following terms, as used throughout this Chapter 70, shall have the following meanings:

- (a) *Anniversary date of employment* means the date on which a probationary, regular full-time or regular part-time employee began employment with the city and which is the date used in calculating eligibility and accruals for sick leave, vacation leave, and longevity pay. An employee who is rehired within 12 calendar months after voluntarily resigning will retain their former anniversary date of employment. An employee rehired more than 12 calendar months after voluntarily resigning will have an anniversary date effective on rehire.
- (b) *Applicant* means a person seeking employment with the city regardless of whether the person is an internal or external candidate.
- (c) *Appointing authority* means the city manager or any designee thereof who has the authority to appoint, suspend, transfer, demote, remove, or otherwise discipline employees of the city. Typically the appointing authority is the department director of each administrative department.
- (d) *At-will employee* means an employee who may be terminated at any time, or who may terminate employment, with or without a reason, and is not subject to the pre-disciplinary, disciplinary, and administrative review processes. Probationary, health plan eligible, variable hour, and seasonal employees are designated "at-will" employees.

- (e) *Benefits* means compensation for employment in addition to salary or wages offered by the city from time to time that may include health, dental, vision, life insurance, participation in a city-sponsored retirement plan, authorized leave accruals and paid holidays. Generally, when qualifying under the terms described in this article, an employee is eligible for benefits on the first day of the month following one full calendar month of employment.
- (f) *City* means the City of Arvada.
- (g) *Day* means a calendar day unless otherwise specifically stated.
- (h) *Emergency service status position employee* means an employee classified by the appointing authority as an employee who is subject to call-back on a 24-hour basis and who is employed subject to their ability to respond to emergency situations.
- (i) *Exempt employee* means an employee who is not eligible for overtime pay under the Fair Labor Standards Act (FLSA), as determined by the city. All exempt employees shall be deemed salaried employees.
- (j) *Demotion* means a placement of an employee from one position to another position that has a lower maximum salary rate than the original position and less authority or responsibility.
- (k) *Disciplinary action* means a disciplinary suspension without pay, demotion, or other similar employment action taken in response to an employee's job performance or conduct.
- (l) *For-cause employee* means a regular employee who has successfully completed their probationary period and is subject to the pre-disciplinary, disciplinary, and administrative review processes.
- (m) *Good standing* means that an employee has an overall positive performance appraisal either from their annual review if available or as documented by the employee's immediate supervisor; the employee is not on extended probation nor a performance improvement plan; and the employee has no written reprimands or disciplinary actions in their official personnel file within the 12-month period prior to the assessment of good standing.
- (n) *Health plan eligible employee* means a variable hour or seasonal employee who has met the requirements to participate in the city sponsored health plan but is not otherwise eligible for city benefits.
- (o) *Job-share employee* means a probationary or regular employee who is scheduled to work between 20 and 29 hours per week, and whose position is denoted under the city's budget as a single full-time position, but whose duties are performed by two different employees. A job-share employee is scheduled to work a minimum of 20 hours per week.

- (p) *Non-exempt employee* means an employee eligible for overtime pay or compensatory time under the FLSA, as determined by the city.
- (q) *Probationary employee* means an employee hired into a regular full-time or regular part-time position identified in the city's budget and pay plan who has not been formally evaluated and officially removed from probation by the appointing authority. Probationary employees are eligible for city benefits provided the employee meets the minimum hourly threshold for benefit eligibility set forth in this article.
- (r) *Project employee* means a current employee who has been assigned by the city manager to lead a project deemed necessary for the continued success of the city.
- (s) *Promotion* means the appointment of an employee to a job in a pay grade with a higher maximum rate and additional authority or responsibility.
- (t) *Regular employee* means an employee who has completed a probationary period and who has been removed from probationary status by the appointing authority. A regular employee may be a full-time employee, a part-time employee, or a job-share employee.
- (u) *Regular full-time employee* means an employee who is normally scheduled to work at least 40 hours per week and has successfully completed their probationary period. A regular full-time employee is eligible for city benefits.
- (v) *Regular part-time employee* means an employee who is normally scheduled to work less than 40 hours per week and has successfully completed their probationary period. A regular part-time employee is eligible for city benefits on a pro-rata basis. Regular part-time employees hired on or prior to December 31, 2014, must work a minimum of 20 hours per week to be eligible for benefits. Regular part-time employees, excluding job-share employees, hired or rehired on or after January 1, 2015, must work a minimum of 30 hours per week to be eligible for benefits.
- (w) *Seasonal employee* means an employee who is hired generally at the same time each year, such as in the spring or in the winter, and whose duties are typically associated with a function or operation that is performed during or because of seasonal conditions. A seasonal employee will not normally be deemed a health plan eligible employee unless, at the conclusion of a 12-month measurement designated by the city manager, the employee has worked an average of 30 or more hours per week during said measurement period.
- (x) *Transfer* means placement of an employee in a different position but with the same pay grade as the employee's original position.
- (y) *Variable hour employee* means an employee whose work schedule may not be uniform in the number of hours worked, but who is expected to work an average of 29 hours or less

per week when hired. A variable hour employee will not normally be deemed a health plan eligible employee unless, at the conclusion of a 12-month measurement period designated by the city manager, the employee has worked an average of 30 or more hours per week during said measurement period.

Sec. 70-33. Nepotism.

No appointing authority shall appoint or promote any member of the appointing authority's immediate family to any position in the city. Unless a supervisory relationship between immediate family members existed prior to January 1, 2007, from and after January 1, 2007, no employee may directly or indirectly supervise any member of the employee's immediate family. Immediate family means the employee's spouse, child, parent, sibling (including natural, step, adopted, foster, or in-law relationships), aunt, uncle, or cousin. This prohibition also applies to a person who the employee identifies as the employee's significant other or domestic partner whose primary residence or place of primary abode is the same as the employee. The restrictions of this section concerning supervisory relationships shall apply to initial hires, transfers, assignments, demotions, or promotions effective on or after December 23, 2006. Supervisors and managers may, under emergency, short-term, or intermittent circumstances, and while acting under the authority of their position, direct the actions of their immediate family to conduct lawful and necessary activities related only to the emergency, short-term, or intermittent circumstances. When a situation that runs contrary to this section arises through promotion, transfer, or marriage, the affected individuals have 90 calendar days in which to remedy the prohibited supervisory relationship by one of the employees transferring, where possible, or terminating employment.

Sec. 70-34. Job vacancy and posting.

- (a) The appointing authority, or designee thereof, will submit a vacancy questionnaire to the human resources department for approval to post a vacant position.
- (b) The city will make reasonable efforts to post all vacant positions and vacant promotional opportunities for a minimum of five business days, unless there is a business reason approved by the human resources director, or their designee. Vacant positions may be posted for internal applicants only if a qualified pool of current employees has been identified by the hiring supervisor and human resources. The appointing authority may consider internal candidates who do not meet the minimum qualifications for a position based on past performance and demonstration of aptitude to perform at a proficient level. If selected, the internal candidate must meet the minimum requirements within a stated period of time.
- (c) Vacant positions will be posted internally and may be advertised externally. The posting will specify:

- (1) the title, salary range, benefits, duties of the position, and minimum qualifications;
- (2) the time, place, and manner of making an application;
- (3) the closing date for receiving applications; and
- (4) any other pertinent information related to the vacant position.

Sec. 70-35. Interviewing, testing, and selecting employees.

- (a) All appointments to positions will be made according to individual merit to be ascertained, in so far as is practical, by open, competitive examination. The selection process will fairly evaluate the capacity and fitness of the applicant to perform the duties and responsibilities of the position. A range of testing options may be used, including, but not limited to, written, oral, physical, polygraph, and psychological tests. Consideration may be given to past performance reviews, reference checking, background checking, or any combination thereof. An applicant may be required to verify any statement contained in their application for employment. Applicants competing for the same position will be subject to the same selection process.
- (b) An applicant who takes part in the selection process will be notified of the applicant's status.
- (c) Any applicant for city employment may be tested by the city for controlled substances at the expense of the city and at a laboratory selected by the city upon an offer of employment and prior to appointment.
 - (1) Any applicant who refuses to submit to the controlled substances test or participate in any employment test will be disqualified from consideration for employment by the city.
 - (2) Should an applicant's test reveal a positive illegal controlled substances result, the applicant will not be eligible for employment by the city.
- (d) It is the responsibility of the applicant to notify the human resources department of any change in the applicant's availability or the applicant's contact information.
- (e) After completion of the selection process, the appointing authority will select the applicant deemed most qualified for the position through the examination process. The human resources department must validate the appointment and perform the appropriate background checks. If the applicant accepts the appointment following the appropriate background checking, and reports for duty at the time the appointing authority designates, the applicant is deemed to have been appointed. While the city will select the most qualified

applicant for a position, city employees will be given significant consideration when qualifications are deemed substantially equal.

(f) Health plan eligible, variable hour, or seasonal appointments will be made by the hiring supervisor after interviews, references, or other job-related tests have been conducted.

(g) When an employee is granted a military leave of absence, the position may be temporarily filled for the length of time the employee is on military leave in accordance with the policy regarding military leave established by the city manager.

Sec. 70-36. Probationary period.

- (a) The probationary period is part of the selection process and will be utilized for the purpose of observing an employee's work and suitability for the position.
- (b) All employees appointed, promoted, transferred, voluntarily reassigned, demoted, or reemployed shall be required to serve a regular probationary period. Employees reemployed in the same position within 180 days of separation of employment are not required to serve a probationary period unless the employee was still within their probationary period at the time of separation of employment.
- (c) The probationary period for all employees who are in positions identified in the city's pay plan shall be 12 months. The probationary period for any employee may be extended, before the expiration of the initial probationary period, up to an additional six months, upon the approval of the appointing authority. At the successful completion of the probationary period, the employee becomes a regular employee.
- (d) Prior to the completion of an employee's probationary period, the appointing authority will submit a completed evaluation report on the employee's performance to the human resources department. In addition to this evaluation, the appointing authority will determine whether or not the employee is to be placed on regular status. The evaluation report will be reviewed with the employee by the supervisor and the employee will receive a copy. If the evaluation report is not available in time, the period may be extended by the appointing authority for a reasonable time, not to exceed six weeks; however, any subsequent increase in salary, or subsequent appointment to regular status, shall be made retroactive to the date on which the employee would normally have been eligible for regular status. The employee is still considered to be on probation until such a time the employee is officially removed from probation by the appointing authority. When the employee is officially removed from probation, the employee will receive a pay increase and the employee's performance evaluation date will be adjusted to the annual evaluation date established for regular employees.

- (e) In cases where an employee's performance is on a continuous and sustained level exceeding the requirements and expectations for the job, any portion of the last six months of the probationary period may be waived for those subject to a probationary period. When such action is recommended, the appointing authority will submit supporting evidence to the human resources department that the employee is performing at a level above that normally expected in the position. The employee will then receive a pay increase and the evaluation date will be adjusted to the annual evaluation date established for regular employees.
- (f) An appointing authority may dismiss an employee with or without cause at any time during the probationary period.
- (g) An employee appointed by promotion or transfer but who does not satisfactorily complete the probationary period may, upon recommendation of the appointing authority, apply for a position in the class occupied by the employee immediately prior to the promotion or transfer, if a vacancy in that class exists at that time. If a vacancy does not exist, the employee will be terminated from employment.

Sec. 70-37. Promotions and transfers.

- (a) The city encourages employees to assume higher-level positions or lateral transfers for which they qualify. Toward this end, the city will post all positions unless there is a business reason not to post the position as approved by the director of human resources.
- (b) An employee must be in good standing to be considered for a promotion or transfer.
- (c) With the exception of promotions pursuant to established career progression models, the appointing authority may consider internal candidates who do not meet the minimum qualifications for a position based on past performance and demonstration of aptitude to perform at a proficient level. If selected, the internal candidate must meet the minimum requirements within a stated period of time.
- (d) Upon promotion or transfer, the employee will serve a probationary period in the new position as defined in Sec. 70-36.

Sec. 70-38. Voluntary reassignment.

- (a) When an employee applies for a position which is at a lower grade than the employee's current grade, the employee's application will be considered a request for a voluntary reassignment.
- (b) The employee will serve a probationary period in the new position. The date of reassignment will become the new evaluation date for purposes of a probationary performance evaluation.

- (c) Employees who move to a lower grade through a voluntary reassignment will have a one-time option to cash in their vacation leave (and compensatory time for nonexempt employees) at the higher rate of pay in accordance with city policy.
- (d) At termination, any accruals eligible for payout will be calculated at the employee's then current rate of pay.
- (e) Upon a voluntary reassignment to a non-exempt position, exempt employees will not be paid for accrued compensatory time, nor will such time transfer to the new position. Benefits will transition to the plan of the new position effective on the first day of the transfer. Leave will begin accruing at the new rate on the first day of the transfer as provided in Article IV, Attendance and Leave, of this chapter. The employee will not lose service years counted towards vacation accrual or retirement vesting or years of service.

Sec. 70-39. Re-employment.

- (a) An employee who is rehired at the city within 12 calendar months of a layoff or a voluntary resignation may retain all leave accrual rates and compensation if reappointed to the same position held prior to the separation from employment. Vesting in retirement plan(s) upon rehire will be based upon the provisions of the appropriate retirement plan document.
- (b) An employee who is rehired to a different position than the position held prior to a layoff or resignation within 12 calendar months of the separation from employment will only retain their leave accrual rate. The employee's appointment rate will be handled in the same manner as a new employee. Vesting in retirement plan(s) upon rehire will be based upon the provisions of the appropriate retirement plan document.
- (c) Rehired employees in either situation under subsection (a) or (b) will serve a probationary period pursuant to section 70-36(b) and will be treated in the same manner as a new employee for all other purposes.
- (d) Employees who were involuntarily separated from the city for violations of city policies or procedures or resigned in lieu of termination shall not be considered for rehire.

Sec. 70-40. Personnel file.

- (a) The human resources department will establish and maintain a personnel file for each employee which will contain all official records pertaining to the employee. This file is the employee's official file. The director of human resources or a designee thereof will allow or deny inspection of personnel files in accordance with the provisions relating to the inspection of public records.

- (b) Employees may review their personnel file under the supervision of a human resources staff member. Employees may request a copy of their entire file or particular sections.
- (c) Employees may not review tests, references, or other materials associated with their approval or denial of a position with the city.
- (d) Supervisors should keep a working file on each employee that consists of any performance notes, verbal and written reprimands, leave requests, and contact information. Any original written reprimands issued to the employee must be placed in the personnel file located in the human resources department. A copy may also be placed in the supervisor's file.

Sec. 70-41. Performance evaluation.

For each regular employee, the appointing authority, or designee thereof, will complete an evaluation of the employee's performance annually and at such other times as deemed appropriate by the appointing authority. The appointing authority or designee may perform unscheduled evaluations as necessary. The original performance evaluation must be placed in the personnel file kept in the human resources department. A copy may also be placed in the supervisor's file.

Secs. 70-42—70-49. Reserved.

ARTICLE III - EMPLOYEE COMPENSATION

Sec. 70-50. Pay plan and classification system.

The city will provide its employees with a classification system and pay plan that meets the city's total rewards philosophy and complies with all applicable federal and state laws.

Sec. 70-50.1. Pay plan.

- (a) The city's pay plan contains a list of all regular budgeted positions and corresponding salary schedules. A proposed pay plan will be submitted to the city council by the city manager or their designee for adoption by resolution in coordination with the annual budget. The pay plan may be amended at any time by resolution of the city council upon the recommendation of the city manager.
- (b) By written directive, the city manager, acting upon the recommendation of the director of human resources, and subject to the availability of funds, shall be authorized to make temporary adjustments to the classification system and pay plan not to exceed 12 months in duration. No temporary adjustment to the classification system and pay plan shall be deemed final until approved by the city council as provided herein. Such review and approval by the city council may occur at such times as recommended by the city manager, but in any event not later than the next review of the annual budget.

Sec. 70-50.2. Classification system.

- (a) The city will implement a job evaluation process that will create and maintain a framework to allow an equitable and cost-effective salary structure called a “classification system.” The classification system is created when city positions are evaluated and grouped together into pay grades in a pay plan based on similar job duties, skills, qualifications, effort and responsibilities. A “pay grade” is a range of pay that represents the internal and external market value for the positions in the grade. The minimum rate means the bottom of the pay grade and the maximum rate means the top of the pay grade.
- (b) As part of the job evaluation process, a new or updated job description approved by the appointing authority, must be submitted to human resources before any addition or change can be made to the classification system or pay plan. The job description is a formalized statement summarizing the essential duties and responsibilities, and required qualifications to perform a job.
- (c) The human resources department will consult with the appointing authority or designee to review internally equitable positions and relevant published salary survey data for a similar job or jobs that reflect similar duties, skills, qualifications, effort and responsibilities. Upon completion of the evaluation, the human resources department will determine the appropriate pay grade for a position.

Sec. 70-50.3. Reclassifications.

- (a) Each fiscal year, the human resources department will evaluate changes to job descriptions to determine if a position should be reclassified in accordance with a policy established by the city manager.
- (b) A reclassification is a change in a position’s pay grade based on the results of a job evaluation. A position may be reclassified if there are significant changes in the duties, skills, qualifications, effort, or responsibilities of the position and such changes significantly affect the position's internal and market value.
- (c) The job evaluation is performed for all new or reclassified positions.

Sec. 70-51. Paydays.

Regular paydays for city employees are every other Friday. When the regular payday falls on a holiday for which city offices are closed, payroll will inform employees of the alternate payday. A pay statement will be delivered, either electronically or in paper format, whichever is in the city's best interest. On each payday, the pay statement will show gross pay, deductions, and net pay. Direct deposit to an institution of the employee's choosing is required for a city employee to receive their bi-weekly pay. Automatic deductions authorized by the city, such as additional tax

withholding, contributions to city-sponsored voluntary benefit plans, and individual savings plans, may also be arranged through the human resources and finance departments. Annual or monthly pay rates are recalculated to correspond to the city's bi-weekly payment schedule.

Sec. 70-52. Base pay.

Base pay is the fixed compensation paid to an employee for performing specific job responsibilities and reported in the pay plan through an hourly calculation.

Sec. 70-53. Appointment rate.

- (a) The appointment rate will be determined based on an evaluation of an applicant's qualifications, including relevant education, training, and experience as compared to others in similar positions. Appointment rates above the middle of the pay grade may be paid with approval of the city manager or designee thereof. No position will be paid above the assigned salary grade maximum.
- (b) The appointment rate for an employee who is rehired at the City after a layoff or voluntary resignation will be handled pursuant to section 70-39.
- (c) The appointment rate for an employee upon transfer, promotion, demotion, or voluntary reassignment will be handled pursuant to section 70-59.

Sec. 70-54. Reserved.

Sec. 70-55. Pay increases.

- (a) Pay rate increases within an established pay grade may be granted to an employee based on an employee's performance. An employee will first be considered for a pay increase upon satisfactory completion of the required employment probationary period. Thereafter, employees may be considered for additional pay increases upon either the satisfactory completion of each 12 subsequent months of service, or upon a date established by the city manager as the annual pay increase review date until the employee reaches the maximum rate of the pay grade. All pay increases will be submitted to the director of human resources or a designee for review. No pay increase may be granted in excess of the maximum rate for the pay grade.
- (b) In instances where an employee is denied a pay increase based on performance, the employee's supervisor or appointing authority will inform the employee in writing of the areas in which the employee needs performance improvement. The performance of an employee who is denied a pay rate increase may be reviewed again at a time determined by the appointing authority.

Sec. 70-56. Overtime and compensatory time.

The city will pay overtime and award compensatory time in accordance with applicable federal and state laws, these personnel rules, and any applicable policies established by the city manager.

Sec. 70-56.1. Non-exempt employees.

- (a) A non-exempt employee who works in the designated work week longer than 40 hours will be paid for such work in excess of 40 hours at a rate equal to one and a half times the employee's regular hourly rate of pay. Non-exempt employees who are regularly scheduled for 12-hour shifts and who work longer than their scheduled hours during the designated work week will be paid for such work in excess of their scheduled hours of the week. Such non-exempt employees will be paid at a rate equal to one and a half times the employee's regular hourly rate of pay.
- (b) Overtime worked by any employee must be authorized in advance by either the employee's appointing authority or designee thereof. The following leaves will be considered work days for purposes of computing overtime: sick leave, holiday, floating holiday, extended care leave, fatigue leave, city closure, injury leave, bereavement leave, military leave, administrative leave, and jury duty. Leave time taken, but not listed herein, shall not be considered time worked for purposes of determining overtime eligibility.
 - (1) Exception: Vacation and compensatory time taken may be used for purposes of computing overtime if it is taken during a week in which an emergency service status employee works for non-discretionary reasons during time which occurs immediately before or after their normally scheduled hours for that day. Such time must be approved by the employee's supervisor.
- (c) A non-exempt employee may choose to receive compensatory time in lieu of pay for overtime work at a rate equal to one and a half hours for each hour of work for which overtime pay is required by this section. A written agreement to permit accrual of such compensatory time must be executed by the employee to permit the accrual and use of compensatory time. However, if the agreement is provided, an employee can accrue no more than 40 hours of compensatory time. Any overtime work in excess of such 40-hour accrual limitation for compensatory time will be paid to the employee as provided above. Compensatory time off may be taken by a non-exempt employee at a time determined by the employee's appointing authority or designee thereof, to be convenient to the city and, where possible, the employee.
- (d) A non-exempt employee who terminates employment with the city for any reason will be paid for any accrued and unused compensatory time at the hourly rate of pay of the employee at the time of termination.

- (e) Upon notice to payroll, non-exempt employees may choose to cash out their compensatory accruals at any time.
- (f) A non-exempt health plan eligible, variable hour, or seasonal employee required to work on a city-designated holiday will be compensated at a rate equal to one and a half times the employee's regular hourly rate of pay for all hours worked during that holiday. When a holiday falls on a Saturday or Sunday and is observed by the city on an alternate day (Friday prior or Monday following), the appointing authority shall determine which day of work (the holiday or the city observed day) the non-exempt health plan eligible, variable hour, or seasonal employee will receive the additional compensation provided herein. The employee may only receive the additional pay for one day per holiday.

Sec. 70-56.2. Exempt employees.

- (a) An exempt employee who works in any work week more than 40 hours shall accrue compensatory time at the rate of one hour for each hour worked in excess of 40 hours in a work week. Exempt employees who are regularly scheduled for 12-hour shifts and who work longer than their scheduled hours during the designated work week will accrue compensatory time at the rate of one hour for each hour worked in excess of their scheduled hours of the week.
- (b) Compensatory work must be authorized in advance by an employee's appointing authority or designee thereof. The following leaves will be considered as work days for purposes of computing compensatory time: sick leave, holiday, fatigue leave, floating holiday, extended care leave, city closure, injury leave, bereavement leave, military leave, administrative leave, and jury duty.
 - (1) Exception: Vacation time and compensatory time taken may be used for purposes of computing compensatory time if it is taken during a week in which a designated emergency service status employee works for non-discretionary reasons during time which occurs immediately before or after their normally scheduled hours for that day. Such time must be approved by their supervisor.
- (c) An exempt employee will accrue no more than 40 hours of compensatory time at any given time. However, the city manager may, by administrative directive, authorize accruals of compensatory time in excess of 40 hours. Any hours accrued in excess of the 40-hour compensatory time accrual limitation and not otherwise authorized or permitted by administrative directive of the city manager will be forfeited. Compensatory time off may be taken by an exempt employee at a time determined by the employee's appointing authority or designee thereof, to be convenient to the city and, where possible, to the employee. Upon termination of employment, or upon separation for any other reason, an

exempt employee is not entitled to any payment or reimbursement for accrued compensatory time at the time of such termination or separation.

Sec. 70-57. Pay for part-time work.

Pay for part-time work is at the equivalent hourly rate set forth in the pay plan. Pay for holidays, sick leave, and vacation to regular and probationary part-time employees is on a pro rata basis, as determined by the part-time employee's work schedule. Regular and probationary part-time employees will also pay for applicable benefits on a pro rata basis, as determined by the part-time employee's work schedule. Health plan eligible, variable hour, or seasonal employees who work part time hours are not eligible for city benefits except as provided in section 70-32 of this chapter.

Sec. 70-58. Pay for health plan eligible, variable hour, or seasonal work.

Pay for health plan eligible, variable hour, or seasonal work may not exceed the maximum rate for an equivalent position in the pay plan. No employee benefits are granted to a health plan eligible, variable hour, or seasonal employee except as provided in section 70-32 of this chapter.

Sec. 70-59. Appointment rates upon transfer, promotion, demotion or voluntary reassignment.

If an employee is transferred, promoted, demoted, or voluntarily reassigned, the rate of pay for the employee in the new position will be based on the employee's qualifications, including relevant education, training, experience, and seniority, as compared to others in similar positions. This new pay amount will not be less than the minimum rate or more than the maximum rate for the new grade. The employee will serve a probationary period in the new position.

Sec. 70-60. Pay rates upon reclassification.

- (a) An employee's pay rate upon reclassification will be determined based on an assessment of the employee's qualifications, including relevant education, training, experience, and seniority as compared to others in similar positions. This new pay amount will not be less than the minimum rate or more than the maximum rate for the new grade.
- (b) An employee who has been reclassified will be considered for additional pay increases upon either the satisfactory completion of each 12 subsequent months of service from the date of reclassification, or upon a date established by the city manager as the annual pay increase review date until the employee reaches the maximum rate of the pay grade.

Sec. 70-61. Pay rates for temporary acting assignments.

- (a) An employee may be temporarily assigned in an acting or interim capacity to a position in a higher pay grade than the position the employee normally occupies. If the employee

assumes all authority and responsibility for the new position and the assignment exceeds three calendar weeks, the employee will be granted a temporary increase to the step in the new grade based on an assessment of the employee's qualifications, including relevant education, training, experience, and seniority as compared to others in similar positions. This increase cannot be less than the minimum or greater than the maximum rate of the pay grade of the position the employee is filling. Temporary assignment pay will be paid for the full period of the temporary assignment, retroactive to the first day.

- (b) If an employee is serving in a temporary assignment and the employee is due to be considered for a pay increase based on their performance in the position they normally occupy, the employee may be considered for a pay increase upon their return to the normal position and the pay increase will be issued retroactive to the date it was originally due.
- (c) If a temporary acting assignment exceeds a period of 12 months, the employee may be considered for a pay increase upon completion of 12 months in the temporary acting assignment, or at a time designated by the city manager as the annual salary review date.
- (d) Notification of acting status and requests for pay increases during a temporary assignment must be made by memorandum from the appointing authority to the director of human resources.

Sec. 70-62. Longevity pay.

Certain employees hired prior to December 31, 1978, are entitled to longevity pay. Such pay is recognized and ratified for these employees. The city manager may establish administrative procedures for the administration of this compensation.

Sec. 70-63. Reduction of wages.

- (a) Subject to the requirements and limitations of the Fair Labor Standards Act (FLSA), reductions in an employee's regular pay may be made for any of the following reasons:
 - (1) Unauthorized absence,
 - (2) Absence due to illness after all sick leave, holiday leave, floating holiday leave, and vacation time has been used,
 - (3) Absence due to suspension from duty without pay,
 - (4) Leave without pay,
 - (5) Overpayments, or
 - (6) Any other absence not authorized by this Chapter 70 or by the city manager.

- (b) Whenever an employee works for less than the regularly established number of hours a day, days per week, or weeks per month, the amount paid shall be pro rata based on the number of hours worked for that pay period.
- (c) The employee's appointing authority will approve all reductions in pay.
- (d) It is the city's policy to comply with the salary basis requirements of the FLSA. Therefore, the city will not intentionally make improper reductions of pay from the salaries of employees not permitted under FLSA. If an employee believes that an improper reduction of pay has been made to their pay, they should report this information to payroll or the human resources department. Reports of improper reductions of pay will be promptly investigated. If it is determined that an improper reduction of pay has occurred, the employee will be promptly reimbursed. If the city makes an overpayment, the city will set up a repayment schedule after conferring with the employee.

Sec. 70-64. Call-back pay.

Regular and probationary non-exempt employees who are called back to work outside of their regular work hours shall be paid a minimum of two hours of overtime pay at one and one-half times the normal rate of pay. A regular or probationary non-exempt employee may choose to receive compensatory time in lieu of overtime pay. The two-hour minimum shall not apply when the overtime hours overlap with or coincide with the normal work hours. The employee's supervisor has the right to assign an employee under this provision to work on any other projects for the full two hours paid. Multiple callouts within any two-hour timeframe will count as one callout for this section. Call-back pay applies to non-exempt employees subpoenaed to appear in court on behalf of the city outside of their normal work hours.

Sec. 70-65. On call pay.

Regular and probationary non-exempt employees assigned to be on call for a set period and required to be available to respond to emergency situations on a 24-hour a day basis will be paid on call pay. Such employees may not consume alcohol or any impairing controlled substances or drugs, including marijuana, during their on-call period and will need to respond to the emergency situation in a time frame determined by the employee's department. The employee shall be compensated, in addition to their regular pay, in accordance with a policy established by the city manager.

Sec. 70-66. Assignment pay.

Regular and probationary non-exempt employees assigned to be on call 24-hours per day for a continuous, consecutive and ongoing basis of 27 weeks or more and required to respond to an emergency situation will be paid assignment pay. Such employees may not consume alcohol or

any impairing controlled substances or drugs, including marijuana, while on assignment and will need to respond to the emergency situation in a time frame determined by the employee's department. The employee shall be compensated in addition to their regular pay in accordance with a policy established by the city manager.

Sec. 70-67. Shift differential pay.

Non-exempt regular and probationary employees who are scheduled on an ongoing basis to work shifts that are other than that which is generally considered as the day shift shall be compensated at a rate of one percent of pay for second shift/swing shift and two percent for third shift/graveyard shift. Shift differential pay will be calculated on the employee's base plus overtime pay or compensatory time pay.

Sec. 70-68. Transportation allowance, travel, and miscellaneous expenses.

Employees who incur expenses in the conduct of city business, such as use of a personal car, out-of-pocket miscellaneous expenses, and travel expenses while in attendance at approved meetings and conferences, shall be reimbursed for such expenses in accordance with a policy established by the city manager.

Sec. 70-69. Bonuses and special incentives.

The city manager may implement bonuses or special incentive programs in addition to the salary rates established in the official pay plan.

Sec. 70-70. Pay at death.

Upon the death of an employee, any pay due to the employee will be paid to the employee's surviving spouse. If the employee has no surviving spouse, any pay due to the employee will be paid to the employee's estate.

Sec. 70-71. Deferred compensation.

Employees are permitted to participate in a deferred compensation or other such plan as authorized by the city council and approved by the city manager. Employees may exchange a portion of regular vacation and/or vacation exchanged for sick leave as specified in a policy authorized by the city manager. The monetary value of this exchange will be put into the employee's deferred compensation plan subject to the terms and limitations established by the city manager.

Sec. 70-72. Medical and dependent care spending accounts.

Regular and probationary employees may participate, in accordance with applicable state and federal law, in pre-tax medical care and dependent care spending accounts as authorized by the

city council and approved by the city manager. Employees are authorized to have such amounts as they may choose withheld from their paycheck, subject to the terms and limitations that the city manager deems lawful and appropriate, and to spend such sums consistent with the purposes of the spending accounts. The city is authorized to withhold from the employees such amounts to pay and make payment on behalf of the employees consistent with the terms and limitations established by the city manager. The city is authorized to determine the lawful disposition of such spending account funds withheld but not spent in a manner consistent with applicable state and federal law.

Sec. 70-73. Retirement health savings plan.

Regular and probationary employees may participate, in accordance with applicable state and federal law, in retirement health savings plans as authorized by the city council and approved by the city manager. Employees are authorized to have such amounts as they may choose withheld from their paycheck, subject to the terms and limitations that the city manager deems lawful and appropriate. The city is authorized to withhold from the employees such amounts to pay and make payment on behalf of the employees consistent with the terms and limitations established by the city manager. The city is authorized to determine the lawful disposition of such spending account funds withheld but not spent in a manner consistent with applicable state and federal law.

Secs. 70-74—70-99. Reserved.

ARTICLE IV - ATTENDANCE AND LEAVE

Sec. 70-100. Hours of work, work assignments, and schedules.

- (a) All employees have a seven day work period that complies with the Fair Labor Standards Act. Unless otherwise authorized in writing by the director of human resources, the work period begins at midnight (12:00 a.m. M.S.T.) on Saturday and ends at 11:59 p.m. M.S.T. on Friday. The normal work schedule may vary within departments based on business reasons set by management.
- (b) The appointing authority, or their designee, is responsible for scheduling work assignments. The appointing authority or their designee may change work assignments, schedules, organization, or structure at any time based on the needs of the city.
- (c) Flexible and remote work schedules may be available in accordance with a policy approved by the city manager.

Sec. 70-101. Time reporting.

- (a) The attendance of all employees is recorded daily by each department and is submitted to payroll every two weeks. Attendance records are city records and care must be exercised in recording the hours worked, overtime hours, compensatory time accruals, leave taken,

and absences. Employees are responsible for accurately and correctly recording their own time and may not complete time records for another employee unless specifically authorized to do so by that employee's appointing authority or their designee.

- (b) Any time away from work during an employee's scheduled hours must be documented on the time entry form. Time away from work requires prior approval from the employee's supervisor. Use of sick, vacation, holiday, floating holiday, compensatory time, or any other use of time must be reported. Leave time can be used in 15-minute increments. Regular and probationary employees must account for all scheduled time by entering hours worked or approved paid or unpaid leave.

Sec. 70-102. Attendance and punctuality.

Employees are required to be in attendance at their work location in accordance with their job assignment and approved work schedule. Employees are expected to be at work on all scheduled work days and during all scheduled work hours and to report to work on time. Employees must report any absences and tardiness according to the guidelines determined by the employee's appointing authority.

Sec. 70-103. Holiday leave.

- (a) All regular and probationary full-time employees are granted 13 eight-hour paid holidays each calendar year. Ten of these holidays are the following:
 - (1) New Year's Day;
 - (2) Martin Luther King, Jr.'s Birthday;
 - (3) Presidents' Day;
 - (4) Memorial Day;
 - (5) Juneteenth;
 - (6) Independence Day;
 - (7) Labor Day;
 - (8) Thanksgiving Day;
 - (9) Day after Thanksgiving; and
 - (10) Christmas Day.

- (b) Holiday means the period between midnight (12:00 a.m.) to 11:59 p.m. of the day on which the holiday occurs.
- (c) The remaining 24 holiday hours are floating holidays and will be scheduled and taken between the first and last pay period of the current year by each employee with the approval of the employee's supervisor. In the case of employees assigned to shift work, whose services are required on a 24 hours-per-day or seven days-per-week basis, the holidays shall be set out in the employee's annual work schedule in a time convenient to both the employee and the city. If a probationary employee is hired between February and December, the probationary employee will receive a pro rata amount of floating holiday time for the first calendar year of employment. The amount received will equal two hours for each month of employment during the calendar year in which the probationary employee is hired. For example, an employee hired in November will receive four hours of floating holiday time for the first calendar year. The time will be placed in the employee's floating holiday accrual in one lump sum.
- (d) Upon termination, an employee will be paid for any unused holiday time for holidays that have already occurred. Any holiday time used, but unearned at the time of termination, will be deducted from accrued leaves or final pay. Floating holiday will be considered as "earned" at a rate of two hours per month.
- (e) When a holiday occurs on Saturday, the preceding Friday will be observed; when it occurs on Sunday, the following Monday will be observed. When a holiday occurs during an employee's vacation, the employee may use the holiday time. Vacation is not charged for that holiday. If an employee is on sick leave on a holiday, the employee may use the holiday time. Sick leave is not charged for the holiday. If an employee is scheduled to work on a holiday and is sick, holiday leave is not charged for the scheduled work day. If an employee is scheduled to work on one of the nine designated holidays the employee will record regular hours worked. The employee will then have the unused holiday hours available to use on another day at a time convenient to both the employee and the city.
- (f) Regular and probationary part-time employees will receive holiday pay on a pro rata basis, as determined by the part-time employee's work schedule.
- (g) Regular and probationary employees who are on administrative leave on a designated holiday will charge their time to administrative leave for that day and will have the unused holiday hours available to use on another day at a time convenient to both the employee and the city.

Sec. 70-104. Vacation leave.

- (a) Each regular and probationary full-time employee earns and is allowed to take annual vacation leave with pay as follows:

Years of Service	Monthly Accruals (Hours)	
	Civilian	Sworn Police
0 through 4	8	9.33
5 through 9	10	10.66
10 through 14	12	12.66
15 or more	13.33	14.66

- (b) Regular and probationary part-time employees will receive vacation leave on a pro rata basis, as determined by the part-time employee's work schedule.
- (c) Vacation time may not be taken until after it is earned. The time at which an employee takes vacation will be determined by the employee's supervisor at a time convenient to both the employee and the city. If an illness occurs while an employee is on vacation and would normally justify allowance for sick leave, then that time will not be counted against vacation leave if so requested by the employee and approved as provided for in the appropriate leave section. Regular and probationary employees who are separated from the city will be compensated for vacation accrued to the date of separation at the employee's rate of pay at the time of separation. The only exception to this rate of pay is the excess vacation accruals referred to at the end of this section.
- (d) No employee shall, without the express written consent of the city manager, accrue at any time more vacation leave for civilian or sworn police employees respectively than the following:

Years of Service	Accrual Maximums (Hours)	
	Civilian	Sworn Police
0 through 4	192	224
5 through 9	240	256
10 through 14	288	304
15 or more	320	352

- (e) For regular and probationary part-time employees, such maximums are determined on a pro rata basis, as determined by the part-time employee's work schedule. If a regular or probationary employee's scheduled hours are reduced resulting in a lower maximum (for example, from full-time to 50 percent part-time), the employee will be paid the dollar value

of any vacation hour accruals in excess of the new, pro-rata maximum. This payment will occur at the time of the change in hours.

- (f) Certain employees are entitled to excess vacation accrual amounts from 1985 and 1997. Such leave accruals are recognized and ratified. The city manager may establish administrative procedures for the administration of this benefit.

Sec. 70-105. Sick leave.

The city will grant sick leave to employees in accordance with applicable federal and state laws and a policy established by the city manager.

Sec. 70-105.1. Reserved.

Sec. 70-105.2. Sick leave exchange.

An employee may exchange sick leave hours for vacation time in accordance with a policy established by the city manager.

Sec. 70-105.3. Sick leave payout upon death or retirement.

The city may pay out sick leave upon death or retirement in accordance with a policy established by the city manager.

Sec. 70-105.4. Sick leave bank.

An employee who is facing a life-threatening illness or injury may apply for additional sick leave from the sick leave bank provided all other leaves have been exhausted. The creation and employee use of the sick leave bank is governed by a policy established by the city manager.

Sec. 70-105.5. Additional paid sick leave during a public health emergency.

Additional paid sick leave may be granted to and used by employees during a public health emergency in accordance with applicable federal and state law or public health orders, and a policy established by the city manager.

Sec. 70-106. Family and Medical Leave Act (FMLA) leave.

- (a) The Family and Medical Leave Act (FMLA) allows for 12 weeks of leave in a 12-month period for the birth and care of a newborn, the adoption or placement of a child in foster care, an employee's own serious health condition, or the serious health condition of an employee's spouse, child (under the age of 18 or older if disabled), or parent. This leave may be paid or unpaid depending on circumstances and in accordance with a policy established by the city manager.

- (b) In order to be eligible for FMLA, an employee must have worked for the city for at least 12 months and 1,250 hours in the previous 12 months.

Sec. 70-107. Extended medical leave.

The city recognizes that some illnesses may extend past the 12 weeks that FMLA allows for serious health conditions. Regular full-time and part-time employees who have been on FMLA for 12 weeks may request an extended leave up to an additional 14 weeks to recuperate and recover from the serious health condition underlying the FMLA leave. The decision to extend the medical leave will depend on the business needs of the organization and is subject to approval by the appointing authority, in accordance with a policy established by the city manager.

Sec. 70-108. Injury leave.

- (a) Any probationary or regular employee who suffers an injury or illness in the line of duty and is covered by the Workers' Compensation Act is granted up to 720 hours of paid injury leave (pro-rated for probationary and regular part-time employees) if the work related injury or illness renders the employee unable to perform the employee's regular duties. If the work-related injury or illness is the result of the carelessness or negligence of the injured employee, or, if the employee fails to notify the city in writing within 48 hours of the occurrence of the incident, the employee is not eligible for injury leave. If the employee's claim is not covered under the Workers' Compensation Act, such that the employee is not entitled to injury leave, the employee may use other applicable accrued leave for which the employee is eligible.
- (b) Paid injury leave may not be taken for doctor-ordered hospitalization, recuperation, office visits or physical therapy appointments that occur outside the employee's regular working hours. Supervisors may allow employees to flex hours for these appointments in instances where the employee works a non-traditional work schedule, such as nights or weekends.
- (c) Paid injury leave is not available to health plan eligible, variable hour, and seasonal employees. Notwithstanding the preceding, all employees, including health plan eligible, variable hour, and seasonal employees with work-related injuries or work-related illnesses are subject to the same reporting, transitional, and modified duty requirements as are probationary and regular employees, as set forth below. In the case of health plan eligible, variable hour, and seasonal employees, all work time missed due to doctor-ordered hospitalization, recuperation, office visits or physical therapy appointments, will be reported and tracked as non-paid injury leave per instructions from the city's finance department. Such tracked time may be reported to Colorado's Division of Labor and Employment in accordance with any then current state requirements. Qualifying wage reimbursement, if any, will be provided by Colorado's Division of Labor and Employment.

- (d) Injury leave ceases upon the occurrence of one or more of the following situations:
 - (1) The employee is returned to regular or modified duty;
 - (2) The employee reaches maximum medical improvement;
 - (3) The employee refuses a transitional or a temporary modified duty assignment, and such employment is offered to the employee in writing and is within the restrictions provided by the authorized physician; or
 - (4) A physician, approved by the city, determines that the employee is no longer capable of performing the essential functions of the position.
- (e) If, for the purpose of obtaining any order, benefit, award, compensation, or payment under the provisions of the Workers' Compensation Act, either for self-gain or for the benefit of any other person, anyone makes a false statement or representation material to the claim, the city shall report such person to the proper authorities. Such person may be punished pursuant to state or federal law and shall forfeit all rights to workers' compensation benefits upon conviction. Furthermore, such action may result in disciplinary action, up to and including termination from employment.
- (f) If a child support obligation is owed, compensation benefits may be attached and payment of the child support obligation may be withheld and forwarded to the obligee pursuant to state statute.

Sec. 70-109. Transitional duty and modified duty.

- (a) A transitional duty assignment is temporary work in another position that can be performed by an employee who is unable to perform the employee's essential job functions due to physical or other limitations set forth by a certified healthcare provider. A modified duty assignment is created when the employee's current position is temporarily adapted to meet the recommendations of the healthcare provider. An employee in transitional or modified duty status must remain under the care of a healthcare provider. The human resources department and/or risk management department will work with the appointing authority to determine if transitional or modified duty is available and what type of duty will best fit the needs of the organization and the employee. Transitional or modified duty is not guaranteed.
- (b) A transitional or modified duty assignment will not exceed 90 days, unless additional time is granted based upon consideration of the needs of the city and the nature of the employee's injury or illness. In no event shall transitional or modified duty assignment(s) exceed a total of 12 consecutive months or 18 months of intermittent duty for any single injury or illness.

Transitional or modified duty shall not create an obligation for the city to permanently modify or alter any position.

Sec. 70-110. Victims of domestic abuse leave.

Leave related to domestic abuse will be granted to eligible employees in accordance with state and federal law, and in accordance with a policy established by the city manager.

Sec. 70-111. Fatigue leave.

Fatigue leave is granted to a regular or probationary employee for rest (during the employee's regular work shift) when that employee has been required to work extended overtime on an emergency basis, or perform duties which have been identified as essential by the appointing authority, during what would normally be sleeping hours. The employee's supervisor may grant fatigue leave in accordance with a policy established by the city manager.

Sec. 70-112. Bereavement leave.

- (a) An employee will be granted up to 40 hours per incident (pro rata for part-time employees) of bereavement leave for the death of an immediate family member, with the approval of the employee's direct supervisor. For purposes of this section "immediate family member" consists of an employee's spouse, child, parent, sibling, grandparent, grandchild, (including natural, step, adopted, foster, or in-law relationships). This also includes any other relative or person who the employee identifies as the employee's significant other or domestic partner whose primary residence or place of primary abode is the same as the employee.
- (b) The appointing authority may grant additional time if deemed appropriate at the written request of the employee for an occurrence such as an out-of-state funeral.
- (c) An employee may also be granted up to four hours of bereavement leave to attend the funeral of a recently deceased city employee provided the bereavement leave granted for such purposes does not exceed the actual time necessary for attending the funeral and reasonable travel time as determined and approved by the employee's immediate supervisor.

Sec. 70-113. Military leave.

Military leaves of absence are granted to employees in accordance with all state and federal laws and a policy established by the city manager.

Sec. 70-114. Jury duty.

- (a) The city recognizes jury duty as a civic responsibility of our community. Health plan eligible, variable hour, seasonal, probationary, and regular employees, who have worked for the city for a minimum of three months within the previous 12 months of receiving a jury summons, are eligible for payment from the city during part or all of the employee's jury duty service.
- (b) All probationary and regular employees will be paid their normal salary for scheduled workdays of jury duty. The salary paid will be based on the employee's scheduled hours. The employee may keep any additional pay received from the court.
- (c) If the employee has been selected for grand jury duty, the court pays a set amount plus expenses beginning with the first day of service. In addition, the city will pay a probationary or regular employee their regular scheduled salary. The employee may keep any additional pay received from the court.
- (d) The city will pay health plan eligible, variable hour, or seasonal employees for the first three days of jury duty only. The health plan eligible, variable hour, or seasonal employee will only be paid for time scheduled on those days. The employee may keep any additional pay received from the court. Beginning with the fourth day of service, the health plan eligible, variable hour, or seasonal employee will be paid a set amount each day as pre-determined by the State of Colorado for jury duty service.
- (e) If the employee is not scheduled to work on a day in which the employee is scheduled to participate in jury duty, there will be no compensation from the city for that day.
- (f) The city will not reimburse employees for mileage, parking, or meals. Any payment from the court may be kept.
- (g) All employment benefits will remain the same during jury duty.
- (h) If an employee is involved as a party or as a witness in litigation to which the city is not a party, the employee may use any accrued vacation, holiday, or compensatory time or, if no leave is available, seek approval for leave without pay.

Sec. 70-115. Time off to vote.

Under most circumstances, it is possible for employees to vote either before or after work. If, after consultation between an employee and their supervisor, it is determined that an employee does not have adequate time before or after work to vote, such time will be allowed during normal work hours. Time off will not exceed two hours. If it is necessary for an employee to use such time, the employee should make arrangements with the employee's supervisor in a timely manner. The time allowed will be so arranged as to create the least disruption possible in the work.

Sec. 70-116. Administrative leave.

Administrative leave is leave with pay which is not provided for by other paid leaves. It may be granted to or required of an employee. Administrative leave may be granted at the discretion of the appointing authority or the city manager for the benefit of the city. Administrative leave may be used for workplace investigations, prior to a pre disciplinary administrative meeting, or for other city related purposes as determined by management.

Sec. 70-117. Leaves of absence without pay.

- (a) Employees may be granted a leave of absence without pay with the approval of the appointing authority, if all other eligible leave has been exhausted, or if the appointing authority finds that such leave serves the business needs of the city. For an employee-initiated leave of absence without pay, an employee must utilize all other eligible leave available to the employee prior to initiating a leave without pay. Employees taking a leave of absence without pay under the city's sabbatical leave policy and procedure are not required to utilize all other eligible leave prior to initiating a leave without pay.
- (b) If leave without pay is needed during an eligible Family and Medical Leave Act (FMLA) leave or extended care leave, such leave will be governed by the city's FMLA or extended care leave policy, as may be applicable, and is not subject to this section.
- (c) A leave of absence without pay will be approved by the appointing authority when it is in the best interest of the city. When a leave of absence without pay is initiated by the employee, the best interests of the city must also be considered in granting such leave. Upon the conclusion of such leave, an employee returns to work with the same duties and the same salary that the employee was held when the leave commenced.
 - (1) In the event an employee takes a leave of absence without pay without the approval of the appointing authority and does not report to work, the employee's absence shall be construed as an unauthorized absence and may be grounds for discipline.
- (d) If an employee's position is eliminated while the employee is on such leave, the employee has no claim to the position, and the employee will be promptly notified. If the employee fails to comply with any conditions of the leave or fails to return to work as specified in the approval of the leave, then the employee is presumed to have resigned from city employment effective the last day of the approved leave.
- (e) During a leave of absence without pay, the following is required:
 - (1) The employee will be put on inactive status;

- (2) The employee will not earn or accrue any leave of any kind or any other benefits. However, if a set holiday is scheduled to occur during an approved leave without pay, the employee may use their holiday leave prior to starting the leave without pay;
- (3) Neither the employee nor the city will contribute to a city retirement plan; and
- (4) For a leave without pay of two or more consecutive, full pay periods, the employee is responsible for payment of 100 percent of the premium during those pay periods for any medical, dental, vision, life, or disability benefits offered by the city that the employee wishes to continue.

Sec. 70-118. Facility closure.

The city manager or their designee has the authority to close one or more city facilities to protect the safety of city employees and residents. In the event of a facility closure, employee compensation will be determined in accordance with a policy established by the city manager.

Sec. 70-119. Sabbatical leave.

A regular employee who has worked for the city for a minimum of seven consecutive years and is considered to be in good standing shall have the opportunity to take up to three months of time for the purpose of rejuvenation or the pursuit of a personal objective or aspiration. An employee may take sabbatical leave only once every seven years. The city manager may establish administrative procedures for the administration of this benefit.

Sec. 70-120. Extended care leave.

The city may grant extended care leave to employees in accordance with applicable federal and state laws and a policy established by the city manager.

Secs. 70-121—70-142. Reserved.

ARTICLE V - EMPLOYEE RESPONSIBILITIES

Sec. 70-143. Employee conduct.

- (a) The city expects all employees to be accountable for their work related conduct and for performing their job duties to the highest professional standards at all times. The city reserves the right, in all instances, to impose discipline, up to and including dismissal. Discipline is imposed solely at the discretion of the city, based on its evaluation and in consideration of relevant factors and circumstances.

- (b) Employees not meeting the definition of “regular employee” will be given performance expectations and feedback as deemed appropriate by the city, but at all times will be deemed as at-will employees. Such employees shall be subject to the standards of conduct stated in subsection (d). However, under no circumstances should the rules contained in this section 70-143 be construed to create "for cause" employment for any such employee.
- (c) Discipline procedure for regular employees. A supervisor or an appointing authority or their designee may reprimand a regular employee for cause. Such discipline may include reprimand, suspension without pay, demotion, or dismissal.
- (d) Standards of Conduct. Examples of performance or conduct applicable to all city employees, regardless of status, are presented in the list below. This list is not considered all-inclusive as the city cannot anticipate all behaviors of an employee. Other non-protected actions that have a negative impact on an employee’s performance or the effective functioning of the city may result in disciplinary action. Individual departments may also have specific rules, regulations, or policies that describe performance or conduct. The violation of any departmental rule, regulation, or policy may also warrant disciplinary action.
 - (1) Any false statement made on an application for employment or any other form or application submitted to or required by the city, or omission of information that might affect the applicant or employee unfavorably.
 - (2) Conduct detrimental to customer service or city operation.
 - (3) Theft or misuse of city money or property.
 - (4) Violation of any national, state, or local law when the misconduct would interfere with an employee's performance of their job or undermine public trust in the integrity of the city. The city may consider such conduct a violation of its rules or procedures regardless of a conviction.
 - (5) Misusing, destroying, or damaging any city property or property of another employee or customer.
 - (6) Abusive treatment or disrespect of any person including, but not limited to, physical or verbal confrontations, insults, or derogatory comments based on race, religion, color, sex, gender, sexual orientation, gender identity, gender expression, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap, disability, or any other protected characteristics as established by law.

- (7) Unauthorized possession of weapons or explosives on city premises or utilization of any object as a weapon.
- (8) Insubordination, failure, or refusal to comply with directives, orders, or assignments.
- (9) Falsification, destruction, or unauthorized use of any city records, reports, or other data or information belonging to the city.
- (10) Being untruthful, misleading, or uncooperative during an administrative investigation or about any job-related matter.
- (11) Mishandling or unauthorized disclosures of confidential city information.
- (12) Immoral conduct or indecency, vulgar, threatening, insulting, or abusive language while on the job, including excessive gossiping or spreading rumors.
- (13) Incompetence, inattention to duties, horseplay, wastefulness, or sleeping while on the job.
- (14) Possession, purchase, manufacture, dispensing, use, sale, or being under the influence of controlled substances, marijuana, or alcohol while on the job when not medically required or when it is a requirement of the job.
- (15) Violating a safety rule or safety practice, or creating or contributing to unsafe working conditions.
- (16) Failure to report violations of safety policies, procedures, or adhering to reporting requirements.
- (17) Failure to properly use or enforce the use of safety gear, clothing, or equipment.
- (18) Engaging in personal business or outside employment while on the job.
- (19) Attempting to influence an employment decision for the benefit of a member of the employee's immediate family. Immediate family means the employee's spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, cousin, (including natural, step, adopted, foster, or in-law relationship). This also includes a person who the employee identifies as their significant other or domestic partner whose primary residence or place of primary abode is the same as the employee.
- (20) Having an undisclosed financial interest, direct or indirect, in any contract with the city, or having an undisclosed financial interest, directly or indirectly, in the sale of any land, materials, supplies, or services to the city.

- (21) Engaging in any business, activity, or transaction in which an employee has a substantial financial or personal interest, direct or indirect, that might reasonably be expected to interfere with the ability of the employee to perform their duties.
- (22) Seeking nomination or election to the Arvada City Council.
- (23) Engaging in any federal, state, county, or local political campaigning during an employee's working hours.
- (24) Using the employee's employment, position, badges, or credentials for preferential treatment, commercial or personal gain, or in any other manner not authorized by the city. Allowing any individual unauthorized access to or use of a city badge, insignia, or credential.
- (25) Using city vehicles, equipment, property, social media, or other technological resources for unauthorized personal use.
- (26) Unauthorized absence from work and failure of employee to communicate with supervisor before that shift. Guidelines for reporting may be established by each department.
- (27) Excessive absences or excessive tardiness as determined by the employee's appointing authority or failure to work or report to supervisor for two consecutively scheduled days.
- (28) Engaging in any unprotected activity that interferes with an employee's or any other employee's performance on the job.
- (29) Failure to report any violations of ordinances, statutes, charter, personnel policies, administrative regulations, or department rules by any city employee or failure to report a conviction or plea to a misdemeanor or felony.
- (30) Inability to perform job duties or substandard performance of assigned duties.
- (31) Failure to maintain an appropriate personal appearance as established by city or departmental policy, including failure to maintain appropriate personal hygiene.
- (32) Violation of any departmental or city rule, regulation, policy, or procedure.
- (33) Failure to obtain or maintain a required certification, license, or training as a condition of employment.
- (34) Allowing unauthorized access of individuals to restricted areas of city facilities, materials, or equipment.

- (35) Any other action by an employee which in the opinion of management warrants discipline or discharge and which a reasonable person would expect to result in disciplinary action either because it affects the employee's performance, the effectiveness of the city, including other employees, or undermines safety or public trust in the integrity of the government.
- (e) Investigations of violations of employee conduct rules or regulations will be performed by the appointing authority or their designee, or the human resources department. Responsibility for investigations may be transferred to other authorized individuals in certain situations such as, but not limited to, allegations of violence, retaliation, or harassment based on race, religion, color, sex, gender, sexual orientation, gender identity, gender expression, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap, disability, or any other protected characteristics as established by law.

Sec. 70-144. Discipline and discharge.

- (a) Occasionally performance or other behavior falls short of the city's standards, values and/or expectations. When this occurs, the city may take disciplinary action, which it deems appropriate in its sole discretion.
- (b) Disciplinary actions can range from a reprimand to immediate discharge. Action taken by the city in an individual case does not establish a precedent in other circumstances. Some of the actions available to management include, but are not limited to, the actions stated below.
 - (1) A supervisor or appointing authority may reprimand a regular employee verbally or in writing for cause. A reprimand is a communication by the supervisor or appointing authority that serves as a disciplinary measure that is critical of an employee's conduct or performance. A reprimand, or memo memorializing a verbal reprimand, may be kept in the employee's personnel file.
 - (2) An appointing authority may suspend without pay a regular employee for cause for not more than 30 working days. A suspension is city-mandated time off from work without pay as a disciplinary action. A suspension without pay for an exempt employee must be in full day increments.
 - (3) A supervisor may require an employee to take a decision day(s) in conjunction with a disciplinary action. A decision day is a paid suspension during which an employee is required to consider their employment with the city as well as make plans for improvement. A suspension with pay may be used during an investigation process or when an employee may benefit from a decision day(s).

- (4) An appointing authority may demote a regular employee for cause provided that no employee will be demoted to any position for which the employee does not possess the minimum qualifications. A demotion means placement of an employee from one position to another position that has a lower maximum salary rate than the original position and less authority or responsibility. A demoted employee will receive a pay rate not to exceed the job rate for the position to which the employee is demoted. The employee will serve a probationary period in the new position and the date of demotion will become the new evaluation date for purposes of calculating wages and performance evaluations.
- (5) An appointing authority may dismiss a regular employee for cause. Health plan eligible, variable hour, seasonal, and probationary employees are employed at will and may be dismissed at any time, with or without cause. Dismiss means the separation of an employee from city employment.
- (c) An employee is not entitled to representation either during an investigation or through the administration of discipline.
- (d) A regular employee may challenge discipline decisions through the processes set forth in article VI of this chapter.

Sec. 70-145. Non-discrimination and anti-harassment policy statement.

- (a) The city is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the city expects that all relationships among persons in the workplace will be businesslike and free of unlawful bias, prejudice, discrimination, retaliation, and harassment. Employees must report any concerns regarding harassment, discrimination, or retaliation to a representative of city management or the human resources department.
- (b) Every employee must review and sign the city policy relating to anti-harassment and discrimination. All employees shall be required to attend regular anti-harassment and anti-discrimination training as established by the human resources department.

Sec. 70-146. Safety.

The city is committed to a safe work environment for all employees. An employee must report any unsafe practice or condition to their supervisor. If an employee is injured on the job, no matter how minor, they must immediately report the incident in writing to their supervisor.

Sec. 70-147. Violence in the workplace.

Acts of violence, intimidation, or aggression will not be tolerated in the workplace. Any instance of violence, intimidation, or aggression must be reported to the employee's supervisor, risk management, or to the human resources department.

Sec. 70-148. Medical and mental health exams (fit for duty exams).

At any time for reasonable cause, the city may require an employee to undergo a medical and/or mental health examination by a qualified designated professional to determine that the employee is able to perform the essential functions of the job. Such exams will be conducted in accordance with a policy authorized by the City Manager.

Sec. 70-149. Smoking.

Smoking, to include vaping or e-cigarette products, is prohibited in all city facilities, vehicles, and on all designated city property.

Sec. 70-150. Drugs and alcohol.

- (a) Working during or immediately after the use of alcohol, marijuana, a controlled substance, or abuse of any controlled substance is prohibited. Working while under the influence of or impaired by alcohol, marijuana, or a controlled substance is also prohibited. Furthermore, the possession, purchase, manufacture, dispensing, consumption (use), or sale of a controlled substance, marijuana, or alcohol on city premises while conducting city business is prohibited. Authorized police employees, when such conduct is in the course of their assigned duties, may be excluded from this prohibition. Another exception is a city meeting or event in which the serving of alcohol is sanctioned by the city manager or appointing authority or where alcohol is served as part of the city operation. Under no circumstances should an employee drive under the influence or while impaired after leaving such an event. Employees required to take a legal prescription by a medical provider may do so. If such medication could impact an employees' safety or effectiveness, the employee must notify their supervisor.
- (b) Upon forming a reasonable suspicion, the city manager, an appointing authority, or a supervisor is authorized to order an employee to submit to a test for controlled substances, marijuana, and/or alcohol at the city's expense in a manner selected by the city. A reasonable suspicion means a belief based on observed facts or behavior sufficient to lead a reasonably prudent person to suspect that an employee is under the influence or is impaired because of use of controlled substances, marijuana, or alcohol. Any employee refusing to submit to such a test or to consent to the release of the results of such test to the city is subject to disciplinary action.

Sec. 70-151. Computers, internet, e-mail, and voicemail.

- (a) Employees are responsible and accountable, in part, for the on-going integrity of the city's information technology. Such systems include, but are not limited to, computers, e-mail, voicemail, mobile devices, and any other similar technology systems. These systems are the property of the city and are intended for business use only. Therefore the city expressly reserves the right to access any computer files, use of software, Internet usage, e-mail, chat messages, voicemail and other similar electronic data on a city-owned device or system. Although employees select individual passwords, employees should not assume that such data is confidential. However, other than management acting on behalf of the city, employees should not attempt to gain access to another employee's computer, Internet, e-mail, voicemail, or other similar account or device. Furthermore, an employee is prohibited from installing or connecting personal or non-business software or hardware without the express, written permission from the chief information officer of the information technology department or their designee.

Sec. 70-152. Inspections.

- (a) The city reserves the right to conduct searches and inspections of any city-owned property without notice. City-owned property includes, but is not limited to, desks, file cabinets, books, bookshelves, hallways, toolboxes or bins, rooms, closets, computers, electronic mobile devices, storage areas, lockers, vehicles or vehicle compartments, or boxes of files. Personal locks are prohibited on city-owned lockers. Any employee who refuses to submit to a search may be subject to disciplinary action.
- (b) Upon forming a reasonable suspicion of wrongdoing or for work related non-investigatory reasons, an appointing authority, in consultation with human resources and the city attorney's office, is authorized to order a search of an employee's personal belongings located in or on city-owned property as described in subsection (a) of this section, as well as in or on any city owned parking areas to the extent allowed by law. A reasonable suspicion of wrongdoing means a belief based on observed facts or behavior sufficient to lead a reasonably prudent person to suspect an employee has taken custody, possession, or control of items of interest to the city in a personal belonging. An item of interest to the city shall include, but is not limited to: any item constituting contraband under the laws of the city, the United States or the State of Colorado, including unauthorized weapons, explosives, incendiary devices or material, poisons or hazardous or infectious substances, any controlled substances, and unauthorized possession of any property owned or leased by the city, including any items of personally owned by the city, cash, checks, credit or debit cards, files, summonses, books, manuals, written business records, computer records or work related files in any form of transportable medium, or any city computer record or file, including copies of source codes, owned by or licensed to the city for its workplace use.

Sec. 70-153. Solicitation.

Employees may not solicit any other employee during working time. The only exception is city sponsored activities or products. With the approval of the employee's appointing authority, an employee may place fund-raising information in a city break room or may post information on a designated electronic or physical bulletin board. The appointing authority reserves the right to refuse to post any item. Under no circumstances may an employee disturb the work of others to solicit, e-mail, or distribute literature to them during their working time, including fund-raising activities.

Sec. 70-154. Conflict of interest.

- (a) Employees have an obligation to refrain from activities which conflict or interfere with the city's operations such as, but not limited to, outside employment, sharing privileged or confidential information, outside business interests, and accepting gifts or gratuities.
- (b) An employee must seek written permission from the appointing authority prior to engaging in secondary employment. Paid secondary employment may be allowed as long as it in no way interferes with an employee's position or performance at the city. In addition, the secondary employer must not be a supplier of materials or contractor of services for the city if it creates a conflict of interest or an appearance of a conflict of interest.
- (c) An employee may not use plans, programs, or information of public interest for personal gain or to benefit friends, family, and/or acquaintances. If an employee has an outside interest which could be affected by any city plan or activity, the employee must report this immediately to their supervisor. Employees are responsible for ensuring that only information that is appropriate to share with the general public is released.
- (d) Outside business interests which would create a conflict of interest may include having a personal financial relationship with any individual or business organization, other than a regulated financial institution, that furnishes supplies, merchandise, property, or services to the city.
- (e) An employee may not accept gifts or gratuities from any individual or organization currently or proposed to do business with the city; however, unsolicited advertising or promotional items valued under \$50.00 may be retained by an employee and perishable items may be retained if they are made available to others. An employee may not accept items which are not business related, such as, but not limited to tickets to sporting or cultural events. This prohibition is not intended to apply to the purchase of a meal in a setting where the attendees are discussing city business, unless otherwise prohibited by departmental policies.

- (f) City employees may only solicit businesses for activities which benefit the community and/or which are approved by the city manager.

Sec. 70-155. Criminal charges and convictions during employment.

- (a) Any employee, regardless of status, must report any of the following to the employee's appointing authority:

- (1) any misdemeanor, drug misdemeanor, or felony charges pending against the employee regardless of the jurisdiction of the charge as soon as practicable but no later than seven days from incurring the charges; and
 - (2) any conviction or plea, including guilty and no contest pleas, to a misdemeanor or felony regardless of the jurisdiction of the charge as soon as practicable but no later than seven days from the date of conviction.

(b) Notwithstanding the reporting duties stated in subsection (a), an employee has no duty or obligation to report a sealed conviction, pardoned conviction, or otherwise vacated conviction. An employee also has no duty or obligation to report an arrest that does not result in charges.

(c) Failure to satisfy the reporting duties stated in subsection (a) may warrant disciplinary action in accordance with section 70-143.

(d) If an employee is charged with a class 1 misdemeanor as defined by C.R.S. §18-1.3-501 or the equivalent of such if in a jurisdiction outside of Colorado, or a felony, the employee's appointing authority may place the employee on a suspension without pay for the duration of the court proceedings regardless of the length of the proceedings. The proceedings are deemed to have ended upon the date the conviction is entered regardless of whether sentencing occurs that same date or at a later date. Should the employee be cleared of such charges against them, the employee will be reimbursed for any lost wages resulting from a suspension without pay.

(e) The city may consider any employee misconduct that is violative of any national, state, or local law a violation of these personnel rules if such misconduct interferes with the employee's performance of their job or undermines public trust in the integrity of the city. As such, the employee is also subject to discipline for the misconduct itself in accordance with section 70-143.

Secs. 70-156—70-165. Reserved.

ARTICLE VI - EMPLOYER-EMPLOYEE RELATIONS

Sec. 70-166. Employee committee.

The city has established an employee committee for the purpose of enhancing communication for both the city manager and the city employees. Representatives to the employee committee are selected by each department. Representatives may meet monthly with the city manager or their designee. The city manager may periodically discuss with the employee committee any employee issues which the city manager deems necessary to discuss with the committee. Employee committee members may use this meeting time to discuss any issues or employee concerns with the city manager or their designee. Representation on the committee will be established by the bylaws of the committee. The employee committee may collect and expend funds for sanctioned activities and events related to employee recognition, activities that benefit employees, or community service.

Sec. 70-167. Open door philosophy.

The city has an open door philosophy. An employee may discuss any business related matter with the employee's department supervisor or management, where appropriate. Employees are encouraged to bring issues, suggestions, concerns to their management in as timely a manner as possible using the guidelines listed below.

Sec. 70-168. Internal complaint and grievance procedures.

- (a) The city has two methods by which an employee may file a formal complaint: the internal complaint resolution process and the internal grievance procedure.
- (b) The city's complaint resolution process, detailed in section 70-168.1, applies when an employee has a complaint regarding a specific situation relating to:
 - (1) Working conditions, working practices, or health or safety practices;
 - (2) Decisions made pursuant to department or city policies;
 - (3) A reprimand that does not involve a suspension without pay, step reduction in pay, or demotion; or
 - (4) Performance appraisal concerns.
- (c) The city's grievance process, detailed in section 70-168.2, applies when an employee:
 - (1) believes the city has not followed any article and section of the personnel rules or policies; or
 - (2) believes the city is not providing the employee with the wage, salary, or benefits to which the employee is entitled because of their position.

Sec. 70-168.1. Complaint resolution process.

- (a) If an employee has a complaint regarding a specific incident arising from a situation described in section 70-168(b), the employee may file a formal complaint by following the city's complaint resolution process stated below.
- (1) *Step 1.* The employee should first attempt to resolve the issue(s) by discussing it with their immediate supervisor within ten days of the event at issue.
 - (2) *Step 2.* If the situation is not resolved within ten days from the time the complaint is discussed with the employee's immediate supervisor, barring extenuating circumstances, it should be brought to the attention of the next level supervisor with written documentation. That supervisor has ten days to respond to the employee in writing.
 - (3) *Step 3.* This process may be repeated with each higher level of management including the employee's department director. This is the final step for performance appraisal concerns or a concern involving a reprimand that does not involve a suspension without pay, or demotion. For performance appraisal concerns or a concern involving a reprimand that does not involve a suspension without pay, or demotion, the decision of the department director is final in this administrative process.
 - (4) *Step 4.* If the employee is not satisfied with the department director's decision regarding a complaint about working conditions, working practices, health or safety practices, or decisions made pursuant to department or city policies, the employee has ten days from receipt of the department director's decision to bring the issue to the city manager with written documentation.
- (b) The city manager will respond to the employee within 20 days, barring extenuating circumstances. The decision of the city manager is final in this administrative process.
- (c) If the employee's immediate supervisor, manager, or department director fails to respond to a complaint at any step of the process within the specified time limit, it will be considered a denial of the complaint. If the employee still wishes to proceed, the employee must proceed to the next step of the complaint resolution process within the time limits provided as if a formal denial had been rendered on the last day allowed for the supervisor, manager, or department director to respond. In the event the employee does not appeal a complaint from one step to the next step within the time limits specified, the complaint shall be considered resolved on the basis of the last response by the immediate supervisor, manager, or department director, as the case may be. With the agreement of both parties, time limits may be extended.

- (d) The city will not permit retaliation or discrimination against anyone who raises a complaint under this process.

Sec. 70-168.2. Grievance procedure.

- (a) If an employee has a grievance about the topics stated in section 70-168(c), the employee may file a grievance by following the city's grievance procedure stated below.

- (1) *Step 1.* The employee will communicate the grievance in writing within ten days of the occurrence giving rise to the grievance. The grievance must include the article and section of the personnel rules which the employee believes the city has not followed, and the name of the employee's immediate supervisor and department manager, if applicable. The supervisor has ten days to respond to the grievance after its receipt.

- (2) *Step 2.* If Step 1 does not resolve the matter and the employee wishes to continue pursuit of the grievance, the employee must file a written grievance with the employee's department director and transmit copies to the director of human resources within ten days of the Step 1 response. The department director will respond in writing within ten days of receipt of the employee's written grievance. The director of human resources is not required to respond at this Step 2.

- (3) *Step 3.* If Step 2 does not resolve the grievance and the employee wishes to proceed with the grievance, the employee must file the following information with the city manager and the director of human resources within ten days of receipt of the department director's written response:

- (i) A copy of the written grievance;
 - (ii) The response from the department director; and
 - (iii) A request that the city manager appoint a grievance advisory committee.

- (4) *Step 4.* The city manager will review the submission of materials submitted by the employee in Step 3.

- (i) The city manager, in their sole discretion, may appoint a grievance advisory committee consisting of three members who will investigate the grievance and submit findings and recommendations to the city manager. One member will be selected by the employee committee, one member will be appointed by the city manager, and those two members will select a third city employee to serve as the third member of the grievance advisory committee. If, however, the two members are unable to agree on

the third member or the employee committee fails to appoint a member within seven days from receipt of notice from the city manager, the vacant position will be appointed by the city manager.

- (ii) After the final member has been appointed, the grievance advisory committee has 30 days to review the submitted grievance and submit its findings and recommendations to the city manager. The committee expires with the submission of its findings and recommendations to the city manager. The grievance advisory committee may conduct interviews, review documents, and pursue any information they believe necessary in the course of their review.
 - (iii) If the city manager chooses not to appoint a grievance advisory committee, the city manager may move forward with rendering a decision based on their analysis of the situation. The city manager may conduct interviews, review documents, and pursue any information they believe necessary in the course of their review.
 - (iv) The city manager will render a decision within 30 days from the date the grievance advisory committee submits its findings and recommendations or 45 days from the date the employee submitted the information in Step 3 to the city manager if the city manager elects not to appoint a grievance advisory committee. The decision of the city manager is final in this administrative process.
- (b) If the employee's immediate supervisor or the department director fails to respond to a grievance at any step of the procedure within the specified time limit, it will be considered denial of the grievance. If the employee wishes to proceed, the employee must appeal to the next step of the grievance procedure within the time limits provided as if a formal denial had been rendered on the last day allowed for the city to respond. In the event the employee does not appeal a grievance from one step to the next step within the time limits specified, the grievance shall be considered resolved on the basis of the last response by the immediate supervisor or department director, as the case may be. With the agreement of both parties, time limits may be extended.
- (c) An email shall constitute a writing for the purposes of this section.
- (d) The city will not permit retaliation or discrimination against anyone who follows this grievance process.

Sec. 70-169. Pre-disciplinary administrative meeting.

Before a regular employee is suspended without pay, demoted, or dismissed, the employee's appointing authority shall provide the employee with a written statement describing the reason(s) for such proposed action. Prior to the effective date of such proposed action, the appointing authority shall provide the employee with an opportunity to be heard and to respond to the reason(s) for such proposed action.

Sec. 70-170. Administrative review.

- (a) Any regular employee may request an administrative review of the following:
 - (1) A suspension without pay;
 - (2) A demotion; or
 - (3) A dismissal from employment.
- (b) Any regular employee may request in writing an administrative review of a suspension without pay, demotion, or dismissal imposed by an appointing authority against such employee. This request must be submitted to the director of human resources within ten days from the effective date of the disciplinary action.
- (c) Unless otherwise authorized by the appointing authority imposing a disciplinary action, a request for an administrative review of a disciplinary action by an employee will not stay or postpone the effective date of such disciplinary action.
- (d) Within ten days from receipt of the written request, the director of human resources will set a time, day, and place for the administrative review. The administrative review shall be held within 90 days from the date of receipt of the written request for said review.
- (e) The city manager shall appoint a hearing officer to conduct the administrative review in accordance with the provisions relating to administrative hearings as set forth in chapter 2 of the city code. The decision of the hearing officer is final, unless it is appealed to the city manager in the manner hereinafter provided.

Sec. 70-170.1. Appeal of administrative review.

- (a) Within ten days of the hearing officer's decision, either the employee or the appointing authority may appeal the decision of the hearing officer to the city manager. Such appeal must be in writing and must state the reason or reasons upon which such appeal is made.
- (b) When considering an appeal, the city manager or designee may exercise their option to perform any of the following: conduct an in-depth administrative review in accordance with the provisions relating to administrative hearings as set forth in chapter 2 of the city

code; conduct additional proceedings to supplement the record; or the city manager or designee may read the record and consider the evidence of the administrative review conducted by the hearing officer.

- (c) The city manager or their designee is authorized to decide as follows:
 - (1) To uphold the decision of the hearing officer;
 - (2) To uphold the disciplinary action imposed by the appointing authority;
 - (3) To overrule the disciplinary action imposed by the appointing authority; or
 - (4) To impose a different form of discipline upon the employee than the discipline imposed by the appointing authority.
- (d) In the event that the city manager or their designee was the appointing authority in the administration of discipline pursuant to this article, then, and for the purpose of appeal of an administrative review as provided in this section, the city manager may designate a third party either within or outside the city, not otherwise a participant in the disciplinary action imposed or any appeal thereof, to hear the appeal of a decision of the administrative hearing officer. The city manager's designation shall be made in writing by written memorandum from the city manager to the city clerk. Any person designated to hear an appeal from the decision of an administrative hearing officer pursuant to this article shall be empowered to hear such appeal and render a decision in the same manner as would the city manager.
- (e) The decision of the city manager or their designee is final for the purpose of judicial review.

Secs. 70-171—70-181. Reserved.

ARTICLE VII - SEPARATION AND TERMINATION OF EMPLOYMENT

Sec. 70-182. Resignation.

Regular and probationary employees are requested to give the appointing authority at least 14 calendar days' prior notice, unless the appointing authority agrees to permit a lesser period of time. A written resignation giving the reasons for leaving shall be submitted by the employee to the appointing authority. The appointing authority will forward the resignation to the human resources department. A resignation may be approved verbally by the employee's immediate supervisor when deemed to be in the best interests of the city. The supervisor must document the discussion and submit it to the human resources department within 24 hours of the discussion.

Sec. 70-183. Retirement.

An employee meeting the retirement eligibility requirements of their retirement plan may choose to retire from employment at the city. It is the employee's responsibility to notify their supervisor and the human resources department when they are contemplating retirement. A 30-day written notice is requested. Upon being qualified under the employee's respective retirement plan, the employee may be eligible for retirement health benefits as described in the following sections.

Sec. 70-184. Last day of employment.

- (a) The last effective date of employment is the date of the employee's last physical day of work. Exceptions may be made for good business reasons by the director of human resources. Payment for eligible accrued leaves and other termination pay, if any, is paid on the next regularly scheduled payday. An employee retiring from the city or leaving employment due to a layoff or reduction in force may use their vacation leave accruals to extend their last day of employment. A retiring employee may only extend their last day of employment by the amount of vacation leave accruals they have on the day they give notice to the city. An employee subject to a layoff or reduction in force may only extend their last day of employment by the amount of vacation leave accruals they have on the day they are given official notice of their position being eliminated. Retiring employees and those subject to layoff or reduction in force extending their last day in this manner will no longer receive any car allowance, assignment pay, or shift differential after their last day of work.
- (b) On or before the employee's last day of work, all city property must be returned to the employee's department. Failure to return city property can result in a deduction in pay. If an employee fails to return any city property, and the manager wishes to deduct the value of the property from the employee's final paycheck, the manager must first provide written notice to the employee within ten days after employment terminates, informing the employee that the property was not returned; the replacement value of the property; and date when the property was provided to the employee. If not returned within 14 days from the date the notice is provided to the employee, the city may deduct the value from the employee's final paycheck. If the employee subsequently returns the property within 14 days of the deduction of their wages, the city must then repay the employee within 14 days of the receipt of the returned property.

Sec. 70-185. Retirement health benefits.

- (a) The city may offer health insurance coverage to employees who retire from employment. The city does not guarantee that a health benefit plan will continue to be available. The city reserves the right to modify any health benefit plan, and to end a health benefit plan for any employee, retiree, or dependent.
- (b) In the event a retiree elects not to participate in a health benefit plan, such retiree shall not be permitted to re-join the health benefit plan at a later date. The retiree shall not be

permitted to change coverage from single to dependent plus one or family coverage. The retiree may remove dependents from coverage. In the event a decision is made to procure a health benefit plan for retirees which is separate from the health benefit plan procured for employees, the maximum premium cost for retirees for single or family coverage shall be no more than 150 percent of the full cost for single or family coverage of the employees' plan.

Sec. 70-186. Layoffs and reductions in force.

- (a) In the event the city must reduce the workforce for any reason, as determined by the city, employees may be laid off.
- (b) In the event of a layoff, a reduction in force (RIF) will be limited to the department within which layoffs take place. The primary factors to be used in determining which employees are affected by the RIF are the individual employee's skill and ability to perform their job and veteran's preference according to state law. In those positions in which employees possess differing skills and abilities, the city will retain the employee who is more capable of performing the job, regardless of seniority. Among the factors to be considered in evaluating employee skill and ability are performance appraisals, disciplinary actions, and related information or references to such information filed in employee personnel files within the human resources department or the supervisor's file. Such determination will be made by the department's management with agreement from human resources and legal. In situations in which incumbents' skills and abilities are relatively equal, seniority will determine the order in which employees are affected by a RIF. Seniority will be calculated based upon an employee's date of hire as a benefitted employee. Date of hire is the date on which a regular or probationary employee began employment with the city, and which is used to calculate eligibility and accruals for sick leave, vacation leave, pension vesting, and longevity pay.
- (c) When only one individual has a particular job title, and the service or program provided by that individual is a service or program that has been eliminated as part of the RIF, that individual's position will also be eliminated.
- (d) An appointing authority may, with the approval of the city manager, elect either to reduce the total working hours of employees or reduce the level of payment and responsibility of the current classification, or both, in order to minimize the effect of general layoffs as determined by the operational needs of the city.
- (e) Employees who have been promoted, but who are serving a probationary period at the time of a RIF, shall be considered to hold the position in the highest classification in which they have completed the probationary period.

Sec. 70-186.1. Notice and preliminary administrative hearing.

- (a) Regular employees laid off pursuant to section 70-186 will be given written notice not less than two weeks in advance of the effective date of such separation, or the employee will be paid severance pay for two weeks in the absence of such written notice.
- (b) Prior to the effective date of separation, the appointing authority shall provide the employee with an opportunity to be heard and respond to the layoff.

Sec. 70-186.2. Rehire status.

Employees who are separated by layoff are entitled to apply for future job vacancies in the same manner as an internal candidate for up to one year from the date of the layoff. Employees rehired after a layoff will be rehired pursuant to section 70-39.

Sec. 70-187. Medical inability to perform.

- (a) An employee may be dismissed for disability or inability when the employee cannot perform the essential functions of the position due to physical or mental impairment. Separation from employment for such reasons shall not be deemed disciplinary and shall be recorded as a medical separation. Employees may be required to submit to a physical or mental examination in accordance with a policy established by the city manager. Such examination(s) will be conducted by a medical provider selected and paid for by the city.
- (b) If treatment is recommended to remedy or alleviate the situation and the employee does not submit to such treatment within required schedules, or if the treatment cannot be completed within a reasonable timeframe, the employee may be dismissed due to the disability. The city will determine what constitutes a reasonable timeframe based on the business needs of the city.

Sec. 70-188. Severance pay.

If the city manager determines that it is in the best interest of the city, they may authorize severance pay or benefits to any employee who terminates or separates from city employment for any reason.”

Section 2. Severability. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared unconstitutional or invalid. The city council declares it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. This ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this ____ day of _____, 2023.

PASSED, ADOPTED AND APPROVED this ____ day of _____ 2023.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney:

BY: _____

Publication Dates: _____

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material

~~Strikethrough~~ indicates deleted material

“PERSONNEL RULES

ARTICLE I - IN GENERAL

Sec. 70-1. Short title.

This chapter is known and may be cited as the "Arvada Personnel Rules."

Sec. 70-2. Legislative declaration.

These personnel rules are established pursuant to the provisions of section 7.5 of the Charter. These regulations do not establish or create a contract of employment, either express or implied, between the city and any employee. These rules do not grant any right of continued employment to any employee. These rules are subject to change by the city, including changes to employee benefits and personnel practices. Any such change may apply to both present and future employees of the city. The city manager may make exceptions to these rules when necessary to preserve the health, safety, or welfare of the city.

Sec. 70-3. City prerogatives reserved.

(a) The city reserves all management, administrative, and executive rights to which it is entitled under these rules, the Charter, and any other provision in this Code or other law, including but not limited to the following:

- (1) Hiring, promoting, reclassifying, regrading, transferring, retiring, and assigning employees of the city;
- (2) Evaluating employees' skills, abilities, and performance;
- (3) Determining beginning and ending times for work and the number of hours to be worked by an employee;
- (4) Determining the location and assignment of work and the size and composition of the workforce;
- (5) Revising, eliminating, combining, and establishing positions;

- (6) Establishing, closing down, or expanding the operation of any facility, department, or division;
- (7) Reducing, increasing, altering, combining, transferring, ~~or~~ ceasing, or otherwise curtailing the operation, service, or equipment of any department or division of the city;
- (8) Entering into contracts for services and labor and determining the services and labor to be performed by any person or entity;
- (9) Introducing technological changes and new, improved, or modified services, methods, techniques, and equipment and otherwise generally managing the operation and directing the workforce of the city in all respects;
- (10) Laying off and recalling employees to work; and
- (11) ~~—~~ Reprimanding, suspending, demoting, ~~fining~~, dismissing, or otherwise disciplining employees of the city.

~~(12) b)~~ The city reserves the right to interpret these personnel rules and to promulgate such policies and procedures as may be necessary to implement them or to assist in their interpretation. ~~This includes~~ Such right also includes the right to promulgate, implement, and interpret policies and procedures specific to a department.

Secs. 70-4—70-30. Reserved.

ARTICLE II - EMPLOYMENT

Sec. 70-31. Equal employment opportunity.

~~(a)~~ — Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City of Arvada, where employment is based upon personal capabilities and qualifications without discrimination because of race, religion, color, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap, or disability or any other protected characteristic as established by law. The city will comply with all applicable federal and state laws and city policy in providing equal employment opportunities.

- ~~(1) — The City of Arvada will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the city.~~

- ~~(2) — This rule/regulation applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination, and all other terms and conditions of employment.~~
- ~~(3) — The human resources department has overall responsibility for this policy and maintains reporting and monitoring procedures.~~
- ~~(4) — Appropriate disciplinary action may be taken against any employee violating this policy.~~
- ~~(5) — The City of Arvada's reporting and administrative process are set forth in the Policy and Procedures, Policy No. 6300.03.~~

~~Sec. 70-32. Employment status.~~

~~(1) Sec. 70-32. Definitions and employment status.~~

The following terms, as used throughout this Chapter 70, shall have the following meanings:

- ~~(a)~~ *Anniversary date of employment* means the date on which a probationary, regular full-time or regular part-time employee began employment with the city and which is the date used in calculating eligibility and accruals for sick leave, vacation leave, and longevity pay. An employee who is rehired within 12 calendar months after voluntarily resigning will retain his/her/their former anniversary date of employment. An employee rehired more than 12 calendar months after voluntarily resigning will have an anniversary date effective on rehire.
- ~~(2)(b)~~ *Applicant* means a person seeking employment with the city regardless of whether the person is an internal or external candidate.
- ~~(c)~~ *Appointing authority* means the city manager or any designee thereof who has the authority to appoint, suspend, transfer, demote, ~~fine,~~ remove, or otherwise discipline employees of the city. Typically the appointing authority is the department director of each administrative department.
- ~~(3d)~~ *At-will employee* means an employee who may be terminated at any time, or who may terminate employment, with or without a reason, and is not subject to the pre-disciplinary, disciplinary, and administrative review processes. Probationary, health plan eligible, variable hour, and seasonal, ~~and non-benefitted~~ employees are designated "at-will" employees.

- (4e) *Benefits* means compensation ~~effor~~ employment in addition to salary or wages offered by the city from time to time that may include health, dental, vision, life insurance, participation in a city--sponsored retirement plan, authorized leave accruals and paid holidays. Generally, when qualifying under the terms described in this article, an employee is eligible for benefits on the first day of the month following one full calendar month of employment.
- ~~(5f)~~ *City* means the City of Arvada.
- (g) *Day* means a calendar day unless otherwise specifically stated.
- (h) *Emergency service status position employee* means an employee classified by the appointing authority as an employee who is subject to call-back on a 24-hour basis and who is employed subject to their ability to respond to emergency situations.
- (i) *Exempt employee* means an employee who is not eligible for overtime pay under the Fair Labor Standards Act (FLSA), as determined by the city. All exempt employees shall be deemed salaried employees.
- ~~(6j)~~ *Demotion* means a placement of an employee from one position to another position that has a lower maximum salary rate than the original position and less authority or responsibility.
- (k) *Disciplinary action* means a disciplinary suspension without pay, demotion, or other similar employment action taken in response to an employee's job performance or conduct.
- (l) *For-cause employee* means a regular employee who has successfully completed ~~his/her~~their probationary period and is subject to the pre-disciplinary, disciplinary, and administrative review processes.
- ~~(7m)~~ *Good standing* means that an employee has an overall positive performance appraisal either from their annual review if available or as documented by the employee's immediate supervisor; the employee is not on extended probation nor a performance improvement plan; and the employee has no written reprimands or disciplinary actions in their official personnel file within the 12-month period prior to the assessment of good standing.
- ~~(n)~~ *Health plan eligible employee* is an means a variable hour or seasonal employee who works 30 or more hours per week, but does not otherwise meet has met the requirements of being a probationary or regular full or part-time employee. A health plan eligible employee is authorized to participate in the city sponsored health plan in the same manner as a regular full-time employee, but is not otherwise eligible for city benefits.

- (8o) *Job-share employee* is means a probationary or regular employee who is scheduled to work between 20 and 29 hours per week, and whose position is denoted under the city's budget as a single full-time position, but which whose duties are performed by two different employees. A job-share employee is scheduled to work a minimum of 20 hours per week.
- ~~(9) Non-benefitted employee means an employee who works on an on-going basis who does not receive benefits or compensation through the city's pay plan.~~
- ~~(10)-(p)~~ *Non-exempt employee* means an employee eligible for overtime pay or compensatory time under the FLSA, as determined by the city.
- ~~(11)-(q)~~ *Probationary employee* means an employee hired into a regular full-time or regular part-time position identified in the city's budget and pay plan who has not been formally evaluated and officially removed from probation by the appointing authority. Probationary employees are eligible for City of Arvadacity benefits provided the employee meets the minimum hourly threshold for benefit eligibility set forth in this article.
- ~~(12)-(r)~~ *Project employee* means a current employee who has been assigned by the city manager to lead a project deemed necessary for the continued success of the city.
- ~~(13)-(s)~~ Promotion means the appointment of an employee to a job in a pay grade with a higher maximum rate and additional authority or responsibility.
- ~~(t)~~ *Regular employee* means an employee who has completed a probationary period and who has been removed from probationary status by the appointing authority. A regular employee may be a full-time employee, a part-time employee, or a job-share employee.
- ~~(14)-(u)~~ *Regular full-time employee* means an employee who is normally scheduled to work at least 40 hours per week and has successfully completed his/hertheir probationary period. A regular full-time employee is eligible for City of Arvadacity benefits.
- ~~(15)-(v)~~ *Regular part-time employee* means an employee who is normally scheduled to work less than 40 hours per week and has successfully completed his/hertheir probationary period. A regular part-time employee is eligible for City of Arvadacity benefits on a pro-rata basis. Regular part-time employees hired on or prior to December 31, 2014 ("grandfathered employees") must work a minimum of 20 hours per week to be eligible for benefits. Regular part-time employees, excluding job-share employees, hired or rehired on or after January 1, 2015, must work a minimum of 30 hours per week to be eligible for benefits.
- ~~(16)-(w)~~ *Seasonal employee* is means an employee who is hired for not more than six months in a calendar year, generally at the same time each year, such as in the spring or in the winter, and whose duties are typically associated with a function or operation that is

performed during or because of seasonal conditions. A seasonal employee will not normally be deemed a health plan eligible employee unless, at the conclusion of a 12-month measurement designated by the city manager, the employee has worked an average of 30 or more hours per week during said measurement period.

(17)–x) Transfer means placement of an employee in a different position but with the same pay grade as the employee’s original position.

(y) Variable hour employee ~~is~~means an employee whose work schedule may not be uniform in the number of hours worked, but who is expected to work an average of 29 hours or less per week when hired. A variable hour employee will not normally be deemed a health plan eligible employee unless, at the conclusion of a 12-month measurement period designated by the city manager, the employee has worked an average of 30 or more hours per week during said measurement period.

Sec. 70-33. Nepotism.

No appointing authority shall appoint or promote any member of ~~his/her~~the appointing authority’s immediate family to any position in the city. Unless a supervisory relationship between immediate family members existed prior to January 1, 2007, from and after January 1, 2007, no employee may directly or indirectly supervise any member of ~~his/her~~the employee’s immediate family. Immediate family means ~~his/her~~the employee’s spouse, child, parent, sibling (including natural, step, adopted, foster, or in-law relationships), aunt, uncle, or cousin. This prohibition also applies to a person who the employee identifies as ~~his/her~~the employee’s significant other or domestic partner whose primary residence or place of primary abode is the same as the employee. The restrictions of this section concerning supervisory relationships shall apply to initial hires, transfers, assignments, demotions, or promotions effective on or after December 23, 2006. Supervisors and managers may, under emergency, short-term, or intermittent circumstances, and while acting under the authority of their position, direct the actions of their ~~relative~~immediate family to conduct lawful and necessary activities related only to the emergency, short-term, or intermittent circumstances. When a situation that runs contrary to this ~~rule/regulation~~section arises through promotion, transfer, or marriage, the affected individuals have 90 calendar days in which to remedy the prohibited supervisory relationship by one of ~~them~~the employees transferring-(, where possible), or terminating employment.

Sec. 70-34. Job vacancy and posting.

- (a) The appointing authority, or designee thereof, will submit a ~~personnel requisition~~vacancy questionnaire to the human resources department for approval to post a vacant position.
- (b) The city will make reasonable efforts to post all vacant positions and vacant promotional opportunities for a minimum of five business days, unless there is a business reason ~~as~~

approved by the human resources, ~~such as an unexpired eligibility list director, or there are qualified candidates from a recent interview process.~~their designee. Vacant positions may be posted for "internal applicants only" if a qualified pool of current employees has been identified by the hiring supervisor and human resources. The appointing authority may consider internal candidates who ~~don't~~do not meet the minimum qualifications for a position based on past performance and demonstration of aptitude to perform at a proficient level. If selected, the internal candidate must meet the minimum requirements within a stated period of time.

~~(c) — An appointing authority may assign an employee to any division within their department, provided the assignment is in the same pay grade.~~

~~(d)~~ Vacant positions will be posted internally and may be advertised by externally. ~~The posting an announcement. The announcement~~ will specify:-

(1) the title, salary range, benefits, duties of the position, and minimum qualifications;

(2) the time, place, and manner of making an application;

(3) the closing date for receiving applications; and

(4) any other pertinent information related to the vacant position.

~~(e) — Reclassification of positions that are filled are not considered promotional opportunities for the purpose of job posting.~~

Sec. 70-35. Interviewing, testing, and selecting employees.

(a) All appointments to positions will be made according to individual merit to be ascertained, in so far as is practical, by open, competitive examination. The selection process will fairly evaluate the capacity and fitness of the ~~applicants~~applicant to perform the duties and responsibilities of the position. A range of testing options may be used, including, but not limited to, written, oral, physical, polygraph, and psychological. ~~tests.~~ Consideration may be given to past performance reviews, reference checking, background checking, or any combination thereof. ~~Applicants~~An applicant may be required to verify any statement contained in their application for employment. Applicants competing for the same position will be subject to the same selection process.

~~(b) — An appointing authority may hire a candidate from an interview process held within six months prior to the job offer if it is for the same position for which the person competed.~~

~~(e)(b)~~ An applicant who takes part in the selection process will be notified of ~~his/her~~the applicant's status.

~~(d)(c)~~ Any applicant for city employment may be tested by the city for controlled substances at the expense of the city and at a laboratory selected by the city upon an offer of employment and prior to appointment.

~~(e)(1)~~ Any applicant who refuses to submit to the controlled substances test or participate in any employment test will be disqualified from consideration for employment by the city.

~~(2)~~ Should an applicant's test reveal a positive illegal controlled substances result, the applicant will not be eligible for employment by the city.

~~(g)(d)~~ It is the responsibility of the ~~candidate~~applicant to notify the human resources department of any change ~~of his/her~~in the applicant's availability or ~~his/her~~the applicant's contact information.

~~(h)(e)~~ After completion of the selection process ~~and appropriate background checking,~~ the appointing authority will select the ~~candidate~~applicant deemed most qualified for the position through the examination process, ~~make a job offer, and notify the.~~ The human resources department ~~of the person or persons appointed. Human resources Department~~ must validate the appointment and ~~if perform~~ the ~~candidate~~appropriate background checks. If the applicant accepts the appointment following the appropriate background checking, and reports for duty at the time the appointing authority designates, the ~~candidate~~applicant is deemed to have been appointed. While the city will select the most qualified ~~candidate~~applicant for a position, city employees will be given significant consideration when qualifications are deemed substantially equal.

~~(i)~~ ~~The City of Arvada may establish eligibility lists for positions. The appointing authority will determine what positions, if any, for which they will use eligibility lists. Eligibility lists will expire 12 months after they have been established unless there are extenuating circumstances. The director of human resources may terminate or extend the timeframe for an eligibility list for good business reasons. Information about the eligibility list will be included on the job announcement so that applicants are aware that an eligibility list will be established. An employee may be removed from an established eligibility list if s/he receives formal discipline during the time in which the eligibility list is active. Such removal may be done by the director of human resources based on the written request of the appointing authority from the department for which the eligibility list has been created.~~

~~(f)~~ Health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ appointments will be made by the hiring supervisor after interviews, references ~~and~~ or other job-related tests have been conducted.

~~(g)~~ When an employee is granted a military leave of absence, the position may be temporarily filled for the length of time the employee is on military leave. ~~Upon return of the employee from in accordance with the policy regarding military leave within five cumulative years of deployment, the replacement employee may be terminated or reassigned at the discretion of the established by the city manager.~~

Sec. 70-36. Probationary period.

- (a) The probationary period is part of the selection process and will be utilized for the purpose of observing ~~the~~an employee's work and suitability for the position.
- (b) All employees appointed, promoted, transferred, voluntarily reassigned, demoted, or reemployed, ~~or recalled, if recall is after 180 calendar days,~~ shall be required to serve a regular probationary period. Employees reemployed in the same position within 180 ~~calendar~~ days of separation of employment are not required to serve a probationary period unless the ~~person~~employee was still within ~~his/her~~their probationary period at the time of separation of employment.
- (c) The probationary period for all employees who are in positions identified in the city's pay plan shall be 12 months. The probationary period for any employee may be extended, before the expiration of the initial probationary period, up to an additional six months, upon the approval of the appointing authority. At the successful completion of the probationary period, the employee becomes a regular employee.
- ~~(d) Any period of employment under a health plan eligible, variable hour, seasonal, or non-benefitted appointment may be counted as part of the probationary period when the service is applicable to the appointed position and when there is no break between the health plan eligible, variable hour, seasonal, or non-benefitted and regular employment.~~
- ~~(e)~~(d) Prior to the completion of an employee's probationary period, the appointing authority will submit a completed evaluation report on the ~~employee~~employee's performance to the human resources department. In addition to ~~an~~this evaluation ~~of the employee's performance,~~ the appointing authority will determine whether or not the employee is to be placed on regular status. The evaluation report will be reviewed with the employee by the supervisor and the employee will receive a copy. If the evaluation report is not available in time, the period may be extended by the ~~city manager~~appointing authority for a reasonable time, not to exceed six weeks; however, any subsequent increase in salary, or subsequent appointment to regular status, shall be made retroactive to the date on which the employee

would normally have been eligible for regular status. The employee is still considered to be on probation until such a time ~~s/he~~the employee is officially removed from probation by the appointing authority. ~~The date~~When the employee is ~~placed on regular status becomes his/her evaluation date. Evaluation date means the date~~officially removed from ~~which time~~probation, the employee will receive a pay increase and the employee's performance evaluation date will be ~~computed in order~~adjusted to ~~determine eligibility~~the annual evaluation date established for ~~salary increases~~regular employees.

- (fe) In cases where an employee's performance is on a continuous and sustained level exceeding the requirements and expectations for the job, any portion of the last six months of the probationary period may be waived for those subject to a probationary period. When such action is recommended, the appointing authority will submit supporting evidence to the human resources department that the employee is performing at a level above that normally expected in the position. The employee will then receive a steppay increase and the evaluation date will be adjusted. ~~The employee's next to the annual~~ evaluation ~~will be one year from the date s/he was released from probation established for regular employees~~
- (gf) An appointing authority may dismiss an employee with or without cause at any time during the probationary period.
- (hg) An employee appointed by promotion or transfer ~~and, but~~ who does not satisfactorily complete the probationary period may, upon recommendation of the appointing authority, ~~be reinstated to apply for~~ a position in the class occupied by the employee immediately prior to the promotion or transfer, if a vacancy in that class exists at that time; ~~otherwise such. If a vacancy does not exist, the~~ employee will be terminated from employment.

Sec. 70-37. Promotions and transfers.

- (a) The city encourages employees to assume higher-level positions or lateral transfers for which they qualify. Toward this end, the city ~~posts~~will post all positions unless there is a business reason not to post the position as approved by the director of human resources.
- ~~(b) — An employee must be in good standing to be considered for a promotion or transfer. Being in good standing means that the employee must have an overall positive performance appraisal from the prior year and have no disciplinary actions in their official personnel file. For purposes of this subsection, "disciplinary action" means the employee has received a disciplinary suspension without pay, a disciplinary fine, or a demotion in the 12 months prior to the posting of the position. An employee who has received a reprimand in the 12 months prior to the posting may be considered for a promotion or a transfer if the employee has successfully completed the performance plan associated with the reprimand before being considered for the promotion or transfer.~~

- ~~(c) — Promotion means the increase of an employee's duties and responsibilities in conjunction with the placement of the employee from one position in one pay grade to a position in another pay grade with a higher maximum rate. Each employee seeking a promotion will be considered for the new position along with all other applicants.~~
- ~~(d) — Transfer means placement of an employee in a different position in the same pay grade as the pay grade of his/her current position. Each employee requesting a transfer will be considered for the new positions along with all other applicants.~~
- ~~(e) — The~~(b) An employee must be in good standing to be considered for a promotion or transfer.
- ~~(c) —~~ With the exception of promotions pursuant to established career progression models, the appointing authority may consider internal candidates who ~~don't~~do not meet the minimum qualifications for a position based on past performance and demonstration of aptitude to perform at a proficient level. If selected, the internal candidate must meet the minimum requirements within a stated period of time.
- ~~(f) — The~~(d) Upon promotion or transfer, the employee will serve a probationary period in the new position ~~and the date of promotion or transfer will become the new evaluation date for purposes of calculating wages and performance evaluations as defined in Sec. 70-36.~~

Sec. 70-38. Voluntary reassignment.

- ~~(a)~~ (a) When an employee applies for a position which is at a lower grade, ~~such~~ than the employee's current grade, the employee's application will be considered a request for a voluntary reassignment.
- ~~(b) — The employee's pay rate for the new position will be determined based on an assessment of the employee's education, training and experience as compared to others in similar positions.~~
- ~~(e)~~(b) The employee will serve a probationary period in the new position. The date of reassignment will become the new evaluation date for purposes of a probationary performance evaluation.
- ~~(d)~~(c) Employees who move to a lower grade through a voluntary reassignment will have a one-time option to cash in their vacation leave (and compensatory time (for nonexempt employees) at the higher rate of pay. ~~Those who were hired prior to December 31, 1979, are also eligible to cash in their eligible sick accruals not to exceed 480 hours. The employee may cash in all or a portion. This decision must be made before the first day of employment at the new grade.~~accordance with city policy.

- (ed) At termination, any accruals eligible for payout will be calculated at the employee's then current rate of pay.
- (fe) Upon a voluntary reassignment to a non-exempt position, exempt employees will not be paid for accrued compensatory time, nor will such time transfer to the new position. Benefits will transition to the plan of the new position effective on the first day of the transfer. Leave will begin accruing at the new rate on the first day of the transfer as provided in Article IV, Attendance and Leave, of this chapter. The employee will not lose service years counted towards vacation accrual or retirement vesting or years of service.

Sec. 70-39. Re-employment.

- (a) An employee who is rehired at the city within 12 calendar months of ~~voluntarily resigning a layoff or a voluntary resignation~~ may retain all leave accrual rates and compensation if reappointed to the same position ~~as they left, held prior to the separation from employment.~~ Vesting in retirement plan(s) upon rehire will be based upon the provisions of the appropriate retirement plan document.
- (b) An employee who is rehired to a different position than the ~~one they left position held prior to a layoff or resignation~~ within 12 calendar months of ~~voluntarily resigning the separation from employment~~ will only retain their leave accrual rate. ~~They~~ The employee's appointment rate will be ~~paid~~ handled in the same manner as a new employee. Vesting in ~~pension~~ retirement plan(s) upon rehire will be based upon the provisions of the appropriate ~~pension~~ retirement plan document.
- (c) Rehired employees in either situation under subsection (a) or (b) will serve a probationary period pursuant to section 70-36(b) and will be treated in the same manner as a new employee for all other purposes.
- (d) Employees who were involuntarily separated from the city for violations of city policies or procedures or resigned in lieu of termination shall not be considered for rehire.

Sec. 70-40. Personnel file.

- (a) The human resources department will establish and maintain a personnel file for each employee which will contain all official records pertaining to the employee. This file is the employee's official file. The director of human resources or a designee thereof will allow or deny inspection of personnel files in accordance with the provisions relating to the inspection of public records.
- (b) Employees may review their personnel file under the supervision of a human resources staff member. ~~An employee~~ Employees may request a copy of ~~his/her~~ their entire file or particular sections.

- (c) ~~An employee~~Employees may not review tests, references, or other materials associated with ~~his/her~~their approval or denial of a position with the city.
- (d) Supervisors should keep a working file on each employee that consists of any performance notes, verbal and written reprimands, leave requests, and contact information. ~~The~~Any original written ~~reprimand~~reprimands issued to the employee must be placed in the personnel file located in the human resources department. A copy may also be placed in the supervisor's file.

Sec. 70-41. Performance evaluation.

~~The~~For each regular employee, the appointing authority, or designee thereof ~~for each regular employee,~~ will complete an evaluation of the employee's performance annually and at such other times as deemed appropriate by the appointing authority. The appointing authority or designee may perform unscheduled evaluations as necessary. The original performance evaluation must be placed in the personnel file kept in the human resources department. A copy may also be placed in the supervisor's file.

Secs. 70-42—70-49. Reserved.

ARTICLE III - EMPLOYEE COMPENSATION

Sec. 70-50. Pay plan and classification system.

The ~~City of Arvada~~city will provide its employees with a classification system and pay plan that meets the city's total compensation package to include pay and a range of benefits, rewards philosophy and complies with all applicable federal and state laws.

Sec. 70-50.1. Pay plan.

- (a) The city's pay plan contains a list of all regular budgeted positions and corresponding salary schedules. A proposed pay plan will be submitted to the city council by the city manager or their designee for adoption by resolution in coordination with the annual budget. The pay plan may be amended at any time by resolution of the city council upon the recommendation of the city manager.
- (b) By written directive, the city manager, acting upon the recommendation of the director of human resources, and subject to the availability of funds, shall be authorized to make temporary adjustments to the classification system and pay plan not to exceed 12 months in duration. No temporary adjustment to the classification system and pay plan shall be deemed final until approved by the city council as provided herein, ~~such.~~ Such review and

approval by the city council ~~to~~may occur at such times as recommended by the city manager, but in any event not later than the next review of the annual budget.

Sec. 70-50.2. Classification system.

- (a) The city will implement a job evaluation process that will create and maintain a framework to allow an equitable and cost-effective salary structure, called a “classification system.” The classification system is created when city positions are evaluated and grouped together into pay grades in a pay plan. ~~Pay grades are determined by analyzing the based on similar job duties, skills, qualifications, effort and responsibilities of positions and sorting them into pay grades that best correlate with the city's comparison market for positions with similar duties, skill, effort and responsibilities.~~ A “pay grade” is a range of pay that represents the internal and external market value ~~range~~ for the positions in the grade. The minimum rate means the bottom of the pay grade and the maximum rate means the top of the pay grade.
- (b) As part of the job evaluation process, a new or updated job description approved by the appointing authority, must be submitted to human resources before any addition or change can be made to the classification system or pay plan. The job description is a formalized statement summarizing the essential duties and responsibilities, and required qualifications to perform a job.
- (c) ~~Human~~The human resources department will consult with the appointing authority or designee to review internally equitable positions and relevant published salary survey data for a similar job or jobs that reflect similar duties, skills, qualifications, effort and responsibilities. Upon completion of the evaluation, the human resources department will determine the appropriate pay grade for a position.

Sec. 70-50.3. Reclassifications.

- (a) Each fiscal year, the human resources department will ~~monitor the market for~~ evaluate changes ~~using published surveys to ensure job descriptions to determine if a position should be reclassified in accordance with a policy established by the city remains competitive in total compensation. When appropriate, changes may be made to the classification system and pay plan. The city manager will submit recommendations for changes to the city council for review and approval.~~
- ~~(b)~~ (b) A reclassification is a change in a position’s pay grade based on the results of a job evaluation. A position may be reclassified if there are significant changes in the duties ~~and~~, skills, qualifications, effort, or responsibilities of the position and such ~~duties change~~ changes significantly affect the position's internal and market value.

- (c) The job evaluation is performed for all new or reclassified positions.

Sec. 70-51. Paydays.

Regular paydays for ~~the City of Arvada~~city employees are every other Friday; ~~a pay statement will be delivered, either electronically or in paper format, whichever is in the city's best interest.~~ When the regular payday falls on a holiday for which city offices are closed, payroll will inform employees of the alternate payday. ~~On each payday, the employee~~A pay statement will be delivered, either electronically or in paper format, whichever is in the city's best interest. On each payday, the pay statement will show gross pay, deductions, and net pay. Direct deposit to an institution of the employee's choosing is required for a city employee to receive ~~his/her~~their bi-weekly pay. Automatic deductions authorized by the city, such as additional tax withholding, contributions to city-sponsored voluntary benefit plans, and individual savings plans, may also be arranged through the human resources ~~department and finance departments.~~ Annual or monthly pay rates are recalculated to correspond to the city's bi-weekly payment schedule.

Sec. 70-52. Base pay.

Base pay is the fixed compensation paid to an employee for performing specific job responsibilities and reported in the pay plan through an hourly calculation.

Sec. 70-53. Appointment rate.

- (a) The appointment rate will be determined based on an evaluation of an applicant's qualifications, including relevant education, training, and experience as compared to others in similar positions. Appointment rates above the middle of the pay grade may be paid with approval of the city manager or designee thereof. No position will be paid above the assigned salary grade maximum.
- ~~(b) — An employee who is rehired at the city within 12 calendar months of voluntarily resigning may retain all leave accrual rates and compensation if reappointed to the same position as they left. An employee who is rehired within 12 calendar months of voluntary resigning will only retain their leave accrual rate if appointed to a different position than the one they left. They will be paid in the same manner as a new employee. Vesting in a pension plan upon rehire will be based upon the provisions of the appropriate pension plan document.~~
- ~~(b) The appointment rate for an employee who is rehired at the City after a layoff or voluntary resignation will be handled pursuant to section 70-39.~~
- ~~(c) The appointment rate for an employee upon transfer, promotion, demotion or voluntary reassignment will be handled pursuant to section 70-59.~~

Sec. 70-54. Disciplinary rate.

~~An appointing authority may impose a temporary reduction in an employee's rate of pay for cause. This temporary reduction in an employee's rate of pay is considered a disciplinary "fine". The pay rate established as a temporary disciplinary pay rate may not be less than the federal and state minimum wage for any employee, and for employees designated as exempt in the city's pay plan, a temporary disciplinary reduction in pay rate may not be less than the minimum weekly applicable salary rate for the respective class of exempt employees as specified by the Fair Labor Standards Act~~Reserved.

Sec. 70-55. Pay increases.

- (a) Pay rate increases within an established pay grade may be granted to an employee based on an employee's performance. An employee will first be considered for a pay increase upon satisfactory completion of the required employment probationary period. Thereafter, employees may be considered for additional pay increases upon either the satisfactory completion of each 12 subsequent months of service, or upon a date established by the city manager as the annual pay increase review date until the employee reaches the maximum rate of the pay grade. All pay increases will be submitted to the director of human resources or a designee for review. No pay increase may be granted in excess of the maximum rate for the pay grade.
- (b) In instances where an employee is denied a pay increase based on performance, the employee's supervisor or appointing authority will ~~make it known in writing to inform~~ the employee in writing of the required areas for in which the employee needs performance improvement of performance. The performance of an employee who is denied a pay rate increase may be reviewed again at a time determined by the appointing authority.

Sec. 70-56. Overtime and compensatory time.

The city will pay overtime and award compensatory time in accordance with applicable federal and state laws, these personnel rules, and any applicable policies established by the city manager.

Sec. 70-56.1. Non-exempt employees.

- (a) A non-exempt employee ~~as defined by the Fair Labor Standards Act of 1938, as amended,~~ ~~and~~ who works in the designated work week longer than 40 hours will be paid for such work in excess of 40 hours at a rate equal to one and a half times the employee's regular hourly rate of pay. Non-exempt employees who are regularly scheduled for 12-hour shifts and who work longer than their scheduled hours during the designated work week will be paid for such work in excess of their scheduled hours of the week. TheySuch non-exempt employees will be paid at a rate equal to one and a half times the employee's regular hourly rate of pay.

- (b) Overtime worked by any employee ~~of the city~~ must be authorized in advance by either the employee's appointing authority or ~~division head or~~ designee thereof. The following leaves will be considered ~~as~~ work days for purposes of computing overtime: sick leave, holiday, floating holiday, extended care leave, fatigue leave, city closure, injury leave, bereavement leave, military leave, administrative leave, and jury duty. Leave time taken, but not listed herein, shall not be considered ~~as~~ time worked for purposes of determining overtime eligibility.
- (~~e~~) 1) Exception: Vacation ~~time taken~~ and compensatory time taken may be used for purposes of computing overtime if it is taken during a week in which an employee, ~~who holds a designated~~ emergency service status ~~position, employee~~ works for non-discretionary reasons during time which ~~fuses with or~~ occurs immediately before or after his/her/their normally scheduled hours for that day. ~~Emergency service status position means those employees in classifications designated by the appointing authority who are subject to call back on a 24-hour basis and who are employed subject to their ability to respond to emergency situations.~~ Such time must be approved by his/her/the employee's supervisor.
- (~~d~~) ~~Pursuant to the provisions of the Fair Labor Standards Amendments of 1985, a(c)~~ A non-exempt employee may choose to receive compensatory time in lieu of pay for overtime work at a rate equal to one and a half hours for each hour of work for which overtime pay is required by this section. A written agreement to permit accrual of such compensatory time must be executed by the employee to permit the accrual and use of compensatory time. However, if the agreement is provided, an employee can accrue no more than 40 hours of compensatory time. Any overtime work in excess of such 40-hour accrual limitation for compensatory time will be paid to the employee as provided above. Compensatory time off may be taken by a non-exempt employee at a time determined by the employee's appointing authority, ~~division head~~ or designee thereof, to be convenient to the city and, where possible, the employee.
- (~~e~~) d) A non-exempt employee who terminates employment with the city for any reason ~~is~~ will ~~be~~ paid for any accrued and unused compensatory time at the hourly rate of pay of the employee at the time of termination.
- (~~f~~) e) Upon notice to payroll, non-exempt employees may choose to cash out their compensatory accruals at any time.
- (~~g~~) f) A non-exempt health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ employee required to work on a city ~~designated~~ holiday will be compensated at a rate equal to one and a half times the employee's regular hourly rate of pay for all hours worked during that holiday. When a holiday falls on a Saturday or Sunday and is observed by the city on an alternate day (Friday prior or Monday following), the appointing authority shall determine

which day of work (the holiday or the city observed day) the non-exempt health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ employee will receive the additional compensation provided herein. The employee may only receive the additional pay for one day per holiday.

Sec. 70-56.2. Exempt employees.

- (a) ~~A regular or probationary~~ An exempt employee ~~of the city who is exempt as provided in Section 213 of the Fair Labor Standards Act of 1938, as amended, and~~ who works in any work week more than 40 hours ~~accrues~~ shall accrue compensatory time at the rate of one hour for each hour worked in excess of 40 hours in a work week. Exempt employees who are regularly scheduled for 12-hour shifts and who work longer than their scheduled hours during the designated work week will accrue compensatory time at the rate of one hour for each hour worked in excess of their scheduled hours of the week. ~~All exempt employees shall be deemed salaried employees.~~
- (b) Compensatory work must be authorized in advance by an employee's appointing authority, ~~division head~~ or designee thereof. The following leaves will be considered as work days for purposes of computing compensatory time: sick leave, holiday, fatigue leave, floating holiday, extended care leave, city closure, injury leave, bereavement leave, military leave, administrative leave, and jury duty.
- (c) ~~1) Exception: Vacation time taken and compensatory time used~~ may be used for purposes of computing compensatory time if it is taken during a week in which an employee, who holds a designated emergency service status position, employee works for non-discretionary reasons during time which fuses with or occurs immediately before or after his/her/their normally scheduled hours for that day. Emergency service status position means those employees in classifications designated by the appointing authority who are subject to call back on a twenty-four hour basis and who are employed subject to their ability to respond to emergency situations. Such time must be approved by his/her/their supervisor.
- (d) ~~A regular or probationary~~ (c) An exempt employee will accrue no more than 40 hours of compensatory time ~~at any given time~~. However, the city manager may, by administrative directive, authorize accruals of compensatory time in excess of 40 hours. Any hours accrued in excess of the 40-hour compensatory time accrual limitation and not otherwise authorized or permitted by administrative directive of the city manager will be forfeited. Compensatory time off may be taken by an exempt employee at a time determined by the employee's appointing authority, ~~division head~~ or designee thereof, to be convenient to the city and, where possible, to the employee. Upon termination of employment, or upon separation for any other reason, an exempt employee is not entitled to any payment or

reimbursement for accrued compensatory time at the time of such termination or separation.

Sec. 70-57. Pay for part-time work.

Pay for part-time work is at the equivalent hourly rate set forth in the pay plan. Pay for holidays, sick leave, and vacation to regular and probationary part-time employees is on a pro rata basis, as determined by the part-time employee's work schedule. Regular and probationary part-time employees will also pay for applicable benefits on a pro rata basis, as determined by the part-time employee's work schedule. Health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ employees who work part time hours are not eligible for city benefits except as provided in section 70-32 of this chapter.

Sec. 70-58. Pay for health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ work.

Pay for health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ work may not exceed the maximum rate for an equivalent position in the pay plan. No employee benefits are granted to a health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ employee except as provided in section 70-32 of this chapter.

Sec. 70-59. PayAppointment rates upon transfer, promotion, demotion or voluntary reassignment.

~~(a)~~ — If an employee is transferred, promoted, demoted, or voluntarily reassigned, the rate of pay for the employee in the new position will be ~~as follows:~~

~~(1) — *Transfer* between positions within the same pay grade, there will be no change in the rate of pay. If an employee is due to be considered for a pay increase within close proximity of the transfer date, consideration may be given for a pay increase at time of transfer based on performance. The employee will serve a probationary period in the new position.~~

~~(2) — *Promotion* is defined as appointment of an employee to a job in a pay grade with a higher maximum rate and additional authority or responsibility. The employee will be placed into the new grade based on an assessment of the employee's the employee's qualifications, including relevant education, training ~~and~~, experience, and seniority, as compared to others in similar positions. This ~~increase~~ new pay amount will not be less than the minimum rate or more than the maximum rate for the new grade. ~~The employee will serve a probationary period in the new position.~~~~

~~(3) — *Demotion* is defined as an involuntary assignment of an employee to a job in a pay grade with a lower maximum rate and less authority or responsibility as a result of performance, disciplinary action, re-organization, or re-engineering. The employee's~~

~~rate of pay will be reduced to not less than the minimum rate of the new grade and not to exceed the maximum rate for the position as determined to be appropriate by the appointing authority. The employee will serve a probationary period in the new position.~~

~~(4) — Voluntary reassignment is defined as a voluntary acceptance of a position in a different classification in a pay grade with a lower maximum rate. The employee will be placed into the new grade based on an assessment of the employee's qualifications, including relevant education, training and experience as compared to others in similar positions. The employee's pay rate will not be less than the minimum or greater than the maximum of the new grade. The employee will serve a probationary period in the new position.~~

Sec. 70-60. Pay rates upon reclassification.

~~(a) All reclassifications will be submitted by the city manager to the city council for adoption with the annual budget and may result in an increase or decrease in grade and An employee's pay.~~

~~(b) — A rate upon reclassification of a position may occur if there is a significant change in the duties and responsibilities of the position and such duties change the position's internal and market value. Requests for a reclassification study may be made to human resources by an employee's appointing authority in a format approved by human resources. The employee will be placed into the new grade will be determined based on an assessment of the employee's qualifications, including relevant education, training ~~and~~, experience, and seniority as compared to others in similar positions. This new pay amount will not be less than the minimum rate or more than the maximum rate for the new grade.~~

~~(c) — A reclassification of a position does not change an employee's evaluation date.~~

~~(b) An employee who has been reclassified will be considered for additional pay increases upon either the satisfactory completion of each 12 subsequent months of service from the date of reclassification, or upon a date established by the city manager as the annual pay increase review date until the employee reaches the maximum rate of the pay grade.~~

Sec. 70-61. Pay rates for temporary acting assignments.

(a) An employee may be temporarily assigned in an acting or interim capacity to a position in a higher pay grade than the position the employee normally occupies. If the employee assumes all authority and responsibility for the new position and the assignment exceeds three calendar weeks, the employee will be granted a temporary increase to the step in the new grade based on an assessment of the employee's qualifications, including relevant education, training ~~and~~, experience, and seniority as compared to others in similar

positions. This increase cannot be less than the minimum or greater than the maximum rate of the pay grade of the position ~~they are~~the employee is filling. Temporary assignment pay will be paid for the full period of the temporary assignment, retroactive to the first day.

- (b) If an employee is serving in a temporary assignment and the employee is due to be considered for a pay increase based on their performance in the position they normally occupy, the employee may be considered for a pay increase upon their return to the normal position and the pay increase will be issued retroactive to the date it was originally due.
- (c) If a temporary acting assignment exceeds a period of 12 months, the employee may be considered for a pay increase upon completion of 12 months in the temporary acting assignment, or at a time designated by the city manager as the annual salary review date.
- (d) Notification of acting status and requests for pay increases during a temporary assignment must be made by memorandum from the appointing authority to the director of human resources.

Sec. 70-62. Longevity pay.

Certain employees hired prior to December 31, 1978, are entitled to longevity pay. Such pay is recognized and ratified for these employees. The city manager may establish administrative procedures for the administration of this compensation.

Sec. 70-63. Reduction of wages.

- (a) Subject to the requirements and limitations of the Fair Labor Standards Act (FLSA), ~~reduction of~~reductions in an employee's regular pay may be made for any of the following reasons:
 - (1) Unauthorized absence_{7.2}
 - (2) Absence due to illness after all sick leave, holiday leave, floating holiday leave, and vacation time has been used_{7.2}
 - (3) Absence due to suspension from duty without pay_{7.2}
 - (4) Leave without pay_{7.2}
 - (5) ~~Disciplinary fine.~~
 - ~~(6) —~~Overpayments_{7.2} or
 - ~~(7)~~ Any other absence not authorized by ~~the rules, regulations,~~this Chapter 70 or by the ~~City Manager~~city manager.

- (b) Whenever an employee works for less than the regularly established number of hours a day, days per week, or weeks per month, the amount paid shall be pro-rated rata based on the number of hours worked for that pay period.
- (c) The employee's appointing authority will approve all reductions in pay.
- (d) It is the ~~City of Arvada's~~city's policy to comply with the salary basis requirements of the ~~Fair Labor Standards Act~~FLSA. Therefore, the city will not intentionally make improper reductions of pay from the salaries of employees not permitted under FLSA. If an employee believes that an improper reduction of pay has been made to ~~his/her salary, s/he~~their pay, they should report this information to payroll or the human resources department. Reports of improper reductions of pay will be promptly investigated. If it is determined that an improper reduction of pay has occurred, the employee will be promptly reimbursed. ~~Furthermore, if~~ the city makes an overpayment, the city will set up a repayment schedule after conferring with the employee.

Sec. 70-64. Call-back pay.

Regular and probationary non-exempt employees who are called back to work outside of their regular work hours shall be paid a minimum of two hours of overtime pay at one and one-half times the normal rate of pay. A regular or probationary non-exempt employee may choose to receive compensatory time in lieu of overtime pay. The two-hour minimum shall not apply when the overtime hours overlap with or ~~fuse~~coincide with the normal work hours. The ~~employee's~~employee's supervisor has the right to assign an employee under this provision to work on any other projects for the full two hours paid. Multiple ~~call-outs~~callouts within any two-hour timeframe will count as one ~~call-out~~callout for this section. Call-back pay applies to non-exempt employees subpoenaed to appear in court on ~~the~~ behalf of the ~~City of Arvada~~city outside of their normal work hours.

Sec. 70-65. On call pay.

- (a) — Regular and probationary non-exempt employees assigned to be on call ~~and carry a pager, cell phone or other types of paging devices~~ for a set period and required to be available to respond to emergency situations on a 24-hour a day basis will be paid on call pay. Such employees may not consume alcohol or any impairing controlled ~~substance~~substances or drugs, including marijuana, during their on-call period and will need to respond to the emergency situation in a time frame determined by the employee's department. The employee shall be compensated, in addition to ~~his/her~~their regular pay, in accordance with a policy established by the city manager.
- (b) — ~~Employees who are called back to work will be paid call-back pay and will not receive additional on-call pay for that 24-hour period.~~

~~(c) — Employees receiving assignment pay are not eligible for on-call pay.~~

Sec. 70-66. Assignment pay.

~~Assignment pay is paid to all non-exempt regular~~Regular and probationary ~~non-exempt~~ employees who are required by their supervisors to carry a pager or cell phone or other types of paging devices and assigned to be on call 24-hours per day, ~~seven days a week, on an~~ for a continuous, consecutive and ongoing basis of 27 weeks or more and required to respond to an emergency situation will be paid assignment pay. Such employees may not consume alcohol or any impairing controlled substances or drugs, including marijuana, while on assignment and will need to respond to the emergency situation in a time frame determined by the employee's department. The employee shall be compensated in addition to his/her their regular pay in accordance with a policy established by the city manager.

Sec. 70-67. Shift differential pay.

~~Those~~Non-exempt regular and probationary employees who are scheduled on an ongoing basis to work shifts that are other than that which is generally considered as the day shift shall be compensated at a rate of one percent of pay for second shift/swing shift and two percent for third shift/graveyard shift. Shift differential pay will be calculated on the employee's base plus overtime pay or compensatory time pay.

Sec. 70-68. Transportation allowance, travel, and miscellaneous expenses.

Employees who incur expenses in the conduct of city business, such as use of a personal car, out-of-pocket miscellaneous expenses, and travel expenses while in attendance at approved meetings and conferences, shall be reimbursed for such expenses in accordance with a policy established by the city manager.

Sec. 70-69. Bonuses and special incentives.

The city manager may implement bonuses or special incentive programs in addition to the salary rates established in the official pay plan.

Sec. 70-70. Pay at death.

Upon the death of an employee, any pay due to the employee will be paid to the employee's surviving spouse. If the employee has no surviving spouse, any pay due to the employee will be paid to the employee's estate.

Sec. 70-71. Deferred compensation.

Employees are permitted to participate in a deferred compensation or other such plan as authorized by the city council and approved by the city manager. Employees may exchange a portion of regular vacation and/or vacation exchanged for sick leave as specified in ~~section 70-105.2 of this chapter~~ a policy authorized by the city manager. The monetary value of this exchange will be put into the employee's deferred compensation plan subject to the terms and limitations established by the city manager.

Sec. 70-72. Medical and dependent care spending accounts.

Regular and probationary employees may participate, in accordance with applicable state and federal law, in pre-tax medical care and ~~dependant~~dependent care spending accounts as authorized by the city council and approved by the city manager. Employees are authorized to have such amounts as they may choose withheld from their paycheck, subject to the terms and limitations that the city manager deems lawful and appropriate, and to spend such sums consistent with the purposes of the spending accounts. The city is authorized to withhold from the employees such amounts to pay and make payment on behalf of the employees consistent with the terms and limitations established by the city manager. The city is authorized to determine the lawful disposition of such spending account funds withheld but not spent in a manner consistent with applicable state and federal law.

Sec. 70-73. Retirement health savings plan.

Regular and probationary employees may participate, in accordance with applicable state and federal law, in retirement health savings ~~plan~~plans as authorized by the city council and approved by the city manager. Employees are authorized to have such amounts as they may choose withheld from their paycheck, subject to the terms and limitations that the city manager deems lawful and appropriate. The city is authorized to withhold from the employees such amounts to pay and make payment on behalf of the employees consistent with the terms and limitations established by the city manager. The city is authorized to determine the lawful disposition of such spending account funds withheld but not spent in a manner consistent with applicable state and federal law.

Secs. 70-74—70-99. Reserved.

ARTICLE IV - ATTENDANCE AND LEAVE

Sec. 70-100. Hours of work, work assignments, and schedules.

- (a) All employees have a seven day work period that complies with the Fair Labor Standards Act. Unless otherwise authorized in writing by the director of human resources, the work period begins at midnight (12:00 a.m. M.S.T.) on Saturday and ends at 11:59 p.m. M.S.T. on Friday. The normal work schedule may vary within ~~divisions~~departments based on business reasons set by management.

- (b) ~~Supervisors are~~The appointing authority, or their designee, is responsible for scheduling work assignments. The appointing authority or ~~his/her~~their designee may change work assignments, schedules, organization, or structure at any time based on the needs of the city.
- (c) Flexible and remote work schedules may be available ~~when service to the public or other customers is enhanced, or is not impaired, as determined by the appointing authority or his/her designee. In establishing~~in accordance with a flexible schedule, the employee must fulfill his/her standard work week requirements. Flexible work schedules must be policy approved ~~in writing by the employee's appointing authority or his/her designee.~~by the city manager.

Sec. 70-101. Time reporting.

- (a) The attendance of all employees is recorded daily by each department and is submitted to payroll every two weeks. Attendance records are city records and care must be exercised in recording the hours worked, overtime hours, compensatory time accruals, leave taken, and absences. Employees are responsible for accurately and correctly recording their own time and may not complete time records for another employee unless specifically authorized to do so by that employee's appointing authority or their designee.
- (b) Any time away from work during an employee's scheduled hours must be documented on the time entry form. Time away from work requires prior approval from the employee's supervisor. Use of sick, vacation, holiday, floating holiday, ~~comp~~compensatory time, or any other use of time must be reported. Leave time can be used in 15-minute increments. Regular and probationary employees must account for all scheduled time by entering hours worked or approved paid or unpaid leave.

Sec. 70-102. Attendance and punctuality.

Employees are required to be in attendance at their work location in accordance with their job assignment and approved work schedule. Employees are expected to be at work on all scheduled work days and during all scheduled work hours and to report to work on time. Employees must report any absences and tardiness according to the guidelines determined by the employee's appointing authority.

Sec. 70-103. Holiday leave.

- (a) All regular and probationary full-time employees are granted 13 eight-hour paid holidays each calendar year. Ten of these holidays are the following:
 - (1) New Year's Day;

- (2) Martin Luther King, Jr.'s Birthday;
 - (3) Presidents' Day;
 - (4) Memorial Day;
 - (5) Juneteenth;
 - (6) Independence Day;
 - (7) Labor Day;
 - (8) Thanksgiving Day;
 - (9) Day after Thanksgiving; and
 - (10) Christmas Day.
- (b) Holiday means the period between midnight (12:00 a.m.) to 11:59 p.m. of the day on which the holiday occurs.
- (c) The remaining 24 holiday hours are floating holidays and will be scheduled and taken between the first and last pay period of the current year by each employee with the approval of the employee's supervisor. In the case of employees assigned to shift work, whose services are required on a 24 hours-per-day or seven days-per-week basis, the holidays shall be set out in the employee's annual work schedule in a time convenient to both the employee and the city. If a probationary employee is hired between February and December, ~~s/he~~the probationary employee will receive a pro ~~rated~~rate amount of floating holiday time for the first calendar year of employment. The amount received will equal two hours for each month of employment during the calendar year in which ~~s/he~~the probationary employee is hired. For example, an employee hired in November will receive four hours of floating holiday time for the first calendar year. The time will be placed in the employee's floating holiday accrual in one lump sum.
- (d) Upon termination, an employee will be paid for any unused holiday time for holidays that have already occurred. Any holiday time used, but unearned at the time of termination, will be deducted from accrued leaves or final pay. Floating holiday will be considered as "earned" at a rate of two hours per month.
- (e) When a holiday occurs on Saturday, the preceding Friday will be observed; when it occurs on Sunday, the following Monday will be observed. When a holiday occurs during an employee's vacation, the employee may use the holiday time. Vacation is not charged for that holiday. If an employee is on sick leave on a holiday, the employee may use the holiday

time. Sick leave is not charged for the holiday. If an employee is scheduled to work on a holiday and is sick, holiday leave is not charged for the scheduled work day. If an employee is scheduled to work on one of the nine designated holidays ~~s/he~~the employee will record regular hours worked. ~~S/he~~The employee will then have the unused holiday hours available to use on another day at a time convenient to both the employee and the city.

- (f) Regular and probationary part-time employees will receive holiday pay on a pro rata basis, as determined by the part-time employee's work schedule.
- (g) Regular and probationary employees who are on administrative leave on a designated holiday will charge ~~his/her~~their time to administrative leave for that day and will have the unused holiday hours available to use on another day at a time convenient to both the employee and the city.

Sec. 70-104. Vacation leave.

- (a) Each regular and probationary full-time employee earns and is allowed to take annual vacation leave with pay as follows:

Years of Service	Monthly Accruals (Hours)	
	Civilian	Sworn Police
0 through 4	8	9.33
5 through 9	10	10.66
10 through 14	12	12.66
15 or more	13.33	14.66

- (b) Regular and probationary part-time employees will receive vacation leave on a pro rata basis, as determined by the part-time employee's work schedule.
- (c) Vacation time may not be taken until after it is earned. The time at which an employee takes vacation will be determined by ~~his/her~~the employee's supervisor at a time convenient to both the employee and the city. If an illness occurs while an employee is on vacation and would normally justify allowance for sick leave, then that time will not be counted against vacation leave if so requested by the employee and approved as provided for in the appropriate leave section. Regular and probationary employees who are separated from the city will be compensated for vacation accrued to the date of separation at the employee's rate of pay at the time of separation. The only exception to this rate of pay is the excess vacation accruals referred to at the end of this section.

- (d) No employee shall, without the express written consent of the city manager, accrue at any time more vacation leave for civilian or sworn police employees respectively than the following:

Years of Service	Accrual Maximums (Hours)	
	Civilian	Sworn Police
0 through 4	192	224
5 through 9	240	256
10 through 14	288	304
15 or more	320	352

- (e) For regular and probationary part-time employees, such maximums are determined on a pro rata basis, as determined by the part-time employee's work schedule. If a regular or probationary employee's scheduled hours are reduced resulting in a lower maximum (for example, from full-time to 50 percent part-time), the employee will be paid the dollar value of any vacation hour accruals in excess of the new, pro-rata maximum. This payment will occur at the time of the change in hours.
- (f) Certain employees are entitled to excess vacation accrual amounts from 1985 and 1997. Such leave accruals are recognized and ratified. The city manager may establish administrative procedures for the administration of this benefit.

Sec. 70-105. Sick leave.

~~(a) — Regular or probationary full-time employees hired or re-hired on or after January 1, 2012, accrue 3.69 hours of sick leave per pay period up to a maximum of 1,040 hours per calendar year. Upon reaching the maximum accrual, employees hired or re-hired on or after January 1, 2012 shall accrue no further sick leave until the maximum accrual is reduced through authorized usage below 1,040 hours. When accrual is reduced below the maximum accrual provided herein, the affected employee may then accrue sick leave to the maximum accrual. Regular and probationary part-time employees accrue leave on a pro rata basis according to the number of hours for which the employee is scheduled. For regular and probationary part-time employees, such maximums are determined on a pro rata basis, as determined by the part-time employee's work schedule. If a regular or probationary employee's scheduled hours are reduced resulting in a lower maximum (for example, from full-time to 50 percent part-time), the employee's accrued hours will be retained but no additional hours will be accrued until such a time the employee's balance falls below the new maximum.~~

~~(b) — Regular or probationary full-time employees hired or re-hired prior to January 1, 2012 accrue 3.69 hours of sick leave per pay period and shall not be subject to the limitation on sick~~

~~leave accrual described in subsection (a) of this section. Regular and probationary part time employees accrue leave on a pro rata basis according to the number of hours for which they are scheduled.~~

~~(c) — Employees who do not meet the definition of regular or probationary part time or full time employees, will accrue one hour of paid sick leave for every thirty hours worked by the employee, earning up to a maximum of 48 hours of sick leave per calendar year. Unused sick leave hours may be carried over to the following calendar year. Upon reaching the maximum accrual of 48 hours, employees who do not meet the definition of regular or probationary part time or full time employees will not accrue further sick leave until the maximum accrual is reduced through authorized usage below 48 hours. When accrual is reduced below the maximum accrual of 48 hours, the affected employee may then accrue sick leave to the maximum accrual. Under no circumstances shall the employee accrue or use more than 48 hours of sick leave in any one calendar year.~~

~~(d) — If an employee separates from employment with the city and is rehired by the city within six months, the city will reinstate up to 48 hours of sick leave which the employee had accrued but not used prior to the employee's separation of employment.~~

~~(e) — Sick leave is granted to an employee by approval of the employee's immediate supervisor when the employee is unable to perform the employee's job duties because the employee:~~

~~(1) — Has a mental or physical illness, injury, or health condition that prevents the employee from working; or~~

~~(2) — Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or~~

~~(3) — The employee needs to care for a family member who:~~

~~a. — Has a mental or physical illness, injury, or health condition; or~~

~~b. — Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or~~

~~(4) — Needs to obtain preventative medical care; or~~

~~(5) — The employee or the employee's family member has been the victim of domestic violence, sexual assault, or harassment and the use of the leave is to:~~

~~a. — Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury, or health condition caused by the domestic abuse, sexual assault, or harassment;~~

- b. ~~Obtain services from a victim services organization;~~
- c. ~~Obtain medical care or other counseling;~~
- d. ~~Seek relocation due to the domestic abuse, sexual assault, or harassment; or~~
- e. ~~Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment; or~~
- (6) ~~Due to a public health emergency, a public official has ordered closure of:~~
 - a. ~~The employee's place of business; or~~
 - b. ~~The school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.~~
- (f) ~~Prior to the beginning of the workday, an employee must request, orally, in writing, or electronically, to use paid sick leave, notifying their immediate supervisor each day the employee seeks to use paid sick leave.~~
- (g) ~~With the exception of sick leave taken due to a public health emergency closure or leave related to the preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment, the city may request that an employee provide a physician's statement regarding the employee's use of paid sick leave if:~~
 - (1) ~~The paid sick leave consists of four or more consecutive work days; or~~
 - (2) ~~If the employee has used 48 hours or more of paid sick leave during the calendar year.~~
- (h) ~~Any physician's statement requested pursuant to the requirements of this section should include:~~
 - (1) ~~The probable duration of sick leave;~~
 - (2) ~~The prognosis of the employee's fitness to return to work; or~~
 - (3) ~~The earliest date for return to limited duty and a list of limitations, if any.~~
- (i) ~~Upon the start of fifth consecutive day or the 49th work hour of paid sick leave usage, the employee shall contact the human resources department to determine whether the employee's use of sick leave is covered by the Family and Medical Leave Act. For extended illness, the employee may be eligible for long term disability coverage. The employee should contact the human resources department for more information.~~

~~(j) — For purposes of this section, "family member" is defined as:~~

~~(1) — A person who is related by blood, marriage, or civil union, or adoption;~~

~~(2) — A child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor; or~~

~~(3) — A person for whom the employee is responsible for providing or arranging health or safety-related care.~~

The city will grant sick leave to employees in accordance with applicable federal and state laws and a policy established by the city manager.

Sec. 70-105.1. Sick leave advance.

~~An appointing authority may grant a probationary employee who has worked for the city for less than a year, an advance of sick leave not to exceed 96 hours during the employee's first year (pro rata for part-time employees) provided all vacation and floating holiday hours have been exhausted. All requests by an eligible employee for an advance of sick leave must be in writing and offer a justification for the request. A sick leave advance may be requested for the reasons listed in the prior section. A request for an advance of sick leave must be approved by the appointing authority. There must be a reasonable prospect that the employee will be able to offset the advance by future unused accruals of sick, vacation, compensatory time, holiday, and other authorized leaves. Any employee, who is indebted to the city for sick leave advanced but not accrued at the time of separation, will have his/her final pay deducted to offset the indebtedness for sick leave advanced.~~Reserved.

Sec. 70-105.2. Sick leave exchange.

~~An employee who shall have accumulated more than 480 hours, but less than 720 hours, of sick leave may exchange any hours in excess of 480 hours on the basis of three hours sick leave for one hour vacation time (pro rata for part-time employees). An employee who shall have accumulated more than 720 hours of sick leave may exchange any hours in excess of 720 hours on the basis of two hours sick leave for one hour vacation time, provided any exchange of sick leave that reduces the accrued balance to 720 hours or below shall be at the 480—719 hour rate (pro rata for part-time employees). For an employee with 480—719 hours of sick leave, any exchange of sick leave for vacation time shall be limited to a maximum of 24 hours of vacation time per calendar year. For an employee with 720 hours or more of sick leave any exchange of sick leave for vacation time shall be limited to a maximum of 40 hours of vacation time per calendar year. For regular and probationary part-time employees, such maximums are determined on a pro rata basis, as determined by the part-time employee's work schedule. Exchanges can occur only once a year. The time of the year is designated by each individual employee.~~

An employee may exchange sick leave hours for vacation time in accordance with a policy established by the city manager.

Sec. 70-105.3. Sick leave payout upon death or retirement.

~~(a) — Upon the death of a regular employee, human resources will automatically convert any accumulated~~The city may pay out ~~sick leave in excess of 480 hours into vacation time per the procedure listed above.~~

~~(b) — Except as provided herein, upon separation or termination of employment, an employee is not entitled to any payment or reimbursement for accrued sick leave. However, any regular full-time or part-time employee who was employed before December 31, 1979, is eligible to receive payment for accumulated sick leave not to exceed 480 hours upon the death or retirement of such employee. Payment to an eligible employee for accumulated sick leave shall be calculated at the rate of pay that the employee is paid at the time of the death or separation of the employee in accordance with a policy established by the city manager.~~

Sec. 70-105.4. Sick leave bank.

~~(a) — An employee who is facing a life-threatening illness or injury may apply for additional sick leave from the sick leave bank provided all other leaves have been exhausted. Under extraordinary circumstances, as determined by the director of human resources upon the recommendation of the appointing authority, the sick leave bank may be used by a regular or probationary employee for the care of an employee's spouse, child, or the person who the employee identifies as his/her significant other or domestic partner whose primary residence or place of primary abode is the same as the employee and who is facing a life-threatening illness or injury. The creation and employee use of the sick leave bank is governed by a policy established by the city manager.~~

~~(b) — The sick leave bank is composed of unused sick leave hours from employees who choose to donate a portion of their sick leave. An employee may donate up to ten percent of his/her sick leave to the sick bank one time per year.~~

~~(c) — The employee (or family representative) must make their request in writing with an explanation of the illness and seek approval from the appointing authority and the director of human resources. The employee may request up to 720 hours (pro rata for part-time employees) from the sick bank in any 12-month period.~~

Sec. 70-105.5. Additional paid sick leave during a public health emergency.

~~(a) — If a public health emergency is declared, the city will supplement an employee's paid sick leave as necessary so as to ensure that each full-time employee has at least 80 hours of paid sick leave. The amount by which an employee's paid sick leave shall be supplemented by the city is calculated by subtracting the amount of accrued, unused paid sick leave available~~

~~to the employee on the date the public health emergency is declared from 80 hours. In no event shall an employee have paid sick leave hours deducted if the employee has in excess of 80 hours of paid sick leave available on the date an emergency is declared.~~

- ~~(b) — If a public health emergency is declared, the city will supplement an employee's paid sick leave as necessary so as to ensure that employees who are not considered full time employees have available paid sick leave which is equal to the greater of either the amount of time the employee is scheduled to work in a 14 day period or the amount of time the employee actually works on average in a fourteen day period.~~
- ~~(c) — An employee may take paid sick leave related to a public health emergency for the following purposes:
 - ~~(1) — The employee needs to self isolate and care for oneself because the employee is diagnosed with, is experiencing symptoms of, or seeking preventive care concerning a communicable illness that is the cause of a public health emergency; or~~
 - ~~(2) — The employee needs to self isolate and care for a family member because the family member is diagnosed with, is experiencing symptoms of, or is seeking preventative care concerning a communicable illness that is the cause of the public health emergency.~~~~
- ~~(d) — The term "family member" is defined for purposes of this section in the same manner as the term is defined in section 70-105(j) of the Arvada City Code.~~
- ~~(e) — The employee shall notify the employee's immediate supervisor of the need for sick leave under this section as soon as practicable.~~
- ~~(f) — Documentation is not required to take paid sick leave under this section.~~
- ~~(g) — An employee may use paid sick leave under this section until four weeks after the official termination or suspension of the public health emergency.~~
- ~~(h) — For purposes of this section, "public health emergency" is defined as an act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent for which:
 - ~~(1) — An emergency is declared by a federal, state, or local public health agency;~~
 - ~~(2) — A disaster emergency is declared by the governor; or~~~~

- (3) ~~— A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.~~

Additional paid sick leave may be granted to and used by employees during a public health emergency in accordance with applicable federal and state law or public health orders, and a policy established by the city manager.

Sec. 70-106. Family and Medical Leave Act (FMLA) leave.

- (a) The Family and Medical Leave Act (FMLA) allows for 12 weeks of leave in a 12-month period, for the birth and care of a newborn, the adoption or placement of a child in foster care, an employee's own serious health condition, or the serious health condition of an employee's spouse, child (under the age of 18 or older if disabled), or parent. This leave may be paid or unpaid depending on circumstances and in accordance with a policy established by the city manager.
- (b) In order to be eligible for FMLA, an employee must have worked for the City of Arvadacity for at least 12 months and 1,250 hours in the previous 12 months.

Sec. 70-107. Extended medical leave.

The city recognizes that some illnesses may extend past the 12 weeks that FMLA allows for serious health conditions. ~~This policy is intended to give employees who need extended leave, for reasons of their own serious health condition and/or a workers compensation related injury, a reasonable time to recuperate and recover.~~ Regular full-time and part-time employees who have been on FMLA for 12 weeks may request an extended leave up to an additional 14 weeks. to recuperate and recover from the serious health condition underlying the FMLA leave. The decision to extend the medical leave will depend on the business needs of the organization and is subject to approval by the appointing authority, in accordance with a policy established by the city manager.

Sec. 70-108. Injury leave.

- (a) Any probationary or regular employee who suffers an injury or illness in the line of duty and is covered by ~~workers' compensation~~ the Workers' Compensation Act is granted up to 720 hours of paid injury leave (pro-rated for probationary and regular part-time employees). ~~The~~ if the work related injury or illness ~~must render~~ renders the employee unable to perform ~~his/her~~ the employee's regular duties. If the work related injury or illness is the result of the carelessness or negligence of the injured employee, or, if the employee fails to notify the city in writing within 48 hours of the occurrence of the incident, the employee is not eligible for injury leave. If the employee's claim is not covered under the Workers' Compensation Act ~~and, such that~~ the employee is ~~therefore~~ not entitled to injury

leave, the employee may use other applicable accrued leave for which ~~s/he~~the employee is eligible.

~~(b)~~(b) Paid injury leave may not be taken for doctor-ordered hospitalization, recuperation, office visits or physical therapy appointments that occur outside the employee's regular working hours. Supervisors may allow employees to flex hours for these appointments in instances where the employee works a non-traditional work schedule, such as nights or weekends.

~~(c)~~(c) Paid injury leave is not available to health plan eligible, variable hour, and seasonal, ~~and non-benefited~~ employees. Notwithstanding the preceding, all employees, including health plan eligible, variable hour, and seasonal, ~~and non-benefited~~ employees, with work-related injuries or work-related illnesses are subject to the same reporting, transitional, and modified duty requirements as are probationary and regular employees, as set forth below. In the case of health plan eligible, variable hour, and seasonal, ~~and non-benefited~~ employees, all work time missed due to doctor-ordered hospitalization, recuperation, office visits or physical therapy appointments, will be reported and tracked as non-paid injury leave per instructions from the city's finance department. Such tracked time may be reported to ~~Colorado Worker Compensation~~Colorado's Division of Labor and Employment in accordance with any then current state requirements. Qualifying wage reimbursement, if any, will be provided by ~~Colorado Worker Compensation~~Colorado's Division of Labor and Employment.

~~(d)~~(d) Injury leave ceases upon the occurrence of one or more of the following situations:

- (1) ~~When the~~The employee is returned to regular or modified duty; ~~or~~
- (2) ~~When the~~The employee reaches maximum medical improvement; ~~or~~
- (3) ~~When the~~The employee refuses a transitional or a temporary modified duty assignment, and such employment is offered to ~~him/her~~the employee in writing and is within the restrictions provided by the authorized physician; or
- (4) ~~When a~~A physician, approved by the city, determines that the employee is no longer capable of performing the essential functions of the position.

~~(e)~~(e) If, for the purpose of obtaining any order, benefit, award, compensation, or payment under the provisions of the Workers' Compensation Act, either for self-gain or for the benefit of any other person, anyone makes a false statement or representation material to the claim, the city shall report such person ~~commits a class five felony and shall to the proper authorities. Such person~~ may be punished pursuant to state ~~statute~~or federal law and shall forfeit all rights to workers' compensation benefits upon conviction. Furthermore, such action may result in disciplinary action, up to and including termination from employment.

- (ef) If a child support obligation is owed, compensation benefits may be attached and payment of the child support obligation may be withheld and forwarded to the obligee pursuant to state statute.

Sec. 70-109. Transitional duty and modified duty.

- (a) A transitional duty assignment is temporary work in another position that can be performed by an employee who is unable to perform ~~his/her~~the employee's essential job functions due to physical or other limitations set forth by a certified ~~health-care~~healthcare provider. A modified duty assignment is created when the employee's current position is temporarily adapted to meet the recommendations of the ~~health-care~~healthcare provider. An employee in transitional or modified duty status must remain under the care of a ~~health-care~~healthcare provider. The human resources department and/or risk management ~~department~~ will work with the ~~department managers~~appointing authority to determine if transitional or modified duty is available and what type of duty will best fit the needs of the organization and the employee. Transitional or modified duty is not guaranteed.
- (b) A transitional or modified duty assignment will not exceed 90 ~~calendar~~ days, unless additional time is granted based upon consideration of the needs of the city and the nature of the employee's injury ~~/ or~~ illness. In no event shall transitional ~~/ or~~ modified duty assignment(s) exceed a total of 12 consecutive months or 18 months of intermittent duty for any single injury ~~/ or~~ illness. Transitional or modified duty shall not create an obligation for the city to permanently modify or alter any position.

Sec. 70-110. Victims of domestic abuse leave.~~(a) The Colorado Domestic Abuse Leave law allows for three working days of leave in a 12-month period for eligible employees who must protect themselves by doing the following: (i) Seeking services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence; (ii) seeking a civil protection order to prevent domestic abuse; (iii) obtaining medical care or mental health counseling for himself/herself or for his/her children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, sexual assault, or other crime involving domestic violence; (iv) making his/her home secure from the perpetrator or seeking new housing to escape the perpetrator; (v) Seeking legal assistance, attending and preparing for court-related proceedings arising from domestic violence acts.~~

~~(b) — An eligible employee must be employed by the city for at least 12 months preceding the commencement of the leave. This leave applies~~Leave related ~~to employees who are victims of the following statutorily defined events: (i) domestic violence or abuse; (ii) stalking; (iii) sexual assault; or (iv) a crime found by a court on the record~~will be granted ~~to include an act of domestic violence.~~

~~(e) — This leave may be paid or unpaid depending on circumstances~~ eligible employees in accordance with state and federal law, and in accordance with a policy established by the city manager.

Sec. 70-111. Fatigue leave.

Fatigue leave is granted to a regular or probationary employee for rest (during ~~his/her~~the employee's regular work shift) when that employee has been required to work extended overtime on an emergency basis, or perform duties which have been identified as essential by the appointing authority, during what would normally be sleeping hours. The employee's supervisor may grant fatigue leave in accordance with a policy established by the city manager. ~~The employee's supervisor may grant fatigue leave when, in his/her best judgment, the employee's fatigue may cause him/her to become a hazard to himself/herself, fellow employees, or bystanders; or the employee may no longer productively perform assigned tasks because of fatigue.~~

Sec. 70-112. Bereavement leave.

- (a) An employee will be granted up to 40 hours per incident (pro rata for part-time employees) of bereavement leave for the death of an immediate family member, with the approval of ~~his/her~~the employee's direct supervisor. ~~Immediate~~For purposes of this section "immediate family member" consists of an employee's spouse, child, parent, sibling, grandparent, grandchild, (including natural, step, adopted, foster, or in-law relationships). This also includes any other relative or person who the employee identifies as ~~his/her~~the employee's significant other or domestic partner whose primary residence or place of primary abode is the same as the employee.
- (b) The appointing authority may grant additional time if deemed appropriate at the written request of the employee for an occurrence such as an out-of-state funeral.
- (c) An employee may also be granted up to four hours of bereavement leave to attend the funeral of a recently deceased city employee provided the bereavement leave granted for such purposes does not exceed the actual time necessary for attending the funeral and reasonable travel time as determined and approved by ~~his/her~~the employee's immediate supervisor.

Sec. 70-113. Military leave.

Military leaves of absence are granted to employees in accordance with all state and federal laws and a policy established by the city manager.

Sec. 70-114. Jury duty.

- (a) The city recognizes jury duty ~~to be the~~ a civic responsibility of our community. Health plan eligible, variable hour, seasonal, ~~non-benefitted~~, probationary, and regular employees, who have worked for the city for a minimum of three months within the previous 12 months of receiving a jury summons, are eligible for payment from the city during part or all of ~~his/her~~ the employee's jury duty service.
- (b) All probationary and regular employees will be paid their normal salary for scheduled workdays of jury duty. The salary paid will be based on the employee's scheduled hours. The employee may keep any additional pay received from the court.
- (c) If the employee has been selected for grand jury duty, the court pays a set amount plus expenses beginning with the first day of service. In addition, the city will pay a probationary or regular employee ~~his/her~~ their regular scheduled salary. The employee may keep any additional pay received from the court.
- (d) The city will pay health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ employees for the first three days of jury duty only. The health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ employee will only be paid for time scheduled on those days. The employee may keep any additional pay received from the court. Beginning with the fourth day of service, the health plan eligible, variable hour, or seasonal, ~~or non-benefitted~~ employee will be paid a set amount each day as pre-determined by the State of Colorado for jury duty service.
- (e) If the employee is not scheduled to work on a day in which the employee is scheduled to participate in jury duty, there will be no compensation from the city for that day.
- (f) The city will not reimburse employees for mileage, parking, or meals. Any payment from the court may be kept.
- (g) All employment benefits will remain the same during jury duty.
- (h) If an employee is involved as a party or as a witness in litigation to which the city is not a party, the employee may use any accrued vacation, holiday, or compensatory time or, if no leave is available, seek approval for leave without pay.

Sec. 70-115. Time off to vote.

Under most circumstances, it is possible for employees to vote either before or after work. If, after consultation between an employee and ~~his/her~~ their supervisor, it is determined that an employee does not have adequate time before or after work to vote, such time will be allowed during normal work hours. Time off will not exceed two hours. If it is necessary for an employee to use such time, ~~s/he~~ the employee should make arrangements with ~~his/her~~ the employee's supervisor in a

timely manner. The time allowed will be so arranged as to create the least disruption possible in the work.

Sec. 70-116. Administrative leave.

Administrative leave is leave with pay which is not provided for by other paid leaves. It may be granted to or required of an employee. Administrative leave may be granted at the discretion of the appointing authority or the city manager for the benefit of the city. Administrative leave may be used for workplace investigations, prior to a ~~predisciplinary~~pre disciplinary administrative meeting, or for other city related purposes as determined by management.

Sec. 70-117. Leaves of absence without pay.

- (a) Employees may be granted a leave of absence without pay with the approval of the appointing authority, if all other eligible leave has been exhausted, or if the appointing authority finds that such leave serves the business needs of the city. For an employee--initiated leave of absence without pay, an employee must utilize all other eligible leave ~~that is available~~ to the employee prior to initiating a leave without pay. Employees taking a leave of absence without pay under the city's sabbatical leave policy and procedure are not required to utilize all other eligible leave prior to initiating a leave without pay.
- (b) If leave without pay is needed during an eligible Family and Medical Leave Act (FMLA) leave or extended care leave, such leave will be governed by the city's FMLA or extended care leave policy ~~and procedure, as may be applicable~~, and is not subject to this section.
- (c) A leave of absence without pay will be approved by the appointing authority when it is in the best interest of the city. When a leave of absence without pay is initiated by the employee, the best ~~interest~~interests of ~~the~~ city ~~service~~ must also be ~~determined~~considered in granting such leave. ~~In granting~~ Upon the conclusion of such leave, ~~the city allows~~ an employee ~~to return~~returns to work ~~at the end of the leave to~~with the same duties and the same salary that the employee was ~~performing and earning~~held when the leave commenced.
 - (1) In the event an employee takes a leave of absence without pay without the approval of the appointing authority and does not report to work, the employee's absence shall be construed as an unauthorized absence and may be grounds for discipline.
- (d) If an employee's position is eliminated while the employee is on such leave, the employee has no claim to the position, and the employee will be promptly notified ~~promptly~~. If the employee fails to comply with any conditions of the leave or fails to return to work as specified in the approval of the leave, then the employee is presumed to have resigned from city employment effective the last day of the approved leave.

- (e) During a leave of absence without pay, the following is required:
- (1) The employee will be put on inactive status;
 - (2) The employee will not earn or accrue any leave of any kind or any other benefits. However, if a set holiday is scheduled to occur during an approved leave without pay, ~~s/he~~the employee may use ~~his/her~~their holiday leave prior to starting the leave without pay;
 - (3) ~~The~~Neither the employee ~~cannot~~nor the city will contribute to a ~~City of Arvada pension plan. The city will not contribute to the employee's pension~~city retirement plan; and
 - (4) For a leave without pay of two or more consecutive, full pay periods, the employee is responsible for payment of 100 percent of the premium during those pay periods for any medical, dental, vision, life, or disability benefits offered by the city ~~s/he~~that the employee wishes to continue.

Sec. 70-118. Facility closure.

~~(a) — If city facilities are closed due to an emergency condition for up to three days, non-essential regular and probationary employees will receive time designated as "city closure" for the time between closure of the facility and the end of the employee's normal working hours. Essential regular and probationary employees who work after closure will receive city closure leave time equal to their scheduled working hours from the time of closure to the end of the normal working day. Such leave time must be used within 90 calendar days after the city facilities reopen.~~

~~(b) — Health plan eligible, variable hour, seasonal, or non-benefitted employees will receive no compensation for closure of city facilities. If temporary or non-benefitted employees are deemed essential, they are required to report to work that day as regular essential employees and will be paid at their regular rate of pay.~~

~~(c) — Employees who are on pre-arranged and approved vacation leave, sick leave, military leave, bereavement leave, leave without pay, holiday leave, or other paid leave when a closure occurs will not be granted additional leave as compensation for closure of city facilities.~~

~~(d) — Regular and probationary employees who are unable to report to work will call their immediate supervisor before their normally scheduled work shift. Regular or probationary employees who are unable to report to work due to no fault of their own may apply accrued vacation leave, holiday leave, or compensatory time to the missed work hours, with approval of their immediate supervisor. Leave without pay may be used by an employee unable to report to work if the employee has no holiday, compensatory time, or vacation time available to use, and the leave without pay is approved by the appointing authority. Employees who arrive late to work~~

~~due to a city-related emergency may be excused for up to two hours without being charged leave, at the discretion of the appointing authority.~~

~~(e) — During a closure of city facilities for more than three days, employees who are able to continue their job responsibilities from home will be compensated for hours worked. Employees, who are unable to work from home, may be directed to an alternative work site by their immediate supervisor.~~

~~(f) — If city facilities are closed due to an emergency situation the city manager, at his or her discretion, will decided what compensation, if any, will be made.~~

The city manager or their designee has the authority to close one or more city facilities to protect the safety of city employees and residents. In the event of a facility closure, employee compensation will be determined in accordance with a policy established by the city manager.

Sec. 70-119. Sabbatical leave.

A regular employee who has worked for the city for a minimum of seven consecutive years and is considered to be in good standing shall have the opportunity to take up to three months of time for the purpose of rejuvenation or the pursuit of a personal objective or aspiration. ~~Being in good standing means the employee must have an overall positive performance appraisal from the prior year and no disciplinary actions in their official personnel file. For purposes of this section, "disciplinary action" means the employee has received a disciplinary suspension without pay, disciplinary fine, or a demotion in the 12 months prior to the start of the sabbatical leave. An employee who has received a reprimand in the 12 months prior to the posting may be required to successfully complete the performance plan associated with the reprimand before being considered for the sabbatical leave.~~ An employee may take sabbatical leave only once every seven years. The city manager may establish administrative procedures for the administration of this benefit.

Sec. 70-120. Extended care leave.

The city may grant extended care leave to employees in accordance with applicable federal and state laws and a policy established by the city manager.

Secs. 70-~~120~~121—70-142. Reserved.

ARTICLE V - EMPLOYEE RESPONSIBILITIES

Sec. 70-143. Employee conduct.

(a) The city expects all employees to be accountable for their work related conduct and for performing their job duties to the highest professional standards at all times. The city reserves the right, in all instances, to impose discipline, up to and including dismissal.

Discipline is imposed solely at the discretion of the city, based on its evaluation and in consideration of relevant factors and circumstances.

- ~~(b) The disciplinary procedures set forth in the next section apply only to regular employees; probationary, health plan eligible, variable hour, seasonal, and non-benefitted employees.~~ (b) Employees not meeting the definition of “regular employee” will be given performance expectations and feedback as deemed appropriate by the city, but at all times will be deemed as at-will employees. ~~However, Such employees shall be subject to the standards of conduct set forth in this section apply to all city employees. Understated in subsection (d). However, under~~ no circumstances should ~~this rule/regulation~~ the rules contained in this section 70-143 be construed to create "for cause" employment for ~~probationary, health plan eligible, variable hour, seasonal, or non-benefitted employees~~ any such employee.
- (c) Discipline procedure for regular employees. A supervisor ~~or an appointing authority or their designee~~ may reprimand a regular employee for cause. ~~An appointing authority or designee thereof may discipline a regular employee for cause.~~ Such discipline may include reprimand, suspension without pay, ~~disciplinary fine~~, demotion, or dismissal.
- (d) Standards of Conduct. Examples of performance or conduct ~~that may warrant disciplinary action~~ applicable to all city employees, regardless of status, are presented in the list below. This list is not considered all-inclusive as the city cannot anticipate all behaviors of an employee. Other non-protected actions that have a negative impact on an ~~employee's~~ employee's performance or the effective functioning of the city may result in disciplinary action. Individual departments may also have specific rules, regulations, or policies that describe performance or conduct. The violation of any departmental rule, regulation, or policy may also warrant disciplinary action.
- (1) Any false statement made on an application for employment or any other form or application submitted to or required by the city, or omission of information that might affect the applicant or employee unfavorably.
 - (2) Conduct detrimental to customer service or city operation.
 - (3) Theft or misuse of city money or property.
 - (4) Violation of any national, state, or local law when the misconduct would interfere with an employee's performance of ~~his/her~~ their job or undermine public trust in the integrity of the city. The city may consider such conduct a violation of its rules ~~and/or~~ procedures regardless of a conviction.

- (5) Misusing, destroying, or damaging any city property or property of another employee or customer.
- (6) Abusive treatment ~~and~~/or disrespect of any person including, but not limited to, physical or verbal confrontations, insults, or derogatory comments based on race, religion, color, sex, gender, sexual orientation, ethnicity, and/or gender identity, gender expression, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap, disability, or any other protected characteristics as established by law.
- (7) Unauthorized possession of weapons or explosives on city premises or utilization of any object as a weapon.
- (8) Insubordination, failure, or refusal to comply with directives, orders, or assignments.
- (9) Falsification, destruction, or unauthorized use of any city records, reports, or other data or information belonging to the city.
- (10) Being untruthful, misleading, or uncooperative during an administrative investigation or about any job related matter.
- (11) Mishandling or unauthorized disclosures of confidential city information.
- (12) Immoral conduct or indecency, vulgar, threatening, insulting, or abusive language while on the job, including excessive gossiping or spreading rumors.
- (13) Incompetence, inattention to duties, horseplay, wastefulness, or sleeping while on the job.
- (14) Possession, purchase, manufacture, dispensing, use, sale, or being under the influence of controlled substances, marijuana, or alcohol while on the job when not medically required or when it is a requirement of the job.
- (15) Violating a safety rule or safety practice, or creating or contributing to unsafe working conditions.
- (16) Failure to report violations of safety policies, procedures, or adhering to reporting requirements.
- (17) Failure to properly use or enforce the use of safety gear, clothing, or equipment.
- (18) Engaging in personal business or outside employment while on the job.

- (19) Attempting to influence an employment decision for the benefit of a member of the employee's immediate family. Immediate family means ~~his/her~~the employee's spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, cousin, (including natural, step, adopted, foster, or in-law relationship). This also includes a person who the employee identifies as ~~his/her~~their significant other or domestic partner whose primary residence or place of primary abode is the same as the employee.
- (20) Having an undisclosed financial interest, direct or indirect, in any contract with the city, or having an undisclosed financial interest, directly or indirectly, in the sale of any land, materials, supplies, or services to the city.
- (21) Engaging in any business, activity, or transaction in which an employee has a substantial financial or personal interest, direct or indirect, that might reasonably be expected to interfere with the ability of the employee to perform ~~his/her~~their duties.
- (22) Seeking nomination or election to ~~city council~~the Arvada City Council.
- (23) Engaging in any federal, state, county, or local political ~~campaign~~campaigning during an employee's working hours.
- (24) Using ~~his/her~~the employee's employment, position, badges, or credentials for preferential treatment, commercial or personal gain, or in any other manner not authorized by the city. Allowing any individual unauthorized access to or use of a city badge, insignia or credential.
- (25) Using city vehicles, equipment, ~~or~~ property, social media, or other technological resources for unauthorized personal use.
- (26) Unauthorized absence from work and failure of employee to communicate with supervisor before that ~~working~~ shift. Guidelines for reporting may be established by each department.
- (27) Excessive absences ~~and/or~~ excessive tardiness as determined by the employee's appointing authority ~~and/or~~ failure to work or report to supervisor for two consecutively scheduled days.
- (28) Engaging in any unprotected activity that interferes with an employee's or any other employee's performance on the job.

- (29) Failure to report any violations of ordinances, statutes, charter, personnel policies, administrative regulations, or department rules by any city employee or failure to report a conviction or plea to a misdemeanor or felony.
 - (30) Inability to perform job duties ~~and~~/or substandard performance of assigned duties.
 - (31) Failure to maintain an appropriate personal appearance as established by city or departmental policy. ~~Failure, including failure~~ to maintain appropriate personal hygiene.
 - (32) Violation of any departmental or city rule, regulation, policy, or procedure.
 - (33) Failure to obtain or maintain a required certification, license, or training as a condition of employment.
 - (34) Allowing unauthorized access of individuals to restricted areas of city facilities, materials, ~~and~~/or equipment.
 - (35) Any other action by an employee which in the opinion of management warrants discipline or discharge and which a reasonable person would expect to result in disciplinary action either because it affects the employee's performance, the effectiveness of the city, including other employees, or undermines safety or public trust in the integrity of the government.
- (~~de~~) Investigations of violations of employee conduct, rules, ~~and~~/or regulations will be ~~done~~performed by the ~~employee's department management~~human appointing authority or their designee, or the human resources department. Responsibility for investigations may be transferred to other authorized individuals in certain situations such as, but not limited to, allegations of violence ~~and, retaliation, or~~ harassment based on race, ~~gender, sex,~~ religion, ~~and~~color, sex, gender, sexual orientation, gender identity, gender expression, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap, disability, or any other ~~classes~~protected characteristics as established by law.

Sec. 70-144. Discipline/ and discharge.

- (a) Occasionally, performance or other behavior falls short of the city's standards, values and/or expectations. When this occurs, ~~management~~the city may take disciplinary action, which it deems appropriate in its sole discretion.
- (b) Disciplinary actions can range from a reprimand to immediate discharge. Action taken by ~~management~~the city in an individual case does not establish a precedent in other circumstances. ~~Listed below are some~~ Some of the actions available to management.

~~During investigation and/or the administration of discipline, an employee is include, but are not entitledlimited to representation., the actions stated below.~~

~~(e)1~~ A supervisor or appointing authority may reprimand a regular employee verbally or in writing for cause. A reprimand is a communication by the supervisor or appointing authority that serves as a disciplinary measure that is critical of an employee's conduct or performance. A reprimand, or memo memorializing a verbal reprimand, may be kept in the employee's personnel file.

~~(d2)~~ An appointing authority may suspend without pay a regular employee for cause for not more than 30 working days. A suspension is city-mandated time off from work without pay as a disciplinary action. ~~If an employee is charged with a felony, a suspension without pay may also be used for the duration of the court proceedings.~~ A suspension without pay for an exempt employee must be in full day increments. ~~Should the employee be cleared of the felony charges against him/her, s/he will be reimbursed for any lost wages resulting from a suspension without pay during the investigation process.~~

~~(e3)~~ A supervisor may require an employee to take a decision day(s) in conjunction with a disciplinary action. A decision day is a paid suspension during which an employee is required to consider ~~his/her~~their employment with the city as well as make plans for improvement. A suspension with pay may be used during an investigation process or when an employee may benefit from a decision day(s).

~~(f) — An appointing authority may impose a temporary reduction in an employee's rate of pay for cause. This temporary reduction in an employee's rate of pay is considered a disciplinary "fine". The pay rate established as a temporary disciplinary pay rate may not be less than the federal minimum wage for any employee, and for employees designated as exempt in the city's pay plan, a temporary disciplinary reduction in pay rate may not be less than the minimum weekly applicable salary rate for the respective class of exempt employees as specified by the Fair Labor Standards Act. As discipline for an individual infraction, the temporary reduction in pay may not exceed five percent of the employee's annualized pay (based on the base pay rate on the day the discipline is imposed).~~

~~(g) — Reserved.~~

~~(h4)~~ An appointing authority may demote a regular employee for cause provided that no employee will be demoted to any position for which the employee does not possess the minimum qualifications. A demotion means placement of an employee from one position to another position that has a lower maximum salary rate than the original position and less authority or responsibility. A demoted employee will receive a pay rate not to exceed the job rate for the position to which the employee

is demoted. The employee will serve a probationary period in the new position and the date of demotion will become the new evaluation date for purposes of calculating wages and performance evaluations.

- (i5) An appointing authority may dismiss a regular employee for cause. Health plan eligible, variable hour, seasonal, ~~non-benefitted~~, and probationary employees are employed at will and may be dismissed at any time, with or without cause. Dismiss means the separation of an employee from city employment.

~~(j)-(c) An employee is not entitled to representation either during an investigation or through the administration of discipline.~~

- (d) A regular employee may challenge discipline decisions through the processes set forth in article VI of this chapter.

Sec. 70-145. Non-discrimination and anti-harassment policy statement.

~~(a) The City of Arvadacity~~ is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the ~~City of Arvadacity~~ expects that all relationships among persons in the workplace will be businesslike and free of unlawful bias, prejudice, discrimination, retaliation, and harassment. Employees must report any concerns regarding harassment, discrimination, or retaliation to a ~~responsible~~ representative of city management or the human resources department.

~~(b) Every employee must review and sign the city policy relating to anti-harassment and discrimination. All employees shall be required to attend regular anti-harassment and anti-discrimination training as established by the human resources department.~~

Sec. 70-146. Safety.

The city is committed to a safe work environment for all employees. An employee must report any unsafe practice or condition to his/her/their supervisor. If an employee is injured on the job, no matter how minor, ~~s/hethey~~ must immediately report the incident in writing to his/her/their supervisor ~~on designated forms~~.

Sec. 70-147. Violence in the workplace.

Acts of violence, intimidation, or aggression will not be tolerated in the workplace. Any instance of violence, intimidation, or aggression must be reported to the employee's supervisor, risk management, or to the human resources department.

Sec. 70-148. Medical and ~~psychological~~mental health exams. (fit for duty exams).

At any time for reasonable cause, the city may require an employee to undergo a medical and/or ~~psychological~~mental health examination by a qualified designated professional to determine that the employee is able to perform the essential functions of the job. Such exams will be conducted in accordance with a policy authorized by the City Manager.

Sec. 70-149. Smoking.

Smoking, to include vaping or e-cigarette products, is prohibited in all city facilities, vehicles, and on all designated city property.

Sec. 70-150. Drugs and alcohol.

- (a) Working during or immediately after the use of alcohol, marijuana, a controlled substance, or abuse of any controlled substance is prohibited. Working while under the influence of or impaired by alcohol, marijuana, or a controlled substance is also prohibited. Furthermore, the possession, purchase, manufacture, dispensing, ~~or~~ consumption (use)), or sale of a controlled substance, marijuana, or alcohol on city premises while conducting city business is prohibited. Authorized police employees, when such conduct is in the course of their assigned duties, may be excluded from this prohibition. Another exception is a city meeting or event in which the serving of alcohol is sanctioned by the city manager or appointing authority or where alcohol is served as part of the city operation. Under no circumstances should an employee drive under the influence or while impaired after leaving such an event. Employees required to take a legal prescription by a medical provider may do so. If such medication could impact an employees' safety or effectiveness, the employee must notify ~~his/her~~their supervisor.
- (b) Upon forming a reasonable suspicion, the city manager, an appointing authority, or a supervisor is authorized to order an employee to submit to a test for controlled substances, marijuana, and/or alcohol at the city's expense in a manner selected by the city. A reasonable suspicion means a belief based on observed facts or behavior sufficient to lead a reasonably prudent person to suspect that an employee is under the influence or is impaired because of use of controlled substances, marijuana, or ~~because of consumption of~~ alcohol. Any employee refusing to submit to such a test or to consent to the release of the results of such test to the city is subject to disciplinary action.

Sec. 70-151. Computers, internet, e-mail, and voicemail.

- (a) Employees are responsible and accountable, in part, for the on-going integrity of the city's ~~computer~~information technology. Such systems include, but are not limited to, computers, e-mail, and voicemail, mobile devices, and any other similar technology systems. These

systems are the property of the city and are intended for business use only. Therefore, the city expressly reserves the right to access any computer files, use of software, Internet usage, e-mail, ~~and chat messages,~~ voicemail, and other similar electronic data on a city-owned device or system. Although employees select individual passwords, employees should not assume that such ~~files are~~ data is confidential. However, other than management ~~employees~~ acting on behalf of the city, employees should not attempt to gain access to another employee's computer, Internet, e-mail, ~~or voicemail,~~ or other similar account or device. Furthermore, an employee is prohibited from installing or connecting personal or non-business software or hardware without the express, written permission ~~off from~~ the ~~director of chief~~ information officer of the information technology department or their designee.

Sec. 70-152. Inspections.

- (a) The city reserves the right to conduct searches and inspections of any city-owned property without notice. City-owned property includes, but is not limited to, desks, file cabinets, books, bookshelves, hallways, ~~toolboxes~~ toolboxes or bins, rooms, closets, computers, electronic mobile devices, storage areas, lockers, vehicles or vehicle compartments, or boxes of files. Personal locks are prohibited on city-owned lockers. Any employee who refuses to submit to a search may be subject to disciplinary action.
- (b) Upon forming a reasonable suspicion of wrongdoing or for work related non-investigatory reasons, an appointing authority, in consultation with human resources and the ~~legal department~~ city attorney's office, is authorized to order a search of an employee's personal belongings located in or on city-owned property as described in subsection (a) of this section, as well as in or on any city owned parking areas: to the extent allowed by law. A reasonable suspicion of wrongdoing means a belief based on observed facts or behavior sufficient to lead a reasonably prudent person to suspect an employee has taken custody, possession, or control of items of interest to the city in a personal belonging. An item of interest to the city shall include, but is not limited to: any item constituting contraband under the laws of the city, the United States or the State of Colorado, including unauthorized weapons, explosives, incendiary devices or material, poisons or hazardous or infectious substances, ~~narcotics, drugs, or similar~~ any controlled substances, and unauthorized possession of any property owned or leased by the city, including any items of personally owned by the city, cash, checks, credit or ~~charged~~ debit cards, files, ~~tickets or~~ summonses, books, manuals, written business records, computer records or work related files in any form of transportable medium, or any city computer record or file, including copies of source codes, owned by or licensed to the city for its workplace use.

Sec. 70-153. Solicitation.

Employees may not solicit any other employee during working time. The only exception is city sponsored activities or products. With the approval of the employee's appointing authority, an employee may place fund-raising information in a city break room or may post information on a designated electronic or physical bulletin board. The appointing authority reserves the right to refuse to post any item. Under no circumstances may an employee disturb the work of others to solicit, e-mail, or distribute literature to them during their working time, including fund-raising activities.

Sec. 70-154. Conflict of interest.

- (a) Employees have an obligation to refrain from activities which conflict or interfere with the city's operations such as, but not limited to, outside employment, sharing privileged ~~and~~/or confidential information, outside business interests, and accepting gifts or gratuities.
- (b) An employee must seek written permission from ~~his/her department director~~ the appointing authority prior to engaging in secondary employment. Paid secondary employment may be allowed as long as it in no way interferes with an employee's position or performance at the city. In addition, the secondary employer must not be a supplier of materials or contractor of services for the city if it creates a conflict of interest or an appearance of a conflict of interest.
- (c) An employee may not use plans, programs, or information of public interest for personal gain or to benefit friends, family, and/or acquaintances. If an employee has an outside interest which could be affected by any city plan or activity, the employee must report this immediately to ~~his/her~~ their supervisor. Employees are responsible for ensuring that only information that is appropriate to share with the general public is released.
- (d) Outside business interests which would create a conflict of interest may include having a personal financial relationship with any individual or business organization, other than a regulated financial institution, that furnishes supplies, merchandise, property, or services to the city.
- (e) An employee may not accept gifts or gratuities from any individual or organization currently or proposed to do business with the city; however, unsolicited advertising or promotional items valued under \$50.00 may be retained by an employee and perishable items may be retained if they are made available to others. An employee may not accept items which are not business related, such as, but not limited to tickets to sporting or cultural events. This prohibition is not intended to apply to the purchase of a meal in a setting where the attendees are discussing city business, unless otherwise prohibited by departmental policies.

- (f) City employees may only solicit businesses for activities which benefit the community and/or which are approved by the city manager.

Sees. 70-155**Sec. 70-155. Criminal charges and convictions during employment.**

- (a) Any employee, regardless of status, must report any of the following to the employee's appointing authority:

- (1) any misdemeanor, drug misdemeanor, or felony charges pending against the employee regardless of the jurisdiction of the charge as soon as practicable but no later than seven days from incurring the charges; and
- (2) any conviction or plea, including guilty and no contest pleas, to a misdemeanor or felony regardless of the jurisdiction of the charge as soon as practicable but no later than seven days from the date of conviction.

- (b) Notwithstanding the reporting duties stated in subsection (a), an employee has no duty or obligation to report a sealed conviction, pardoned conviction, or otherwise vacated conviction. An employee also has no duty or obligation to report an arrest that does not result in charges.

- (c) Failure to satisfy the reporting duties stated in subsection (a) may warrant disciplinary action in accordance with section 70-143.

- (d) If an employee is charged with a class 1 misdemeanor as defined by C.R.S. §18-1.3-501 or the equivalent of such if in a jurisdiction outside of Colorado, or a felony, the employee's appointing authority may place the employee on a suspension without pay for the duration of the court proceedings regardless of the length of the proceedings. The proceedings are deemed to have ended upon the date the conviction is entered regardless of whether sentencing occurs that same date or at a later date. Should the employee be cleared of such charges against them, the employee will be reimbursed for any lost wages resulting from a suspension without pay.

- (e) The city may consider any employee misconduct that is violative of any national, state, or local law a violation of these personnel rules if such misconduct interferes with the employee's performance of their job or undermines public trust in the integrity of the city. As such, the employee is also subject to discipline for the misconduct itself in accordance with section 70-143.**Sees. 70-156—70-165. Reserved.**

ARTICLE VI - EMPLOYER-EMPLOYEE RELATIONS

Sec. 70-166. Employee committee.

The city has established an employee committee for the purpose of enhancing communication for both the city manager and the city employees. Representatives to the employee committee are selected by ~~employees, which each department. Representatives~~ may meet monthly with the city manager or ~~his/her~~their designee. The city manager may periodically discuss with the employee committee any employee issues which the city manager deems ~~as~~ necessary to discuss with the committee. Employee committee members may ~~bring up~~use this meeting time to discuss any issues or employee concerns ~~to be discussed~~ with the city manager or their designee. Representation on the committee will be established by the bylaws of the committee. The employee committee may collect and expend funds for sanctioned activities and events related to employee recognition, activities that benefit employees, ~~and~~ or community service.

Sec. 70-167. Open door philosophy.

The city has an open door philosophy. An employee may discuss any business related matter with ~~his/her~~the employee's department supervisor ~~and~~ or management, where appropriate. Employees are encouraged to bring issues, suggestions, concerns to their management in as timely a manner as possible using the guidelines listed below.

Sec. 70-168. Internal complaint and grievance procedures.

~~(a) — There are formal complaint procedures available in certain situations.~~

~~(a) — The city has two methods by which an employee may file a formal complaint: the internal complaint resolution process and the internal grievance procedure.~~

~~(b) — The city's complaint resolution process, detailed in section 70-168.1, applies in the following situations when an employee has a complaint regarding a specific situation relating to:~~

- ~~(1) — Working conditions~~, working practices, or health or safety practices;
- ~~(2) — Decisions made pursuant to department or city policies;~~
- ~~(3) — A reprimand that does not involve a suspension without pay, disciplinary fine, step reduction in pay, or demotion; or~~
- ~~(4) — Performance appraisal concerns.~~

~~(c) — The city's grievance process, detailed in section 70-168.2, applies in the following situations:~~

~~(1) — If the~~when an employee:

- (1) believes the city has not followed any article and section of the personnel rules; or policies; or
- (2) ~~If the employee~~ believes the city is not providing the employee with the wage, salary, or benefits to which the employee is entitled because of ~~his/her~~ their position.

Sec. 70-168.1. Complaint resolution process.

- (a) ~~In situations where~~ If an employee has a complaint regarding a specific incident arising from a ~~working condition or practice, a decision made pursuant to a department or city policy, a reprimand that does not involve a suspension without pay, disciplinary fine, demotion, or performance appraisal concerns, and wishes to formally complain, then, situation described in section 70-168(b),~~ the employee ~~must follow~~ may file a formal complaint by following the ~~city's~~ city's complaint resolution process ~~as listed;~~ stated below.
 - (1) *Step 1.* The employee should first attempt to resolve the issue(s) by discussing it with their immediate supervisor within ten ~~calendar~~ days of the event at issue.
 - (2) *Step 2.* If the situation is not resolved within ten ~~calendar~~ days from the time the complaint is discussed with the employee's immediate supervisor, barring extenuating circumstances, it should be brought to the attention of the next level supervisor with written documentation. That supervisor has ten ~~calendar~~ days to respond to the employee in writing.
 - ~~Step (3)~~ *Step 3.* This process may be repeated with each higher level of management including the ~~employee's~~ department director. This is the final step for performance appraisal concerns or a concern involving a reprimand that does not involve a suspension without pay, ~~disciplinary fine~~, or demotion. For performance appraisal concerns or a concern involving a reprimand that does not involve a suspension without pay, ~~disciplinary fine~~, or demotion, the decision of the department director is final in this administrative process.
 - (4) *Step 4.* If the employee is not satisfied with the department director's decision regarding a complaint about working conditions ~~or, working practices, health or safety~~ practices, or decisions made pursuant to department or city policies, the employee has ten ~~calendar~~ days from receipt of the department director's decision to bring the issue to the city manager with written documentation.
- (b) The city manager will respond to the employee within 20 ~~calendar~~ days, barring extenuating circumstances. The decision of the city manager is final in this administrative process.

- (c) If the employee's immediate supervisor, manager, or ~~the~~ department director fails to respond to a complaint at any step of the process within the specified time limit, it will be considered a denial of the complaint. If the employee still wishes to proceed, the employee must proceed to the next step of the complaint resolution process within the time limits provided as if a formal denial had been rendered on the last day allowed for the supervisor, manager, or department director to respond. In the event the employee does not appeal a complaint from one step to the next step within the time limits specified, the complaint shall be considered resolved on the basis of the last response by the immediate supervisor, manager, or department director, as the case may be. With the agreement of both parties, time limits may be extended.
- (d) The city will not permit retaliation or discrimination against anyone who raises a complaint under this process.

Sec. 70-168.2. Grievance procedure.

- (a) If ~~the an~~ employee ~~believes that any article and~~ has a grievance about the topics stated in section ~~of the personnel rules has not been followed by the city, or that the city is not providing 70-168(c),~~ the employee ~~with the wage, salary, or benefits to which the employee is entitled because of his/her position, s/he~~ may file a grievance. The by following steps shall be followed in filing at the city's grievance procedure stated below.
 - (1) Step 1. The employee will communicate the grievance in writing, ~~including within ten days of the occurrence giving rise to the grievance. The grievance must include the article and section of the personnel rules which s/he the employee believes the city has not followed, with his/her and the name of the employee's~~ immediate supervisor and ~~division department~~ manager, if applicable, ~~within ten calendar days of the occurrence giving rise to the grievance.~~ The supervisor has ten ~~calendar~~ days to respond to the grievance after its receipt.
 - (2) Step 2. If Step 1 does not resolve the matter and the employee wishes to ~~pursue~~ continue pursuit of the grievance, the employee must file a written grievance with the employee's department director and transmit copies to the director of human resources within ten ~~calendar~~ days of the Step 1 ~~decision~~ response. The department director will respond in writing within ten ~~calendar~~ days of receipt of the employee's written grievance. The director of human resources is not required to respond at this Step 2.
 - (3) Step 3. If Step 2 does not resolve the grievance and the employee wishes to proceed with the grievance, the employee must file the following information with the city manager and the director of human resources within ten ~~calendar~~ days of receipt of the department director's written response:

- (i) A copy of the written grievance-;
 - (ii) The response from the department director-; and
 - (iii) A request that the city manager appoint a grievance advisory committee.
- (b) — 4) Step 4. The city manager will review the submission of materials submitted by the employee in Step 3.
- (i) The city manager, in their sole discretion, may appoint a grievance advisory committee consisting of three members who will investigate the grievance and submit findings and recommendations to the city manager. One member will be selected by the employee committee, one member will be appointed by the city manager, and those two members will select a third city employee to serve as the third member of the grievance advisory committee. If, however, the two members are unable to agree on the third member or the employee committee fails to appoint a member within seven ~~calendar~~ days from receipt of notice from the city manager, the vacant position will be appointed by the city manager.
 - (e) ~~ii~~ After the final member has been appointed, the grievance advisory committee has 30 ~~calendar~~ days ~~within which~~ to review the submitted grievance and ~~then~~ submit its findings and recommendations to the city manager. The committee expires with the submission of its findings and recommendations to the city manager. The grievance advisory committee may conduct interviews, review documents, and pursue any information they believe necessary in the course of their review.
 - (iii) If the city manager chooses not to appoint a grievance advisory committee, ~~s/he~~ the city manager may move forward with rendering a decision based on his/her/their analysis of the situation. The city manager may conduct interviews, review documents, and pursue any information ~~s/he believes~~ they believe necessary in the course of his/her/their review.
 - (d) ~~iv~~ The city manager will render a decision within 30 ~~calendar~~ days from the date the grievance advisory committee submits its findings and recommendations- or 45 days from the date the employee submitted the information in Step 3 to the city manager if the city manager elects not to appoint a grievance advisory committee. The decision of the city manager is final in this administrative process.

(eb) If the employee's immediate supervisor or the department director fails to respond to a grievance at any step of the procedure within the specified time limit, it will be considered denial of the grievance. If the employee wishes to proceed, the employee must appeal to the next step of the grievance procedure within the time limits provided as if a formal denial had been rendered on the last day allowed for the city to respond. In the event the employee does not appeal a grievance from one step to the next step within the time limits specified, the grievance shall be considered resolved on the basis of the last response by the immediate supervisor or department director, as the case may be. With the agreement of both parties, time limits may be extended.

~~(f)-c~~ An email shall constitute a writing for the purposes of this section.

(d) The city will not permit retaliation or discrimination against anyone who follows this grievance process.

Sec. 70-169. Pre-disciplinary administrative meeting.

Before a regular employee is suspended without pay, ~~given a disciplinary fine,~~ demoted, or dismissed, the employee's appointing authority shall provide the employee with a written statement describing the reason ~~or reasons(s)~~ for such proposed ~~suspension without pay, disciplinary fine, demotion, or dismissal action.~~ Prior to the effective date of such proposed ~~suspension without pay, disciplinary fine, demotion, or dismissal action,~~ the appointing authority shall provide the employee with an opportunity to be heard and to respond to the reason ~~or reasons(s)~~ for such proposed ~~suspension without pay, disciplinary fine, demotion, or dismissal action.~~

Sec. 70-170. Administrative review.

(a) Any regular employee may request an administrative review of the following:

(1) A suspension without pay; ~~or~~

(2) A ~~disciplinary fine; or~~

~~(3) —A demotion; or~~

~~(4)~~ A dismissal from employment.

(b) Any regular employee may request in writing an administrative review of a suspension without pay, ~~disciplinary fine,~~ demotion, or dismissal imposed by an appointing authority against such employee. This request must be submitted to the director of human resources within ten ~~calendar~~ days from the effective date of the disciplinary action.

- (c) Unless otherwise authorized by the appointing authority imposing a disciplinary action, a request for an administrative review of a disciplinary action by an employee will not stay or postpone the effective date of such disciplinary action.
- (d) Within ten ~~calendar~~ days from receipt of the written request, the director of human resources will set a time, day, and place for the administrative review. The administrative review shall be held within 90-~~calendar~~ days from the date of receipt of the written request for said review.
- (e) The city manager shall appoint a hearing officer to conduct the administrative review in accordance with the provisions relating to administrative hearings as set forth in chapter 2 of the ~~City Code~~city code. The decision of the hearing officer is final, unless it is appealed to the city manager in the manner hereinafter provided.

Sec. 70-170.1. Appeal of administrative review.

- (a) Within ten-~~calendar~~ days of the hearing officer's decision, either the employee or the appointing authority may appeal the decision of the hearing officer to the city manager. Such appeal must be in writing and must state the reason or reasons upon which such appeal is made.
- (b) When considering an appeal, the city manager or designee may exercise ~~his/her~~their option to perform any of the following: conduct an in-depth administrative review in accordance with the provisions relating to administrative hearings as set forth in chapter 2 of the ~~City Code~~city code; conduct additional proceedings to supplement the record; or the city manager or designee may read the record and consider the evidence of the administrative review conducted by the hearing officer.
- (c) The city manager or ~~his/her~~their designee is authorized to decide as follows:
 - (1) To uphold the decision of the hearing officer;
 - (2) To uphold the disciplinary action imposed by the appointing authority;
 - (3) To overrule the disciplinary action imposed by the appointing authority; or
 - (4) To impose a different form of discipline upon the employee than the discipline imposed by the appointing authority.
- (d) In the event that the city manager or ~~his/her~~their designee ~~shall have been~~was the appointing authority in the administration of discipline pursuant to this article, then, and for the purpose of appeal of an administrative review as provided in this section, the city manager may designate a third party either within or outside the city, not otherwise a participant in the

disciplinary action imposed or any appeal thereof, to hear the appeal of a decision of the administrative hearing officer. The city manager's designation shall be made in writing by written memorandum from the city manager to the city clerk. Any person designated to hear an appeal from the decision of an administrative hearing officer pursuant to this article shall be empowered to hear such appeal and render a decision in the same manner as would the city manager.

- (e) The decision of the city manager or ~~his/her~~their designee is final for the purpose of judicial review.

Secs. 70-171—70-181. Reserved.

ARTICLE VII - SEPARATION AND TERMINATION OF EMPLOYMENT

Sec. 70-182. Resignation.

Regular and probationary employees are requested to give the appointing authority at least 14 calendar days' prior notice, unless the appointing authority agrees to permit a lesser period of time. A written resignation giving the reasons for leaving shall be submitted by the employee to the appointing authority. The appointing authority will forward the resignation to the human resources department. A resignation may be approved verbally by the employee's immediate supervisor when deemed to be in the best interests of the city. The supervisor must document the discussion and submit it to the human resources department within 24 hours of the discussion.

Sec. 70-183. Retirement.

An employee meeting the retirement eligibility requirements of ~~his/her pension~~their retirement plan may choose to retire from employment at the ~~City of Arvada, city.~~ It is the employee's responsibility to notify ~~his/her~~their supervisor and the human resources department when ~~s/he is~~they are contemplating retirement. A 30-day written notice is requested. Upon being qualified under the employee's respective ~~pension~~retirement plan, ~~s/he~~the employee may be eligible for retirement health benefits as described ~~below~~in the following sections.

Sec. 70-184. Last day of employment.

- (a) The last effective date of employment is the date of the employee's last physical day of work. Exceptions may be made for good business reasons by the director of human resources. Payment for eligible accrued leaves and other termination pay, if any, is paid on the next regularly scheduled ~~pay day. On or before the employee's last day of work, all city property must be returned to the employee's department.~~ payday. An employee retiring from the city or leaving employment due to a layoff or reduction in force may use ~~his/her~~their vacation leave accruals to extend ~~his/her~~their last day of employment. A retiring employee may only extend ~~his/her~~their last day of employment by the amount of vacation leave

accruals ~~s/he has~~they have on the day ~~s/he gives~~they give notice to the city. An employee subject to a layoff or reduction in force may only extend ~~his/her~~their last day of employment by the amount of vacation leave accruals ~~s/he has~~they have on the day ~~s/he is~~they are given official notice of ~~his/her~~their position being eliminated. Retiring employees and those subject to layoff or reduction in force extending ~~his/her~~their last day in this manner will no longer receive any car allowance, assignment pay, ~~and~~/or shift differential after ~~his/her~~their last day of work.

- (b) On or before the employee's last day of work, all city property must be returned to the employee's department. Failure to return city property can result in a deduction in pay. If an employee fails to return any city property, and the manager wishes to deduct the value of the property from the employee's final paycheck, the manager must first provide written notice to the employee within ten days after employment terminates, informing the employee that the property was not returned; the replacement value of the property; and date when the property was provided to the employee. If not returned within 14 days from the date the notice is provided to the employee, the city may deduct the value from the employee's final paycheck. If the employee subsequently returns the property within 14 days of the deduction of their wages, the city must then repay the employee within 14 days of the receipt of the returned property.

Sec. 70-185. Retirement health benefits.

- (a) The city may offer health insurance coverage to employees who retire from employment. The city does not guarantee that a health benefit plan will continue to be available. The city reserves the right to modify any health benefit plan, and to end a health benefit plan for any employee, retiree, or dependent.
- ~~(b) — A total of 21 former employees and their covered dependants and a spouse of a deceased former employee who retired prior to May 21, 2002, and are or were members of the police pension fund, participants in the ICMA Retirement Corporation, participants in the police money purchase retirement plan, or participants in the City of Arvada Retirement Plan are eligible to continue to receive benefits under a city sponsored health benefit plan, so long as the city, after the exercise of reasonable diligence, is able to procure a retiree health benefit plan for retirees and employees as the city's health benefit plan; provided, however, that such retiree shall do all of the following:~~
- ~~(1) — Promptly pay the full cost of premiums established by the city under such plan;~~
- ~~(2) — Be eligible for such benefits only until the retiree attains age 65 or until such person becomes Medicare eligible, whichever is later;~~

- ~~(3) — Complete and file necessary enrollment forms within the time prescribed by the city;~~
- ~~(4) — In the event the retiree is eligible for coverage under a health plan sponsored by an employer employing the retiree full time, s/he will no longer be eligible for the City of Arvada's health plan;~~
- ~~(5) — Must remain in the service area of the health benefit plan to be eligible; and~~
- ~~(6) — Attest that the retiree meets all conditions set forth in the ordinance establishing this benefit.~~

~~(e)~~(b) In the event a retiree elects not to participate in a health benefit plan, such retiree shall not be permitted to re-join the health benefit plan at a later date. The retiree shall not be permitted to change coverage from single to dependent plus one or family coverage. ~~S/he~~The retiree may remove dependents from coverage. In the event a decision is made to procure a health benefit plan for retirees which is separate from the health benefit plan procured for employees, the maximum premium cost for retirees for single or family coverage shall be no more than 150 percent of the full cost for single or family coverage of the employees' plan.

~~(d) — The city does not guarantee that a health benefit plan for any employee who retires later than May 21, 2002, will continue to be available. The city reserves the right to modify any health benefit plan and to end a health benefit plan for any employee who retires later than May 21, 2002.~~

Sec. 70-186. Layoffs and reductions in force.

- (a) In the event the city must reduce the ~~work force~~workforce for any reason, as determined by the city, employees may be laid off.
- (b) In the event of a layoff, a reduction in force (RIF) ~~is~~will be limited to the department within which layoffs take place. The primary factors to be used in determining which employees are affected by the RIF are the individual employee's skill and ability to perform ~~his/her~~their job and veteran's preference according to state law. In those positions in which employees possess differing skills and abilities, the city will retain the employee who is more capable of performing the job, regardless of seniority. Among the factors to be considered in evaluating employee skill and ability are performance appraisals, disciplinary actions, and related information or references to such information filed in employee personnel files within the human resources department or the ~~supervisor's~~supervisor's file. Such determination will be made by the department's management with agreement from human resources and legal. In situations in which

incumbents' skills and abilities are relatively equal, seniority will determine the order in which employees are affected by ~~ana~~ RIF. Seniority will be calculated based upon an employee's date of hire as a benefitted employee. Date of hire is the date on which a regular or probationary employee began employment with the city, and which is used to calculate eligibility and accruals for sick leave, vacation leave, pension vesting, and longevity pay.

- (c) When only one individual has a particular job title, and the service or program provided by that individual is a service or program that has been eliminated as part of the RIF, that individual's position will also be eliminated.
- (d) An appointing authority may, with the approval of the city manager, elect either to reduce the total working hours of employees or reduce the level of payment and responsibility of the current classification, or both, in order to minimize the effect of general layoffs as determined by the operational needs of the city.
- (e) Employees who have been promoted, but who are serving a probationary period at the time of ~~ana~~ RIF, shall be considered to hold the position in the highest classification in which they have completed the probationary period.

Sec. 70-186.1. Notice and preliminary administrative hearing.

- (a) Regular employees laid off pursuant to section 70-186 will be given written notice not less than two weeks in advance of the effective date of such separation, or the employee will be paid severance pay for two weeks in the absence of such written notice.
- (b) Prior to the effective date of separation, the appointing authority shall provide the employee with an opportunity to be heard and respond to the layoff.

Sec. 70-186.2. ~~Recall~~Rehire status.

~~Employees, other than probationary employees, who are separated by layoff are entitled to recall status and will be placed on an eligibility list apply for future job vacancies in the same classification, without exam. An employee is eligible to be recalled manner as an internal candidate for up to one year from the date of the layoff. An employee recalled Employees rehired after 180 calendar days shall be required to serve a regular probationary period. His/her prior years of service will count toward his/her seniority for all city benefits except the pension plan. For pension plan participation and vesting, the pension plan document will govern layoff will be rehired pursuant to section 70-39.~~

Sec. 70-187. Medical inability to perform.

- (a) An employee may be dismissed for disability or inability when the employee cannot perform the essential functions of the position due to physical or mental impairment.

Separation from employment for such reasons shall not be deemed disciplinary and shall be recorded as a medical separation. Employees may be required to submit to a physical or mental examination ~~if they suffer from ailments or conditions which cause or may cause problems to the employee or other employees if not attended to, or if the employee's leave accumulations are continuously used for illnesses.~~ in accordance with a policy established by the city manager. . Such ~~exam~~examination(s) will be conducted by a ~~physieian~~medical provider selected and paid for by the city. ~~The employee may be subject to disciplinary action for refusing to submit to the examination.~~

- (b) If treatment is recommended to remedy or alleviate the situation and the employee does not submit to such treatment within required schedules, or if the treatment cannot be completed within a reasonable timeframe, the employee may be dismissed due to the disability. The city will determine what constitutes a reasonable timeframe based on the business needs of the city.

Sec. 70-188. Severance pay.

If the city manager determines that it is in the best interest of the city, ~~s/he~~they may authorize severance pay or benefits to any employee who terminates or separates from city employment for any reason.”

Personnel Rules Update

City Council Workshop
October 9, 2023

Introduction

- Chapter 70 of the City's Code contains the "Personnel Rules"
- Defines terms and conditions of employment.
- Updates to comply with employment laws and general housekeeping

Updates

Updates recommended for compliance:

- Colorado Equal Pay for Equal Work Act
- Healthy Families and Workplaces Act

Housekeeping/Maintenance

- Updated outline and formatting, language and grammar
- Removal of redundant definitions and procedural language found in City policies
- Added sections to address new or existing practices not currently in the Personnel Rules

Article II – Employment

- Sec. 70-32 Employment Status
 - Changed title to “Definitions and employment status,” added definitions for items that were repeatedly defined in multiple sections.
- Sec. 70-34 & Sec. 70-35 Job Vacancy & Interviewing, testing and selecting employees
 - Removed sections no longer allowed due to the Colorado Equal Pay for Equal Work Act Posting Requirements; e.g. transferring employees without posting; hiring without posting from a process in the last six months or from eligibility lists; posting of reclassifications no longer required.
- Sec. 70-36 Probationary Period
 - Removed time in a variable hour or seasonal position can count towards probationary period (not practiced and can create inequity, offer early release from probation based on performance instead).
 - Updated: Evaluation dates after probation moves to annual calendar.
- Sec. 70-39 Re-employment
 - Added explanation of rehire status for employees who resign or are laid off.
 - Added employees who are terminated for cause are not eligible for rehire.

Article III – Employee Compensation

- Sec 70-50, 50.1, 50.2 and 50.3 Pay plan and classification system, & Reclassifications
 - Clarified language to comply with Colorado Equal Pay for Equal Work Act.
- Sec. 70-53 Appointment rate
 - Removed information regarding how pay is handled for rehires, transfers, promotions, demotions and voluntary reassignments and referenced where it is found in Article III.
- Sec. 70-54 Disciplinary rate
 - Removed disciplinary fines due to non-compliance with Colorado Equal Pay for Equal Work Act.
- Sec. 70.55 Pay increases
 - Added pay increases may be made upon a date established by the City Manager as the annual pay increase review date for better compliance with the Colorado Equal Pay for Equal Work Act.
- Sec. 70-59 & 70-60 Pay rates upon transfer, promotion, demotion or voluntary reassignment & reclassifications
 - Removed individual definitions and replaced with consistent a explanation of how they are all handled to comply with Colorado Equal Pay for Equal Work Act.
- Sec. 70-63 Reduction of wages
 - Removed disciplinary fines for compliance with the Colorado Equal Pay for Equal Work Act.
- Sec. 70-65 On call pay
 - Updated language and removed procedural information referenced in city policy.

Article IV – Attendance and Leave

- Sec. 70-105, 105.1, 105.2, 105.3, 105.4, 105.5 Sick Leave, SL Advance, SL Exchange, SL Payable upon death or retirement, SL Bank and SL during public health emergency
 - Removed procedural language, added statement that sick leave will be granted in accordance with federal and state law and in accordance with city policy.
 - Referenced new sick leave policy for these procedures.
- Sec. 70-107, 110, 111, 118 Extended Medical Leave, Victims of Domestic Violence, Fatigue Leave & Facility Closure
 - Removed procedural language, referenced existing city policies and applicable federal or state laws
- Sec. 70-117 Leaves of Absence without pay
 - Added language to clarify that an unpaid leave of absence without approval of appointing authority shall be construed as unauthorized and subject to discipline.
- Sec. 70-120 Extended care leave
 - Added a new section to briefly introduce this new leave and reference the City policy that describes the leave.

Article V – Employee Responsibilities

- Sec. 70-143 Employee Conduct
 - Clarified language to distinguish status of regular employees and non-regular or “at will” employees
 - Added additional protected classes for conduct related to abusive treatment or disrespect
 - Added marijuana as a controlled substance and an explanation of how investigations are handled.
- Sec. 70-144 Discipline/Discharge
 - Added language explaining how employment status will be handled for employees charged with a felony while awaiting court proceedings.
 - Removed language regarding disciplinary fines for compliance with Colorado Equal Pay for Equal Work Act.
- Sec. 70-150 Drugs and Alcohol
 - Added use of, or being under the influence of, marijuana while at work.
- Sec. 70-155 Criminal charges and convictions during employment
 - New section explaining employee’s responsibility to report criminal charges or convictions and appointing authority responsibility for handling such matters.

Article VI – Employer– Employee Relations

- Sec 70-170 Administrative Review
 - Removed disciplinary fines, no longer practiced due to Colorado Equal Pay for Equal Work Act.

Article VII – Separation and Termination of Employment

- Sec. 70-184 Last day of employment
 - Added information regarding the return of city property upon the last day of work and the process for handling it.
- Sec. 70-185 Retirement health benefits
 - Removed a section regarding prior employees retiree health benefits which is no longer relevant.
- Sec. 70-186.2 Recall Status
 - Changed title to “Rehire Status” and removed reference to “recall without exam” due to non-compliance with Colorado Equal Pay for Equal Work Act posting requirement.
 - Referenced other sections where rehire handling and pay and benefit for rehires is explained.

New Policies and Procedures

Extended Care Leave and Sick Leave



Extended Care Leave (ECL) High Level Summary

- ECL is a partially paid leave of up to 12 weeks per year
- Available to employees who have worked at least 12 continuous months and 1250 hours in the 12 months prior to taking leave.
- First 2 weeks are a waiting period; employees will use accrued sick leave or other paid leave
- Remaining 10 weeks paid at the employee's regular rate of pay (average pay for variable hour/seasonal employees.)
- For major qualifying events requiring the employee to miss more than 2 weeks of work; defined as:
 - Employee's own or a family member's serious illness or injury
 - Employee pregnancy, childbirth and parental bonding time with a newborn,
 - Employee's adoption or foster care placement of a child and time to bond with the child,
 - Leave taken to take care of matters related to military exigency,
 - Leave to seek safety from domestic violence or assault.
- Family member is defined as the employee's spouse or domestic partner, parent or child.
- Leave will run concurrently with FMLA and other benefits as applicable or required by law.

Sick Leave Policy – High Level Summary

New Sick Leave Policy will replace most of what was in the Personnel Rules, substantially staying the same except for key changes below:

- Added new reasons allowed under the Healthy Families and Workplaces Act:
 - School or place of care closed due to inclement weather or related emergency
 - Grieve, attend funerals or deal with financial and legal matter resulting from death of family member
 - Evacuate residence due to inclement weather or related emergency
 - Due to closure of place of business, school or place of care during PHE
- Sick leave advance for probationary employees in their first year of employment will not be required to be earned or paid back
 - This is an effort to address that new hires are not eligible for ECL and to support them in the case of need in the first year.
- Sick leave accrual maximum will be adjusted to balance new ECL Leave
 - Employees hired before January 2024 will be keep any hours banked in excess of new maximum
- Sick Leave Exchange will be adjusted to acknowledge new accrual max and simplify administration

Budget

- Updates to the Personnel Rules are not expected to have a budgetary impact.
- Extended Care Leave
 - One time costs to implement and administer in first year \$45K
 - No budget impact for regular employees expected
 - Costs to provide paid leave to variable employees, who would have otherwise gone unpaid, will be monitored and accounted for as part of the supplemental budget process. Not expected to meet or exceed cost of FMLI.

Questions?



REPORT TO CITY COUNCIL WORKSHOP

AGENDA ITEM
2.C.

TO: THE HONORABLE CITY COUNCIL

DATE: October 9, 2023

SUBJECT: Water, Wastewater and Stormwater 2024 Rate/Fee Recommendation Workshop

Report in Brief

As a follow-up to the September 18, 2023 City Council workshop on utilities rates and fees, the Infrastructure Work System will present a detailed summary of revenue requirements to fund prioritized capital projects and operating expenses associated with City Council Strategic Result 3 (SR3): Water, Sewer, and Stormwater Master Plans and their implementation. The City team has analyzed revenue forecasts and created a financial strategy to support prioritized projects and costs, and has recommended 2024 water, sewer and stormwater rates and fees. The purpose of this workshop is to provide additional background and information that supports and justifies the 2024 rate and fee recommendations for reliable water, sewer, and stormwater service levels provided to the community.

In addition, the recommended rates and fees support the Strategic Plan Infrastructure Principle that states: "Provides the community with a safe, reliable, high-quality water supply, drainage system, and wastewater disposal services for full city build-out, as defined by the Comprehensive Plan. This includes maintaining utility rates at the lowest practical levels with accurate billing that supports replacement of aging infrastructure in order to maintain robust utility systems."

Background

The Arvada community relies on their water, wastewater, and stormwater utilities to be there when they need them. That infrastructure requires regular maintenance and, at times, major investments in order to keep the system functioning 24 hours a day, 7 days a week, 365 days per year.

The city's water, wastewater, and stormwater systems date to the early 20th century with current components installed starting in the 1950s. Between the 1960s and 1980s, Arvada residents provided a funding boost to our water and wastewater systems. Those infrastructure components are reaching the end of their useful life.

The City's water and wastewater systems are vast, with raw water components, two drinking water treatment facilities, over 600 miles of water pipe, and over 450 miles of wastewater pipe.

Each year, the City team prioritizes projects in our system to keep delivering the level of service residents have come to expect. Some projects build capacity for new users and other projects replace and rehabilitate the existing system.

Replacing and rehabilitating our vast water and wastewater systems is paid for through customer rates and bimonthly service fees. System development charges are collected from new homes and businesses to pay for the new capacity needed to serve them. Once in the city system, these customers pay rates and bimonthly service fees like everyone else.

The City's Infrastructure team continues to prepare for investments in operations and infrastructure as part of our ongoing commitment to continue to provide reliable water, sewer, and stormwater drainage services to our community. At the September 18, 2023 City Council workshop, the City team presented our annual recommendation on adjustments to utilities rates and fees.

This work supports the 2020-2025 City Council Strategic Plan that calls for updated master plans for water, sewer and

stormwater, as well as an implementation plan and budget recommendations. It also aligns with previous presentations to the City Council on a "road map" of projects that will support aging infrastructure and planned development. The recommended rate and fee increases are also reflected in the proposed 2024 City budget.

The "road map" proposed and presented to Council in 2022 and 2023 forecasted rate/fee increases in the 12-14% range in order to raise sufficient revenue to implement the master plans. As discussed at the September 18, 2023 workshop, an independent analysis by the City's financial consultant in 2023 recommended a 25% rate increase for water, a 12% rate increase for sewer, and a 64% rate increase for stormwater to support master plan implementation. Rather than bring such an aggressive adjustment to the Council for 2024, the City team has proposed the following:

- 12% water rate increase + \$4 bimonthly service charge increase = cumulative 14.5%, with \$3.5 million of estimated \$4.7 million revenue increase budgeted for the implementation of master plan projects
- 12% sewer rate increase + \$2 bimonthly service charge increase = cumulative 13.7%, with \$762,000 of estimated \$2.2 million revenue increase budgeted for the implementation of master plan projects
- 5% stormwater rate increase (no service charges), with \$104,000 of estimated \$203,000 revenue increase budgeted for the implementation of master plan projects

While approval of the recommended rate and fee increase will support the infrastructure strategic result on master plan implementation, it is not sufficient to fully fund the master plan implementation as directed in the strategic plan.

As a follow up to the discussion at the September 18, 2023 workshop, the City team has prepared a more detailed summary of forecasted expenses and prioritized projects for the water, sewer, and stormwater utility systems. Priorities are set based on direction from the City Council Strategic Plan, level of service goals, and supporting a market-driven pace of planned development.

This workshop will present prioritized projects, a review of Level of Service goals, and a more detailed review of the financial and data analysis conducted in support of the 2024 rate and fee recommendation.

Strategic Alignment

This workshop aligns with the following Strategic Result within the Infrastructure Priority Area of the City Council Strategic Plan:

Update the water, sewer, and stormwater master plans.

In addition, work related to the Water, Sewer, and Stormwater Master Plans aligns with the following Principle stated within the Infrastructure Priority Area:

Provides the community with a safe, reliable, high-quality water supply, drainage system, and wastewater disposal services for full city build-out, as defined by the Comprehensive Plan. This includes maintaining utility rates at the lowest practical levels with accurate billing that supports replacement of aging infrastructure in order to maintain robust utility systems.

Next Steps

A second reading and public hearing for the ordinances to adopt 2024 water, sewer, and stormwater rates and fees is scheduled for Monday, October 16, 2023.

Prepared by:
Sharon Israel, Director of Utilities

Reviewed by:

Approved by:

Sharon Israel, Director of Utilities	9/27/2023
Bryan Archer, Director of Finance	9/27/2023
Jessica Morales, Assistant City Attorney	9/27/2023
Tammy Hedlund, Legal Specialist	9/27/2023
Rachel Morris, City Attorney	9/27/2023
Don Wick, Deputy City Manager	9/27/2023
Lorie Gillis, City Manager	9/27/2023

Enclosure, exhibits & attachments required to support the report

WATER Master Plan Implementation Projects TO DATE												2032																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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2023-2032												2031	2030	2029	2028	2027	2026	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960	1959	1958	1957	1956	1955	1954	1953	1952	1951	1950	1949	1948	1947	1946	1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935	1934	1933	1932	1931	1930	1929	1928	1927	1926	1925	1924	1923	1922	1921	1920	1919	1918	1917	1916	1915	1914	1913	1912	1911	1910	1909	1908	1907	1906	1905	1904	1903	1902	1901	1900	1899	1898	1897	1896	1895	1894	1893	1892	1891	1890	1889	1888	1887	1886	1885	1884	1883	1882	1881	1880	1879	1878	1877	1876	1875	1874	1873	1872	1871	1870	1869	1868	1867	1866	1865	1864	1863	1862	1861	1860	1859	1858	1857	1856	1855	1854	1853	1852	1851	1850	1849	1848	1847	1846	1845	1844	1843	1842	1841	1840	1839	1838	1837	1836	1835	1834	1833	1832	1831	1830	1829	1828	1827	1826	1825	1824	1823	1822	1821	1820	1819	1818	1817	1816	1815	1814	1813	1812	1811	1810	1809	1808	1807	1806	1805	1804	1803	1802	1801	1800	1799	1798	1797	1796	1795	1794	1793	1792	1791	1790	1789	1788	1787	1786	1785	1784	1783	1782	1781	1780	1779	1778	1777	1776	1775	1774	1773	1772	1771	1770	1769	1768	1767	1766	1765	1764	1763	1762	1761	1760	1759	1758	1757	1756	1755	1754	1753	1752	1751	1750	1749	1748	1747	1746	1745	1744	1743	1742	1741	1740	1739	1738	1737	1736	1735	1734	1733	1732	1731	1730	1729	1728	1727	1726	1725	1724	1723	1722	1721	1720	1719	1718	1717	1716	1715	1714	1713	1712	1711	1710	1709	1708	1707	1706	1705	1704	1703	1702	1701	1700	1699	1698	1697	1696	1695	1694	1693	1692	1691	1690	1689	1688	1687	1686	1685	1684	1683	1682	1681	1680	1679	1678	1677	1676	1675	1674	1673	1672	1671	1670	1669	1668	1667	1666	1665	1664	1663	1662	1661	1660	1659	1658	1657	1656	1655	1654	1653	1652	1651	1650	1649	1648	1647	1646	1645	1644	1643	1642	1641	1640	1639	1638	1637	1636	1635	1634	1633	1632	1631	1630	1629	1628	1627	1626	1625	1624	1623	1622	1621	1620	1619	1618	1617	1616	1615	1614	1613	1612	1611	1610	1609	1608	1607	1606	1605	1604	1603	1602	1601	1600	1599	1598	1597	1596	1595	1594	1593	1592	1591	1590	1589	1588	1587	1586	1585	1584	1583	1582	1581	1580	1579	1578	1577	1576	1575	1574	1573	1572	1571	1570	1569	1568	1567	1566	1565	1564	1563	1562	1561	1560	1559	1558	1557	1556	1555	1554	1553	1552	1551	1550	1549	1548	1547	1546	1545	1544	1543	1542	1541	1540	1539	1538	1537	1536	1535	1534	1533	1532	1531	1530	1529	1528	1527	1526	1525	1524	1523	1522	1521	1520	1519	1518	1517	1516	1515	1514	1513	1512	1511	1510	1509	1508	1507	1506	1505	1504	1503	1502	1501	1500	1499	1498	1497	1496	1495	1494	1493	1492	1491	1490	1489	1488	1487	1486	1485	1484	1483	1482	1481	1480	1479	1478	1477	1476	1475	1474	1473	1472	1471	1470	1469	1468	1467	1466	1465	1464	1463	1462	1461	1460	1459	1458	1457	1456	1455	1454	1453	1452	1451	1450	1449	1448	1447	1446	1445	1444	1443	1442	1441	1440	1439	1438	1437	1436	1435	1434	1433	1432	1431	1430	1429	1428	1427	1426	1425	1424	1423	1422	1421	1420	1419	1418	1417	1416	1415	1414	1413	1412	1411	1410	1409	1408	1407	1406	1405	1404	1403	1402	1401	1400	1399	1398	1397	1396	1395	1394	1393	1392	1391	1390	1389	1388	1387	1386	1385	1384	1383	1382	1381	1380	1379	1378	1377	1376	1375	1374	1373	1372	1371	1370	1369	1368	1367	1366	1365	1364	1363	1362	1361	1360	1359	1358	1357	1356	1355	1354	1353	1352	1351	1350	1349	1348	1347	1346	1345	1344	1343	1342	1341	1340	1339	1338	1337	1336	1335	1334	1333	1332	1331	1330	1329	1328	1327	1326	1325	1324	1323	1322	1321	1320	1319	1318	1317	1316	1315	1314	1313	1312	1311	1310	1309	1308	1307	1306	1305	1304	1303	1302	1301	1300	1299	1298	1297	1296	1295	1294	1293	1292	1291	1290	1289	1288	1287	1286	1285	1284	1283	1282	1281	1280	1279	1278	1277	1276	1275	1274	1273	1272	1271	1270	1269	1268	1267	1266	1265	1264	1263	1262	1261	1260	1259	1258	1257	1256	1255	1254	1253	1252	1251	1250	1249	1248	1247	1246	1245	1244	1243	1242	1241	1240	1239	1238	1237	1236	1235	1234	1233	1232	1231	1230	1229	1228	1227	1226	1225	1224	1223	1222	1221	1220	1219	1218	1217	1216	1215	1214	1213	1212	1211	1210	1209	1208	1207	1206	1205	1204	1203	1202	1201	1200	1199	1198	1197	1196	1195	1194	1193	1192	1191	1190	1189	1188	1187	1186	1185	1184	1183	1182	1181	1180	1179	1178	1177	1176	1175	1174	1173	1172	1171	1170	1169	1168	1167	1166	1165	1164	1163	1162	1161	1160	1159	1158	1157	1156	1155	1154	1153	1152	1151	1150	1149	1148	1147	1146	1145	1144	1143	1142	1141	1140	1139	1138	1137	1136	1135	1134	1133	1132	1131	1130	1129	1128	1127	1126	1125	1124	1123	1122	1121	1120	1119	1118	1117	1116	1115	1114	1113	1112	1111	1110	1109	1108	1107	1106	1105	1104	1103	1102	1101	1100	1099	1098	1097	1096	1095	1094	1093	1092	1091	1090	1089	1088	1087	1086	1085	1084	1083	1082	1081	1080	1079	1078	1077	1076	1075	1074	1073	1072	1071	1070	1069	1068	1067	1066	1065	1064	1063	1062	1061	1060	1059	1058	1057	1056	1055	1054	1053	1052	1051	1050	1049	1048	1047	1046	1045	1044	1043	1042	1041	1040	1039	1038	1037	1036	1035	1034	1033	1032	1031	1030	1029	1028	1027	1026	1025	1024	1023	1022	1021	1020	1019	1018	1017	1016	1015	1014	1013	1012	1011	1010	1009	1008	1007	1006	1005	1004	1003	1002	1001	1000	999	998	997	996	995	994	993	992	991	990	989	988	987	986	985	984	983	982	981	980	979	978	977	976	975	974	973	972	971	970	969	968	967	966	965	964	963	962	961	960	959	958	957	956	955	954	953	952	951	950	949	948	947	946	945	944	943	942	941	940	939	938	937	936	935	934	933	932	931	930	929	928	927	926	925	924	923	922	921	920	919	918	917	916	915	914	913	912	911	910	909	908	907	906	905	904	903	902	901	900	899	898	897	896	895	894	893	892	891	890	889	888	887	886	885	884	883	882	881	880	879	878	877	876	875	874	873	872	871	870	869	868	867	866	865	864	863	862	861	860	859	858	857	856	855	854	853	852	851	850	849	848	847	846	845	844	843	842	841	840	839	838	837	836	835	834	833	832	831	830	829	828	827	826	825	824	823	822	821	820	819	818	817	816	815	814	813	812	811	810	809	808	807	806	805	804	803	802	801	800	799	798	797	796	795	794	793	792	791	790	789	788	787	786	785	784	783	782	781	780	779	778	777	776	775	774	773	772	771	770	769	768	767	766	765	764	763	762	761	760	759	758	757	756	755	754	753	752	751	750	749	748	747	746	745	744	743	742	741	740	739	738	737	736	735	734	733	732	731	730	729	728	727	726	725	724	723	722	721	720	719	718	717	716	715	714	713	712	711	710	709	708	707	706	705	704	703	702	701	700	699	698	697	696	695	694	693	692	691	690	689	688	687	686	685	684	683	682	681	680	679	678	677	676	675	674	673	672	671	670	669	668	667	666	665	664	663	662	661	660	659	658	657	656	655	654	653	652	651	650	649	648	647

WASTEWATER													
Master Plan Implementation Projects TO DATE													
Total 2023-2032													
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032			
Sewer System Replacement (Operations)	\$ 9,505,000	\$ -	\$ 862,000	\$ 905,000	\$ 950,000	\$ 998,000	\$ 1,048,000	\$ 1,100,000	\$ 1,155,000	\$ 1,213,000	\$ 1,274,000		
Infiltration Elimination Program	\$ 5,470,204	\$ 450,204	\$ 230,000	\$ 480,000	\$ 250,000	\$ 676,667	\$ 676,667	\$ 676,667	\$ 676,667	\$ 676,667	\$ 676,667		
Oversizing of Replacement Pipelines for Additional Capacity	\$ 3,390,000	\$ -	\$ -	\$ 360,000	\$ 390,000	\$ 440,000	\$ 440,000	\$ 440,000	\$ 440,000	\$ 440,000	\$ 440,000		
Wastewater Master Plan Update	\$ 400,000	\$ -	\$ -	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Condition Assessment Results (to be updated in 2024 after completion)	\$ 5,967,000	\$ -	\$ -	\$ -	\$ 291,000	\$ 3,168,000	\$ 2,508,000	\$ -	\$ -	\$ -	\$ -		
NORTH TRUNK LINE PROGRAM:													
NTL Improvements Phase I - BOND FUNDING	\$ 1,000,000	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
NTSL 631st & Tennyson	\$ 5,250,000	\$ -	\$ -	\$ 5,250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
NTSL - W 81 Oak to Johnson	\$ 1,950,000	\$ 1,950,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
NTSL 81st & Kipling - BOND FUNDING	\$ 1,887,803	\$ 1,887,803	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
North Sewer Trunk Line 61st and Tennyson (NT10) - BOND FUNDING	\$ 14,690,000	\$ 690,000	\$ 10,000,000	\$ 4,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
North Trunk Sewer Improvements - W 81st & Teller to W 72nd & Sheridan (NT7) - BOND FUNDING	\$ 13,950,000	\$ 950,000	\$ 13,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
North Trunk Sewer Improvements - W 84th from Alkire to Simms (NT2) - BOND FUNDING	\$ 5,500,000	\$ -	\$ 400,000	\$ 5,100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
North Trunk Sewer Improvements - 68th & Sheridan to Tennyson & W. 64th (NT8)	\$ 11,300,000	\$ -	\$ 600,000	\$ 10,700,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Condition Assessment Results (to be updated in 2024 after completion)	\$ 5,967,000	\$ -	\$ -	\$ -	\$ 291,000	\$ 3,168,000	\$ 2,508,000	\$ -	\$ -	\$ -	\$ -		
CENTRAL TRUNK LINE PROGRAM:													
Ralston Trunk Sewer Improvements - W. 69th from Coors to Urban (CRT6) - BOND FUNDING	\$ 7,797,000	\$ 7,797,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Ralston Trunk Sewer Improvements - Simms to Plerson (CRT7) - BOND FUNDING	\$ 4,500,000	\$ 400,000	\$ 4,100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Ralston Trunk Sewer Improvements - W. 69th from Eldridge to Coors (CRT5)	\$ 1,850,000	\$ -	\$ -	\$ 185,000	\$ 1,665,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Ralston Trunk Sewer Improvements - W. 75th from Ward to Union (CRT8)	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 100,000	\$ 900,000	\$ -	\$ -	\$ -	\$ -	\$ -		
Ralston Trunk Sewer Improvements - Union from W. 75th to W. 731st (CRT9)	\$ 4,500,000	\$ -	\$ 500,000	\$ 4,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
2022 Wastewater CIP Project	\$ 2,923,278	\$ 2,923,278	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Alkire Lift Station - EXTERNAL FUNDING	\$ 2,701,975	\$ 2,701,975	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Sewer System Replacement (Operations)	\$ 750,000	\$ 750,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Alkire Force Mains	\$ 2,200,000	\$ -	\$ 2,200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
TOTAL Cost Estimates:	\$ 114,449,260	\$ 21,500,260	\$ 31,892,000	\$ 31,380,000	\$ 3,937,000	\$ 9,350,667	\$ 7,180,667	\$ 2,216,667	\$ 2,271,667	\$ 2,329,667	\$ 2,390,667		
TOTAL Cost Estimates with Cumulative Annual Inflation Applied:													
	\$ 118,464,051	\$ 21,500,260	\$ 31,967,000	\$ 32,248,388	\$ 4,487,751	\$ 10,698,268	\$ 8,353,718	\$ 2,216,667	\$ 2,271,667	\$ 2,329,667	\$ 2,390,667		

STORMWATER												
Master Plan Implementation Projects TO DATE												Total 2023-
	2032	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Arvada Center Detention Pond	\$ 1,660,000	\$ -	\$ 105,000	\$ 604,000	\$ 951,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Ralston Creek at Ward Road	\$ 2,588,000	\$ 750,000	\$ 184,000	\$ -	\$ 254,000	\$ 1,400,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Ralston Creek Improvements	\$ 180,000	\$ 180,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Bates Lake Watershed Drainage Improvements	\$ 358,237	\$ 3,237	\$ 105,000	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Bates Lake Watershed Drainage Improvements - EXTERNAL FUNDING SOURCE	\$ 1,305,000	\$ -	\$ -	\$ 604,000	\$ 701,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Ralston Creek Improvements - Vance Street to Wadsworth By-Pass	\$ 1,744,000	\$ -	\$ 20,000	\$ 424,000	\$ 634,000	\$ 666,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Ralston Creek Improvements - Vance Street to Wadsworth By-Pass - EXTERNAL FUNDING SOURCE	\$ 180,000	\$ 180,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Tennynson Street Outfall	\$ 568,000	\$ -	\$ 568,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Mile High Flood District Joint Master Plan Studies	\$ 1,345,157	\$ 529,157	\$ 65,000	\$ 68,000	\$ 71,000	\$ 102,000	\$ 102,000	\$ 102,000	\$ 102,000	\$ 102,000	\$ 102,000	
Stormwater/Irrigation Separation Projects	\$ 2,296,000	\$ -	\$ -	\$ 242,000	\$ 254,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	
Stormwater Facility Aeration Projects	\$ 534,000	\$ -	\$ 92,000	\$ 78,000	\$ 82,000	\$ 47,000	\$ 47,000	\$ 47,000	\$ 47,000	\$ 47,000	\$ 47,000	
Van Bibber Creek from Oak St to Kipling Pkwy	\$ 804,000	\$ 425,000	\$ 300,000	\$ -	\$ 79,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Van Bibber Creek from Oak St to Kipling Pkwy - EXTERNAL FUNDING SOURCE	\$ 1,276,000	\$ -	\$ 225,000	\$ 551,000	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
MHFD Joint Maintenance	\$ 277,528	\$ 55,456	\$ 28,982	\$ 29,851	\$ 30,747	\$ 31,669	\$ 32,619	\$ 33,598	\$ 34,606	\$ -	\$ -	
Drainage Improvement Projects	\$ 9,905,243	\$ 1,678,243	\$ 575,000	\$ 640,000	\$ 712,000	\$ 1,050,000	\$ 1,050,000	\$ 1,050,000	\$ 1,050,000	\$ 1,050,000	\$ 1,050,000	
Ralston Creek at Croke Canal Crossing	\$ 1,325,000	\$ 1,325,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Lake Arbor Dredging	\$ 4,906,133	\$ 4,906,133	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Arvada Center Southern Detention Pond Outlet	\$ 54,340	\$ 54,340	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL Cost Estimates with Cumulative Annual Inflation Applied:	\$ 31,306,638	\$ 10,086,566	\$ 2,267,982	\$ 3,240,851	\$ 4,518,747	\$ 3,596,669	\$ 1,531,619	\$ 1,532,598	\$ 1,533,606	\$ 1,499,000	\$ 1,499,000	

2024 Proposed Water, Sewer and Stormwater Rates & Fees

City Council Workshop
October 9, 2023

Utilities Department



Tonight's Agenda

- City of Arvada Utilities Infrastructure Overview
- Level of Service Goals
- Utilities Master Planning Timeline and Financial Strategy
- 2024 Utilities Rate and Fee Recommendation Recap
 - Impact to typical City of Arvada single family home
- Planned projects by criticality: water, sewer, storm
- Cash flow and cost allocations: water, sewer, storm
- 2022-2024 Capital Improvement Projects (CIP) Project Spend and Schedule: water and sewer
- Next Steps

City of Arvada Utilities Infrastructure Overview

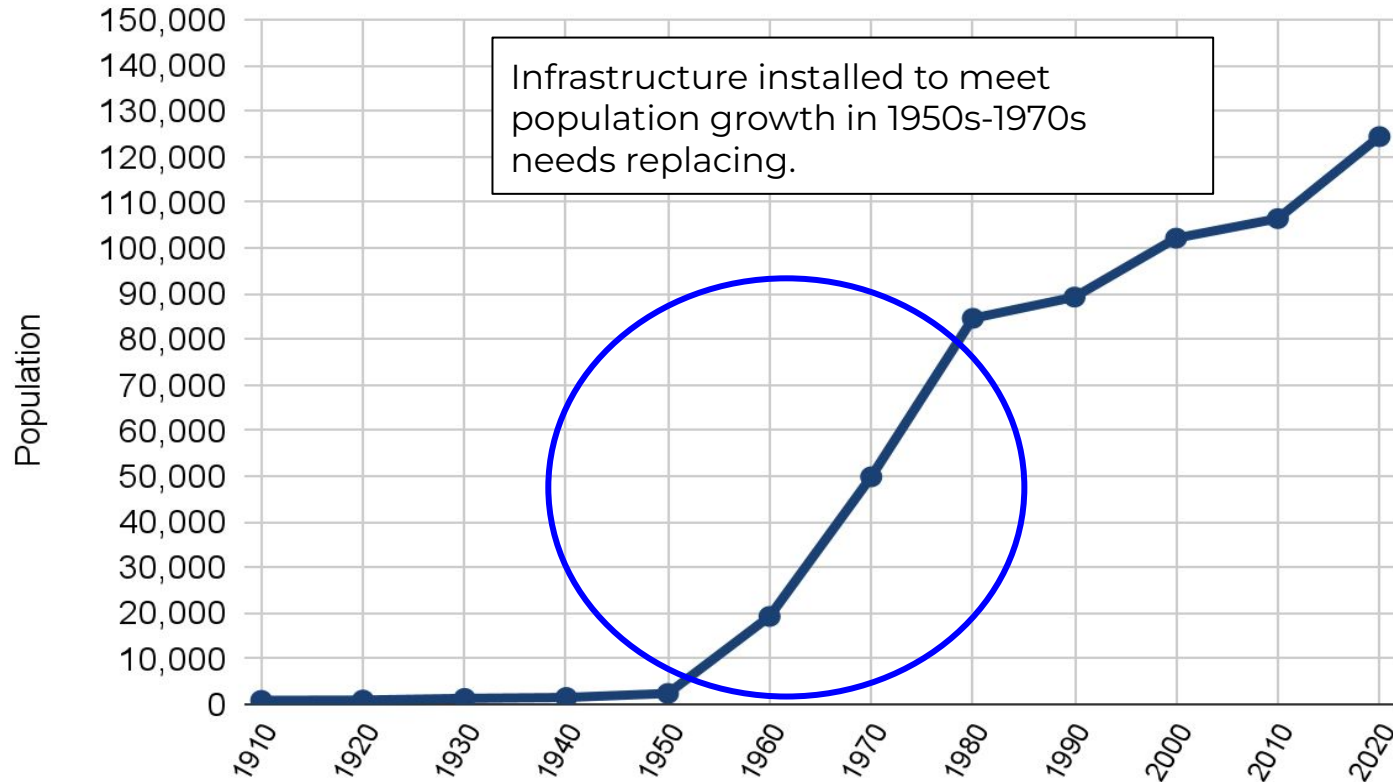
The City's water and wastewater systems date to the early 20th century with current components installed starting in the 1950s with significant investment between the 60s and 80s. Much of this infrastructure is reaching the end of its useful life.

By the numbers

- ~40,000+ households, 120,000+ residents, ~40 square miles
- ~100 full time employees
 - Operations & Treatment, Customer Billing, Water Resources, Wastewater, Stormwater, Engineering
- Water supply ~75% Denver Water (Gross Reservoir), 25% Clear Creek
- ~6.4 billion gallons of treated water per year
 - Ralston Water Treatment Plant (WTP) treatment capacity is 36 Million Gallon per Day (MGD)
 - Arvada WTP treatment capacity is 16 MGD
- 11 water storage tanks and 7 pump stations
- 630+ miles of distribution pipes
- 38,000 water meters & 6,000 hydrants
- 400 miles of sewer line maintained by Arvada
- Over 10,000 maintenance holes and 2 lift stations
- 221 miles of storm drains



Infrastructure built 50-70 years ago is at or past its useful life and needs to be replaced to maintain Level of Service



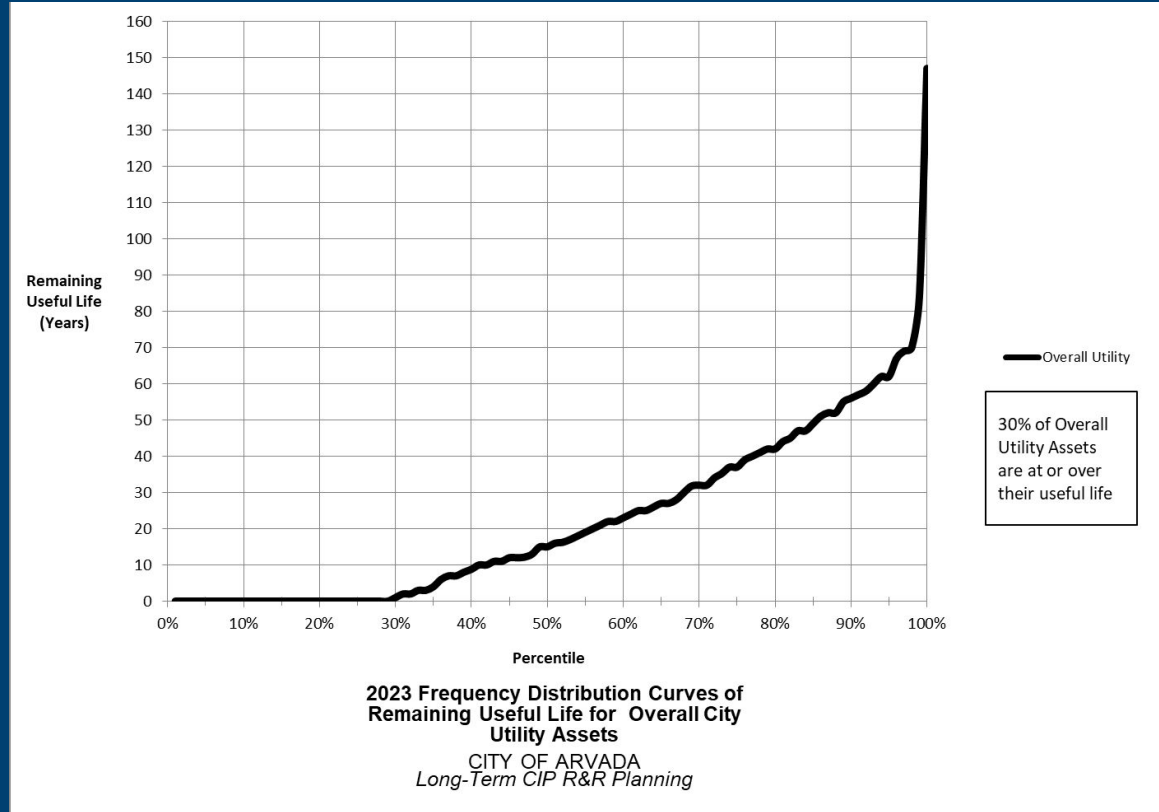
System Value ~ \$4,500,000,000

<u>System</u>	<u>Value</u>
Water Infrastructure	\$2.4 billion*
Wastewater	\$1.2 billion
Stormwater	\$840 million

*Does not include water rights valuation

Significant portion of the system is at or near useful life -

Reinvestment is funded from rates and fees



*Total Number of assets - Not Value Weighted

Utilities and Level of Service (LOS)

- LOS is a decision/discussion point across the Utility and with City Council
- LOS is also communicated with our customers

Funding Sources

Each year, the City team prioritizes projects in our system to keep delivering the level of service residents have come to expect. Some projects build capacity for new users and other projects replace and rehabilitate the existing system.



MEMORANDUM

INFRASTRUCTURE WORK SYSTEM

DATE: September 30, 2021 (UPDATED APRIL 15, 2022)
TO: Sharon Israel, Jacqueline Rhoades
FROM: Utilities Engineering Team
SUBJECT: Level of Service Goals for Water, Wastewater, and Storm Water Utilities

Summary

City Utilities staff, in conjunction with Utilities Engineering staff, have defined and set goals for each area of the utility. These are summarized in Table 1 at the end of this memo. These goals will provide direction for:

- Provide a benchmark where the system meets expectations and where improvements are needed
- Prioritization of CIP Projects
- Identification of budget needs
- Common work goals for utilities teams
- Communication with stakeholders outside of utilities
- Explanation and rationale for utility operations and decisions

The City's definition of Level of Service is as follows:

Develop numerous criteria for each area of the utility to define the accepted level of risk and provide this level of service to all customers.



System Failures 2023 YTD

- Winter 2022-2023: Ralston underground chlorine feed line failure
- December 2022: line break repair \$100k+
- Spring 2023: Arvada underground chlorine feed line failure
- June: Ralston Plant Fluoride solenoid failure, line break repair \$100k+
- August: Arvada Plant Filter 4 backwash valve, control failure
- September: Arvada Backup radio communications failure required emergency manual operations, Ralston 480V short with visible sparks and power failure (34 years old)
- Arvada Reaction Tank leaks (1964)
- Spring Mesa Pump Station redundant pump failure - ongoing
- Arvada Reservoir outlet gate controls, actuators and seals

City Council Strategic Plan Alignment

- ★ Infrastructure Principle: Replace aging infrastructure, maintain lowest practical rates:

Infrastructure Strategic Results

[SR3] By 12/23

update water, sewer, stormwater master plans and develop an implementation plan to address and prioritize findings.

COMPLETE

[M3A] By 12/21

complete the Sewer and Stormwater Master Plans.

COMPLETE

[M3B] By 12/22

complete the Water Master Plan.

[M3C] By 12/23

actions including conceptual project and operational changes to utilities programs necessary to implement the Master Plans are included in the 10-year CIP and performance budget.



City Council Strategic Plan Alignment

★ OSE SR9 - New strategic result for financial resiliency:

Organizational and Service Effectiveness Strategic Results

[SR8] By 12/24

based on long-term financial projections and updated master plans, develop financial resiliency recommendations to ensure adequate and on-ongoing investment in city infrastructure and core services.

COMPLETE

[M8A] By 12/22

using information assembled as part of the 2023-2024 Budget development process and current master planning efforts, prepare a summary of long range unfunded needs by work system.

[M8D] Continuously

research, track, apply for and deploy awarded grant funding.

[M8B] By 12/23

develop a city-wide consolidated level of service summary.

[M8C] By 12/23

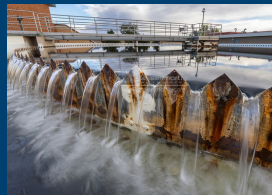
prepare an exhaustive list of funding source opportunities for closing identified infrastructure and core service funding gaps.



Master Planning Strategic Result Timelines

← Ongoing Aging Infrastructure and Capacity Needs →

— Distribution Report



— Treatment Report



— Updated Distribution Report

— Preliminary WW Results
— Storm Water Report

— Draft WW Report

— Final WW Report



2019

2020

2021

2022

2023 and outyears

Implementation of Master Plan projects

Utilities Financial Strategy Review

- 2019-2022: Water, Sewer and Storm Master Plans
- 2021: Approached City Council with initial Financial Strategy concepts
- 2022: Roadmap and alternatives
- Revenue sources:
 - Annual rates adjustments
 - Annual bimonthly service fee adjustments (since 2022)
 - System Development Charge adjustments, effective October 1, 2023
 - Debt financing:
 - December 2022 Bonds: \$50M water, \$50M sewer
 - Bonds, low-interest loans, grants



April 25, 2022: Financial Scenario Options

1 - Road Map

- Per Road Map
- Adjust rate/service fee revenue 12-14%/year
- Adjust System Development Charges per Road Map

Recommended:

- Keeps risk of failure at or below industry standard
- Supports Level of Service for existing customers and planned development

2 - Extended Schedule

- Extend project delivery from 8 to 20 years
- Adjust rate/service fee revenue - between 7-14%/year
- Adjust System Development Charges 25% in 2023 and 25% in 2024, more in out years

Not Recommended:

- Project costs increase
- Risk of failure higher for longer time period
- Slows pace of planned development

3 - Existing Model

- No Action - Pause action on unfunded projects
- Adjust rate/service fee revenue per 10-year model - 7%/year
- Adjust system development Charges 25% in 2023 and 25% in 2024

Not Recommended:

- Risk of failure above industry standard
- Does not support Level of Service
- Slows pace of planned development

2024 Utilities Rate and Fee Recommendation Recap

2024 Recommendation Supports Operations and Reinvestment

1 - Road Map

- Per Road Map
- Adjust rate/service fee revenue 12-14%/year
- Adjust System Development Charges per Road Map

Recommended:

- Keeps risk of failure at or below industry standard
- Supports Level of Service for existing customers and planned development

Water: \$4,780,000 new revenue

Increase is <0.2% of \$2,400,000,000 asset value

2024 Recommended Water Increase: **14.5%**

12% volumetric and \$4/bimonthly service fee increase

Sewer: \$2,141,000 new revenue

Increase is <0.2% of \$1,200,000,000 asset value

2024 Recommended Sewer Increase: **13.7%**

12% volumetric and \$2/bimonthly service fee increase

Stormwater: \$203,000 new revenue

Increase is <0.02% of \$840,000,000 asset value

2024 Recommended Stormwater Increase: **5%**



Typical Single Family Home Customer Bill Impact

A typical single family home uses 95,000 gallons per year. In 2023 the annual cost of utilities is \$935. With the recommendation, the new annual cost will be \$1065.

Proposed **annual** increase over 2023: **\$130.20**

Proposed **monthly** increase over 2023: **\$10.85**

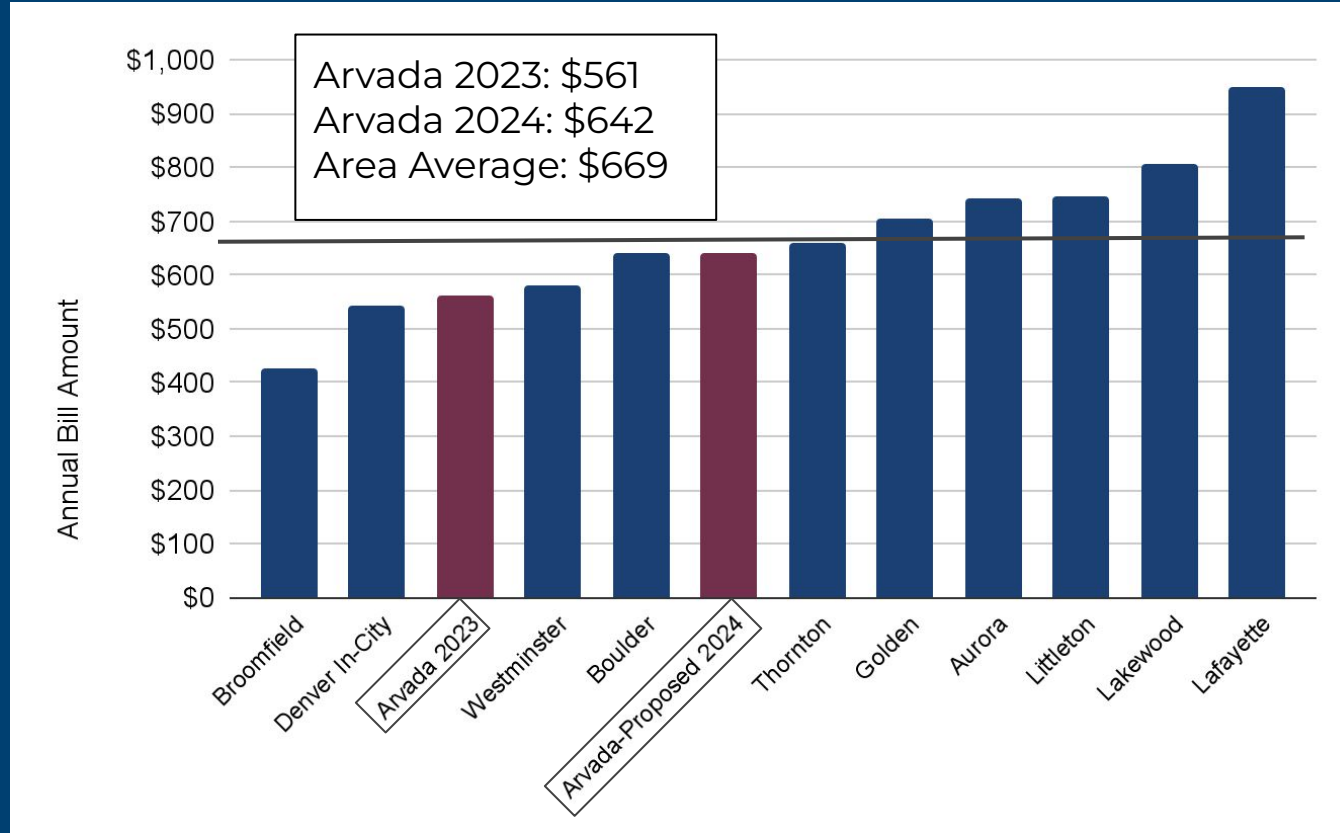
Water: \$6.75/month

Sewer: \$3.80/month

Stormwater: \$0.30/month

Single Family Annual Water Charges

2023 Comparisons with Proposed 2024 Increases



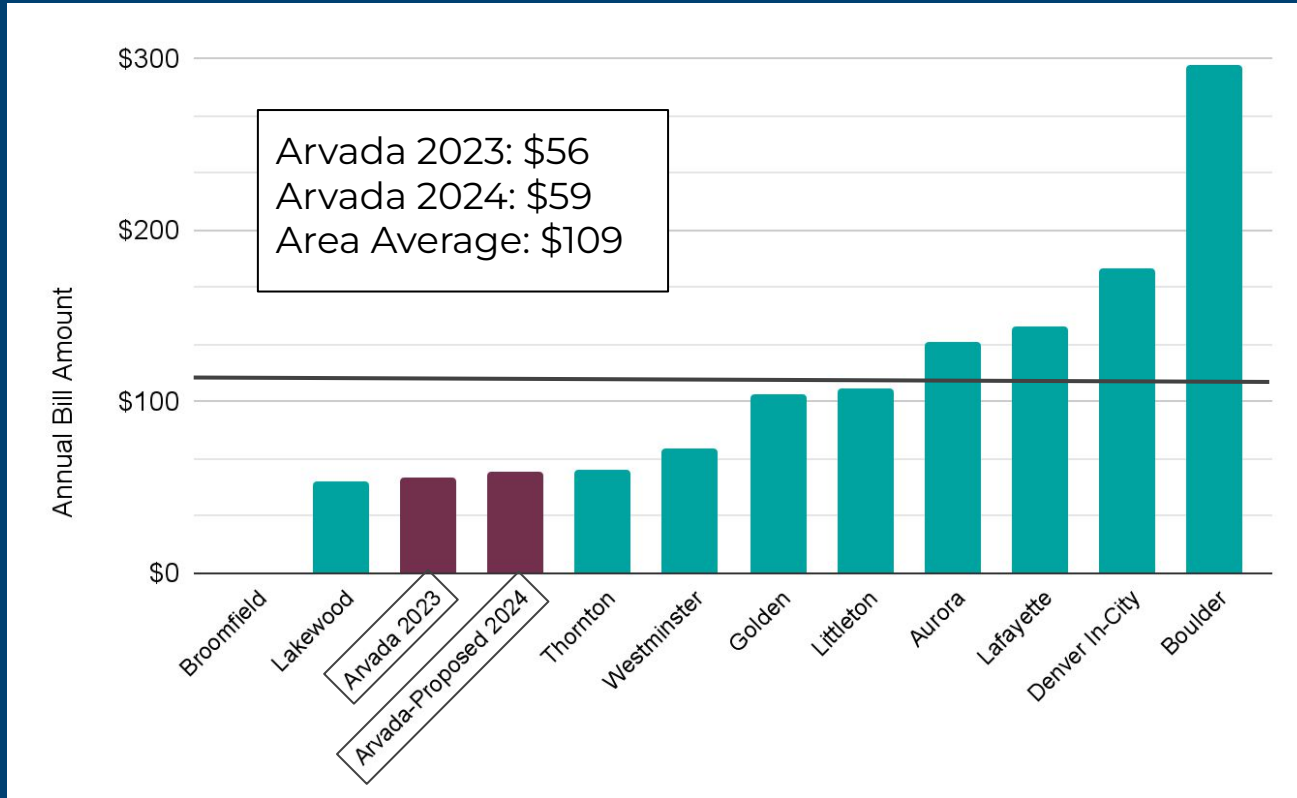
Single Family Annual Sewer Charges

2023 Comparisons with Proposed 2024 Increases



Single Family Annual Stormwater Charges

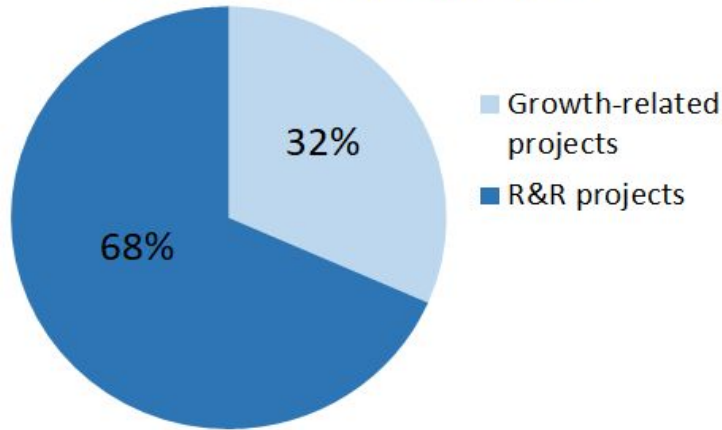
2023 Comparisons with Proposed 2024 Increases



Planned projects by criticality: water, sewer, storm

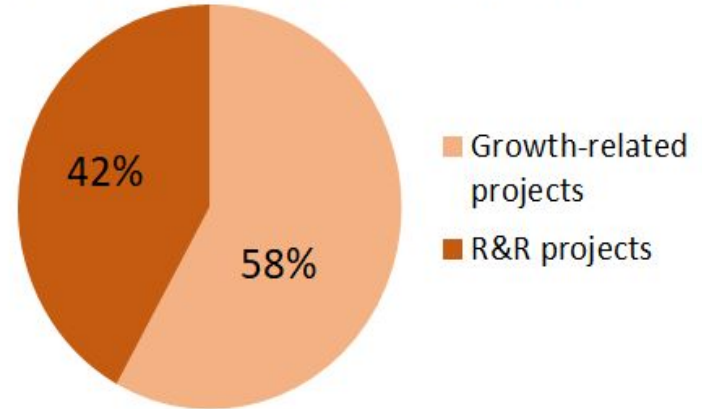
Water and Sewer Fund CIP Projects: Growth-related vs. R&R (Handouts: Water, Sewer, Storm Projects Ranked by Criticality)

Water Fund CIP 2023-2032
Growth-related v. R&R Projects



Growth-related projects are primarily the Gross Reservoir Expansion project + developer-contributed system expansion projects.

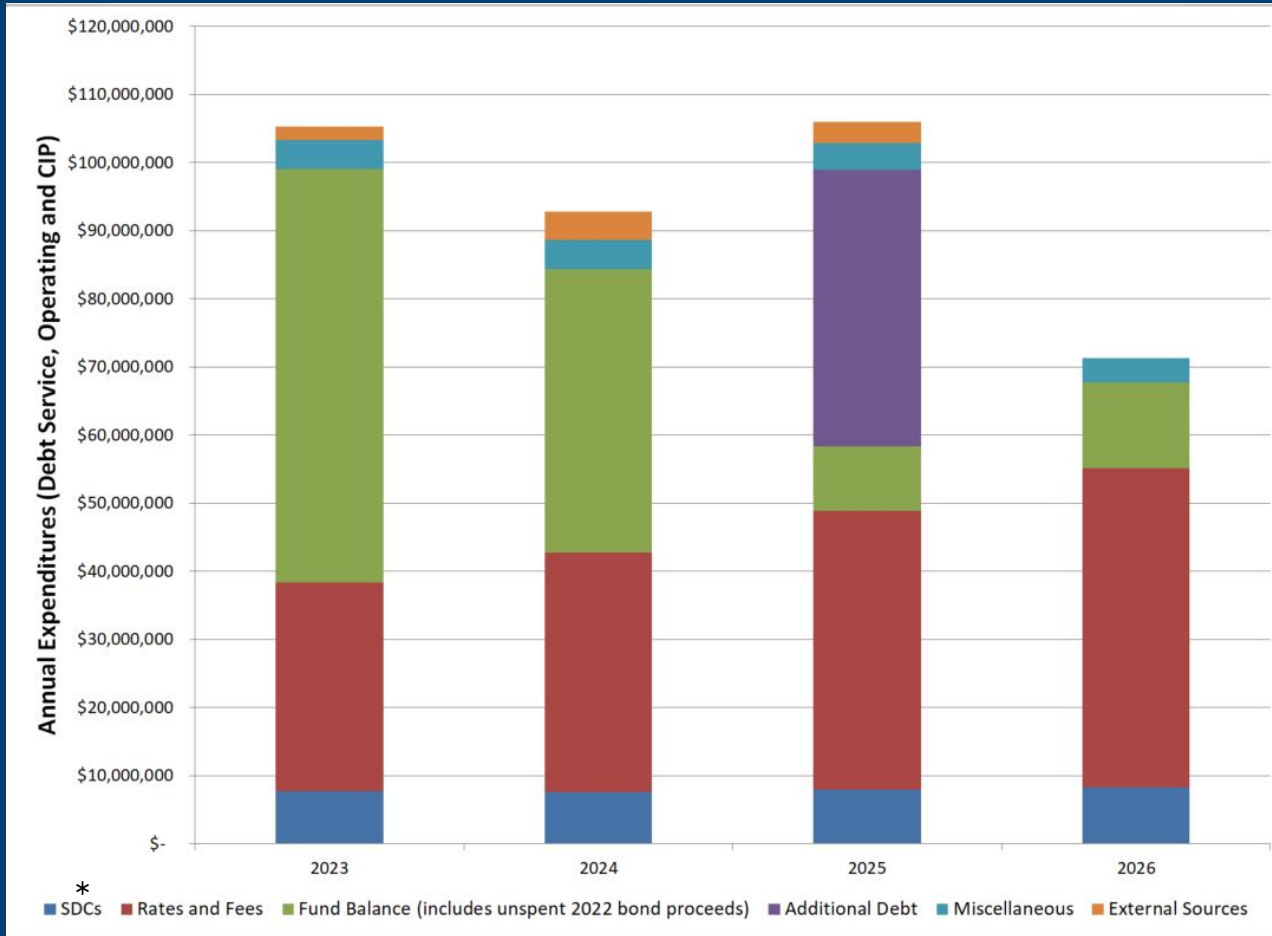
Wastewater Fund CIP 2023-2032
Growth-related projects v. R&R projects



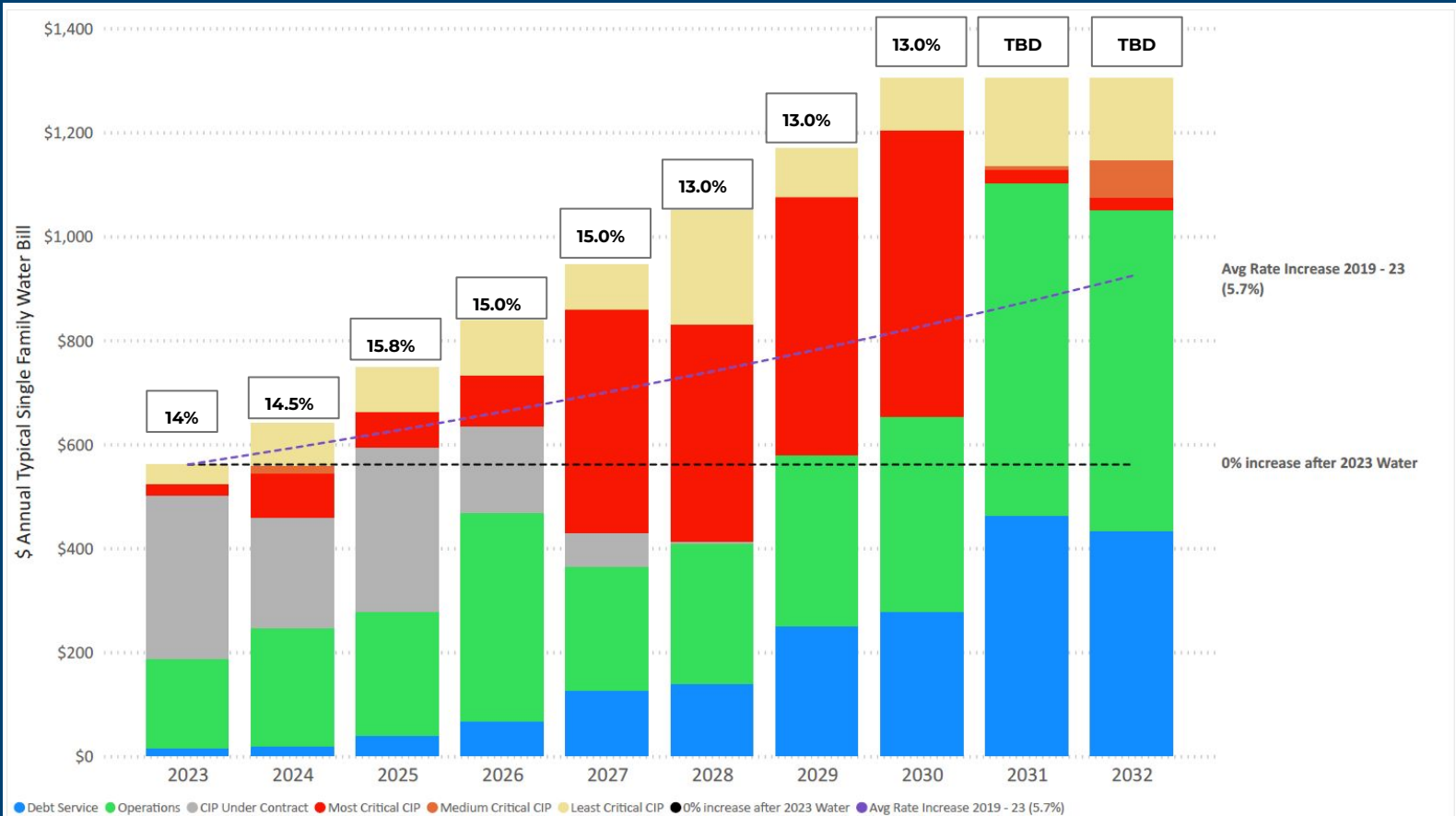
The majority of Wastewater projects are a combination of growth and R&R, and cannot be separated

Cash flow and cost allocations: water, sewer, storm

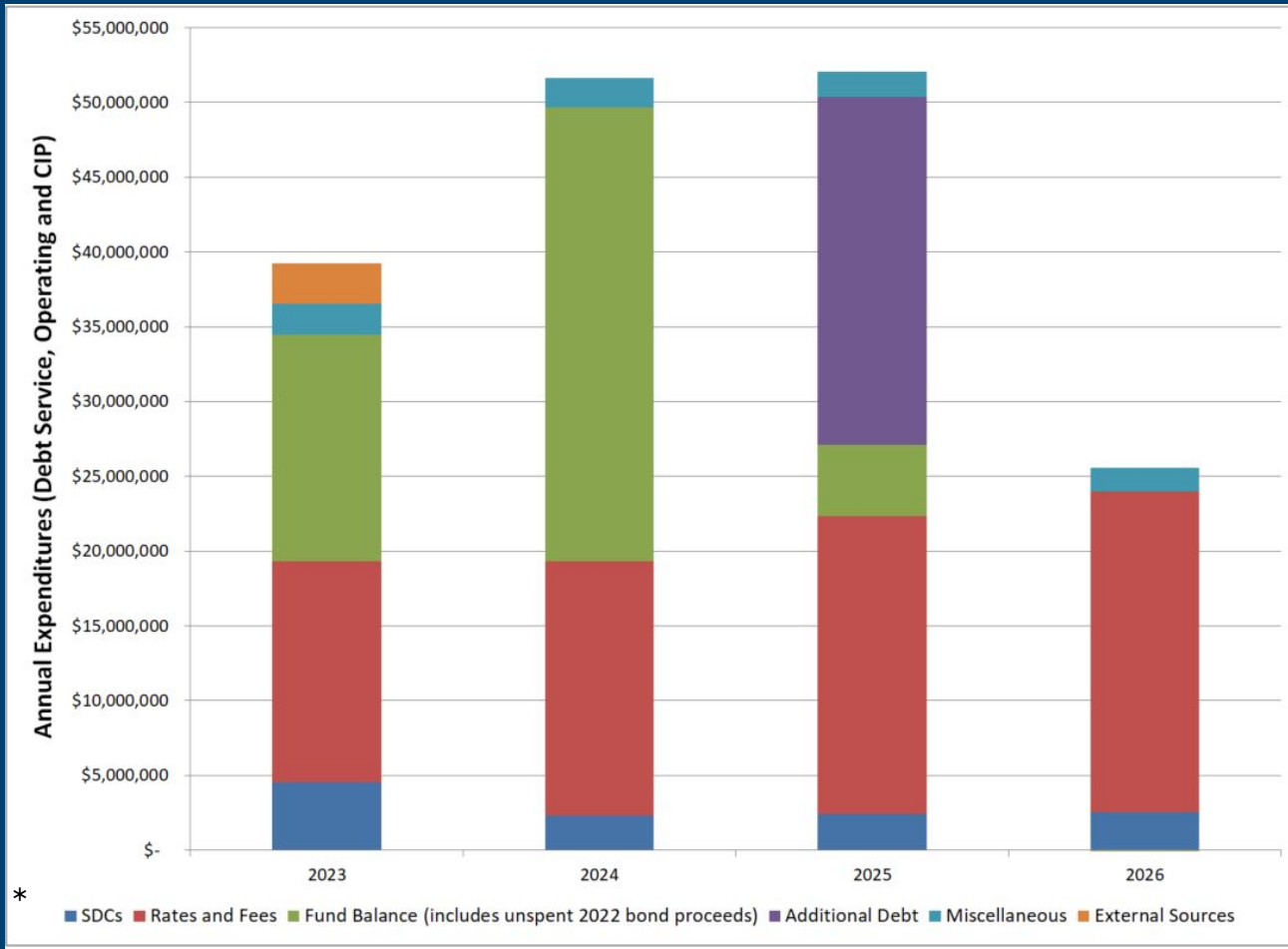
Cash Flow for **Water** Fund



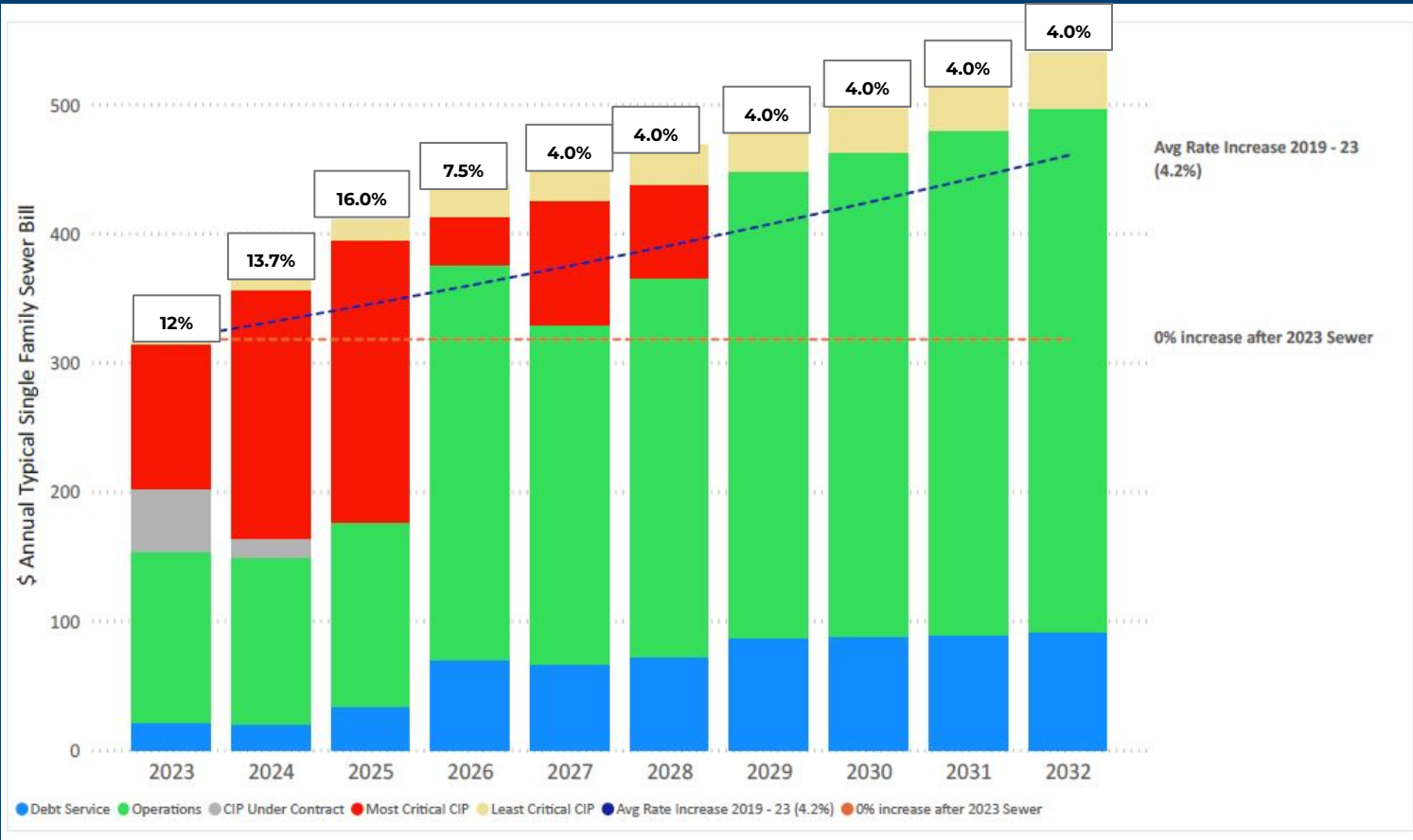
Cost Allocation for a Single Family **Water** Bill & Increases needed to fully fund Master Plan Projects



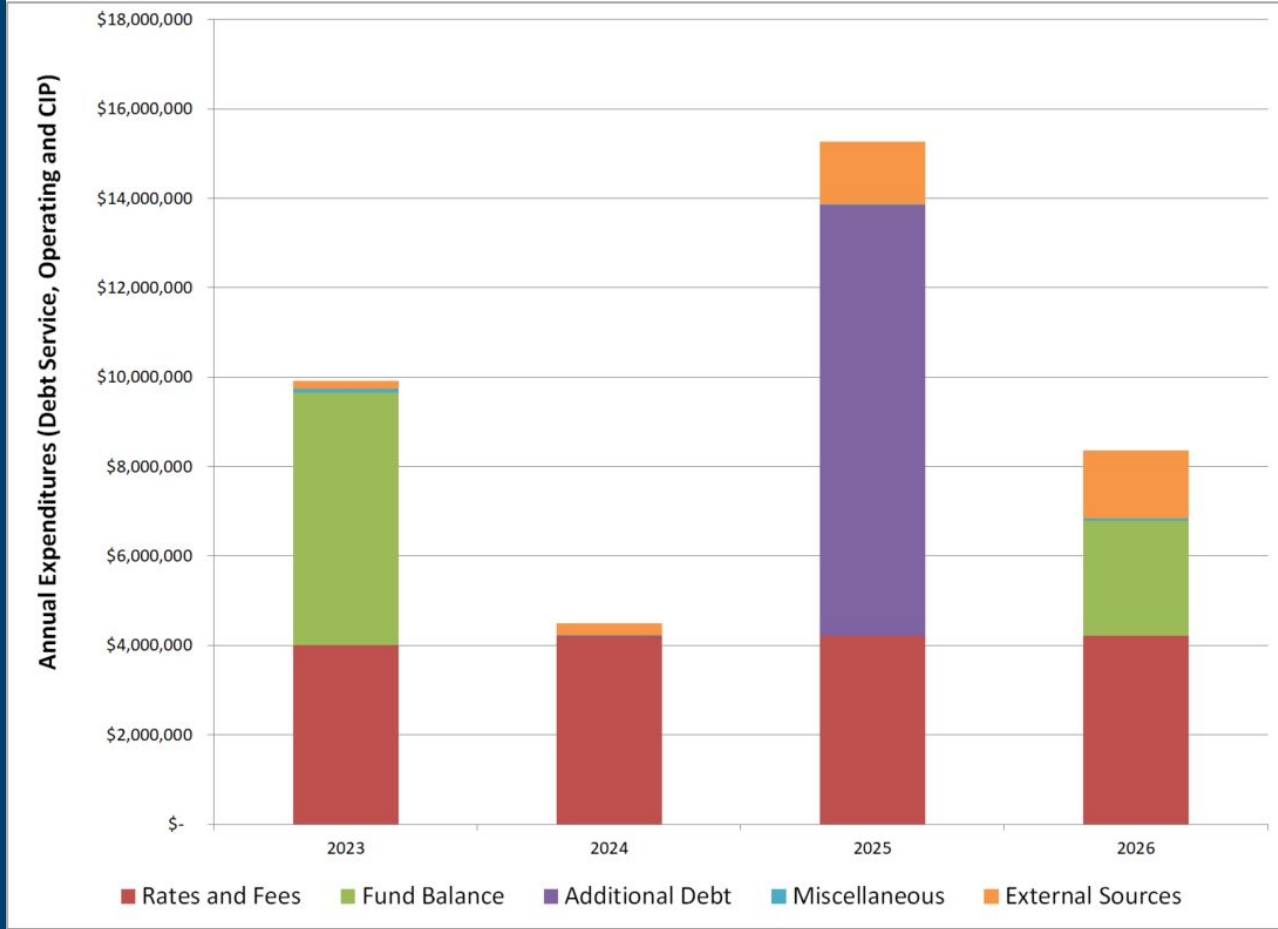
Cash Flow for **Sewer** Fund



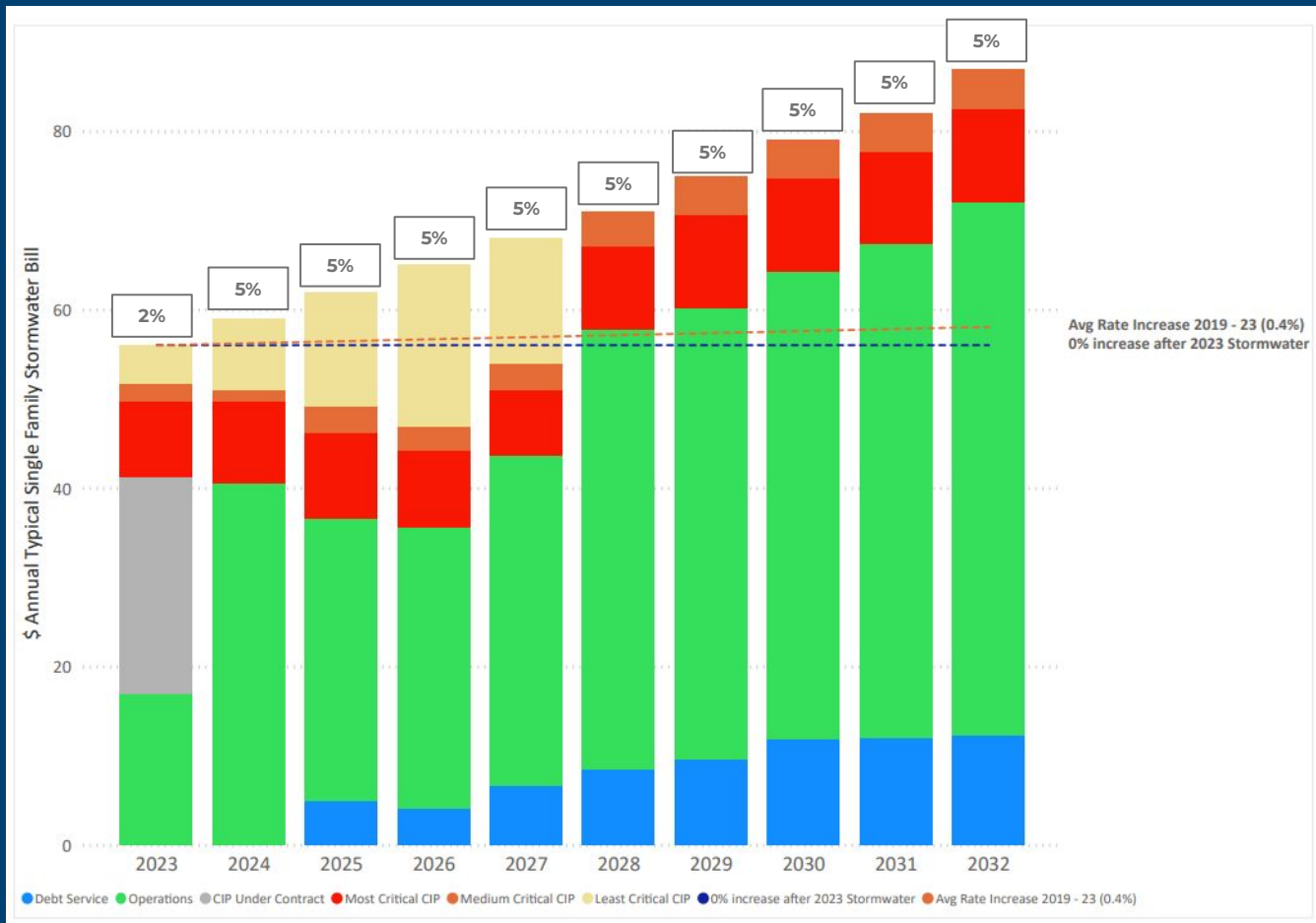
Cost Allocation for a Single Family **Sewer** Bill



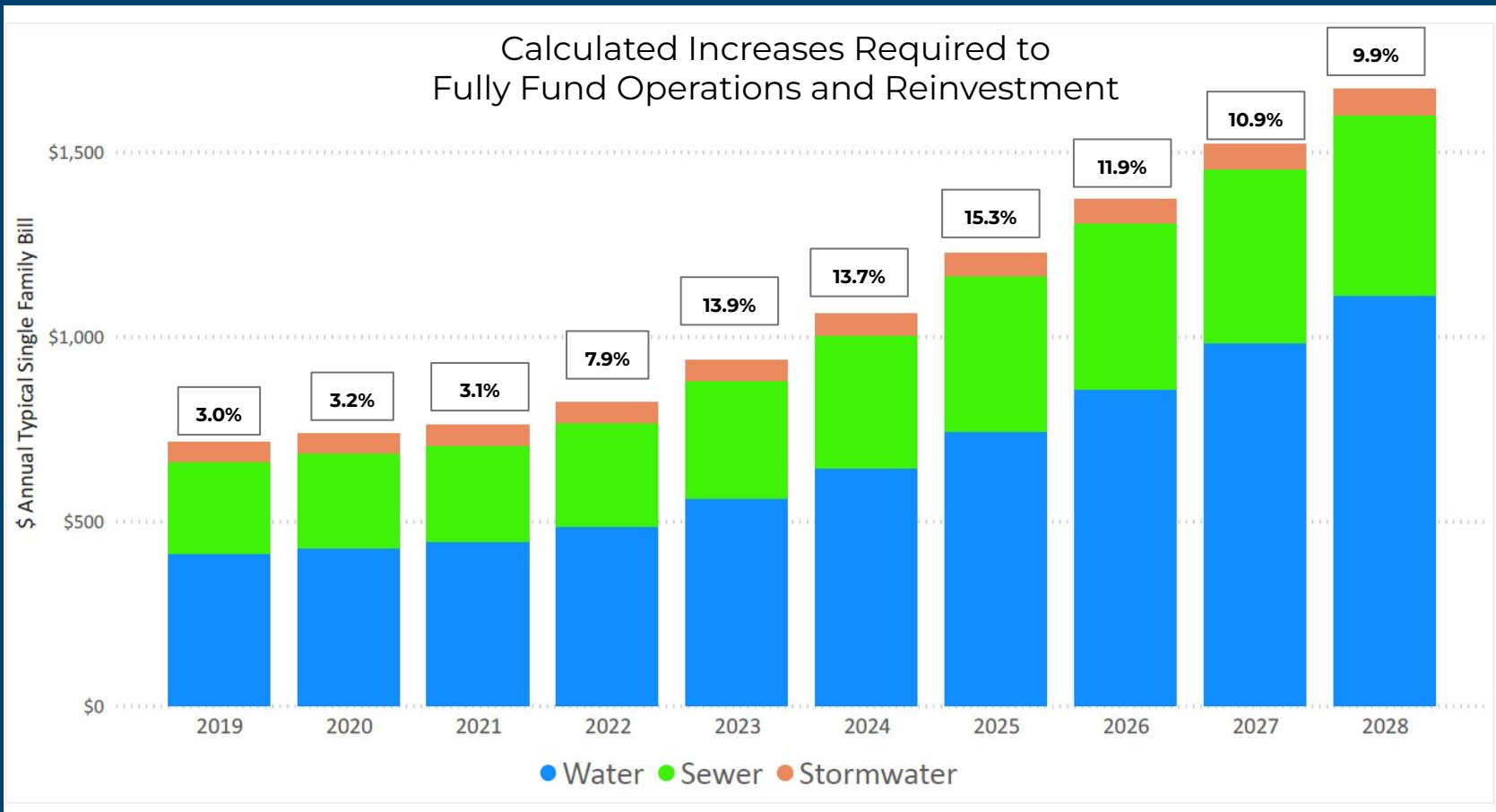
Cash Flow for **Stormwater** Fund



Cost Allocation for a Single Family **Stormwater** Bill



Combined ANNUAL Water/Sewer/Stormwater Single Family Bill, 2019-2028



2022-2024 CIP Project Spend and Schedule: water and sewer

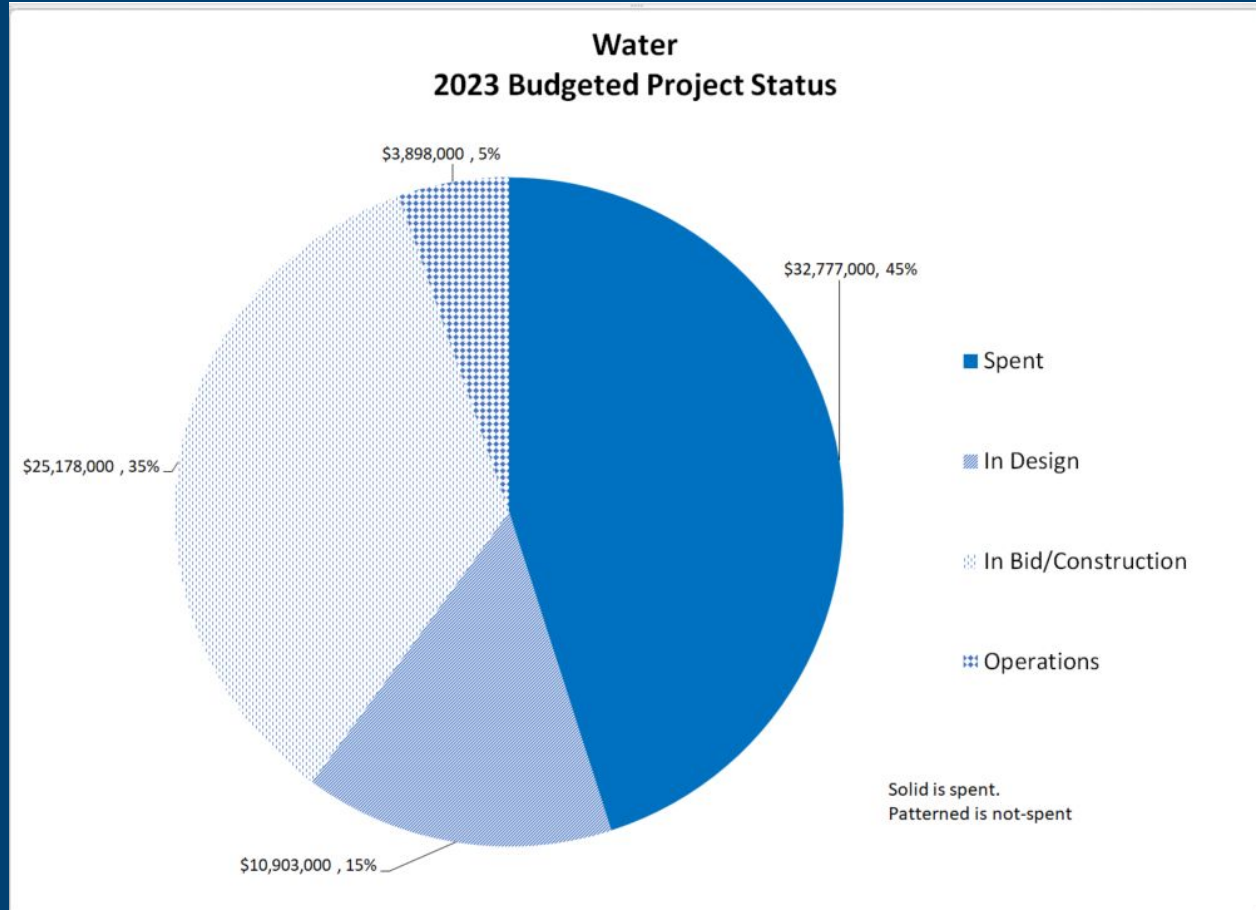
Capital Reinvestment Supports Reliable Water, Sewer and Stormwater Services



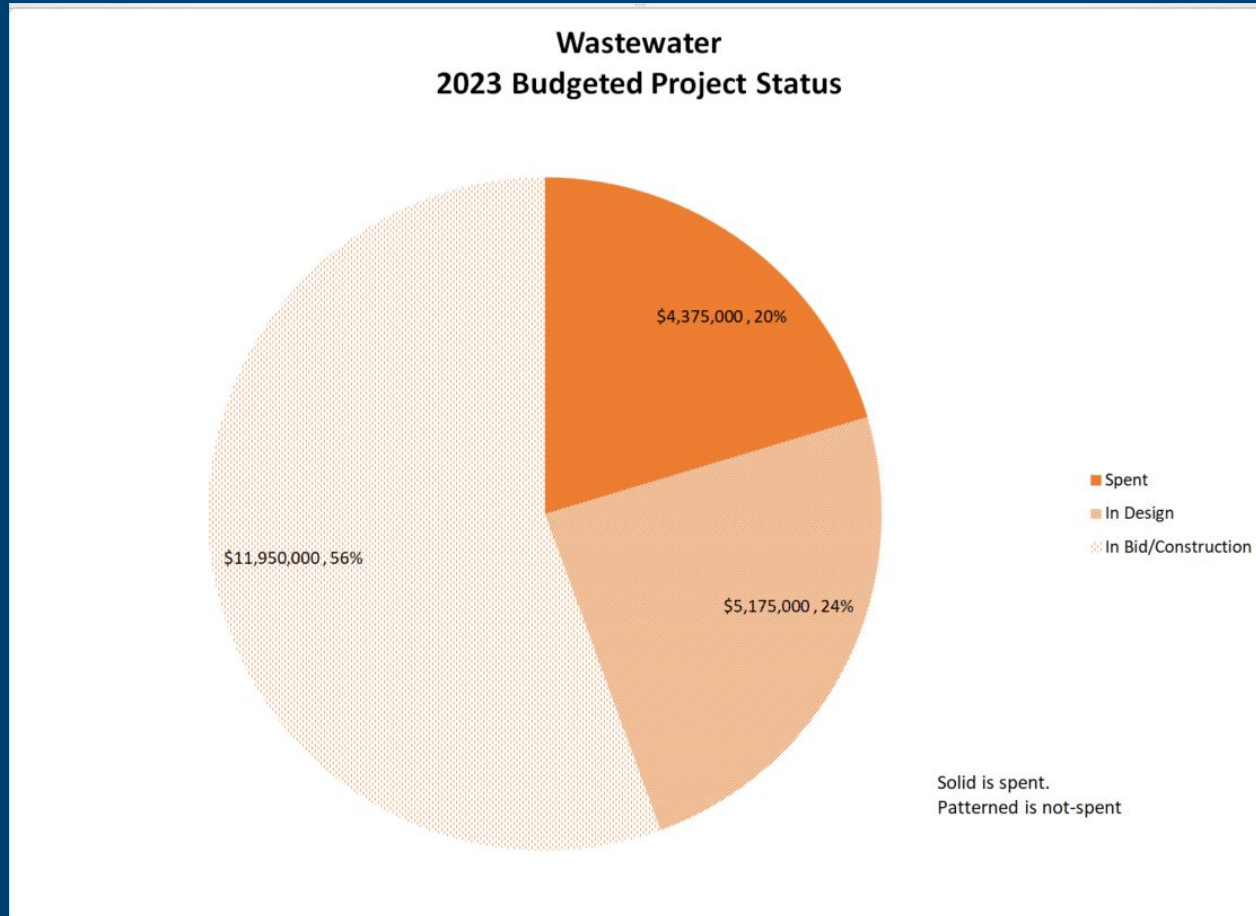
Reinvestment projects will **“keep the lights on”** for the water, sewer and stormwater utilities.

All identified projects address system pieces/parts that are aging and need replacement to function properly for our customers.

WATER: 2023 Budgeted Project Status: Total \$72,756,000



SEWER: 2023 Budgeted Project Status: Total \$21,500,000



Water/Sewer Engineering team: Projects Implementation 2022-2024 (Handout)

Project	Type	2022				2023				2024			
		1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q
Risk and Resiliency Assessment	R&R												
Water R&R Projects													
Castlegate Waterline	R&R												
AWTP Clarifier Rehab	R&R												
WTP Replacement and Expansion	R&R												
RWTP Filter/Solids Project	R&R												
Hydraulic Modeling	R&R												
2021 Waterline	R&R												
2022 Waterline	R&R												
Imp Disinfection Infrastructure	R&R												
Water Resources Master Plan	R&R												
2023\2024 Waterline	R&R												
Z5 Waterline	R&R												
Sliplining of 54" Transmission Main	R&R												
Distribution System Master Plan Update	R&R												
Water Growth Projects													
Canyon Pines Pump Station	G												
Pumped Zones - Z5 tank	G												
Pumped Zones - Z6 Tank	G												
Pumped Zones Pump Station	G												
Pumped Zones Piping for new PS/Storage	G												
Wastewater R&R Projects													
2022 WW CIPP	R&R												
2023 WW CIPP	R&R												
SS Replacement (Open Cut)	R&R												
Condition Assessment	R&R												
Infiltration Elimination (CIPP)	R&R												
WW Master Plan Update	R&R												
Wastewater R&R and Growth Projects													
NTL 4 - 81st and Kipling	B												
NTL 10 - Tennyson	B												
CRT 6	B												
NTL Preliminary Design	B												
CRT 7	B												
NTL 7	B												
NTL 2	B												
CRT 9	B												
CRT 5	B												
NTL W81st Oak to Johnson	B												
NTL 8	B												
Wastewater Growth Projects													
Alkire Lift Station	G												
Alkire Force Mains	G												

4 Engineers

6 Engineers

9 Engineers

Next Steps

Next Steps

- City Council passed the ordinances to adopt the recommended rates and fees on first reading on October 2, 2023.
- Public hearings and a second reading of the ordinances is scheduled for October 16, 2023.
 - If approved, new rates and fees go into effect January 2024.
 - If not approved, the City team will return with a recommendation for adjustments to budgeted expenditures and modification to timing of planned development
- Enhanced outreach for customer support and communications

End - Thank You.



REPORT TO CITY COUNCIL

AGENDA ITEM
2.D.

TO: THE HONORABLE CITY COUNCIL

DATE: October 9, 2023

SUBJECT: Staff Updates

Report in Brief

The purpose of this workshop is for staff to provide City Council with brief updates on projects and issues that do not require a full workshop.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report